

Trump Nominated Eric Tung, A Crypto-Friendly Lawyer With Regressive Views On Women

SUMMARY:

In July 2025, Trump [announced](#) the nomination of Eric Tung To The Ninth Circuit Court of Appeals. Tung is a partner at Jones Day, where he focused on appeals in commercial litigation. He clerked for Justices Antonin Scalia and Neil Gorsuch, where he appeared to cross paths with Trump's judicial advisor Mike Davis. He also clerked for the late Antonin Scalia.

Tung has expressed regressive views about women, claiming that "[radical feminists](#)" undermine marriage when they "try to blur gender roles." Tung has been long-linked to Texas anti-abortion crusader Jonathan Mitchell, even [serving](#) as his counsel in an amicus brief before the Supreme Court.

Tung has built his career representing crypto firms seeking to avoid government regulation. He served as counsel for a stablecoin provider in a [brief](#) arguing standalone sales of stablecoins are not securities. He [represented](#) the Blockchain Association in a brief opposing regulation of immutable smart contracts. While representing an investment firm backing crypto companies, he [argued](#) for looser liability on a crypto tool. He [represented](#) a cryptocurrency derivative trading platform and authored a [note](#) about a crypto exchange listing win. His confirmation to the Ninth Circuit would likely provide Trump a crypto-friendly vote as he seeks to expand his own, personal crypto dealings.

Tung has also represented multiple conservative groups, industries and corporations. He represented the California Hospital Association in a [lawsuit](#) successfully challenging a city ordinance barring hospitals from firing workers after employees' minimum wage was raised. Tung represented an elections group [supporting](#) the dangerous, fringe independent state legislature theory in an amicus brief in a case involving an illegally gerrymandered congressional map. Tung has also represented [UPS](#) and the [U.S. Chamber of Commerce](#).

Trump Announced The Nomination Of Eric Tung, A Jones Day Partner, To The Ninth Circuit Court Of Appeals

July 2025: Trump Announced The Nomination Of Eric Tung To The Ninth Circuit Court Of Appeals

July 2, 2025: Trump Announced The Nomination Of Eric Tung To The Ninth Circuit Court Of Appeals.



Donald J. Trump  
@realDonaldTrump

I am very pleased to announce the nomination of Eric Tung to serve as Judge on the United States Court of Appeals for the Ninth Circuit. Eric worked for two of our Country's Greatest Supreme Court Justices, Antonin Scalia and Neil Gorsuch, before working at the Department of Justice, and serving as an Assistant U.S. Attorney for the Central District of California. Eric is a Tough Patriot, who will uphold the Rule of Law in the most RADICAL, Leftist States like California, Oregon, and Washington. It is critical now, more than ever before, that we have LAW AND ORDER. Good luck and congratulations Eric!

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Jul 02, 2025, 5:51 PM

[Truth Social, @realDonaldTrump, [7/2/25](#)]

Tung Is A Partner At Jones Day, Previously Worked In The Department Of Justice, And Clerked For Justices Gorsuch And Scalia

Tung Is A Partner At Jones Day, Focused On Appeals And Motions Practice In Commercial Litigation For Clients Including Digital Currency Companies. “Eric Tung Partner [...] Eric Tung focuses on appeals and motions practice in commercial litigation. He has drafted briefs and motions in federal and state courts, before administrative agencies, and in arbitrations and mediations. He has argued on numerous occasions in federal and state courts around the country at the trial and appellate levels, including the California Court of Appeal, Ninth Circuit, D.C. Circuit, Seventh Circuit, and Florida Supreme Court. His clients include telecommunications, energy, banking, real estate, construction, entertainment, and digital currency companies.” [Jones Day, accessed [7/2/25](#)]

2011-2017: Tung Served In The U.S. Department Of Justice As Counsel In The Office Of Legal Policy, Assistant U.S. Attorney, And A Bristow Fellow In The Office Of The Solicitor General. “Served with the U.S. Department of Justice in the following positions: Counsel, Office of Legal Policy (2017); Assistant United States Attorney, Central District of California, Los Angeles (2016-2017); and Bristow Fellow, Office of the Solicitor General (2011-2012)” [Jones Day, accessed [7/2/25](#)]

- **The Bristow Fellowship Is A One-Year Position Assisting Office Of The Solicitor General Attorneys In Supreme Court And Appeals Matters.** “Every year, the Office of the Solicitor General accepts applications for one-year Bristow fellowships. Bristow Fellows assist OSG attorneys in drafting briefs in opposition to certiorari filed against the government in the Supreme Court of the United States, preparing petitions for certiorari and briefs on the merits in Supreme Court cases, preparing recommendations to the Solicitor General regarding authorization of government appeals in the lower courts, and assisting in the preparation of oral arguments in the Supreme Court. OSG usually selects four Bristow fellows each year.” [Office of the Solicitor General, [1/24/25](#)]

Tung Clerked For Justices Neil Gorsuch And Antonin Scalia. “Before joining Jones Day, Eric served as a law clerk to Justice Neil M. Gorsuch and to Justice Antonin Scalia. He also served as an Assistant United States Attorney in the Central District of California and held government positions with the Department of Justice in Washington, D.C. He briefed and argued for the United States in the D.C. Circuit, obtaining a favorable ruling on an issue of first impression addressing the retroactivity of the Fair Sentencing Act.” [Jones Day, accessed [7/2/25](#)]

Tung Clerked For Justice Neil Gorsuch In 2017 And Then-Judge Gorsuch In 2010-2011 As Well As Justice Antonin Scalia In 2012. “Law Clerk to: Justice Neil M. Gorsuch (2017) and Justice Antonin Scalia (2012), Supreme Court of the United States and Judge Neil M. Gorsuch, U.S. Court of Appeals, Tenth Circuit (2010-2011)” [Jones Day, accessed [7/2/25](#)]

January 2011: Tung Was Admitted To The California Bar.

| Name | Status | Number | City | Admission Date |
|------------------------------|--------|--------|-------------|----------------|
| Tung, Eric C | Active | 275063 | Los Angeles | January 2011 |

[State Bar of California, accessed [7/2/25](#)]

Tung Clerked For Justice Gorsuch With Mike Davis, Who Previously Floated His Name For The Position

May 2019: Mike Davis, A Former Republican Senate Aide Involved In Gorsuch And Kavanaugh's Nominations, Said He Launched The Article III Project To Bring A “Brass Knuckles” Approach To Judicial Nominations. “In the latest escalation of partisanship surrounding federal judicial nominations, an advocacy group is being created on the right to maintain momentum behind the Republican judicial juggernaut and prepare for the inevitable next Supreme Court fight. Named the Article III Project for the section of the Constitution that established the judiciary, the organization will be led by Mike Davis, a former Republican Senate and White House aide who was a central figure in the confirmations of Justices Neil M. Gorsuch and Brett M. Kavanaugh. [...] ‘What I want to do with the Article III Project is take off the gloves, put on the brass knuckles and fight back,’ said Mr. Davis, an Iowa native who was the chief nominations counsel for Senator Charles E. Grassley, an Iowa Republican who was the chairman of the Judiciary Committee until this year.” [New York Times, [5/18/19](#)]

- **Davis Said He Launched A3P In 2019 After Helping Trump Confirm Gorsuch And Kavanaugh.** “‘I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.’ – Mike Davis, Founder & President” [Article III Project, accessed [4/14/25](#)]

2025: Mike Davis Said He Was Working On Judicial Nominations And Had Already Shared A List Of His Judicial Picks With The Administration. “The White House is listening to its most trusted legal allies as it develops a list of candidates who share a ‘bold and fearless loyalty to the Constitution,’ said Mike Davis, founder of the conservative legal group Article III Project and a key Trumpworld confidant. Davis has made clear for months that he aims to help Trump further entrench a conservative federal bench, and said he’s already ‘shared a list’ of his picks with the administration.” [New York Post, [3/22/25](#)]

After Trump’s Announcement, Mike Davis Called Eric Tung A Friend And Former Colleague. “President Trump just announced 2 more all-star federal appellate judicial nominees: Eric Tung is a friend, former colleague, and top appellate litigator in Los Angeles, who clerked for both Justice Scalia and Justice Gorsuch. Tung’s appointment will continue Trump’s historic inroads in the once leftwing Ninth Circuit.” [X, @mrddmia, [7/2/25](#)]

- **2017: Davis Also Clerked For Justice Gorsuch.** “In 2017, Davis reunited with Gorsuch, who would take him to the Supreme Court as his law clerk, a role he served in for four months — a stub term through the final months of the court’s 2016-2017 run.” [Politico, [9/20/24](#)]

March 2025: Davis Said That Eric Tung Could Take The Ninth Circuit Position. “About 45 federal court vacancies await Trump action, including a coveted seat on 9th Circuit, where Judge Sandra Segal Ikuta announced she’ll soon take senior status. Two top contenders for Ikuta’s seat could be ex-Gorsuch clerks Eric Tung and David Feder, both young litigators at the Trump-friendly firm Jones Day, Davis told the Post.” [New York Post, [3/22/25](#)]

Tung Has Expressed Regressive Views About Women And Worked With Anti-Abortion Crusader Jonathan Mitchell

Tung Said That “Radical Feminists” Undermine Marriage When They “Try To Blur Gender Roles”

Tung Said “I Believe In Emphasizing Family And What It Means For A Woman To Be A Good Wife Or Partner,” “I Believe In Gender Roles,” And That “When These Radical Feminists Try To Blur Gender Roles, They Undermine Institutions Like Marriage — Institutions Which Hold Society Together.”

“Gandy’s speech met with opposition from some audience members. Eric Tung ’06, a member of Yale’s Party

of the Right, said he thinks NOW is too radical. ‘I believe in emphasizing family and what it means for a woman to be a good wife or partner,’ Tung said. ‘I believe in gender roles and that women are simply better than men at some things. When these radical feminists try to blur gender roles, they undermine institutions like marriage — institutions which hold society together.’” [Yale Daily News, [2/18/04](#)]

Tung Worked With Anti-Abortion Advocate Jonathan Mitchell

2021: Tung Represented Jonathan Mitchell In An Amicus Brief Before The Supreme Court.

**BRIEF FOR JONATHAN F. MITCHELL AND
ADAM K. MORTARA AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENT**

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|---|---|
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|---|---|

Counsel for Amici Curiae

[Supreme Court, Jackson v. Hudson, Amicus Brief, filed [5/10/21](#)]

- **The Case Involved A Prisoners Rights Dispute.** “Whether 28 U.S.C. § 2255 ‘which allows a person in federal custody to challenge the legality of his detention by filing a post-conviction motion, as well as a petition for a writ of habeas corpus under 28 U.S.C. § 2241 if the Section 2255 remedy is ‘inadequate or ineffective to test the legality of his detention’ is ‘inadequate or ineffective’ when, at the time of petitioner’s initial Section 2255 motion, circuit precedent foreclosed a potential claim, but that precedent has since been overruled by the Supreme Court.” [SCOUTSblog, accessed [7/8/25](#)]

Jonathan Mitchell Is A Conservative Lawyer Known For His Anti-Abortion Legal Crusade. “Anti-abortion legal crusader Jonathan Mitchell has filed at least seven legal petitions in Texas in recent years asking to depose abortion funds, providers and researchers. While these filings have created fear and confusion, none have yet to be approved by a judge.” [Texas Tribune, [5/10/24](#)]

Tung Appeared To Be Tied To Mitchell Dating Back To At Least 2011, Where He Appeared To Edit An Article For Mitchell

2011: Jonathan Mitchell Authored A Law Review Article About Stare Decisis. “Almost everyone acknowledges that stare decisis should play a significant role when the Supreme Court of the United States resolves constitutional cases. Yet the academic and judicial rationales for this practice tend to rely on naked consequentialist considerations, and make only passing efforts to square the Court’s stare decisis doctrines with the language of the Constitution. This Article offers a qualified defense of constitutional stare decisis that rests exclusively on constitutional text. It aims to broaden the overlapping consensus of interpretive theories that can support a role for constitutional stare decisis, but to do this it must narrow the circumstances in which stare decisis can be applied.” [Michigan Law Review, Volume 110, Issue 1, [2011](#)]

- **The Article Argues In Favor Of An Asymmetric Theory Of Constitutional Stare Decisis Which Would Allow Justices To Limit Their Invocation Of Stare Decisis In Rulings That Nullify Federal Statutes Or Reject Constitutional Challenges To State Laws.** “Peeling away the barnacles of interpretive gloss shows that the written Constitution permits the Supreme Court to use wrongly

decided precedents as rules of decision whenever it upholds a federal statute or treaty, or invalidates a state law. But the Supremacy Clause does limit the justices' ability to invoke stare decisis in rulings that nullify federal statutes, or that reject constitutional challenges to state laws. This asymmetric theory of constitutional stare decisis may create some tension with the opinions in *Marbury* and *Erie*. But it does not contravene the written word of the Constitution. And that is all that needs to be shown to establish its constitutionality.” [Michigan Law Review, Volume 110, Issue 1, [2011](#)]

- **The Article Noted The Example Of *Planned Parenthood v. Casey*, Where The Court Held That Stare Decisis Compelled It To Reaffirm *Roe v. Wade*, Despite Disapproval Of *Roe*.** “Consider *Planned Parenthood of Southeastern Pennsylvania v. Casey*, where the Court held that stare decisis compelled it to reaffirm its controversial ruling in *Roe v. Wade*, even as it acknowledged that *Roe* had ‘engendered opposition’ and ‘disapproval.’ The *Casey* opinion labored mightily to distinguish *Brown v. Board of Education* as well as its ‘switch in time’ of 1937, each of which had overruled major constitutional precedents in response to sustained public criticism and opposition. But the easy way to distinguish those episodes from the situation in *Casey* is to note that the Supremacy Clause prohibits the justices from relying on stare decisis considerations once they conclude that a state law conflicts with a federal constitutional provision (as in *Brown*), or that a federal statute comports with the Constitution (as in *NLRB v. Jones & Laughlin Steel Corp.*) [Michigan Law Review, Volume 110, Issue 1, [2011](#)]

An “Eric Tung” Provided Comments On The Article.

* Solicitor General, Texas; Assistant Professor of Law, George Mason University School of Law (on leave). Thanks to Michael Abramowicz, Will Baude, Stephanos Bibas, Jimmy Blacklock, Samuel Bray, Vincent Buccola, Nora Engstrom, Tracey George, Maria Glover, Brian Fitzpatrick, Sean Jordan, Ashley Keller, James Kurth, Gary Lawson, Margaret Lemos, John McGinnis, Danica Milios, Trevor Morrison, Adam Mortara, Nicholas Quinn Rosenkranz, Suzanna Sherry, Kevin Stack, James Sullivan, Jay Tidmarsh, Eric Tung, Brian Willen, and Steven Yelderman for comments, and to Katherine McCormack for superb research assistance.

[Michigan Law Review, Volume 110, Issue 1, [2011](#)]

Tung Has Built A Career Representing Crypto Firms Seeking To Avoid Regulation

2023: Tung Represented A Stablecoin Provider In A Brief Arguing Standalone Sales Of Stablecoins Are Not Securities

Tung Represented Circle Internet Financial In An Amicus Brief.

CONCLUSION

For these reasons, Circle respectfully requests that it be granted leave to file the attached

amicus curiae brief.

Dated: September 28, 2023

Respectfully submitted,

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*admission pending
**pro hac forthcoming

Counsel for Amicus Curiae

[District of Columbia, SEC v. Binance, Motion to File An Amicus Curiae, filed [9/28/23](#)]

- **Circle Internet Financial, Is A Global Financial Technology Company That Issues USDC, A Popular Stablecoin.** "Circle Internet Financial, LLC is a global financial technology company that works to increase economic opportunity and prosperity through the power of digital currency. Circle is the issuer of USDC, one of the world's most popular payment stablecoins. Like other U.S. dollarbacked payment stablecoins, USDC is a digital asset designed to be used to make payments or settlements, whose redemption value is pegged to the U.S. dollar at a 1:1 ratio." [District of Columbia, SEC v. Binance, Amicus Curiae, filed [9/28/23](#)]

The Brief Argued That Standalone Sales Of Payment Stablecoins Are Not Securities. "Jones Day filed an amicus brief on behalf of Circle Internet Financial LLC, in the SEC's lawsuit against the crypto asset exchange Binance. The brief argues that standalone sales of payment stablecoins, like Circle's USDC, are not securities. The court dismissed the portion of the SEC's lawsuit that alleged that sales of Binance's stablecoin were securities transactions." [Jones Day, [June 2023](#)]

May 2025: The SEC Dismissed The Civil Enforcement Action Against Binance Entities. "SEC Announces Dismissal of Civil Enforcement Action Against Binance Entities and Founder Changpeng Zhao The Securities and Exchange Commission today filed a joint stipulation with Defendants Binance Holdings Limited, BAM Trading Services Inc., BAM Management US Holdings Inc., and Changpeng Zhao to dismiss, with prejudice, the Commission's ongoing civil enforcement action against them. In the exercise of its discretion and as a policy matter, the Commission determined that the dismissal of this action is appropriate." [SEC, [5/29/25](#)]

2023: Tung Represented The Blockchain Association In An Amicus Brief In A Case Involving Regulation Of Immutable Smart Contracts

The Case *Van Loon et al. v. Department of the Treasury* Centered On Whether Immutable Smart Contracts Could Be Considered "Property" Under The International Emergency Economic Powers Act (IEEPA). "The case, *Van Loon et al. v. Department of the Treasury*, centered on whether Tornado Cash's immutable smart contracts could be considered 'property' under the IEEPA. Relying on the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, the Fifth Circuit held that OFAC was no longer entitled to

‘heightened deference’ in its interpretation of the terms relevant to the case, and concluded that immutable smart contracts cannot be ‘property’ under the IEEPA because they are not capable of being owned, controlled, or altered by any individual or entity. They are not ‘owned’ by anyone, the court reasoned, in large part because possession and control typically inheres the right to exclude, and no one has the ability to exclude anyone else from using the smart contracts.” [Mayer Brown, [12/3/24](#)]

- **Smart Contracts Are Digital Contracts Stored On A Blockchain.** “Smart contracts are digital contracts stored on a blockchain that are automatically executed when predetermined terms and conditions are met. Smart contracts are typically used to automate the execution of an agreement so that all participants can be immediately certain of the outcome, without any intermediary’s involvement or time loss. They can also automate a workflow, triggering the next action when predetermined conditions are met.” [IBM, accessed [7/7/25](#)]
- **November 2024: The Fifth Circuit Ruled That The Treasury Department Exceeded Its Statutory Authority By Sanctioning Immutable Smart Contracts.** “On November 26, 2024, the United States Court of Appeals for the Fifth Circuit issued a landmark decision holding that the Treasury Department’s Office of Foreign Assets Control (‘OFAC’) exceeded its statutory authority by sanctioning immutable smart contracts created by Tornado Cash. While the decision leaves several legal issues open and is still subject to appeal by the Treasury Department, it has significant implications for the use of the International Emergency Economic Powers Act (‘IEEPA’) to regulate certain decentralized finance (DeFi) technologies.” [Mayer Brown, [12/3/24](#)]

2023: Tung Served As Counsel For The Blockchain Association In An Amicus Brief.

BRIEF FOR AMICUS CURIAE BLOCKCHAIN ASSOCIATION IN SUPPORT OF PLAINTIFFS-APPELLANTS

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[Fifth Circuit Court of Appeals, Van Loon et al. v. Department of the Treasury, Amicus Curiae, filed [11/20/23](#)]

- **The Amicus Brief Claimed The Sanctioning Raised “Serious Regulatory And Constitutional Questions With Important Implications For The Blockchain Ecosystem.”** “The Office of Foreign Assets Control (OFAC) decision to sanction Tornado Cash—privacy-protecting software used on the Ethereum blockchain—raises serious regulatory and constitutional questions with important implications for the blockchain ecosystem and the digital asset economy. Amicus submits this brief to assist the Court in understanding blockchain technology and the serious legal problems posed by the Tornado Cash sanctions.” [Fifth Circuit Court of Appeals, Van Loon et al. v. Department of the Treasury, Amicus Curiae, filed [11/20/23](#)]

2023: Tung Wrote A Jones Day Note About A Crypto Win To Exchange Listing Of Its Bitcoin ETP

2023: Tung Wrote An Alert About An Appeals Court Decision Granting Grayscale Investment's Petition To Vacate The SEC's Order Denying Grayscale's Request To Approve The Exchange Listing Of Its Bitcoin ETP. "On August 29, 2023, the Court of Appeals for the District of Columbia Circuit granted a petition from Grayscale Investments, LLC, vacating the SEC's order denying Grayscale's request to approve the exchange listing of its bitcoin ETP. The case represents a win for Grayscale on an administrative law challenge. According to the ruling, the proposed bitcoin ETP was substantially similar to two bitcoin futures ETPs that the SEC previously approved, and the SEC failed to treat like cases alike when it denied the listing of Grayscale's proposed bitcoin ETP while having approved the two bitcoin futures ETPs. Because the SEC did not adequately explain the disparate regulatory treatment of the Grayscale product as compared to similar products, the court held that the SEC's order was arbitrary and capricious." [Eric Tung et al., Jones Day, [9/5/23](#)]

2022: Tung Represented A Crypto Investment Firm In A Case Arguing Against Regulatory Scrutiny On Decentralized Finance Actors

June 2023: A Federal Judge Sided With The U.S. Commodity Futures Trading Commission (CFTC) In A Lawsuit Alleging That The Decentralized Autonomous Organization (DAO) Ooki Dao Offered Unregistered Commodities, Ending An Industry-Wide Perception That Decentralized Finance Actors Were Immune To Regulatory Scrutiny. "A federal judge has sided with the U.S. Commodity Futures Trading Commission (CFTC) in a lawsuit alleging decentralized autonomous organization (DAO) Ooki DAO offered unregistered commodities, quashing an industry-wide perception that decentralized finance (DeFi) actors are immune to regulatory scrutiny. U.S. District Judge William H. Orrick ruled on Thursday that Ooki DAO operated an illegal trading platform and unlawfully acted as an unregistered futures commission merchant (FCM), granting the CFTC a default judgment. He ordered the organization to pay \$643,542 in penalty, to permanently cease its operations and shut down its website." [CoinDesk, [6/9/23](#)]

2022: Tung Served As Counsel For Paradigm In An Amicus Brief In The Case.

CONCLUSION

For the foregoing reasons, Paradigm respectfully requests leave from the Court to file the attached brief as an *amicus curiae*, to participate in the Court's briefing schedule for the *amici*, and to participate in the hearing scheduled for November 30, 2022.

Dated: October 17, 2022

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[Northern District of California, CFTC v. Ooki DAO, Motion to File An Amicus Curiae, filed [10/17/22](#)]

- **Paradigm Is An Investment Firm That Backs Crypto Companies.** "Paradigm is an investment firm that backs innovative crypto/web3 companies and protocols. To help these projects achieve their full potential, Paradigm offers them a range of services, from the technical (mechanism design, smart contract security, engineering) to the operational (recruiting and regulatory strategy). In doing so, Paradigm has developed a deep understanding of DAO technology and governance." [Northern District of California, CFTC v. Ooki DAO, Motion to File An Amicus Curiae, filed [10/17/22](#)]

The Brief Argued That DAOs Would Develop Into “Crucial Tools” In The Future, And The Commission’s Theory Of Liability Would “Stifle That Development.” “Paradigm believes that, with time, DAOs will develop into crucial tools for empowering the communities of the future. Paradigm seeks leave to participate in this case because it is concerned that the Commission’s theory of liability would stifle that development.” [Northern District of California, CFTC v. Ooki DAO, Motion to File An Amicus Curiae, filed [10/17/22](#)]

2021: Tung Represented The Operator Of A Cryptocurrency Derivative Trading Platform In A Lawsuit

Jones Day Celebrated Dismissal Of A 33-Count Lawsuit Against HDR, The Operator Of The BitMEX Cryptocurrency Derivatives Trading Platform. “Jones Day client HDR Global Trading Limited (‘HDR’), the Seychelles-incorporated owner and operator of the BitMEX cryptocurrency derivatives trading platform, obtained dismissal with prejudice of a 33-count lawsuit alleging violations of the Commodity Exchange Act, RICO, and various California statutory and common law claims.” [Jones Day, September [2021](#)]

Tung Represented HDR Global Trading Limited In The Case.

Respectfully submitted,

JONES DAY

By: /s/ Eric Tung
Eric Tung

Counsel for Defendants
HDR GLOBAL TRADING LIMITED and
ABS GLOBAL TRADING LIMITED

[Northern District of California, Sorokin v. HDR Global Trading Limited, Notice of Appearance, filed [12/17/21](#)]

At Jones Day, Tung Represented A Hospital Association In A Lawsuit That Successfully Undermined The Benefits Of A Higher Minimum Wage For Healthcare Workers

Tung Represented The California Hospital Association And Successfully Fought A City Ordinance Barring Hospitals From Firing Workers After Employees’ Minimum Wage Was Raised

Inglewood, California, Passed A Union-Backed Ordinance Imposing A \$25 Minimum Wage For Health Care Workers And Prohibiting Employers From Reducing Workers’ Pay, Benefits, Or Firing Them In Response. “The City of Inglewood passed an ordinance sponsored by the Service Employees International Union – United Healthcare Workers West (SEIU) that not only imposed a \$25 minimum wage for ‘health care workers,’ but also prohibited an employer from responding to the increased minimum wage in a variety of ordinary ways. For example, the ordinance prohibited an employer from (1) reducing premium pay rates or shift differentials; (2) reducing vacation, healthcare, or other non-wage benefits; (3) reducing hours of work or laying off workers; and (4) increasing parking charges—if the minimum wage requirements served as a ‘motivating factor in the employer’s decision to take any of the actions’ just described.” [Jones Day, May [2024](#)]

Jones Day Claimed They Secured A Major Win For Their Client, The California Hospital Association, After A District Court Found The Handcuff Provisions To Be Facially Invalid. “Jones Day secured a major win for the California Hospital Association (CHA) in a matter that has significant ramifications for labor law and the health care industry. [...] Jones Day brought a lawsuit in federal district court in the Central District of California on behalf of CHA against the City of Inglewood (in which SEIU intervened) seeking to facially invalidate these ‘handcuff’ provisions. In a motion for summary judgment, CHA contended that, because the provisions interfered with the free play of economic forces that Congress intended to leave unregulated and undermined the collective bargaining process between hospital employers and employees, the provisions are preempted by federal law under *Machinists v. Wisconsin Employment Relations Comm’n*, 427 U.S. 132 (1976). The district court adopted the reasoning advanced in CHA’s briefing, granted its motion for summary judgment, and found the handcuff provisions to be facially invalid.” [Jones Day, May [2024](#)]

- **Tung Represented The California Hospital Association.**

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CALIFORNIA HOSPITAL ASSOCIATION,
a California non-profit organization,

Plaintiff,

v.

CITY OF INGLEWOOD, a charter
municipality,

Defendant.

Case No. 2:23-cv-6187

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

[Central District of California, California Hospital Association v. Inglewood, Complaint, filed [7/31/23](#)]

Tung Represented An Election Integrity Group Arguing For The Fringe Independent State Legislature Theory, UPS Arguing For Non-Union Accommodations For Union Members’ Disability Restrictions, And The U.S. Chamber Of Commerce

Tung Represented An Election Integrity Group In A Case Supporting The Dangerous, Debunked Independent State Legislature Theory

In *Moore v. Harper*, The Supreme Court Was Asked Whether The North Carolina Supreme Court Had The Power To Strike Down The Legislature’s Illegally Gerrymandered Congressional Map, With Legislators Arguing For The Debunked “Independent State Legislature Theory.” “In *Moore v. Harper*, the Supreme Court has been asked to decide whether the North Carolina Supreme Court has the power to strike down the legislature’s illegally gerrymandered congressional map for violating the North Carolina Constitution. The legislators have argued that a debunked interpretation of the U.S. Constitution — known as the ‘independent state legislature theory’ — renders the state courts and state constitution powerless in matters relating to federal elections.”

Tung Represented Restoring Integrity And Trust In Elections, Inc. (RITE) In An Amicus Brief In *Moore v. Harper* To The Supreme Court.

No. 21-1271

IN THE
Supreme Court of the United States

REPRESENTATIVE TIMOTHY K. MOORE., in his official
capacity as Speaker of the North Carolina House of
Representatives, *et al.*,
Petitioners,

v.

REBECCA HARPER, *et al.*,
Respondents.

**On Writ of Certiorari to the
North Carolina Supreme Court**

**BRIEF FOR *AMICUS CURIAE* RESTORING
INTEGRITY AND TRUST IN ELECTIONS, INC.
IN SUPPORT OF PETITIONERS**

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| <p>ERIC TUNG JONES DAY 555 South Flower St. Fiftieth Floor Los Angeles, CA 90071</p> | <p>JOHN M. GORE <i>Counsel of Record</i> E. STEWART CROSLAND JONES DAY 51 Louisiana Ave., N.W. Washington, DC 20001 (202) 879-3939 jmgore@jonesday.com</p> |
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Counsel for Amicus Curiae

[Supreme Court, *Moore v. Harper*, Amicus Brief, filed [9/2/22](#)]

RITE Is An Elections Group Which Argued The State Legislature, Not Judges, Had The "Responsibility To Prescribe The Manner Of Holding Congressional Elections." "Restoring Integrity and Trust in Elections, Inc. ('RITE') respectfully submits this brief as Amicus Curiae in support of Petitioners and reversal. RITE is a 501(c)(4) non-profit organization with the mission of protecting the rule of law in the qualifications for, process and administration of, and tabulation of voting throughout the United States. [...] The text is clear. By its plain terms, the Clause gives state legislatures—not state judges—the responsibility to prescribe the manner of holding congressional elections." [Supreme Court, *Moore v. Harper*, Amicus Brief, filed [9/2/22](#)]

In A 6-3 Decision In *Moore v. Harper*, The Supreme Court Rejected A Maximalist Interpretation Of The Independent State Legislature Theory, Rejecting The Claim That State Legislatures Can Enact Federal Election Laws Without Any Checks And Balances. "On June 27, 2023, the U.S. Supreme Court issued its highly anticipated decision in *Moore v. Harper*, one of the most important democracy cases in the nation's history. Chief Justice John Roberts, writing for a 6-3 majority, rejected a maximalist interpretation of the so-called independent state legislature (ISL) theory, repudiating the reckless notion that state legislatures can enact federal election laws without any checks and balances." [Center for American Progress, [7/24/23](#)]

Tung Represented UPS In A Case Arguing For Non-Union Accommodations For Union Members' Disability Restrictions

Jones Day Celebrated A Ninth Circuit Victory For Their Client, UPS, Which Held That A Non-Union Position Can Be A Reasonable Accommodation When No Available Union Position Meets A Union-Member's Disability Restriction. "Jones Day secured an appellate victory for United Parcel Service,

Inc. ('UPS') in the U.S. Court of Appeals for the Ninth Circuit, which affirmed summary judgment in favor of UPS in a disability discrimination suit. Plaintiff raised nine causes of action under California law alleging (among other things) that UPS violated the Fair Employment and Housing Act when UPS purportedly failed to offer plaintiff a union position as a reasonable accommodation for his back disability. The Ninth Circuit rejected that argument. Adopting UPS's reasoning, the Ninth Circuit held that, where no available union position meets a union-member employee's disability restrictions, a non-union position can be a reasonable accommodation." [Jones Day, February [2025](#)]

Tung Represented UPS.

| Filed | Document Description | Page | Docket Text |
|------------|----------------------|------|--|
| 06/11/2024 | | | Filed (ECF) notice of appearance of Eric Tung (Jones Day, 555 S. Flower Street, 50th Floor, Los Angeles, CA 90071) for Appellee UPS. Date of service: 06/11/2024. (Party was previously proceeding with counsel.) [12890934] [23-55814] (Tung, Eric) |

[Ninth Circuit, Gary Martirosyan v. UPS, et al., Notice of Appearance, filed [6/11/24](#)]

Tung Represented The U.S. Chamber Of Commerce In Amicus Briefs

2021: Tung Represented The U.S. Chamber Of Commerce In An Amicus Brief Before The Supreme Court.

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| No. 20-1541 | |
| IN THE | |
| Supreme Court of the United States | |
| PIVOTAL SOFTWARE, INC., ET AL., | |
| | <i>Petitioners,</i> |
| v. | |
| SUPERIOR COURT OF CALIFORNIA, | |
| CITY AND COUNTY OF SAN FRANCISCO, ET AL., | |
| | <i>Respondents.</i> |
| On Writ of Certiorari to the | |
| Court of Appeal for the State of California, | |
| First Appellate District | |
| BRIEF FOR AMICUS CURIAE | |
| CHAMBER OF COMMERCE OF THE | |
| UNITED STATES OF AMERICA | |
| IN SUPPORT OF PETITIONERS | |
| CHARLOTTE H. TAYLOR | ERIC TUNG |
| JONES DAY | <i>Counsel of Record</i> |
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| Washington, DC 20062 | |
| <i>Counsel for Amicus Curiae</i> | |

[Supreme Court, Pivotal Software v. Superior Court, Amicus Brief, filed [8/23/21](#)]

- **The Case Involved The Question Of Whether The Reform Act's Discovery-Stay Provision Applied To A Private Action In State Court.** "Whether the Reform Act's discovery-stay provision applies to a private action under the Securities Act in state or federal court, or solely to a private action in federal court." [U.S. Chamber of Commerce, accessed [7/15/25](#)]

2020: Tung Represented The U.S. Chamber Of Commerce In An Amicus Brief Before The Supreme Court.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,

v.

MAPLEBEAR INC. dba INSTACART,
Defendant and Appellant.

Appeal from Orders of the Superior Court of San Diego
Case No. 37-2019-00048731-CU-MC-CTL, Timothy B. Taylor, Judge

APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF;
AMICI CURIAE BRIEF OF THE CHAMBER COMMERCE OF
THE UNITED STATES OF AMERICA, CALIFORNIA GROCERS
ASSOCIATION, BAY AREA COUNCIL, SAN FRANCISCO
CHAMBER OF COMMERCE, AND VALLEY INDUSTRY &
COMMERCE ASSOCIATION IN SUPPORT OF APPELLANT

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[Supreme Court, California v. Maplebear Inc. dba Instacart, Amicus Brief, filed [12/1/20](#)]

- **The Brief Argued Against California Classifying Instacart Drivers As Employees Rather Than Independent Contractors.** “Plaintiff seeks to take away that flexibility. It has asserted, among other things, that companies like Instacart—which operate technology platforms connecting service providers with customers—are engaged in the same kind of work as the service providers themselves, and so, under California’s ABC employment test, are required to classify those service providers as employees rather than as independent contractors.” [Supreme Court, California v. Maplebear Inc. dba Instacart, Amicus Brief, filed [12/1/20](#)]

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