

## Jessica L. Ellsworth

Partner

Washington, D.C.

### Biography

Having argued more than 40 appeals, Jessica Ellsworth focuses her practice on the Supreme Court and federal and state courts of appeals. She combines extensive experience in appellate courts with a keen ability to help clients solve the litigation challenges they face.

Jess has handled complex appeals arising from motions to dismiss through jury trials and spanning a wide spectrum of issues – from intellectual property to contract and employment disputes, from federal program requirements to class certification.

Jess regularly advises domestic and international clients on issues of personal jurisdiction. She is a leader in administrative law where she regularly pursues and defends against Administrative Procedures Act challenges to government agency action, and she has a niche practice in litigating dispositive motions and appeals in False Claims Act (FCA) cases. In all these matters, she brings her appellate perspective to developing and managing case strategy to achieve her clients' goals.

Whether the case involves the FCA, jurisdiction, sovereign immunity, statutory interpretation, patent infringement, or a contrary jury verdict, Jess crafts winning briefs and persuasively argues cases. Working in our *Chambers*-ranked Appellate practice, Jess has



### Phone

+1 202 637 5886

### Fax

+1 202 637 5910

### Email

[jessica.ellsworth@hoganlovells.com](mailto:jessica.ellsworth@hoganlovells.com)

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### Practices

Administrative and Public Law

Education

Health Law

Litigation

Pharmaceutical and Biotechnology  
Regulatory Law

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### Industries

Aerospace, Defense, and  
Government Services

Automotive and Mobility

Consumer

Education

been named a *Super Lawyers* Rising Star for appellate litigation in 2013, 2014, 2015, and 2016. Her clients span the automotive, pharmaceutical, life sciences, and financial services industries, among others.

She has successfully litigated motions to dismiss, motions for summary judgment, and appeals across all these industries.

Jess served as a judicial clerk to the Honorable Martha Craig Daughtrey of the U.S. Court of Appeals for the 6th Circuit and the Honorable Rebecca Beach Smith of the U.S. District Court for the Eastern District of Virginia. While in law school, Jessica was named Best Oralist by then-U.S. Supreme Court Justice David Souter in the Harvard Law School Ames Moot Court Competition.

## Representative experience

Successfully represented a pharmaceutical company in a game-changing personal jurisdiction case in the Supreme Court.

Successfully represented an Indian tribe in the Supreme Court on a matter of tribal sovereign immunity.

Prevailed in multiple patent appeals to the Federal Circuit.

Successfully argued appeals involving the False Claims Act in the 3rd, 4th, 5th, 6th, 8th, 9th, and 11th Circuits.

Successfully argued a D.C. Circuit appeal involving the Foreign Sovereign Immunities Act and personal jurisdiction.

Prevailed in a 2nd Circuit appeal based on an arbitration award precluding an employment retaliation claim.

Successfully argued a summary judgment motion in an Administrative Procedures Act case involving complex issues of agency delegation.

Energy and Natural Resources

Financial Institutions

Insurance

Life Sciences and Health Care

TMT

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## Areas of focus

Appellate and Supreme Court Litigation

Administrative Procedure Act

Antitrust and Competition Litigation

Class Actions and Group Litigation

Commercial Litigation

Financial Services Litigation

Hospitals and Health Care Providers

Judicial Review

Pharmaceutical and Biotechnology

Product Litigation

False Claims Act and Qui Tam

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## Education and admissions

### Education

J.D., Harvard Law School, 2001

B.A., Dartmouth College, magna cum laude, 1998

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## Bar admissions and qualifications

District of Columbia

Prevailed in a challenge to the FDA's denial of orphan drug exclusivity and obtained order directing FDA to grant such exclusivity.

Argued a successful appeal in the Virginia Supreme Court for a university involving a statutory interpretation question of first impression.

Dedicated a decade to seeking, and ultimately obtaining, a green card for a Kurdish Iraqi asylum seeker.

## Awards and rankings

- Dispute Resolution: Product Liability, Mass Tort, and Class Action: Automotive/Transport, *Legal 500 US*, 2016-2017
- Dispute Resolution: Appellate: Supreme Court (Federal and State), *Legal 500 US*, 2015, 2017
- Legal Elite, Appellate Law, *Virginia Business magazine*, 2011-2012, 2014, 2016
- Rising Star (Appellate), *Washington, D.C. Super Lawyers*, 2013-2016

## Latest thinking and events

- Hogan Lovells Publications
  - Blurred boundaries: The latest developments in class actions, multclaimant actions, and cross-border litigation in the EU and U.S.
- Hogan Lovells Publications
  - Implications from Digital Realty Trust, Inc. v. Somers *FCA Alert*
- Hogan Lovells Publications
  - Lessons from the new U.S. Supreme Court decision affecting timing for filing federal appeals *Appellate Alert*
- Blog Post
  - Hogan Lovells Obtains Major TCPA Consent Revocation Victory

Virginia

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## Court admissions

U.S. Supreme Court

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, 10th Circuit

U.S. Court of Appeals, 11th Circuit

U.S. District Court, Eastern District of Virginia

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- Hogan Lovells Publications
  - The District of Oregon Rules That the United States May Not Pursue False Claims Act Litigation Against State Entities *Education Alert*
- Hogan Lovells Publications
  - False Claims Act: A Year in Review 2016