



## John D. Clopper

### Senior Counsel

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## Profile

**John is a litigation attorney advising clients in a variety of matters including commercial litigation, tort litigation, regulatory issues, and cybersecurity and privacy law.**

Prior to joining Bond, John was an Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York, where he represented the federal government in civil litigation and investigations. During his time as an Assistant U.S. Attorney, John worked on cases involving a variety of legal issues, including employment discrimination, torts involving federal officials, civil rights investigations, environmental contamination, international law, federal administrative law, national security law, copyright, privacy law, and the regulation of the higher education sector. During his tenure at the U.S. Attorney's Office, John received the Department of Justice's highest award for achievement in civil litigation.

In addition, John was formerly Counsel for Enforcement, Litigation & Investigations at the Federal Reserve Bank of New York, where he worked on civil investigations and cybersecurity matters. John began his public service as an Attorney at the U.S. Securities & Exchange Commission. Earlier in his career, John was an associate at a law firm in Washington, DC.

John is also a member of the International Association of Privacy Professionals and is a Certified Information Privacy Professional/United States (CIPP/US).

Prior to private practice and United States Attorney's Office, John served as a law clerk to Honorable Roger L. Gregory of the United States Court of Appeals for the Fourth Circuit and to Honorable Joyce Hens Green of the United States District Court for the District of Columbia.

## Representative Matters

### Environmental and Energy Law

- Represented Department of Agriculture in challenge to international treaty-based regulations. *Natural Resources Defense Council v. U.S. Department of Agriculture et al.*, No. 09-2021 (2d Cir.).
- Recovered \$125 million in environmental clean-up costs from a Fortune 500 company under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). *In re Dana Corp.*, 07 Civ. 8160 (S.D.N.Y.).

## Education

- The George Washington University Law School (J.D., *with high honors*, 1999)
- Connecticut College (B.A. 1996)

## Bar/Court Admissions

- New York
- District of Columbia
- U.S. Supreme Court
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the Southern District of New York

## Practices

- Litigation

- Represented pipeline-carriers in successful challenge to FERC rate orders. *Frontier Pipeline v. FERC*, No. 04-1343 (D.C. Cir.).

#### **Employment Law**

- Obtained favorable jury verdict, affirmed on appeal, in favor of U.S. Customs and Border Protection in case alleging national origin employment discrimination. *Akinyemi v. Chertoff*, 07 Civ. 4048 (S.D.N.Y.) and No. 08-4094 (2d Cir.).

#### **Copyright/Intellectual Property**

- Represented interests of U.S. Copyright Office in class action litigation relating to Google Books project, successfully arguing that Google's digitization of copyrighted works violated rights of absent class member copyright holders. *The Authors Guild, Inc. v. Google, Inc.*, 05 Civ. 8136 (S.D.N.Y.).

#### **Higher Education**

- Represented Department of Education in challenge brought by for-profit college association to proposed regulations implementing Higher Education Act's (HEA) gainful employment provision. *Association of Proprietary Colleges v. Duncan*, 14 Civ. 8838 (S.D.N.Y.).

#### **International Law**

- Represented Internal Revenue Service in tax refund claim brought by AIG relating to "foreign tax credit generator" transactions, ultimately resulting in a settlement under which AIG paid \$400 million plus a 10% penalty for a single tax year. *AIG, Inc. v. United States*, 09 Civ. 1871 (S.D.N.Y.).
- Represented United States in asserting the immunity from suit of the current Prime Minister of the Republic of India. *American Justice Center v. Modi*, 14 Civ. 7780 (S.D.N.Y.).
- Represented State Department and Treasury Department in appeal relating to efforts by judgment creditors to attach the assets of the Republic of Argentina held by the Federal Reserve Bank of New York. *EM v. Republic of Argentina*, No. 10-1487 (2d Cir.).
- Represented State Department in appeal opposing attempt by judgment creditor of Islamic Republic of Iran to attach diplomatic property held in trust by United States pursuant to Vienna Convention on Consular Relations and Foreign Missions Act. *Hegna v. Islamic Republic of Iran et al.*, No. 11-1582 (2d Cir.).

#### **Consumer Health & Safety**

- Represented FDA in challenge to FDA's delay in finalizing regulations regarding safety and effectiveness of active ingredients of topical antimicrobial products. *Natural Resources Defense Council v. Food & Drug Administration*, 10 Civ. 5690 (S.D.N.Y.).

#### **National Security Law**

- Defended U.S. intelligence community in litigation challenging the National Security Agency's call detail records collection program. *ACLU v. Clapper*, 13 Civ. 3994 (S.D.N.Y.), rev'd, No. 14-42 (2d Cir. May 7, 2015).
- Represented Treasury Department's Office of Foreign Assets Control, filed amicus brief addressing interaction between U.S. economic sanctions programs

and statute authorizing victims of state-sponsored terrorism to recover from blocked funds of state sponsors of terrorism. *Rux v. ABN AMRO Bank N.V.*, 08 Civ. 6588 (S.D.N.Y.).

- Represented U.S. Department of Justice in suit brought by news media outlet to compel release of information relating to President's Surveillance Program, Section 215 of the USA PATRIOT Act, and Section 702 of the Foreign Intelligence Surveillance Act. *New York Times v. Department of Justice*, 14 Civ. 3776 (S.D.N.Y.).

#### **Media Law**

- Represented New York Times in lawsuit seeking records from FCC relating to agency's net neutrality rulemaking. *The New York Times v. Federal Communications Commission*, 18 Civ. 8607 (S.D.N.Y.).
- Represented non-profit investigative news organization in litigation seeking to compel release of government contract relating to ICE's care and custody of unaccompanied and family-separated migrant children. *The Center for Investigative Reporting v. U.S. Immigration and Customs Enforcement*, 19 Civ. 0909 (N.D. Cal.).
- Represented non-profit investigative news organization in litigation seeking to compel release of records related to request by U.S. business that State Department intercede on its behalf with Ukrainian government in matters related to ongoing investigations of political corruption by Ukrainian officials. *The Center for Investigative Reporting v. U.S. Department of State*, 19 Civ. 01726 (D.D.C.).