

Susan M. Cook

Partner

Washington, D.C.

Biography

Susan Cook co-heads the firm's Administrative Procedure Act (APA) group. Susan also handles complex commercial litigation involving the life sciences, health care, pharmaceutical, medical device, and consumer industries.

Susan has robust experience litigating APA cases against federal and state agencies in courts around the country, as well as handling administrative appeals at the agency level. Susan also brings legal challenges to state regulatory laws on state APA, preemption, dormant commerce clause, and other constitutional grounds. Susan regularly represents clients in APA challenges involving the Department of Health and Human Services (HHS), the Food and Drug Administration (FDA), the Centers for Medicare & Medicaid Services (CMS), the Health Resources and Services Administration (HRSA), the Federal Communications Commission (FCC), the Department of Education (ED), and other federal and state agencies. In all of these matters, Susan works seamlessly with the firm's regulatory and appellate lawyers to bring the whole of the firm to the client. She also advises clients on rulemaking procedures, comment letters, FOIA issues, and reverse-FOIA disputes.

In addition to her APA practice, Susan also handles competitor and contract disputes in heavily regulated industries, including claims under the Lanham Act and state laws governing false advertising, unfair competition, and corporate defamation. Susan



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Practices

Administrative and Public Law
Litigation Services
Marketing and Advertising
Commercial Litigation

Industries

Life Sciences and Health Care
Consumer
Technology and Telecoms
Energy and Natural Resources

Areas of focus

Judicial Review
Administrative Procedure Act

successfully navigates the complex interplay of such laws with regulatory requirements, helping each client to craft a unique litigation strategy targeted to its own specific goals.

Susan's legal practice spans more than 20 years at the firm.

Representative experience

Represented numerous pharmaceutical companies in APA challenges against FDA, CMS, and HHS.

Successfully represented a pharmaceutical company in a constitutional challenge to a state's regulations governing the prescribing and dispensing of its drug product.

Successfully represented clients seeking to challenge state laws and regulations on federal preemption grounds.

Represented numerous pharmaceutical and food and beverage clients in Lanham Act and state law false advertising and unfair competition disputes.

Represented clients in false advertising claims brought by non-profit organizations under state consumer protection statutes.

Awards and rankings

- Healthcare: Life Sciences, Recommended, *Legal 500 US*, 2020
- IP Star, (Managing Intellectual Property), 2014-2020
- Top 250 Women in IP (Managing Intellectual Property), 2013-2014

Latest thinking and events

- News
 - Eleventh Circuit decision could significantly expand scope of orphan exclusivity
- News
 - Federal Circuit affirms GSK labeling carve-out ruling in favor of innovator

False Advertising and Unfair Competition

Retail and Consumer Goods

Food and Beverages

Pharmaceuticals and Biotechnology

Hospitals and Health Care Providers

Medical Devices

Cell, Tissue, and Gene Therapies

Education and admissions

Education

J.D., Harvard Law School, cum laude, 1998

B.A., Yale University, cum laude, 1995

Memberships

Administrative Law and Agency Practice Steering Committee for the District of Columbia Bar, 2016

Member, American Bar Association

Member, American Intellectual Property Law Association

Member, District of Columbia Bar Association

Member, Intellectual Property Owners Association

Member, ITC Trial Lawyers Association

Member, Maryland State Bar Association

Bar admissions and qualifications

- News
 - Time's up: New enforcement era for regenerative medicines begins June 1
- News
 - HHS now requires public posting of a decade of clinical trial results that were previously exempted
- News
 - Trump administration reversal would take away FDA's authority to approve biosimilars
- Insights
 - Court ruling would require public posting of a decade of clinical trial results that HHS regulation had exempted

District of Columbia

Maryland

Court admissions

District of Columbia Court of Appeals

Maryland Court of Appeals

U.S. Court of Appeals, Federal Circuit

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

U.S. Court of Appeals, Fourth Circuit

U.S. District Court, District of Columbia

U.S. District Court, Eastern District of Texas
