

John Longstreth

Partner

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OVERVIEW

John Longstreth's practice concentrates in antitrust and regulated industries, primarily in the transportation and energy sectors, including administrative and federal court litigation, counseling, and obtaining and challenging regulatory approvals. He has argued in numerous appellate courts, including multiple times in the DC, Fourth, and Ninth Circuits, and has been counsel in a number of US Supreme Court and court of appeals proceedings for petitioners, respondents, intervenors, and amicus participants.

John has successfully represented clients in matters before the Department of Transportation, the Federal Maritime Commission, the Federal Energy Regulatory Commission, the Department of Labor, and the Federal Communications Commission. His antitrust experience includes obtaining approval, without conditions, of the largest ocean carrier merger in history, approval of airline code sharing and alliance agreements, and premerger counseling and successful representation in conduct investigations at the antitrust agencies and in litigation. Recent successful representations include defense at the agency level and on appeal of electricity refund claims in excess of $100 million, and successful challenges and defenses of agency rules and orders in the district courts, including multiple recoveries of attorney's fees under the Equal Access to Justice Act. John was lead counsel for the City of Charlottesville in its successful defense of a First Amendment challenge to the City's denial of a permit to the organizer of the “Unite the Right” events.

John's professional activities include service by appointment of the District of Columbia Court of Appeals on its Committee on Unauthorized Practice of Law. He has written for several American Bar Association (ABA) publications, including the ocean shipping chapter of the ABA's Transportation Antitrust Handbook, and the ocean shipping section of all of the recent editions of the ABA's Antitrust Law Developments treatise. He also serves on the legal committee of the American Association of Port Authorities.

Before joining the firm, John clerked for US District Judge Raymond J. Broderick of the Eastern District of Pennsylvania. He received a master's degree in public policy along with his law degree from Harvard, where he helped teach courses in economics and policy analysis.

EDUCATION

- B.A., Haverford College, *(magna cum laude, Phi Beta Kappa)*

- J.D., Harvard Law School, *(cum laude)*
- M.P.P., Harvard University, *(John F. Kennedy School of Government)*

ADMISSIONS

- Bar of District of Columbia
- Supreme Court of the United States
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States District Court for the District of Columbia

THOUGHT LEADERSHIP *POWERED BY HUB*

- 9 October 2025, The Essential Guide to the Jones Act
- 18 July 2024, What Overturning Chevron Means for the Way Congress Does Its Business
- 12 July 2024, Corner Post Magnifies Regulatory Uncertainty After Loper Bright
- 21 April 2023, Ninth Circuit Cans Berkeley Gas Ban Under Federal Law
- 16 September 2022, Federal Maritime Commission Seeking Comment on New Rulemaking Regarding Prohibition Against Ocean Common Carrier Refusal to Negotiate on Vessel Space Accommodations
- 14 July 2021, Spotlight on the International Maritime Sector as the Biden Administration Looks to Address Competition Activities
- 11 May 2020, COVID-19: Updates on the FMC's Detention and Demurrage Final Rule
- 2 April 2020, COVID-19: Supply Chain Impacts
- 12 March 2020, COVID-19: Federally Regulated Energy Businesses

- 31 January 2020, Hart-Scott-Rodino Notification Thresholds to Increase
- 4 December 2019, Proposed Amendments to Hart-Scott-Rodino Act Regulations May Affect Domestic Managers of Foreign Investment Funds
- 12 July 2019, Declining to Overrule a Long-Standing Agency Deference Doctrine, the Supreme Court Nonetheless Cautions That its Limitations Provide a Meaningful Check on Federal Agencies' Power to Regulate Business Activities
- 6 March 2019, Hart-Scott-Rodino Notification Thresholds to Increase
- 20 December 2018, Recent Amendments to the Shipping Act: A Course Correction, Not a Sea Change
- 15 April 2018, Fiduciary Rule Reform – SEC Developments
- 5 April 2018, The DOL's Fiduciary Rule - Q&A Session on the Latest Developments
- 01 February 2018, Hart-Scott-Rodino Notification Thresholds to Increase
- 26 January 2018, Reverse Gender Discrimination Under Title IX
- 8 September 2017, Secretary DeVos Announces Changes to Title IX Directives Regarding Campus Sexual Misconduct Allegations
- 24 July 2017, Illinois District Court Rejects Federal Preemption Challenges to State Zero-Emissions Credit Program
- 24 July 2017, Illinois District Court Rejects Federal Preemption Challenges to State Zero-Emissions Credit Program
- 8 February 2017, The Death of *Chevron* Deference? A Potential Shift in Federal Court Reviews of Agency Decisions
- 31 January 2017, Appeals Court Resoundingly Affirms Scope and Breadth of Shipping Act Antitrust Exemption
- 19 December 2016, Antitrust Claims: A Novel Line of Attack by Groups Opposing Natural Gas Infrastructure Projects
- 4 August 2016, HUD's Approach to Disparate Impact Remains Under Fire—Lending Trade Associations Weigh In
- 30 June 2016, Federal Court Upholds FERC's Approach on LNG Environmental Permitting and Shifts Focus to Challenges to DOE's Environmental Review

OTHER PUBLICATIONS

- "What Chevron's End Means For How Congress Does Business," *Law360*, 30 July 2024
- "3 Ways Agencies Will Keep Making Law After Chevron," *Law360*, 2 July 2024

- "U.S. Court of Appeals for the Ninth Circuit Cans Berkeley Gas Ban Under Federal Law," *Pratt's Energy Law Report*, July-August 2023
- "Biden Competition Order May Shift Ocean Carriers' Course," *Law360*, 20 July 2021
- "Pipeline Projects Face New Questions On Landowner Rights," *Law360*, 6 November 2019
- "When States Fail To Act On Federal Pipeline Permits," *Law360*, 24 July 2017
- "Shipping Act Antitrust Exemption Held for the First Time to Preempt State Antitrust Laws," *Law360*, 16 September 2015
- Fit (Not) to Be Tied: Three Tricky Questions Every Company Must Ask When Selling Discounted Bundles of Products, *Law360*, 16 April 2015
- "*Perez v. MBA* Shines A Light On 'Shadow Regulations,'" *Law360*, March 2015
- "Antitrust Issues In The Ocean Shipping Industry," *American Bar Association - Transportation Antitrust Handbook*, 2014
- "The Continuing Vitality of the Filed Rate Doctrine: A Setback for the Whig Interpretation of Antitrust?" ABA *Transp., Energy & Antitrust Bull.*, pp 7–14, Spring 2010

OTHER MEDIA MENTIONS

- Mentioned, "Industry Orgs Urge DC Circ. To Ax HUD Disparate Impact Rule," *Law360*, 9 May 2024
- Mentioned, "DOE Shirked Climate In LNG Export Approvals, Sierra Says," *Law360*, 8 February 2023

AREAS OF FOCUS

- Antitrust and Competition
- Administrative and Regulatory Law
- Appellate Litigation
- Commercial Disputes
- Maritime Regulatory
- Public Policy and Law

INDUSTRIES

- Energy
- Maritime
- Oil and Gas

- Power
- Transportation and Logistics

REPRESENTATIVE EXPERIENCE

- Thomas More Law Center v. Obama — Amicus for major health groups in litigation concerning the Affordable Care Act (651 F.3d 529)
- CMA CGM S.A v. Inchcape Shipping Services Ltd. — Prosecution of breach of contract, conspiracy and alter ego claims, obtained temporary restraining order leading to settlement
- Montana Consumer Counsel v. FERC — defense of first appellate challenge nationwide to grant of market-based rate authority for electricity seller under triennial market power reviews (326 Fed. App'x 990)
- St. Lawrence Seaway Pilots Ass'n v. U.S. Coast Guard — APA action invalidating rate rule; agency then instituted higher rate on emergency basis on remand and paid attorney's fees under EAJA (85 F. Supp. 3d 197); successful challenge to attorney's fee expense rule (357 F. Supp. 3d 30).
- American Great Lakes Ports Association v. Zukunft -- successful defense of Coast Guard rule setting pilotage rates (296 F. Supp. 3d 27; 301 F. Supp. 3d 99).
- Menkes v. St. Lawrence Seaway Pilots Association — Obtained dismissal and affirmance on appeal of antitrust and First Amendment claims (269 Fed. App'x 54)
- Halverson v. Pena — Challenge to agency transfer of regulatory authority; agency rule vacated by federal court of appeals; client also received award of attorney's fees under Equal Access to Justice Act (129 F.3d 180, 206 F.3d 1205)
- Crowley's Yacht Yard, Inc. v. Pena — Prosecution of two Administrative Procedure Act challenges to rule threatening client's business; rules vacated and government also paid client's attorney's fees in both actions (863 F. Supp. 18; 886 F. Supp. 98
- Puget Sound Energy v. Sellers of Energy/ San Diego Gas & Electric Co. v. Sellers of Energy — Defense of electricity seller in agency and appellate proceedings to recreate "competitive" rate levels and award refunds for sales into allegedly "dysfunctional" California and Pacific Northwest electricity markets; claims dismissed in full at agency and settled for a nominal amount during second appeal (151 FERC ¶ 61,173; 153 FERC ¶ 61,386)
- California ex rel. Harris v. FERC — Affirmance of agency order applying Mobile-Sierra doctrine to spot electricity sales in the Pacific Northwest; case settled thereafter for a nominal amount (809 F.3d 491)
- Lakes Pilots Ass'n v. U. S. Coast Guard, obtained vacatur and remand of agency order requiring repayment of alleged overcharges; on remand agency abandoned request for repayment. (2013 U.S. Dist. LEXIS 140029, 2013 WL 5435048)
- La. Pub. Serv. Comm'n v. FERC — Representation of electricity consumers group on appeal in challenge to agency jurisdiction to shift costs between utilities (522 F.3d 378)

- National Credit Union Administration v. First National Bank & Trust Co. — Representation of amicus curiae in Supreme Court challenge to credit union membership policy (118 S. Ct. 927)
- United States v. New Mexico Supreme Court — Amicus representation of American Bar Association in support of application of New Mexico ethical rule to federal attorneys. (839 F.3d 888)
- White v. Chapman — Representation of civil rights plaintiff in obtaining substantial settlement of federal and state claims for wrongful arrest and prosecution; also successful briefing of public right of access to records issue (2015 WL 4360329, 4740482)
- Johnson v. Ponton — Representation of habeas petitioner seeking retroactive application of Supreme Court decision on juvenile sentencing; petition for certiorari granted and case remanded for further proceedings (136.S Ct. 2443); also argued the matter in the court of appeals (780 F.3d 219)
- Port of New York and New Jersey v. DOT — Representation of airlines in appeals of DOT decision on airport fees (479 F.3d 21)
- Avis Budget Group v. City of Newark —Challenge to municipality's airport car rental tax under the dormant commerce clause and the federal Anti-Head Tax Act (427 N.J. Super. 326, 48 A.3d 1113)
- Grove, Inc. v. DOT — Challenge to agency's refusal to recertify disadvantaged business enterprise for airport concession; primary basis of agency's disallowance reversed and business then recertified (578 F. Supp. 2d. 37)
- Digicon Corp. v. United States — Obtained settlement of government contract claim following ruling that contract was valid (56 Fed. Cl. 425)
- City of Cape Coral v. FWS — Representation of municipality with respect to rulemaking and permitting decisions under Endangered Species Act
- Premier Automotive Supply v. MPA — Successful defense of port against Shipping Act and constitutional claims (492 F.3d 274)
- U.S. Ship Management, Inc., v. Maersk Line, Ltd. — Representation of world's largest shipping company in arbitrations and federal trial and appellate proceedings arising out of participation in a national defense program (2004 U.S. App. Lexis 19630; 2004 U.S. Dist. Lexis 24685, 357 F. Supp. 2d 924)
- Castegneto v. Corporate Express, Inc. — Defense of antitrust class action alleging illegal tying. Claims dismissed (13 F. Supp. 2d 114; 1998-1 Trade Cas. 72,083)
- PPL Wallingford Energy LLP v. FERC — Obtained D.C. Circuit vacatur of agency decision rejecting a cost-based energy contract valued at $30.7 million annually (419 F.3d 1194)
- Kessler v. City of Charlottesville — Successful defense of a First Amendment challenge to the City's denial of a permit to "Unite the Right" organizer (No. 18-15, W.D. Va
- R.O. White & Co. v. Port of Miami Terminal Operating Co, — Successful defense of port at Federal Maritime Commission in challenge to enforcement of joint venture restrictions at terminal (31 S.R.R. 783)

- Daras et al. v. Texaco, Inc. — Prosecution of Robinson-Patman Act claims; matter settled after defeat of summary judgment motions
- Bluewater Network v. EPA -- Amicus in support of EPA vessel emissions regulations (372 F. 3d 404)