

EXHIBIT A



Stephen Kinnaird

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Stephen B. Kinnaird is a partner in the Litigation practice of Paul Hastings and co-chair of the Appellate practice. He is based in the firm's Washington, D.C., office. He has represented clients in numerous cases in the United States Supreme Court, the federal courts of appeals and district courts, and state appellate courts.

A highly experienced appellate lawyer, Mr. Kinnaird has handled matters involving energy, transportation, intellectual property, antitrust, environmental, telecommunications, administrative, criminal, and constitutional law.

Specifically, Mr. Kinnaird has handled cases involving the Communications Act, the Interstate Commerce Act, the Federal Power Act, the Federal Railroad Safety Act, the Federal Employer's Liability Act, the Social Security Act, the Sherman and Robinson-Patman Acts, the Lanham Act, the Clean Water and Clean Air Acts, CERCLA, the Patent and Trademark Acts, ERISA, the Carriage of Goods by Sea Act, and the Civil Rights Act; the Commerce, Due Process, and Takings Clauses; and the Fourth, Fifth, Sixth, Seventh, Eighth, Tenth, and Eleventh Amendments.

Prior to entering private practice, Mr. Kinnaird served as a law clerk to Justice Anthony M. Kennedy of the United States Supreme Court, and to Judge John M. Walker, Jr. of the United States Court of Appeals for the Second Circuit.

Mr. Kinnaird argued *Padilla v. Kentucky* in the United States Supreme Court in 2009. The Court ruled in favor of firm client Jose Padilla in

Washington, D.C.

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Practice Areas

Litigation

Appellate Litigation

Complex Litigation and Arbitration

Languages

English

Admissions

District of Columbia Bar

New York Bar

Education

Yale Law School, J.D. 1994

University of Oxford, M.A.
1992

Yale University, B.A. 1984

counsel to advise criminal defendants of the deportation consequences of criminal convictions. Mr. Kinnaird was featured on the cover of the July/August 2010 issue of *The American Lawyer* in a story highlighting the historic decision.

Recent Representations

- An **energy company** in the U.S. Supreme Court in a case establishing private rights to coal bed methane in homestead grants
- A **railroad** in the U.S. Supreme Court in a case establishing preemption of state tort claims for inadequate warning devices
- A **major league baseball team** in the U.S. Supreme Court in a case involving taxation of back pay
- A **telecommunications company** in the U.S. Supreme Court and the courts of appeals in cases establishing rules of competitive access to network facilities under the Telecommunications Act of 1996 and rejecting takings and sovereign immunity defenses
- A **railroad** in the U.S. Supreme Court in a case establishing the protections of limited liability clauses for inland carriers engaged in international cargo transportation
- A **tire manufacturer** in the Ninth Circuit in a case involving the availability of preliminary injunctive relief in aid of arbitration
- An **information technology company** in the Federal Circuit in cases involving patent infringement and the scope of authority of the International Trade Commission
- A **chemical company** in the Fourth Circuit in a case involving relevant market definition under the Sherman Act
- **Veterans** in the Federal Circuit in major cases involving veterans benefits laws

Involvement

- Board Member, National Veterans Legal Services Program
- Fellow, American Bar Foundation
- Member, Edward Coke Appellate Inn of Court

- *The Legal 500 USA*, Appellate: States and Federal Courts Of Appeals/Supreme Courts (2021-2022)
- Awarded the Jack Wasserman Memorial Award in 2011 for excellence in litigation in the field of immigration law by The American Immigration Lawyers Association (AILA) for the representation of Jose Padilla in *Padilla v. Kentucky*
- Recognized in 2011 by *Lawyers USA* as one of nine Lawyers of the Year in 2010 for his representation of Jose Padilla in the *Padilla v. Kentucky* Supreme Court win
- Honored by The National Association of Attorneys General for his assistance in helping state attorneys general prepare for Supreme Court cases in 2010
- Honored with the 2010 Public Advocate's Award by the Kentucky Department of Public Advocacy for his pro bono service in the *Padilla* case

Education

- Yale Law School, J.D., 1994 (*Yale Law Journal*, Articles Editor; awarded three faculty prizes for scholarship)
- The University of Oxford, M.A., 1992 (Rhodes Scholar)
- Yale University, B.A., 1984 (*summa cum laude*)

Speaking Engagements

- Presented on issues of federal and constitutional law to the Food and Drug Law Institute, Mealey's National Asbestos Litigation Conference, and the National Association of Railroad Trial Counsel, among other organizations
- *High Court to Revisit Federal Preemption*, Paul Hastings - Stay Current (January 2009)
- *All Over the High Court: Major Corporate Law Firms Dominate the Court's New Cases*, Legal Times (Oct. 6, 2008)
- *Fear-of-Cancer Claims After Norfolk Southern Railway v. Ayers*, Washington Legal Foundation Legal Briefing, Vol. 18, No. 29 (July 2003)

Promises Much Relief for Defendants, The Insurance Advocate (May 5, 2003)

- *The Impact of State Farm Insurance Co. v. Campbell*, Claims Magazine (May 2003)
- *Public Housing: Abandon HOPE, But Not Privatization*, 103 Yale L.J. 961 (1994), excerpted and discussed in Robert C. Ellickson & Vicki L. Been, *Land Use Controls: Cases And Materials* (2d ed. 1999)

News

July 13th, 2022

Paul Hastings Secures Appellate Victory for the National Association of Broadcasters on Sponsor Disclosure Requirements

April 20th, 2022

Paul Hastings Drafts Supreme Court Amicus Brief in *Joseph A. Kennedy v. Bremerton School District*

February 3rd, 2021

Paul Hastings' IP Practice Secures Victory for Chevron in Patent Litigation Involving Lubricating Oils

January 12th, 2021

Paul Hastings Secures Appellate Victory in Issue of First Impression

November 9th, 2020

Paul Hastings Secures Major Pro Bono Victory for Blue Water Navy Veterans

November 26th, 2019

Paul Hastings Recognized by the National Veterans Legal Services Program as Pro Bono Partner of the Year

April 8th, 2015

Paul Hastings Pens Amicus Brief for Senators Urging the Court to Uphold President Obama's Immigration Executive Actions

May 27th, 2014

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