O'MELVENY & MYERS LLP

Anton Metlitsky

COUNSEL

New York
Times Square Tower
7 Times Square
New York, NY 10036
Phone+1-212-326-2291
Fax+1-212-326-2061

Washington, DC
1625 Eye Street, NW
Washington, DC 20006

ametlitsky@omm.com

Anton Metlitsky is a counsel in O'Melveny's New York office and a member of the Appellate Practice. He works on appellate and complex litigation matters. Anton has drafted numerous briefs in the U.S. Supreme Court, state and federal courts of appeals, and trial courts. He has also presented oral argument in the U.S. Courts of Appeals for the Second, Fourth, Sixth, and District of Columbia Circuits, and the U.S. District Court for the Southern District of New York. His practice spans both civil and criminal matters, and includes a wide range of subject matters, including federal constitutional law, federal criminal law, federal jurisdiction and procedure, securities law, bankruptcy law, administrative law, international and foreign affairs law, antitrust, trademark, and federal preemption. Anton has also participated in panels concerning Supreme Court litigation.

Illustrative Professional Experience

U.S. Supreme Court

- ***Chadbourne & Parke LLP v. Troice*** — Co-Authored successful petition for certiorari in a high-profile securities fraud class action arising from the multi-billion dollar Ponzi scheme perpetrated by Allen Stanford.
- ***Kurns v. Railroad Friction Products Corp.*** — Co-authored the successful certiorari-stage and merits briefs in federal preemption case with potentially significant consequences for preemption of asbestos-related tort claims, as well as tort claims in other contexts.
- ***CompuCredit v. Greenwood*** — Co-authored the successful certiorari-stage and merits briefs in federal arbitration case concerning the enforceability of agreements to arbitrate federal statutory cause of actions.
- ***Hosanna-Tabor v. EEOC*** — Co-authored merits brief before the U.S. Supreme Court in a highly significant First Amendment case concerning the scope of the "ministerial exception" to the federal anti-discrimination laws.
- ***City of Arlington v. FCC*** — Co-authored the merits brief for intervenor-respondent Cellco Partnership d/b/a Verizon Wireless, arguing that federal agencies should not get Chevron deference concerning the scope of their own jurisdiction.
- ***Kiobel v. Royal Dutch Petroleum*** — Co-authored two U.S. Supreme Court *amicus briefs* arguing that the Alien Tort Statute does not recognize claims against corporations, and that the Statute also does not recognize claims for conduct occurring within the territory of a foreign sovereign.
- ***Nat'l Federation of Independent Business v. Sebelius*** — Co-authored U.S. Supreme Court *amicus brief* on behalf of the Chamber of Commerce of the United States, arguing that if the "individual mandate" in the Patient Protection and Affordable Care Act is invalidated as unconstitutional, then the Act should be invalidated in its entirety, because the mandate is non-severable from the remainder of the Act.
- ***Fisher v. University of Texas*** — Co-authored the *amicus brief* on behalf of national Latino organizations, supporting the University of Texas's limited consideration of race in its admissions process.

Courts of Appeals

- ***Stuart v. Huff*** — Argued the appeal and authored the merits brief in case before the Fourth Circuit concerning the rights of interested parties to intervene on the side of a state Attorney General in case challenging the constitutionality of a state statute.
- ***Verizon v. FCC*** — Co-authored merits brief in a significant challenge to the FCC's recent "net neutrality" order.
- ***In re Prudential Retirement Insurance And Annuity Company*** — Co-authored the successful petition for a writ of mandamus in appeal to Seventh Circuit requesting extraordinary mandamus relief to reverse a district court order requiring disclosure of sensitive documents over which Prudential had asserted a claim of privilege.
- ***In re Air Cargo Shipping Services Antitrust Litigation*** — Co-authored successful briefs in long-running antitrust litigation in which Second Circuit affirmed the dismissal of all state law claims on the grounds those claims are preempted by federal antitrust law.
- ***Advanced Rehabilitation, LLC v. UnitedHealthGroup, Inc.*** — Co-authored briefs before the Third Circuit in successful defense of dismissal of a purported class action alleging violations of ERISA and state law by refusing to reimburse plaintiffs for performing certain medical procedures.
- ***Lofton v. McNeil Consumer Healthcare*** — Co-authored briefs before the Fifth Circuit that persuaded court to uphold a broad theory of federal preemption that will make it very difficult for plaintiffs in Texas to bring products liability failure-to-warn claims for injuries allegedly caused by FDA-approved drugs.
- ***Staples the Office Superstore East, Inc. v. Flushing Town Center III, L.P.*** — Co-authored successful brief before the New York Supreme Court, Appellate Division in a major contract dispute.
- ***In re DPH Holdings Corp.*** — Co-authored successful briefs before the Second Circuit in appeal arising out of the Delphi Corporation's 2005 bankruptcy.
- ***People of the State of New York v. Greenberg*** — Co-authored *amicus brief* in the New York Court of Appeals in

professional focus

Appellate
Alien Tort Statute

education

Harvard University, J.D., 2005: *magna cum laude*

University of Pennsylvania, B.A., B.S., 1999: *summa cum laude*

admitted

District of Columbia; New York

publications

The Alien Tort Statute, Federal Common Law, and Corporate Human Rights Litigation (*Georgetown Journal of International Law*, November 2012)

Indirect Purchaser Standing In Federal Court: Take 2 (co-authors Ken O'Rourke and Mark Davies) (*Law360*, October 12, 2009)

"Dukes v. Wal-Mart Stores, Inc." (Class Actions, Mass Torts and Insurance Litigation Client Alert, April 28, 2010)

an important case concerning the scope of New York's Martin Act, and whether the Attorney General's action to collect private damages under that Act is preempted by federal law.

Professional Activities

Law Clerk, Honorable John G. Roberts Jr., US Supreme Court; Honorable Merrick Garland, US Court of Appeals, District of Columbia Circuit
Admitted to Practice, US Supreme Court; US Court of Appeals, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, and District of Columbia Circuits; US District Court for the Southern District of New York; US District Court for the Eastern District of Michigan
Author, "The Alien Tort Statute, Federal Common Law, and Corporate Human Rights Litigation," Geor*getown Journal of International Law* (November 2012); "Indirect Purchaser Standing In Federal Court: Take 2" (co-authors Ken O'Rourke and Mark Davies), Law360 (October 12, 2009); Note, "How Clear is Clear in Chevron's Step One?" 118 Harv. L. Rev. 1687 (2005)
Language, Russian