

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RYAN, LLC,

Plaintiff,

CHAMBER OF COMMERCE, *et al.*,

Plaintiff-Intervenors,

v.

FEDERAL TRADE COMMISSION,


Defendant.

CASE NO.: 3:24-CV-986

CERTIFICATION OF ADMINISTRATIVE RECORD

I, April Tabor, Secretary of the Federal Trade Commission, certify, to the best of my knowledge, that the materials described in the accompanying index constitute the administrative record in the above-captioned case. It contains non-privileged materials that were considered by the Federal Trade Commission in connection with the promulgation of the Non-Compete Clause Rule, 89 Fed. Reg. 38,342 (Apr. 23, 2024).

Executed: May 29, 2024


APRIL TABOR
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April J. Tabor
Secretary
Federal Trade Commission

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| 22. | <i>Fed. Trade Comm'n, Credit Practices Rule</i> , 49 FR 7740 (Mar. 1, 1984) | |
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| 26. | <i>Fed. Trade Comm'n v. Superior Ct. Trial Lawyers Ass'n</i> , 493 U.S. 411 (1990). | |
| 27. | <i>Fed. Trade Comm'n v. Univ. Health, Inc.</i> , 938 F.2d 1206 (11th Cir. 1991). | |
| 28. | <i>In the Matter of Debes Corporation, et al.</i> , 115 F.T.C. 701 (Aug 4, 1992). | |

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|---|---|--|
| 29. | Notice of Repeal of Industry Guide: Guides for the Greeting Card Industry Relating to Discriminatory Practices, 59 FR 8527 (Feb. 23, 1994) (repealing 16 CFR 412 (1968)). | |
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| 32. | <i>Calif. Dental Ass’n v. Fed. Trade Comm’n</i> , 526 U.S. 756 (1999). | |
| 33. | Fed. Trade Comm’n & U.S. Dep’t of Justice, Antitrust Guidelines for Collaborations Among Competitors (April 2000). | |
| 34. | Fed. Trade Comm’n & U.S. Dep’t of Justice, <i>Improving Health Care: A Dose of Competition</i> (2004), https://www.ftc.gov/sites/default/files/documents/reports/improving-health-care-dose-competition-report-federal-trade-commission-and-department-justice/040723healthcarerpt.pdf . | |
| 35. | <i>Polygram Holding, Inc. v. Fed. Trade Comm’n</i> , 416 F.3d 29 (D.C. Cir. 2005). | |
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| 37. | <i>Fed. Trade Comm’n v. ProMedica</i> , No. 3:11 CV 47 (N.D. Ohio Mar. 29, 2011) | |
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| 40. | <i>Fed. Trade Comm’n v. AMG Servs., Inc.</i> , No. 2:12-CV-00536 (D. Nev. July 16, 2013). | |
| 41. | <i>Fed. Trade Comm’n v. AMG Servs., Inc.</i> , No. 2:12-CV-00536-GMN, 2014 WL 910302 (D. Nev. Mar. 7, 2014). | |
| 42. | Fed. Trade Comm’n, <i>Examining Health Care Competition</i> , (Mar. 20 & 21, 2014), https://www.ftc.gov/news-events/events-calendar/2014/03/examining-health-care-competition . | |
| 43. | <i>Fed. Trade Comm’n v. Wyndham Worldwide Corp.</i> , No. CIV.A. 13-1887 ES, 2014 WL 2812049 (D.N.J. Jun. 23, 2014). | |
| 44. | <i>FTC v. E.M.A. Nationwide, Inc.</i> , 767 F.3d 611, 636–37 (6th Cir. 2014). | |
| 45. | Mail, Internet, or Telephone Order Merchandise Rule, 79 FR 55619 (Sept. 17, 2014). | |
| 47. | Fed. Trade Comm’n & U.S. Dep’t of Just., <i>Examining Health Care Competition</i> , (Feb. 24-25, 2015), https://www.ftc.gov/news-events/events-calendar/2015/02/examining-health-care-competition . | |
| 48. | <i>In the Matter of Zimmer Holdings, Inc. et al.</i> , Decision and Order, FTC File No. 1410144 (Aug. 11, 2015), https://www.ftc.gov/system/files/documents/cases/150820zimmerdo.pdf . | |
| 49. | Christopher Garmon, <i>The Accuracy of Hospital Merger Screening Methods</i> , 48 RAND J. of Econ. 1068 (2017), https://www.ftc.gov/system/files/documents/reports/accuracy-hospital-merger-screeningmethods/rwp_326.pdf . | |
| 50. | <i>Fed. Trade Comm’n v. Penn State Hershey Med. Ctr.</i> , 838 F.3d 327 (3d Cir. 2016). | |

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|-----|--|--|
| 51. | Fed. Trade Comm'n & U.S. Dep't of Just. Antitrust Div., <i>Antitrust Guidance for Human Resource Professionals</i> (Oct. 2016). | |
| 52. | <i>Fed. Trade Comm'n v. Advoc. Health Care</i> , No. 15 C 11473, 2017 WL 1022015 (N.D. Ill. Mar. 16, 2017). | |
| 53. | <i>Fed. Trade Comm'n v. WV Universal Mgmt., LLC</i> , 877 F.3d 1234 (11th Cir. 2017). | |
| 54. | Hearings on Competition and Consumer Protection in the 21st Century, Notice, 83 FR 38307 (Aug. 6, 2018). | |
| 55. | Fed. Trade Comm'n, <i>Record of Public Hearings on Competition and Consumer Protection in the 21st Century</i> (2018-2019), https://www.ftc.gov/enforcement-policy/hearings-competition-consumer-protection . | |
| 56. | Fed. Trade Comm'n, Transcript, <i>Competition and Consumer Protection in the 21st Century</i> (Oct. 16, 2018), https://www.ftc.gov/system/files/documents/public_events/1413712/ftc_hearings_session_3_transcript_day_2_10-16-18_1.pdf . | |
| 57. | Fed. Trade Comm'n, Transcript, <i>Competition and Consumer Protection in the 21st Century</i> (June 12, 2019), https://www.ftc.gov/system/files/documents/public_events/1519667/ftc_hearings_session_14_transcript_6-12-19_0.pdf . | |
| 58. | 2,393 Comments to the Federal Trade Comm'n Docket, FTC-2021-0036-0022, Solicitation for Public Comments on Contract Terms that May Harm Competition (Aug 5, 2021), between Jul. 21, 2021 and Sept. 30, 2021, 280 of which are published at https://www.regulations.gov/document/FTC-2021-0036-0022 . | |
| 59. | 334 Comments to the Federal Trade Comm'n Docket, FTC-2019-0093-0001, on Non-Compete Clauses Used in Employment Contracts, between Dec. 5, 2019 and Mar. 11, 2020, 328 of which are published at https://www.regulations.gov/document/FTC-2019-0093-0001/comment . | |
| 60. | Fed. Trade Comm'n, <i>Workshop on Non-Compete Clauses in the Workplace</i> (January 9, 2020). | |
| 61. | Fed. Trade Comm'n, <i>Record of Public Workshop on Non-Competes in the Workplace: Examining Antitrust and Consumer Protection Issues</i> (Jan. 9, 2020), https://www.ftc.gov/news-events/events/2020/01/non-compete-clauses-workplace-examining-antitrust-consumer-protection-issues . | |
| 62. | Kurt Lavetti, <i>Economic Welfare Aspects of Non-Compete Agreements</i> , Remarks at the Fed. Trade Comm'n Workshop on Non-competes in the Workplace (Jan. 9, 2020), https://www.ftc.gov/system/files/documents/public_events/1556256/non-compete-workshop-transcript-full.pdf . | |
| 63. | Fed. Trade Comm'n, <i>Physician Group and Healthcare Facility Merger Study</i> (ongoing, initiated Jan. 2020), https://www.ftc.gov/enforcement/competition-matters/2021/04/physician-group-healthcare-facility-merger-study . | |

| | Federal Trade Commission Actions, Cases, and Opinions (chronological) | |
|-----|--|--|
| 64. | Fed. Trade Comm'n, Press Release, <i>Rent-to-Own Operators Settle Charges that They Restrained Competition through Reciprocal Purchase Agreements</i> (Feb. 21, 2020), https://www.ftc.gov/news-events/news/press-releases/2020/02/rent-own-operators-settle-charges-they-restrained-competition-through-reciprocal-purchase-agreements . | |
| 65. | Fed. Trade Comm'n, <i>Physician Group and Healthcare Facility Merger Study</i> (2021), https://www.ftc.gov/enforcement/competition-matters/2021/04/physician-group-healthcare-facility-merger-study . | |
| 66. | Fed. Trade Comm'n, <i>A Brief Overview of the Federal Trade Commission's Investigative, Law Enforcement, and Rulemaking Authority</i> (May 2021), https://www.ftc.gov/about-ftc/mission/enforcement-authority . | |
| 67. | Fed. Trade Comm'n, <i>Non-HSR Reported Acquisitions by Select Technology Platforms, 2010–2019: An FTC Study</i> (September 2021). | |
| 68. | Fed. Trade Comm'n, Press Release, <i>FTC Approves Final Order Requiring Divestitures of Hundreds of Retail Gas and Diesel Fuel Stations Owned by 7-Eleven, Inc.</i> (Nov. 10, 2021), https://www.ftc.gov/news-events/news/press-releases/2021/11/ftc-approves-final-order-requiring-divestitures-hundreds-retail-gas-diesel-fuel-stations-owned-7 . | |
| 69. | 39 Comments to the Federal Trade Comm'n Docket, FTC-2021-0057, on Making Competition Work: Promoting Competition in Labor Markets, of which 27 are published at https://www.regulations.gov/docket/FTC-2021-0057/comments . | |
| 70. | Fed. Trade Comm'n, Record of Public Workshop on Making Competition Work: Promoting Competition in Labor Markets (Dec. 6-7, 2021), https://www.ftc.gov/news-events/events/2021/12/making-competition-work-promoting-competition-labor-markets . | |
| 71. | Decision and Order, <i>In the Matter of Davita Inc. and Total Renal Care, Inc.</i> , FTC File No. 211 0013 (Jan. 10, 2022), https://www.ftc.gov/system/files/documents/cases/211_0056_c4752_davita_utah_health_order.pdf . | |
| 72. | Compl., <i>In the Matter of RWJ Barnabas Health and Saint Peters Healthcare Sys.</i> , FTC File No. 201 0145 (June 2, 2022). | |
| 73. | Fed. Trade Comm'n, <i>Overview of FTC Actions in Health Care Services and Products</i> (2022), https://www.ftc.gov/system/files/ftc_gov/pdf/2022.04.08%20Overview%20Healthcare%20%28final%29.pdf . | |
| 74. | Fed. Trade Comm'n, Press Release, <i>FTC Approves Final Order Restoring Competitive Markets for Gasoline and Diesel in Michigan and Ohio</i> (Aug. 9, 2022), https://www.ftc.gov/news-events/news/press-releases/2022/08/ftc-approves-final-order-restoring-competitive-markets-gasoline-diesel-michigan-ohio . | |
| 75. | Fed. Trade Comm'n, <i>FTC Policy Perspectives on Certificates of Public Advantage</i> (Aug. 15, 2022), available at www.ftc.gov/copa . | |

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| 76. | Fed. Trade Comm'n, <i>Policy Statement Regarding the Scope of Unfair Methods of Competition Under Section 5 of the Federal Trade Commission Act</i> (Nov. 10, 2022). | |
| 77. | Compl., <i>In re Prudential Sec., Inc. et al.</i> , FTC File No. 221 0026 (Dec. 28, 2022). | |
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| 80. | Fed. Trade Comm'n, Decision and Order, <i>In re Ardagh Group S.A. et al</i> , Matter No. 211 0182 (Dec. 28, 2022). | |
| 81. | Fed. Trade Comm'n, Decision and Order, <i>In re O-I Glass, Inc. et al</i> , Matter No. 211 0182 (Dec. 28, 2022). | |
| 82. | Analysis of Agreement Containing Consent Order to Aid Public Comment, <i>In re Prudential Sec., Inc. et al.</i> , FTC File No. 211 0026 (Dec. 28, 2022). | |
| 83. | Fed. Trade Comm'n, Press Release, <i>FTC Cracks Down on Companies That Impose Harmful Noncompete Restrictions on Thousands of Workers</i> (Jan. 4 2023), https://www.ftc.gov/news-events/news/press-releases/2023/01/ftc-cracks-down-companies-impose-harmful-noncompete-restrictions-thousands-workers . | |
| 84. | Decision and Order, <i>In re Ardagh Group S.A. et al.</i> , 211 0182 (Feb. 21, 2023). | |
| 85. | Fed. Trade Comm'n, Press Release, <i>FTC Approves Final Orders Requiring Two Glass Container Manufacturers to Drop Noncompete Restrictions That They Imposed on Workers</i> (Feb. 23, 2023), https://www.ftc.gov/news-events/news/press-releases/2023/02/ftc-approves-final-orders-requiring-two-glass-container-manufacturers-drop-noncompete-restrictions . | |
| 86. | Fed. Trade Comm'n, Press Release, <i>FTC Approves Final Order Requiring Michigan-Based Security Companies to Drop Noncompete Restrictions That They Imposed on Workers</i> (Mar. 8, 2023), https://www.ftc.gov/news-events/news/press-releases/2023/03/ftc-approves-final-order-requiring-michigan-based-security-companies-drop-noncompete-restrictions . | |
| 87. | Fed. Trade Comm'n, <i>In the Matter of Anchor Glass Container Corp. et al.</i> , Analysis of Agreement Containing Consent Order to Aid Public Comment (Mar. 15, 2023). | |
| 88. | Brief of the Fed. Trade Comm'n as Amicus Curiae Supporting Neither Party, <i>Cara Jones, et al., v. Google LLC, et al.</i> , No. 21-16281 (9th Cir. May 20, 2023), ECF No. 76. | |
| 89. | Fed. Trade Comm'n, Press Release, <i>FTC Approves Final Order Requiring Anchor Glass Container Corp. to Drop Noncompete Restrictions That It Imposed on Workers</i> (June 2, 2023), https://www.ftc.gov/news-events/news/press-releases/2023/06/ftc-approves-final-order-requiring-anchor-glass-container-corp-drop-noncompete-restrictions-it . | |

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|---|--|--|
| 90. | FTC Collaboration Act of 2021 Study, 88 FR 38510 (June 13, 2023). | |
| 91. | Press Release, <i>FTC Sues Amazon for Illegally Maintaining Monopoly Power</i> , Sept. 26, 2023, https://www.ftc.gov/news-events/news/press-releases/2023/09/ftc-sues-amazon-illegally-maintaining-monopoly-power . | |
| 92. | Final Rule, Combating Auto Retail Scams Trade Regulation Rule, 89 FR 590 (Jan. 4, 2024). | |
| 93. | Fed. Trade Comm'n, <i>Congressional Budget Justification – Fiscal Year 2025</i> (Mar. 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/fy25-cbj.pdf . | |
| 94. | Fed. Trade Comm'n, <i>Competition in the Health Care Marketplace</i> , https://www.ftc.gov/tips-advice/competition-guidance/industry-guidance/health-care . | |

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| 96. | Fed. Trade Comm'n, FACT SHEET: FTC Proposes Rule to Ban Noncompete Clauses, Which Hurt Workers and Harm Competition (Jan. 5, 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/noncompete_nprm_fact_sheet.pdf . | |
| 97. | Statement of Commissioners Rebecca Kelly Slaughter and Alvaro M. Bedoya Concerning the Notice of Proposed Rulemaking for the Non-Compete Clause Rule (Jan. 5, 2023), https://www.ftc.gov/legal-library/browse/cases-proceedings/public-statements/statement-commissioners-rebecca-kelly-slaughter-alvaro-m-bedoya-concerning-notice-proposed . | |
| 98. | Statement of Chair Lina M. Khan Joined by Commissioners Slaughter and Bedoya Concerning the Notice of Proposed Rulemaking for the Non-Compete Clause Rule (Jan. 5, 2023), https://www.ftc.gov/legal-library/browse/cases-proceedings/public-statements/statement-chair-lina-m-khan-joined-commissioners-slaughter-bedoya-concerning-notice-proposed . | |
| 99. | Dissenting Statement of Commissioner Christine S. Wilson Concerning the Notice of Proposed Rulemaking for the Non-Compete Clause Rule (Jan. 5, 2023), https://www.ftc.gov/legal-library/browse/cases-proceedings/public-statements/dissenting-statement-commissioner-christine-s-wilson-concerning-notice-proposed-rulemaking-non . | |
| 100. | Non-Compete Clause Rule, NPRM, 88 FR 3482 (Jan. 19, 2023). | |
| 101. | Information Collection Request to Office of Management and Budget for Non-Compete Clause Rule, ICR Reference Number 202205-3084-002 (OMB Control No. 3084-0173) (Jan. 19, 2023), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202205-3084-002 . | |
| 102. | Fed. Trade Comm'n, Press Release, Fed. Trade Comm'n, FTC to Host Public Forum Examining Proposed Rule to Ban Noncompete Clauses (Feb. 2, 2023), https://www.ftc.gov/news-events/news/press-releases/2023/02/ftc-host-public-forum-examining-proposed-rule-ban-noncompete-clauses . | |
| 103. | Fed. Trade Comm'n, Press Release, Fed. Trade Comm'n, FTC Releases Final Agenda for Feb. 16 Public Forum on Its Proposed Rule to Ban Noncompete Restrictions (Feb. 14, 2023), https://www.ftc.gov/news-events/news/press-releases/2023/02/ftc-releases-final-agenda-feb-16-public-forum-its-proposed-rule-ban-noncompete-restrictions . | |
| 104. | Fed. Trade Comm'n, <i>FTC Forum Examining Proposed Rule to Ban Noncompete Clauses</i> (Feb. 16, 2023), https://www.ftc.gov/news-events/events/2023/02/ftc-forum-examining-proposed-rule-ban-noncompete-clauses . | |

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| 105. | Fed. Trade Comm'n, Press Release, <i>FTC Extends Public Comment Period on Its Proposed Rule to Ban Noncompete Clauses Until April 19</i> (March 6, 2023), https://www.ftc.gov/news-events/news/press-releases/2023/03/ftc-extends-public-comment-period-its-proposed-rule-ban-noncompete-clauses-until-april-19 . | |
| 106. | 26,813 comments to the Federal Trade Commission Docket, FTC-2023-0007-0001, Proposed Rule, Non-Compete Clause Rule, between Jan. 9, 2023 to April 19, 2023, approximately 21,020 of which are published at https://www.regulations.gov/document/FTC-2023-0007-0001 . | |
| | Ex Parte Communications , https://www.ftc.gov/legal-library/browse/federal-register-notices/non-compete-clause-rulemaking : | |
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| 123. | Off. of Mgmt. & Budget, Circular A-4 (Sept. 17, 2003), https://obamawhitehouse.archives.gov/omb/circulars_a004_a-4/ . | |
| 124. | <i>In Re Weeks</i> , S.E.C. Release No. 8313 (Oct. 23, 2003). | |
| 125. | Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 69 FR 22122 (Apr. 23, 2004). | |
| 126. | Office of the Att’y Gen. of the State of N.Y., Press Release, A.G. Schneiderman Announces Settlement With Jimmy John’s To Stop Including Non-Compete Agreements In Hiring Packets (June 22, 2016), https://ag.ny.gov/press-release/2016/ag-schneiderman-announces-settlement-jimmy-johns-stop-including-non-compete . | |
| 127. | Office of the Att’y Gen. of the State of N.Y., Press Release, A.G. Schneiderman Announces Settlement With Jimmy John’s To Stop Including Non-Compete Agreements In Hiring Packets (June 22, 2016), https://ag.ny.gov/press-release/2016/ag-schneiderman-announces-settlement-jimmy-johns-stop-including-non-compete . | |
| 128. | Compl., <i>Ill. v. Check Into Cash of Ill., LLC</i> , 2017-CH-14224 (Ill. Circuit Ct. Oct. 25, 2017) https://illinoisattorneygeneral.gov/pressroom/2017_10/Check_Into_Cash-Complaint.pdf . | |
| 129. | <i>In the Matter of the Investigation by Barbara D. Underwood, Att’y Gen. of the State of N.Y. of WeWork Companies, Inc.</i> , Assurance of Discontinuance No. 18-101 (Sept. 18, 2018). | |
| 130. | Dep’t of Lab., <i>Fact Sheet #56C: Bonuses under the Fair Labor Standards Act (FLSA)</i> (Dec. 2019), https://perma.cc/K75C-6V23 . | |
| 131. | Office of the Att’y Gen. of the State of Wash., Press Release, AG Report: Ferguson’s Initiative Ends No-Poach Practices Nationally at 237 Corporate Franchise Chains (June 16, 2020), https://www.atg.wa.gov/news/news-releases/ag-report-ferguson-s-initiative-ends-no-poach-practices-nationally-237-corporate . | |
| 132. | SBA Off. of the Nat’l Ombudsman, 2021 Annual Report to Congress (2021), https://www.sba.gov/sites/default/files/2023-12/SBA-ONO-AnnualReporttoCongress-2021.pdf . | |
| 133. | Ctrs. for Medicare & Medicaid Servs., <i>Notice of Rescission of Coverage and Disclosure Requirements for Patient Protection under the Affordable Care Act (CMS-10330)</i> (2022), https://www.reginfo.gov/public/do/DownloadDocument?objectID=119319401 . | |
| 134. | Statement of Interest of the United States, <i>Beck v. Pickert Med. Grp.</i> , No. CV21-02092 (Nev. Dist. Ct. Feb. 25, 2022). | |
| 135. | U.S. Citizenship & Immigr. Servs., Handbook for Employers M-274 (2023), https://www.uscis.gov/book/export/html/59502 . | |

| Other Federal and State Agency Actions (chronological) | | |
|--|---|--|
| 136. | Cons. Fin. Prot. Bureau, Ctrs. for Medicare & Medicaid Servs., Dept. of Health & Hum. Servs., & Dep't of the Treas., <i>Request for Information Regarding Medical Payment Products</i> , 88 FR 44281 (July 12, 2023). | |
| 137. | Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, NPRM, 88 FR 62152 (Sept. 8, 2023). | |
| 138. | Fed. Deposit Ins. Corp., <i>Consumer Compliance Examination Manual</i> (2023), https://www.fdic.gov/resources/supervision-and-examinations/consumer-compliance-examination-manual/documents/compliance-examination-manual.pdf . | |
| 139. | Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 29 C.F.R. 541 (2023). | |
| 140. | Off. of Mgmt. & Budget, <i>Circular A-4</i> (Nov. 9, 2023), https://www.whitehouse.gov/wp-content/uploads/2023/11/CircularA-4.pdf . | |
| 141. | Dep't of Labor, Wage & Hour Div., Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 89 FR 1638 (Jan 10, 2024). | |
| 142. | Dep't Treas., IRS, (Circular E), Employer's Tax Guide, Pub. 15 (2024), https://www.irs.gov/publications/p15 . | |
| 143. | Supporting Statement Part A, Notice of Rescission of Coverage and Disclosure Requirements for Patient Protection under the Affordable Care Act (CMS-10330/OMB Control No. 0938-1094), https://www.reginfo.gov/public/do/DownloadDocument?objectID=119319401 . | |
| 144. | Dep't of Labor, <i>Handy Reference Guide to the Fair Labor Standards Act</i> , https://perma.cc/TY8N-PFES . | |
| 145. | California Labor & Workforce Development Agency, <i>ABC Test</i> , https://perma.cc/ESN5-AELR . | |

| Court Opinions and Cases (chronological) | | |
|--|--|-----------------|
| Doc. No. | Description | Page No. |
| 146. | <i>Darcy v. Allein</i> , 77 Eng. Rep. 1260 (K.B. 1603). | |
| 147. | <i>The Case of Tailors</i> , 77 Eng. Rep. 1218 (K.B. 1615). | |
| 148. | <i>Mitchel v. Reynolds</i> , 1 P. Wms. 181 (Q.B. 1711). | |
| 149. | <i>McCulloch v. Md.</i> , U.S. Supreme Court, 4 Wheat 159 (1819). | |
| 150. | <i>Corfield v. Coryell</i> , 6 F. Cas. 546 (C.C.E.D. Pa. 1823). | |
| 151. | <i>U.S. v. Addyston Pipe & Steel Co.</i> , 85 F. 271 (6th Cir. 1898). | |
| 152. | <i>Manigault v. Springs</i> , 199 U.S. 473 (1905). | |
| 153. | <i>U.S. v. Am. Tobacco Co.</i> , 221 U.S. 106 (1911). | |
| 154. | <i>Bailey v. Alabama</i> , 219 U.S. 219 (1911). | |
| 155. | <i>Standard Oil Co. of New Jersey v. United States</i> , 221 U.S. 1 (1911) | |
| 156. | <i>Samuel Stores, Inc. v. Abrams</i> , 108 A. 541 (Conn. 1919). | |
| 157. | <i>Myers v. United States</i> , 272 U.S. 52 (1926). | |
| 158. | <i>Moore v. N. Y. Cotton Exch.</i> , 270 U.S. 593 (1926). | |
| 159. | <i>J.W. Hampton, Jr. & Co. v. United States</i> , 276 U.S. 394 (1928). | |
| 160. | <i>New State Ice Co. v. Leibmann</i> , 285 U.S. 262 (1932). | |
| 161. | <i>U.S. v. Dubilier Condenser Corp.</i> , 289 U.S. 178 (1933). | |
| 162. | <i>Home Bldg. & Loan Ass'n v. Blaisdell</i> , 290 U.S. 398 (1934). | |
| 163. | <i>Panama Refining Co. v. Ryan</i> , 293 U.S. 388 (1935). | |
| 164. | <i>A.L.A. Schechter Poultry v. United States</i> , 295 U.S. 495 (1935). | |
| 165. | <i>Humphrey's Executor v. United States</i> , 295 U.S. 602 (1935). | |
| 166. | <i>West Coast Hotel Co. v. Parrish</i> , 300 U.S. 379 (1937). | |
| 167. | <i>Parker v. Brown</i> , 317 U.S. 341 (1943). | |
| 168. | <i>Pollock v. Williams</i> , 322 U.S. 4 (1944). | |
| 169. | <i>Arthur Murray Dance Studios of Cleveland v. Witter</i> , 105 N.E.2d 685 (Ohio Ct. Com. Pl. 1952). | |
| 170. | <i>Donahue v. Permacel Tape Corporation</i> , 234 Ind. 398 (1955). | |
| 171. | <i>American Airlines, Inc. v. North American Airlines, Inc.</i> , 351 U.S. 79 (1956). | |
| 172. | <i>N. Pac. Ry. v. United States</i> , 356 U.S. 1 (1958). | |
| 173. | <i>Fed. Power Comm'n. v. Tuscarora Indian Nation</i> , 362 U.S. 99 (1960). | |
| 174. | <i>U.S. v. Shimer</i> , 367 U.S. 374 (1961). | |
| 175. | <i>E.R.R. Presidents' Conference v. Noerr Motor Freight, Inc.</i> , 365 U.S. 127 (1961). | |
| 176. | <i>PAN AM v. United States</i> , 371 U.S. 296 (1963). | |
| 177. | <i>Muggill v. Reuben H. Donnelley Corp.</i> , 62 Cal. 2d 239 (Cal. 1965). | |
| 178. | <i>United Mine Workers of America v. Pennington</i> , 381 U.S. 657 (1965). | |
| 179. | <i>Nichols v. Spencer Intern. Press, Inc.</i> , 371 F.2d 332 (7th Cir. 1967). | |
| 180. | <i>United States v. Topco Assocs., Inc.</i> , 405 U.S. 596 (1972). | |
| 181. | <i>Alders v. AFA Corp. of Fla.</i> , 353 F. Supp. 654 (S.D. Fla. 1973). | |
| 182. | <i>Weinberger v. Bentex Pharmaceuticals, Inc.</i> , 412 U.S. 645 (1973). | |
| 183. | <i>Orkin Exterm. Co., Inc. v. Girardeau</i> , 301 So. 2d 38 (Fla. Ct. App. 1st 1974). | |

| Court Opinions and Cases (chronological) | | |
|--|--|--|
| 184. | <i>Bradford v. N.Y. Times Co.</i> , 501 F.2d 51 (2d Cir. 1974). | |
| 185. | <i>Kewanee Oil Co. v. Bicron Corp.</i> , 416 U.S. 470 (1974). | |
| 186. | <i>National Labor Relations Board v. Bell Aerospace Company Division of Textron, Inc.</i> , 416 U.S. 267 (1974). | |
| 187. | <i>Golden v. Kentile Floors, Inc.</i> , 512 F.2d 838 (5th Cir. 1975). | |
| 188. | <i>Goldfarb v. Va. State Bar</i> , 421 U.S. 773 (1975). | |
| 189. | <i>Reed, Roberts Assocs. v. Strauman</i> , 40 N.Y.2d 303 (N.Y. 1976). | |
| 190. | <i>Woodward v. Cadillac Overall Supply Co.</i> , 240 N.W. 2d 710 (Mich. 1976). | |
| 191. | <i>U.S. v. Empire Gas Corp.</i> , 537 F.2d 296 (8th Cir. 1976). | |
| 192. | <i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976). | |
| 193. | <i>Newburger, Loeb & Co., Inc. v. Gross</i> , 563 F.2d 1057 (2d Cir. 1977). | |
| 194. | <i>Jones v. Rath Packing Co.</i> , 430 U.S. 519 (1977). | |
| 195. | <i>Nasco, Inc. v. Gimbert</i> , 239 Ga. 675 (1977). | |
| 196. | <i>Penn Cent. Transp. Co. v. City of N.Y.</i> , 438 U.S. 104 (1978). | |
| 197. | <i>Nat'l Soc'y Pro. Eng'rs v. U.S.</i> , 435 U.S. 679 (1978). | |
| 198. | <i>Cal. Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc.</i> , 445 U.S. 97 (1980). | |
| 199. | <i>Cent. Hudson Gas & Elec. v. Pub. Serv. Comm'n of N.Y.</i> , 447 U.S. 557 (1980). | |
| 200. | <i>Dynamics Rsch. Corp. v. Analytic Scis. Corp.</i> , 9 Mass. App. Ct. 254 (1980). | |
| 201. | <i>Wegmann v. London</i> , 648 F.2d 1072 (5th Cir. 1981). | |
| 202. | <i>Lektro-Vend Corp. v. Vendo Co.</i> , 660 F.2d 255 (7th Cir. 1981). | |
| 203. | <i>Wegmann v. London</i> , 648 F.2d 1072 (5th Cir. 1981). | |
| 204. | <i>Fid. Fed. Sav. & Loan Ass'n v. de la Cuesta</i> , 458 U.S. 141 (1982). | |
| 205. | <i>Aydin Corp. v. Loral Corp.</i> , 718 F.2d 897 (9th Cir. 1983). | |
| 206. | <i>Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State Farm Mut. Automobile Ins. Co.</i> , 463 U.S. 29 (1983). | |
| 207. | <i>Consultants & Designers, Inc. v. Butler Serv. Grp., Inc.</i> , 720 F.2d 1553 (11th Cir. 1983). | |
| 208. | <i>Bosley Med. Grp. v. Abramson</i> , 161 Cal. App. 3d 284 (Cal. Ct. App. 1984). | |
| 209. | <i>NCAA v. Bd. Of Regents of Univ. of Oklahoma</i> , 468 U.S. 85 (1984). | |
| 210. | <i>Dick v. Geist</i> , 693 P.2d 1133 (Idaho Ct. App. 1985). | |
| 211. | <i>Polk Bros., Inc. v. Forest City Enters.</i> , 776 F.2d 185 (7th Cir. 1985). | |
| 212. | <i>Aspen Skiing Co. v. Aspen Highlands Skiing Corp.</i> , 472 U.S. 585 (1985). | |
| 213. | <i>Mid-Tex Elec. Coop v. FERC</i> , 773 F.2d 327 (D.C. Cir. 1985). | |
| 214. | <i>Zauderer v. Office of Disciplinary Counsel</i> , 471 U.S. 626 (1985). | |
| 215. | <i>Alexander & Alexander, Inc. v. Danahy</i> , 488 N.E.2d 22 (Mass. App. Ct. 1986). | |
| 216. | <i>Connolly v. Pension Ben. Guar. Corp.</i> , 475 U.S. 211 (1986). | |
| 217. | <i>Chuck's Feed & Seed Co. v. Ralston Purina Co.</i> , 810 F.2d 1289 (4th Cir. 1987). | |
| 218. | <i>AMP Inc. v. Fleischhacker</i> , 823 F.2d 1199 (7th Cir. 1987). | |
| 219. | <i>Diversified Hum. Res. Grp., Inc. v. Levinson-Polakoff</i> , 752 S.W.2d 8 (Tex. Ct. App. 1988). | |
| 220. | <i>Chavers v. Copy Prods. Co. of Mobile</i> , 519 So. 2d 942 (Ala. 1988). | |

| | Court Opinions and Cases (chronological) | |
|------|---|--|
| 221. | <i>Caremark Homecare, Inc. v. New England Critical Care, Inc.</i> , 700 F. Supp. 1033 (D. Minn. 1988). | |
| 222. | <i>Easter House v. United States</i> , 846 F.2d 78 (Fed. Cir. 1988). | |
| 223. | <i>Ingersoll-Rand Co. v. Ciavatta</i> , 542 A.2d 879 (N.J. 1988). | |
| 224. | <i>GTE Data Servs., Inc. v. Elec. Data Sys. Corp.</i> , 717 F. Supp. 1487 (M.D. Fla. 1989). | |
| 225. | <i>MAI Basic Four, Inc. v. Basis, Inc.</i> , 880 F.2d 286 (10th Cir. 1989). | |
| 226. | <i>Cal. v. ARC Am. Corp.</i> , 490 U.S. 93 (1989). | |
| 227. | <i>Mistretta v. United States</i> , 488 U.S. 361 (1989). | |
| 228. | <i>DeSantis v. Wackenhut Corp.</i> , 793 S.W.2d 670 (Tex. 1990). | |
| 229. | <i>United States v. Rockford Mem'l Corp.</i> , 898 F.2d 1278 (7th Cir. 1990). | |
| 230. | <i>Palmer v. BRG of Georgia, Inc.</i> , 498 U.S. 46 (1990). | |
| 231. | <i>Gregory v. Ashcroft</i> , 501 U.S. 452 (1991). | |
| 232. | <i>Centorr-Vacuum Indus., Inc. v. Lavoie</i> , 609 A.2d 1213 (N.H. 1992). | |
| 233. | <i>Cipollone v. Liggett Grp., Inc.</i> , 505 U.S. 504 (1992). | |
| 234. | <i>Eastman Kodak Co. v. Image Technical Tech. Svcs</i> , 504 U.S. 541 (1992). | |
| 235. | <i>Jiffy Lube Int'l, Inc. v. Weiss Bros., Inc.</i> , 834 F. Supp. 683 (D.N.J. 1993). | |
| 236. | <i>U.S. West Commc'ns, Inc. v. Off. of Consumer Advoc.</i> , 498 N.W.2d 711 (Iowa 1993). | |
| 237. | <i>Werlinger v. Mutual Service Casualty Ins. Co.</i> , 496 N.W.2d 26 (N.D. 1993). | |
| 238. | <i>Pro. Real Est. Invs., Inc. v. Columbia Pictures Indus., Inc.</i> , 508 U.S. 49 (1993). | |
| 239. | <i>U.S. Healthcare, Inc. v. Healthsource, Inc.</i> , 986 F.2d 589 (1st Cir. 1993). | |
| 240. | <i>BFP v. Resolution Trust Corp.</i> , 511 U.S. 531 (1994). | |
| 241. | <i>Landgraf v. USI Film Prods.</i> , 511 U.S. 244 (1994). | |
| 242. | <i>Diepholz v. Rutledge</i> , 659 N.E. 989 (Ill. Ct. App. 1995). | |
| 243. | <i>PepsiCo, Inc. v. Redmond</i> , 54 F.3d 1262 (7th Cir. 1995). | |
| 244. | <i>Borg-Warner Protective Servs. Corp. v. Guardsmark, Inc.</i> , 946 F. Supp. 495 (E.D. Ky. 1996). | |
| 245. | <i>Ticor Title Ins. v. Cohen</i> , 173 F.3d 63 (2d Cir. 1999). | |
| 246. | <i>Valley Med. Specialists v. Farber</i> , 982 P.2d 1277 (Ariz. 1999). | |
| 247. | <i>Bayer Corp. v. Roche Molecular Sys., Inc.</i> , 72 F. Supp. 2d 1111 (N.D. Cal. 1999). | |
| 248. | <i>BDO Seidman v. Hirshberg</i> , 712 N.E.2d 1220 (N.Y. 1999). | |
| 249. | <i>Revere Transducers, Inc. v. Deere & Co.</i> , 595 N.W.2d 751 (Iowa 1999). | |
| 250. | <i>Nat'l Min. Ass'n v. Babbitt</i> , 172 F.3d 906 (D.C. Cir. 1999). | |
| 251. | <i>Crosby v. Nat'l Foreign Trade Council</i> , 530 U.S. 363 (2000). | |
| 252. | <i>Food & Drug Admin. v. Brown & Williamson Tobacco Corp.</i> , 529 U.S. 120 (2000). | |
| 253. | <i>United States v. Morrison</i> , 529 U.S. 598 (2000). | |
| 254. | <i>Home Paramount Pest Control Cos. v. FMC Corporation/Agricultural Prods. Group</i> , 107 F. Supp. 2d 684 (D. Md. 2000). | |
| 255. | <i>D'sa v. Playhut, Inc.</i> , 102 Cal. Rptr. 2d 495 (Cal. Ct. App. 2nd 2000). | |
| 256. | <i>Butler v. Arrow Mirror & Glass, Inc.</i> , 51 S.W.3d 787 (Tex. Ct. App. 2001). | |
| 257. | <i>United States v. Microsoft Corp.</i> , 253 F.3d 35 (D.C. Cir. 2001). | |

| Court Opinions and Cases (chronological) | | |
|--|--|--|
| 258. | <i>SEC v. Enterprises Solutions</i> , 142 F. Supp. 2d 561 (S.D.N.Y. 2001). | |
| 259. | <i>Heder v. City of Two Rivers, Wisconsin</i> , 295 F.3d 777 (7th Cir. 2002). | |
| 260. | <i>Nat’l Min. Ass’n v. Dep’t of Lab.</i> , 292 F.3d 849 (D.C. Cir. 2002). | |
| 261. | <i>Sprietsma v. Mercury Marine</i> , 537 U.S. 51 (2002). | |
| 262. | <i>Electr. Inspectors, Inc. v. Vill. of East Hills</i> , 320 F.3d 110 (2d Cir. 2003). | |
| 263. | <i>Guy Carpenter & Co. v. Provenzale</i> , 334 F.3d 459 (5th Cir. 2003). | |
| 264. | <i>Bruce D. Graham, M.D., P.A. v. Cirocco</i> , 31 Kan. App. 2d 563 (2003). | |
| 265. | <i>LeJeune v. Coin Acceptors, Inc.</i> , 849 A.2d 451 (Md. 2004). | |
| 266. | <i>Intermountain Eye & Laser Ctrs. P.L.L.C. v. Miller</i> , 127 P.3d 121 (Idaho 2005). | |
| 267. | <i>Hess Newmark Owens Wolf, Inc. v. Owens</i> , 415 F.3d 630 (7th Cir. 2005). | |
| 268. | <i>Liebert Corp. v. Mazur</i> , 827 N.E.2d 909 (2005). | |
| 269. | <i>Lingle v. Chevron U.S.A. Inc.</i> , 544 U.S. 528 (2005). | |
| 270. | <i>Caudill v. Lancaster Bingo Co., Inc.</i> , 2005 WL 2738930 (S.D. Ohio Oct. 24, 2005). | |
| 271. | <i>Compass Bank v. Hartley</i> , 430 F. Supp. 2d 973 (D. Ariz. 2006). | |
| 272. | <i>Confold Pac., Inc. v. Polaris Indus., Inc.</i> , 433 F.3d 952 (7th Cir. 2006). | |
| 273. | <i>Strategix, Ltd. v. Infocrossing West, Inc.</i> , 142 Cal. App. 4th 1068 (Cal. Ct. App. 4th 2006). | |
| 274. | <i>Reed Mill & Lumber Co. v. Jensen</i> , 165 P.3d 733 (Ct. App. Colo. 2006). | |
| 275. | <i>Press-A-Dent, Inc. v. Weigel</i> , 849 N.E.2d 661 (Ind. Ct. App. 2006). | |
| 276. | <i>Dall. South Mill, Inc. v. Kaolin Mushroom Farms, Inc.</i> , 2007 WL 9712116 (N.D. Tex. Feb. 23, 2007). | |
| 277. | <i>Cole v. Champion Enters., Inc.</i> , 496 F. Supp. 2d 613 (M.D.N.C. 2007). | |
| 278. | <i>Access Organics, Inc. v. Hernandez</i> , 175 P.3d 899 (Mont. 2008). | |
| 279. | <i>Bybee v. Isaac</i> , 178 P.3d 616 (Idaho 2008). | |
| 280. | <i>Edwards v. Arthur Andersen LLP</i> , 189 P.3d 285 (Cal. 2008). | |
| 281. | <i>Jorgensen v. Coppedge</i> , 181 P.3d 450 (Idaho 2008). | |
| 282. | <i>Wichita Clinic, P.A. v. Louis</i> , 185 P.3d 946 (Kan. Ct. App. 2008). | |
| 283. | <i>City of Oakland v. Hassey</i> , 163 Cal. App. 4th 1477 (2008), as modified on denial of reh’g (July 15, 2008), as modified (July 17, 2008). | |
| 284. | <i>Lumber Liquidators, Inc. v. Cabinets To Go, LLC</i> , 415 F. Supp. 3d 703 (E.D. Va. 2009). | |
| 285. | <i>Softchoice, Inc. v. Schmidt</i> , 763 N.W.2d 660 (Minn. Ct. App. 2009). | |
| 286. | <i>Proudfoot Consulting Co. v. Gordon</i> , 576 F.3d 1223 (11th Cir. 2009). | |
| 287. | <i>Fed. Commc’n. Comm’n v. Fox Television Stations, Inc.</i> , 556 U.S. 502 (2009). | |
| 288. | <i>Nat’l Cable & Telecomms. Ass’n v. Fed. Commc’n. Comm’n</i> , 567 F.3d 659 (D.C. Cir. 2009). | |
| 289. | <i>Dowell v. Biosense Webster, Inc.</i> , 102 Cal. Rptr. 3d 1 (Cal. Ct. App. 2nd 2009). | |
| 290. | <i>Eastman Kodak Co. v. Carmosino</i> , 77 A.D.3d 1434 (N.Y. App. Div. 4th 2010). | |
| 291. | <i>Raven Indus., Inc. v. Lee</i> , 2010 S.D. 49 (2010). | |
| 292. | <i>Free Enterprise Fund v. Pub. Co. Accounting Oversight Bd.</i> , 561 U.S. 477 (2010). | |
| 293. | <i>Milavetz, Gallop & Milavetz, P.A. v. United States</i> , 559 U.S. 229 (2010). | |
| 294. | <i>AvidAir Helicopter Supply, Inc. v. Rolls-Royce Corp.</i> , 663 F.3d 966 (8th Cir. 2011). | |

| Court Opinions and Cases (chronological) | | |
|--|---|--|
| 295. | <i>Ne. Hosp. Corp. v. Sebelius</i> , 657 F.3d 1 (D.C. Cir. 2011). | |
| 296. | <i>Nitro-Lift Techs. v. Howard</i> , 568 U.S. 17 (2012). | |
| 297. | <i>Milliken & Co. v. Morin</i> , 731 S.E.2d 288 (S.C. 2012). | |
| 298. | <i>Sec. & Exchange Comm'n v. Prince</i> , 942 F. Supp. 2d 108 (D.D.C. 2013). | |
| 299. | <i>O'Donnell v. Bank of Am.</i> , 504 F. App'x 566 (9th Cir. 2013). | |
| 300. | <i>Fed. Trade Comm'n v. Actavis, Inc.</i> , 570 U.S. 136 (2013). | |
| 301. | <i>City of Arlington, Tex. v. F.C.C.</i> , 569 U.S. 290 (2013). | |
| 302. | <i>Arthur J. Gallagher & Co. v. Lang</i> , 2014 WL 2195062 (N.D. Cal. May 23, 2014). | |
| 303. | <i>Bond v. United States</i> , 572 U.S. 844 (2014). | |
| 304. | <i>Signature MD, Inc. v. MDVIP, Inc.</i> , 2015 WL 3988959 (C.D. Cal. Apr. 21, 2015). | |
| 305. | <i>Tendeka, Inc. v. Glover</i> , No. CIV.A. H-13-1764, 2015 WL 2212601 (S.D. Tex. May 11, 2015). | |
| 306. | <i>Oneok, Inc. v. Learjet, Inc.</i> , 575 U.S. 373 (2015). | |
| 307. | <i>Salewski v. Pilchuck Veterinary Hosp., Inc.</i> , 359 P.3d 884 (Wash. Ct. App. 2015). | |
| 308. | <i>Dep't of Transp. v. Ass'n of Am. R.R.</i> , 575 U.S. 43 (2015). | |
| 309. | <i>Perez v. Mortg. Bankers Ass'n</i> , 575 U.S. 92 (2015). | |
| 310. | <i>AK Steel Corp. v. ArcelorMittal USA, LLC</i> , 55 N.E.3d 1152 (Ohio Ct. App. 2016). | |
| 311. | <i>Navarre Chevrolet, Inc. v. Begnaud</i> , 205 So. 3d 973 (La. Ct. App. 3d 2016). | |
| 312. | <i>IDMWORKS LLC v. Pophaly</i> , 192 F. Supp. 3d 1335 (S.D. Fla. 2016). | |
| 313. | <i>BRFHH Shreveport, LLC v. Willis Knighton Med. Ctr.</i> , 176 F. Supp. 3d 606 (W.D. La. 2016). | |
| 314. | <i>Encino Motorcars, LLC v. Navarro</i> , 579 U.S. 211 (2016). | |
| 315. | <i>USS-Posco Indus. v. Case</i> , 244 Cal. App. 4th 197 (2016). | |
| 316. | <i>Regents of the Univ. of Cal. v. Burwell</i> , 155 F. Supp. 3d 31 (D.D.C. 2016). | |
| 317. | <i>Osborne v. Brown & Saenger, Inc.</i> , 904 N.W.2d 34 (N.D. 2017). | |
| 318. | <i>Murr v. Wis.</i> , 582 U.S. 383 (2017). | |
| 319. | <i>Ohio v. Am. Express Co.</i> , 138 S. Ct. 2274 (2018). | |
| 320. | <i>Palmetto Mortuary Transp., Inc. v. Knight Sys., Inc.</i> , 818 S.E.2d 724 (S.C. 2018). | |
| 321. | <i>Golden v. Cal. Emergency Physicians Med. Grp.</i> , 896 F.3d 1018 (9th Cir. 2018). | |
| 322. | <i>Dynamex Operations W. v. Superior Ct.</i> , 4 Cal. 5th 903 (2018). | |
| 323. | <i>Jennings v. Rodriguez</i> , 583 U.S. 281 (2018). | |
| 324. | <i>Foster Cable Servs., Inc. v. Deville</i> , 368 F. Supp. 3d 1265 (W.D. Ark. 2019). | |
| 325. | <i>Gundy v. United States</i> , 139 S. Ct. 2116 (2019). | |
| 326. | Pl's Response in Opp. To Def's Mot. to Dismiss, <i>Nerium International, LLC v. Federal Trade Commission</i> , 2020 WL 5217152 (N.D. Ill. Feb. 6, 2020) (No. 1:19-cv-7189). | |
| 327. | <i>Brown v. TGS Mgmt. Co., LLC</i> , 57 Cal. App. 5th 303 (Cal. Ct. App. 2020). | |
| 328. | <i>Korean-Am. Senior Mut. Ass'n, Inc. v. Comm'r of Internal Revenue</i> , 120 T.C.M. (CCH) 191 (T.C. 2020). | |
| 329. | <i>Seila Law LLC v. Consumer Fin. Protection Bureau</i> , 140 S. Ct. 2183 (2020). | |
| 330. | <i>TLS Mgmt. & Mktg. Servs., LLC v. Rodriguez-Toledo</i> , 966 F.3d 46 (1st Cir. 2020). | |
| 331. | <i>U.S. Forest Serv. v. Cowpasture River Preservation Ass'n</i> , 590 U.S. 604 (2020). | |

| | Court Opinions and Cases (chronological) | |
|------|---|--|
| 332. | <i>N. Am. Butterfly Ass'n v. Wolf</i> , 977 F.3d 1244 (D.C. Cir. 2020). | |
| 333. | <i>Grayhawk Homes, Inc. v. Addison</i> , 845 S.E.2d 356 (Ga. Ct. App. 2020). | |
| 334. | <i>Nerium International, LLC v. Fed. Trade Comm'n</i> , 2020 WL 5217152, at *1 (N.D. Ill. Aug. 31, 2020). | |
| 335. | <i>U.S. v. Neeraj Jindal and John Rodgers</i> , No. 4:20-cr-358-ALM-KPJ (E.D. Tex. Dec. 9, 2020). | |
| 336. | <i>U.S. v. Surgical Care Affiliates, LLC and SCAI Holdings, LLC</i> , No. 3:21-cr-011-L (N.D. Tex. Jan. 5, 2021). | |
| 337. | <i>U.S. v. Ryan Hee and VDA OC, LLC</i> , formerly ADVANTAGE ON CALL, LLC, No. 2:21-cr-00098-RFB-BNW (D. Nev. Mar. 26, 2021). | |
| 338. | <i>NCAA v. Alston</i> , 141 S. Ct. 2141 (2021). | |
| 339. | <i>Denson v. Donald J. Trump for President, Inc.</i> , 530 F. Supp. 3d 412 (S.D.N.Y. 2021). | |
| 340. | <i>Collins v. Yellen</i> , 141 S. Ct. 1761 (2021). | |
| 341. | <i>In re Adegoke</i> , 632 B.R. 154 (Bankr. N.D. Ill. 2021). | |
| 342. | <i>Houser v. Feldman</i> , 569 F. Supp. 3d 216 (E.D. Pa. 2021). | |
| 343. | <i>Cedar Point Nursery v. Hassid</i> , 141 S.Ct. 2063 (2021). | |
| 344. | <i>U.S. v. DaVita, Inc. and Kent Thiry</i> , No. 21-cr-00229-RBJ (D. Colo. Nov. 3, 2021). | |
| 345. | <i>U.S. v. Neeraj Jindal and John Rodgers</i> , Memorandum Opinion and Order, 2021 WL 5578687 (E.D. Tex. Nov. 29, 2021). | |
| 346. | <i>U.S. v. Patel, et al.</i> , 3:21-cr-220-VHB-RAR (D. Conn. Dec. 15, 2021). | |
| 347. | <i>U.S. v. Manahe, et al.</i> , 2:22-cr-00013-JAW (D. Me. Jan. 27, 2022). | |
| 348. | <i>U.S. v. DaVita and Kent Thiry</i> , Order Denying Defendants' Motion to Dismiss, 2022 WL 266759 (D. Colo. Jan. 28, 2022). | |
| 349. | <i>Beck v. Pickert Med. Grp.</i> , No. CV21-02092 (Nev. Dist. Ct. Feb. 25, 2022). | |
| 350. | <i>U.S. v. Neeraj Jindal and John Rodgers</i> , Jury Verdict (E.D. Tex. Apr. 14, 2022). | |
| 351. | <i>U.S. v. DaVita, Inc. and Kent Thiry</i> , Verdict (D. Colo. Apr. 15, 2022). | |
| 352. | <i>W. Virginia v. Env't Prot. Agency</i> , 597 U.S. 697 (2022). | |
| 353. | <i>Nat'l Fed'n of Indep. Bus. v. Dep't of Lab.</i> , 142 S. Ct. 661 (2022). | |
| 354. | <i>Golden Glow Tanning Salon, Inc. v. City of Columbus</i> , 52 F.4th 974 (5th Cir. 2022). | |
| 355. | <i>Fed. Election Comm'n v. Cruz</i> , 596 U.S. 289 (2022). | |
| 356. | <i>Hassler v. Circle C Res.</i> , 505 P.3d 169 (Wyo. 2022). | |
| 357. | <i>Roman v. Jan-Pro Franchising Int'l, Inc.</i> , 342 F.R.D. 274 (N.D. Cal. 2022). | |
| 358. | <i>United States v. Manahe</i> , 2022 WL 3161781 (D. Me. Aug. 8, 2022). | |
| 359. | <i>Mem'l Hermann Accountable Care Org. v. Comm'r of Internal Revenue</i> , T.C.M. (RIA) 2023-062 (2023). | |
| 360. | <i>Pottstown Sch. Dst. v. Montgomery Cnty Bd of Assessm't Appeals</i> , 289 A.3d 1142 (Pa. Commw. Ct. 2023). | |
| 361. | <i>Phoenixville Hosp., LLC v. Cnty. of Chester Bd. of Assess. App.</i> , 293 A.3d 1248 (Pa. Commw. Ct. 2023). | |

| Court Opinions and Cases (chronological) | | |
|--|--|--|
| 362. | <i>Brandywine Hosp., LLC v. Cnty. of Chester Bd. of Assess't Appeals</i> , 291 A.3d 467 (Pa. Commw. Ct. 2023). | |
| 363. | <i>Jennersville Hosp., LLC v. Cnty of Chester Bd. </i> , 293 A.3d 1248 (Pa. Commw. Ct. 2023). | |

| Federal Laws | | |
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| 364. | 5 U.S.C. § 553. | |
| 365. | 5 U.S.C. § 603. | |
| 366. | 5 U.S.C. § 704. | |
| 367. | 5 U.S.C. § 801. | |
| 368. | 5 U.S.C. § 804. | |
| 369. | 15 U.S.C. § 1. | |
| 370. | 15 U.S.C. § 2. | |
| 371. | Clayton Antitrust Act, 38 Stat. 730, ch. 323, P.L. 63–212 (1915) (15 U.S.C. §§ 12-27). | |
| 372. | 15 U.S.C. § 15. | |
| 373. | Federal Trade Commission Act of 1914, Pub. L. No. 63-203, 38 Stat. 717 (codified as amended at 15 U.S.C. §§ 41– 58). | |
| 374. | 15 U.S.C. § 44. | |
| 375. | 15 U.S.C. § 45. | |
| 376. | FTC Collaboration Act of 2021, Pub. L. No. 117-187, 136 Stat. 2201 (2022). | |
| 377. | 15 U.S.C. § 1331 <i>et. seq.</i> | |
| 378. | 18 U.S.C. § 1831. | |
| 379. | 18 U.S.C. § 1832. | |
| 380. | 18 U.S.C. § 1834. | |
| 381. | Defend Trade Secrets Act, Pub. L. No. 114-153, 130 Stat. 376 (May 11, 2016). | |
| 382. | 18 U.S.C. § 1836. | |
| 383. | 18 U.S.C. § 1839. | |
| 384. | 26 U.S.C. § 501. | |
| 385. | Federal Labor Standards Act, 29 U.S.C. § 201 <i>et seq.</i> | |
| 386. | 29 U.S.C. § 203(g). | |
| 387. | 44 U.S.C. § 3501 <i>et seq.</i> | |
| 388. | 44 U.S.C. § 3502. | |
| 389. | 44 U.S.C. § 3506. | |
| 390. | 49 U.S.C. § 41712(a). | |
| 391. | 50 U.S.C. § 1709. | |
| 392. | Undertaking Spam, Spyware, and Fraud With Enforcers beyond Borders Act of 2006 (U.S. SAFE WEB Act of 2006), Pub. L. 109-455, 120 Stat. 3372 (Dec. 22, 2006). | |
| 393. | 5 CFR § 1320. | |
| 394. | 13 CFR § 121.201. | |
| 395. | 16 CFR § 318.5. | |
| 396. | 16 CFR § 436.5. | |
| 397. | Franchise Rule, 16 CFR § 436. | |
| 398. | Disclosure Requirements and Prohibitions Concerning Franchising, 16 CFR § 436.10(b). | |
| 399. | Business Opportunity Rule, 16 CFR § 437.9(b). | |
| 400. | Funeral Rule, 16 CFR § 453.9. | |
| 401. | Labeling and Advertising of Home Insulation, 16 CFR § 460.24(b). | |

| Federal Laws | | |
|---------------------|---------------------------|--|
| 402. | 17 CFR § 9.11. | |
| 403. | 17 CFR § 203.501. | |
| 404. | 17 CFR § 203.501(f). | |
| 405. | 17 CFR § 229.402(a)(3). | |
| 406. | 17 CFR § 240.3b-1 et seq. | |
| 407. | 17 CFR § 240.13d-1. | |
| 408. | 26 CFR § 1.280G-1. | |
| 409. | 29 CFR § 38.79. | |
| 410. | 29 CFR § 541.100. | |
| 411. | 29 CFR § 541.200. | |
| 412. | 29 CFR § 541.601. | |
| 413. | 29 CFR § 778.211. | |

| | State Laws (alphabetical by State) | | |
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| 414. | 48 States, DC, Puerto Rico, Virgin Islands | Unif. Tr. Secrets Act with 1985 Amends. (Unif. L. Comm'n 1986). | |
| 415. | California | Cal. Bus. & Prof. Code § 16600 (West). | |
| 416. | California | Cal. Bus. & Prof. Code § 16601 (West). | |
| 417. | California | Cal. Bus. & Prof. Code § 16602 (West). | |
| 418. | California | 2023 Cal. Legis. Serv. 699 (West). | |
| 419. | California | Cal. Lab. Code § 925 (West). | |
| 420. | Colorado | Colo. Rev. Stat. Ann. § 8-2-113 (West). | |
| 421. | Colorado | 7 Colo. Code Regs. § 1103-14:1 (West). | |
| 422. | Colorado | Colo. Rev. Stat. Ann. § 8-2-113 (West). | |
| 423. | Connecticut | Conn. Gen. Stat. Ann. § 20-681 (West). | |
| 424. | District of Columbia | D.C. Code § 32-581.02 (West). | |
| 425. | District of Columbia | D.C. Code § 32-581.01 (West). | |
| 426. | Florida | Fla. Stat. Ann. § 542.335. | |
| 427. | Florida | Fla. Stat. Ann. § 542.336. | |
| 428. | Georgia | Ga. Code Ann. § 13-8-57(West). | |
| 429. | Hawaii | Haw. Rev. Stat. § 480-4. | |
| 430. | Illinois | 820 Ill. Comp. Stat. 90/10 (West). | |
| 431. | Indiana | Ind. Code § 25-22.5-5.5-2 (West). | |
| 432. | Iowa | Iowa Code § 135Q.2 (West). | |
| 433. | Kentucky | Ky. Rev. Stat. Ann. § 216.724 (West) | |
| 434. | Louisiana | La. Rev. Stat. 23:921 (West). | |
| 435. | Maine | Me. Rev. Stat. Ann. tit. 26, § 599-A (West). | |
| 436. | Maryland | Md. Code Ann., Lab. & Empl. § 3-716 (West). | |
| 437. | Massachusetts | Mass. Gen. Laws Ann. ch. 149, § 24L (West). | |
| 438. | Minnesota | Minn. Stat. Ann. § 181.988 (effective July 1, 2023). | |
| 439. | Minnesota | Minn. Stat. 2022 § 181.988, State of Minn., Senate, Ninety-Third Sess., S.F. No. 3035 (2023). | |
| 440. | Nevada | Nev. Rev. Stat. Ann. § 613.195 (West). | |
| 441. | New Hampshire | N.H. Rev. Stat. Ann. § 275:70-a (effective Sept. 8, 2019) . | |
| 442. | New Hampshire | N.H. Rev. Stat. Ann. § 275:70 (effective July 28, 2014). | |
| 443. | New Mexico | N.M. Stat. Ann. § 24-1I. | |
| 444. | North Dakota | N.D. Cent. Code Ann. § 9-08-06 (West). | |
| 445. | Oklahoma | Okla. Stat. Ann. tit. 15, § 218 (West). | |

| | | State Laws (alphabetical by State) | |
|------|--------------|--|--|
| 446. | Oklahoma | Okla. Stat. Ann. tit. 15, § 219 (West). | |
| 447. | Oklahoma | Okla. Stat. Ann. tit. 15, § 219A (West). | |
| 448. | Oregon | Or. Rev. Stat. Ann. § 653.295 (West). | |
| 449. | Rhode Island | 28 R.I. Gen. Laws Ann. § 28-59-2 (West). | |
| 450. | Rhode Island | 29 R.I. Gen. Laws Ann. § 28-59-3 (West). | |
| 451. | South Dakota | S.D. Codified Laws § 53-9-11. | |
| 452. | Texas | Tex. Bus. & Com. Code Ann. § 15.50 (West). | |
| 453. | Texas | Tex. Bus. & Com. Code Ann. § 15.51 (West). | |
| 454. | Texas | Tex. Bus. & Com. Code Ann. § 15.52 (West). | |
| 455. | Utah | Utah Code Ann. § 34-51-201 (West). | |
| 456. | Virginia | Va. Code Ann. § 40.1-28.7:8 (West). | |
| 457. | Washington | Wash. Rev. Code Ann. § 49.62.020 (West). | |
| 458. | Washington | Wash. Rev. Code Ann. § 49.62.030 (West). | |
| 459. | Washington | Wash. Rev. Code Ann. § 49.62.090 (West). | |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|---|-----------------|
| Doc. No. | Description | Page No. |
| 460. | Harlan Blake, <i>Employee Agreements Not to Compete</i> , 73 Harv. L. Rev. 625 (1960).* | |
| 461. | Restatement (Second) of Contracts sec. 188 (1981).* | |
| 462. | William E. Kovacic, <i>The Federal Trade Commission and Congressional Oversight of Antitrust Enforcement</i> , 17 Tulsa L.J. 587 (1982).* | |
| 463. | Todd D. Rakoff, <i>Contracts of Adhesion: An Essay in Reconstruction</i> , 96 Harv. L. Rev. 1173 (1983).* | |
| 464. | Ariel Pakes, <i>On patents, R & D, and the stock market rate of return</i> , 93 J. Pol. Econ. 390 (1985).* | |
| 465. | Ariel Pakes, <i>Patents as Options: Some Estimates of the Value of Holding European Patent Stocks</i> , 54 Econometrica 755 (1986).* | |
| 466. | U.S. Census Bureau, Survey of Income and Program Participation (1996), available at https://www.census.gov/programs-surveys/sipp/data/datasets.html .** | |
| 467. | U.S. Bureau of Labor Statistics, NLSY97 Data Overview, https://perma.cc/WD63-ZNDE . | 1 |
| 468. | President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry, <i>Consumer Bill of Rights and Responsibilities</i> (1997), https://perma.cc/C7JF-QDFC . | 3 |
| 469. | Vassilis Papadakis & Dimitris Bourantas, <i>The Chief Executive Officer as Corporate Champion of Technological Innovation: An Empirical Investigation</i> , 10 Tech. Analysis & Strategic Mgmt. 89 (1998).* | |
| 470. | Ronald J. Gilson, <i>The Legal Infrastructure of High Technology Industrial Districts: Silicon Valley, Route 128, and Non-Compete Clauses</i> , 74 N.Y.U. L. Rev. 575 (1999).* | |
| 471. | Exec. Order No. 13175, 65 Fed. Reg. 67249 (Nov. 6, 2000). | 45 |
| 472. | U.S. Census Bureau, Survey of Income and Program Participation (2001), available at https://www.census.gov/programs-surveys/sipp/data/datasets.html .** | |
| 473. | Robert Hillman & Jeffrey Rachlinski, <i>Standard-Form Contracting in the Electronic Age</i> , 77 N.Y.U. L. Rev. 429 (2002).* | |
| 474. | Vincent Barker III & George Mueller, <i>CEO characteristics and firm R&D spending</i> , 48 Mgmt. Sci. 782 (2002).* | |
| 475. | Michael G. Vita & Seth Sacher, <i>The Competitive Effects of Not-For-Profit Hospital Mergers: A Case Study</i> , 49 J. Indus. Econ. 63 (2001).* | |
| 476. | Russell Korobkin, <i>Bounded Rationality, Standard Form Contracts, and Unconscionability</i> , 70 U. Chi. L. Rev. 1203 (2003).* | |
| 477. | Toby E. Stuart & Olav Sorenson, <i>Liquidity events and the geographic distribution of entrepreneurial activity</i> , 48 Admin. Sci. Q. 175 (2003)* | |

| | Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | |
|------|--|--|
| 478. | Yasemin Kor, <i>Experience-based top management team competence and sustained growth</i> , 14 <i>Org. Sci.</i> 707 (2003).* | |
| 479. | Eleanore R. Godfrey, <i>Inevitable Disclosure of Trade Secrets: Employee Mobility v. Employer Rights</i> , 3. <i>J. High Tech. L.</i> 161 (2004).* | |
| 480. | U.S. Census Bureau, <i>Survey of Income and Program Participation</i> (2004), https://www.census.gov/programs-surveys/sipp/data/datasets.html .** | |
| 481. | Harley Frazis & J.R. Speltzer, <i>Worker training: What we've learned from the NLSY79</i> , 128 <i>Monthly Lab. Rev.</i> 48 (2005), https://www.bls.gov/opub/mlr/2005/02/art7full.pdf .* | |
| 482. | April Franco, <i>Employee Entrepreneurship: Recent Research and Future Directions</i> , in <i>Handbook of Entrepreneurship Research</i> (2005).* | |
| 483. | Harley Frazis & Mark Loewenstein, <i>Reexamining the returns to training: Functional form, magnitude, and interpretation</i> , 40 <i>J. Hum. Res.</i> 453 (2005).* | |
| 484. | Rachel Arnow-Richman, <i>Cubewrap Contracts and Worker Mobility: The Dilution of Employee Bargaining Power via Standard Form Noncompetes</i> , 2006 <i>Mich. St. L. Rev.</i> 963 (2006).* | |
| 485. | Bruce Fallick et al., <i>Job-Hopping in Silicon Valley: Some Evidence Concerning the Microfoundations of a High-Technology Cluster</i> , 88 <i>Rev. Econ. & Statistics</i> 472 (2006).* | |
| 486. | Cynthia Estlund, <i>Between Rights and Contract: Arbitration Agreements and Non-Compete Covenants as a Hybrid Form of Employment Law</i> , 155 <i>U. Pa. L. Rev.</i> 379 (2006).* | |
| 487. | Stewart J. Schwab & Randall S. Thomas, <i>An Empirical Analysis of CEO Employment Contracts: What Do Top Executives Bargain For?</i> , 63 <i>Wash. & Lee L. Rev.</i> 231 (2006).* | |
| 488. | Porcher L. Taylor, III & Joseph E. Coombs, <i>Non-Competition Agreements and Research Productivity in the Biotechnology Industry</i> , 26 <i>Frontiers of Entrepreneurship Res.</i> 1 (2006).* | |
| 489. | Chris Montville, <i>Reforming the Law of Proprietary Information</i> , 56 <i>Duke L.J.</i> 1159 (2007).* | |
| 490. | Timothy P. Glynn, <i>Interjurisdictional Competition in Enforcing Non-Compete Agreements: Regulatory Risk Management and the Race to the Bottom</i> , 65 <i>Wash. & Lee L. Rev.</i> 1381 (2008).* | |
| 491. | Catherine C. Eckel & Philip J. Grossman, <i>Men, Women and Risk Aversion: Experimental Evidence</i> , <i>Handbook of Experimental Economics Results</i> (2008).* | |
| 492. | U.S. Census Bureau, <i>Survey of Income and Program Participation</i> (2008), available at https://www.census.gov/programs-surveys/sipp/data/datasets.html .** | |
| 493. | Matt Marx et al., <i>Mobility, Skills, and the Michigan Non-Compete Experiment</i> , 55 <i>Mgmt. Sci.</i> 875 (2009).* | |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|---|----|
| 494. | Steven Klepper, <i>Spinoffs: A Review and Synthesis</i> , 6 European Mgmt. Rev. 159 (2009). | 50 |
| 495. | Joseph Farrell et al., <i>Economics at the FTC: Retrospective Merger Analysis with a Focus on Hospitals</i> , 35 Rev. Indus. Org. 369 (2009).* | |
| 496. | Aaron K. Chatterji, <i>Spawned with a Silver Spoon? Entrepreneurial performance and innovation in the medical device industry</i> , 30 Strategic Management J. 185 (2009).* | |
| 497. | David R. Trossen, <i>Edwards and Covenants Not to Compete in California: Leave Well Enough Alone</i> , 24 Berkeley Tech. L.J. 539 (2009).* | |
| 498. | Rita Almeida & Pedro Carneiro, <i>The return of firm investments in human capital</i> , 16 Lab. Econ. 97 (2009).* | |
| 499. | Jean-Philippe Deschamps, <i>Innovation Leaders: How Senior Executives Stimulate, Steer and Sustain Innovation</i> (John Wiley & Sons, 2009). | 63 |
| 500. | Allison L. Huang et al., <i>Metrics and Tools for Measuring Construction Productivity: Technical and Empirical Considerations</i> , Nat'l Inst. of Standards and Tech., Bldg. and Fire Rsch. Lab., NIST Special Publication 110 (September 2009). | 80 |
| 501. | Gillian Lester & Elizabeth Ryan, <i>Choice of Law and Employee Restrictive Covenants: An American Perspective</i> , 31 Comp. Lab. & Pol'y J. 389 (2010).* | |
| 502. | Youngjoo Cha & Stephen L. Morgan, <i>Structural earnings losses and between-industry mobility of displaced workers, 2003–2008</i> , 39 Social Sci. Res. 1137 (2010).* | |
| 503. | Griffin Toronjo Pivateau, <i>Preserving human capital: Using the noncompete agreement to achieve competitive advantage</i> , 4 J. Bus. Entrepreneurship & L. 319 (2010).* | |
| 504. | Qing Cao et al., <i>Modelling the joint impact of the CEO and the TMT on organizational ambidexterity</i> , 47 J. Mgmt. Stud. 1272 (2010).* | |
| 505. | Steven Tenn, <i>The Price Effects of Hospital Mergers: A Case Study of the Sutter–Summit Transaction</i> , 18 Int'l J. Econ. Bus. 65 (2011).* | |
| 506. | William C. Cirocco, <i>Restrictive Covenants in Physician Contracts: An American Society of Colon and Rectal Surgeons' Survey</i> , 54 Dis. Colon Rectum 482 (2011).* | |
| 507. | Matt Marx, <i>The Firm Strikes Back: Non-Compete Agreements and the Mobility of Technical Professionals</i> , 76 Am. Socio. Rev. 695 (2011).* | |
| 508. | Mark J. Garmaise, <i>Ties that Truly Bind: Noncompetition Agreements, Executive Compensation, and Firm Investment</i> , 27 J. L., Econ., & Org. 376 (2011).* | |
| 509. | Sampsa Samila & Olav Sorenson, <i>Noncompete Covenants: Incentives to Innovate or Impediments to Growth</i> , 57 Mgmt. Sci. 425 (2011).* | |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|---|-----|
| 510. | Norman D. Bishara, <i>Fifty Ways to Leave Your Employer: Relative Enforcement of Non-Compete Clauses, Trends, and Implications for Employee Mobility Policy</i> , 13 U. Pa. J. Bus. L. 751 (2011).* | |
| 511. | Bd. of Govs. of the Fed. Reserve Sys., <i>Incentive Compensation Practices: A Report on the Horizontal Review of Practices at Large Banking Organizations</i> (Oct. 2011). | 259 |
| 512. | Gary Charness & Uri Gneezy, <i>Strong Evidence For Gender Differences in Risk Taking</i> , 83 J. Econ. Behavior & Org. 50 (2012).* | |
| 513. | Kathleen Eisenhardt, <i>Top management teams and the performance of entrepreneurial firms</i> , 40 Small Bus. Econ. 805 (2013).* | |
| 514. | Orly Lobel, <i>Talent Wants to Be Free</i> (Yale Univ. Press, 2013). | 293 |
| 515. | Raffaele Conti, <i>Do Non-Competition Agreements Lead Firms to Pursue Risky R&D Projects?</i> , 35 Strategic Mgmt. J. 1230 (2014).* | |
| 516. | Alessandra Colombelli et al., <i>High-Growth Firms and Technical Knowledge: Do Gazelles Follow Exploration or Exploitation Strategies?</i> , 23 Indus. and Corp. Change 262 (2014).* | |
| 517. | Jean-Philippe Deschamps & Beebe Nelson, <i>Innovation Governance: How Top Management Organizes and Mobilizes For Innovation</i> (John Wiley & Sons, 2014). | 294 |
| 518. | Olubunmi Faleye et al., <i>Do better-connected CEOs innovate more?</i> , 49 J. Fin. & Quantitative Analysis 1201 (2014).* | |
| 519. | Dave Jamieson, <i>Jimmy John's Makes Low-Wage Workers Sign 'Oppressive' Noncompete Agreements</i> , HuffPost (Oct. 13, 2014).* | |
| 520. | Spencer Woodman, <i>Exclusive: Amazon makes even temporary warehouse workers sign 18-month non-compete clauses</i> , The Verge (Mar. 26, 2015). | 321 |
| 521. | Josh Lowensohn, <i>Amazon does an about-face on controversial warehouse worker non-compete contracts</i> , The Verge (Mar. 27, 2015). | 329 |
| 522. | Norman D. Bishara et al., <i>An Empirical Analysis of Non-Competition Clauses and Other Restrictive Post-Employment Covenants</i> , 68 Vand. L. Rev. 1 (2015).* | |
| 523. | Jennie E. Brand, <i>The Far-Reaching Impact of Job Loss and Unemployment</i> , 41 Ann. Rev. of Socio. 359 (2015).* | |
| 524. | Kenneth A. Younge, Tony W. Tong & Lee Fleming, <i>How anticipated employee mobility affects acquisition likelihood: Evidence from a natural experiment</i> , 36 Strategic Mgmt. J. 686 (2015).* | |
| 525. | <i>The Importance of Young Firms for Economic Growth</i> , Policy Brief, Ewing Marion Kauffman Foundation (Sept. 24, 2015). | 331 |
| 526. | U.S. Treas. Dep't, <i>Non-Compete Contracts: Economic Effects and Policy Implications</i> (2016). | 333 |
| 527. | S. Rep. No. 114-220, <i>Defend Trade Secrets Act</i> (2016). | 369 |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|---|-----|
| 528. | Brian T. Yeh, <i>Protection of Trade Secrets: Overview of Current Law and Legislation</i> , Cong. Rsch. Serv. 4 (Report R43714) (2016). | 384 |
| 529. | Kenneth A. Younge & Matt Marx, <i>The value of employee retention: evidence from a natural experiment</i> , 25 J. Econ. & Mgmt. Strategy 652 (2016).* | |
| 530. | Solomon Akrofi, <i>Evaluating the Effects of Executive Learning and Development on Organisational Performance: Implications for Developing Senior Manager and Executive Capabilities</i> , 20 Int'l. J. of Training and Dev. 177 (2016).* | |
| 531. | Brandon Kemp, <i>Noncompetes in Oklahoma Mergers and Acquisitions</i> , 88 Okla. Bar J. 128 (Jan. 21, 2017).* | |
| 532. | Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C (as amended Jan. 23, 2017). | 411 |
| 533. | Leonid Kogan, et al., <i>Technological Innovation, Resource Allocation, and Growth</i> , 132 Quarterly J. Econ. 665 (2017).* | |
| 534. | Devesh Raval, Ted Rosenbaum & Steve Tenn, <i>A Semiparametric Discrete Choice Model: An Application to Hospital Mergers</i> , 55 Econ. Inquiry 1919 (2017).* | |
| 535. | Conor Dougherty, <i>How Noncompete Clauses Keep Workers Locked In</i> , N.Y. Times (May 13, 2017).* | |
| 536. | Brian M. Malsberger, <i>Malsberger's Non-Compete Clauses: A State-by-State Survey</i> (2017).* | |
| 537. | Edward D. Cavanagh, <i>Whatever Happened To Quick Look?</i> , 26 U. Miami Bus. L. Rev. 39 (2017).* | |
| 538. | American Medical Ass'n, <i>Code of Medical Ethics, Policy E-11.2.3.1, Restrictive Covenants</i> (2017). | 447 |
| 539. | Yihui Pan, <i>The Determinants and Impact of Executive-Firm Matches</i> , 63 Mgmt. Sci. 185 (2017).* | |
| 540. | Christopher Garmon, <i>The Accuracy of Hospital Merger Screening Methods</i> , 48 RAND J. of Econ. 1068 (2017). | 458 |
| 541. | CareerBuilder, Press Release, <i>Living Paycheck to Paycheck is a Way of Life for Majority of U.S. Workers, According to New CareerBuilder Survey</i> (Aug. 24, 2017). | 494 |
| 542. | U.S. Small Bus. Admin. Office of Advocacy, <i>How to Comply with the Regulatory Flexibility Act</i> (Aug. 2017). | 496 |
| 543. | Alan B. Krueger & Eric A. Posner, <i>A Proposal for Protecting Low-Income Workers from Monopsony and Collusion</i> , The Hamilton Project (Pol'y Proposal) (Feb. 2018). | 712 |
| 544. | Alexander J.S. Colvin, Econ. Pol'y Inst., Report, <i>The Growing Use of Mandatory Arbitration</i> (Apr. 6, 2018). | 734 |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|---|-----|
| 545. | Evan Starr, Natarajan Balasubramanian, & Mariko Sakakibara, <i>Screening Spinouts? How Noncompete Enforceability Affects the Creation, Growth, and Survival of New Firms</i> , 64 Mgmt. Sci. 552 (2018).* | |
| 546. | David S. Levine & Christopher B. Seaman, <i>The DTSA at One: An Empirical Study of the First Year of Litigation Under the Defend Trade Secrets Act</i> , 53 Wake Forest L. Rev. 105 (2018).* | |
| 547. | Bradley Herring et al., Comparing the Value of Nonprofit Hospitals' Tax Exemption to Their Community Benefits, 55 Inquiry: J. Health Care Org., Provision, Fin. (2018).* | |
| 548. | Carlos J. Serrano, <i>Estimating the gains from trade in the market for patent rights</i> , 59 J. Bus. Entrepreneurship & L. 1877 (2018).* | |
| 549. | Alan Krueger, Luncheon Address: Reflections on Dwindling Worker Bargaining Power and Monetary Policy (Aug. 24, 2018). | 746 |
| 550. | Open Markets Inst. et al., <i>Petition for Rulemaking to Prohibit Worker Non-Compete Clauses</i> (March 20, 2019). | 762 |
| 551. | U.S. Econ. Rsch. Serv., U.S. Dep't of Agric., <i>Commuting Zones and Labor Market Areas</i> , https://perma.cc/MYP2-3PM9 . | 833 |
| 552. | Evan Starr, <i>Consider This: Training, Wages, and the Enforceability of Non-Compete Clauses</i> , 72 I.L.R. Rev. 783 (2019).* | |
| 553. | Evan Starr, Justin Frake, & Rajshree Agarwal, <i>Mobility Constraint Externalities</i> , 30 Org. Sci. 961 (2019).* | |
| 554. | Jessica S. Jeffers, <i>The Impact of Restricting Labor Mobility on Corporate Investment and Entrepreneurship</i> , 37 Rev. Fin. Stud. 1 (2024).* | |
| 555. | Ewing Marion Kauffman Found., <i>Kauffman Foundation State Entrepreneurship Rankings</i> , https://perma.cc/T3SB-QDPD . | 836 |
| 556. | Alexander J.S. Colvin & Heidi Shierholz, Econ. Pol'y Inst., <i>Noncompete Agreements</i> (2019). | 839 |
| 557. | Bradley Hendricks et al., <i>How much do top management teams matter in founder-led firms?</i> , 40 Strategic Mgmt. J. 959 (2019).* | |
| 558. | Pascal Black & Andreas Bausch, Not if, but how CEOs affect product innovation: A systematic review and research agenda, 16 Int'l J. Innovation & Tech. Mgmt. 1 (2019).* | |
| 559. | Bona Fide, Black's Law Dictionary (11th ed. 2019).* | |
| 560. | Maya Miller & Beena Raghavendran, <i>Thousands of Poor Patients Face Lawsuits From Nonprofit Hospitals That Trap Them in Debt</i> , ProPublica (Sept. 13, 2019). | 855 |
| 561. | Dep't of Labor, <i>Fact Sheet #17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA)</i> (Sept. 2019). | 859 |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|---|------|
| 562. | Public Comments of 19 State Attorneys General in Response to the Federal Trade Commission’s January 9, 2020 Workshop on Non-Compete Clauses in the Workplace, FTC-2019-0093-0322 (Mar. 11, 2020). | 863 |
| 563. | Danielle Ofri, <i>Why Are Nonprofit Hospitals So Highly Profitable?</i> , N.Y. Times (Feb. 20, 2020).* | |
| 564. | McKinsey & Company, <i>The next normal in construction: How disruption is reshaping the world’s largest ecosystem</i> (2020). | 881 |
| 565. | Kurt Lavetti, Carol Simon, & William D. White, <i>The Impacts of Restricting Mobility of Skilled Service Workers Evidence from Physicians</i> , 55 J. Hum. Res. 1025 (2020).* | |
| 566. | Matthew S. Johnson, Kurt Lavetti, & Michael Lipsitz, <i>The Labor Market Effects of Legal Restrictions on Worker Mobility 2</i> (2020). | 971 |
| 567. | Evan Starr, J.J. Prescott, & Norm Bishara, <i>The Behavioral Effects of (Unenforceable) Contracts</i> , 36 J. L., Econ., & Org. 633 (2020).* | |
| 568. | Hyo Kang & Lee Fleming, <i>Non-Competes, Business Dynamism, and Concentration: Evidence From a Florida Case Study</i> , 29 J. Econ. & Mgmt. Strategy 663 (2020).* | |
| 569. | Eric Posner, <i>The Economic Basis of the Independent Contractor/Employee Distinction</i> 6 U. Chi. L. Sch. (Coase-Sandor Working Paper Series in Law & Econ., No. 909, 2020). | 1041 |
| 570. | Jonathan M. Barnett & Ted Sichelman, <i>The case for noncompetes</i> , 87 U. Chi. L.Rev. 953 (2020).* | |
| 571. | Gueorgui Kambourov, Iouri Manovskii, & Miana Plesca, <i>Occupational Mobility and the Returns to Training</i> , 53 Can. J. of Econ. 174 (2020).* | |
| 572. | Christopher Kurzhals et al., <i>Strategic Leadership and Technological Innovation: A Comprehensive Review and Research Agenda</i> , 28 Corp. Governance: An Int’l Rev. 437 (2020).* | |
| 573. | Agnieszka Kurczewska & Michal Mackiewicz, <i>Are Jacks-of-All Trades Successful Entrepreneurs? Revisiting Lazear’s Theory of Entrepreneurship</i> , 15 Baltic J. of Mgm’t 411 (2020).* | |
| 574. | U.S. Pat. & Trademark Off., <i>Patent Counts by Origin and Type Calendar Year 2020</i> (last visited Apr. 23, 2024), https://perma.cc/4GT8-QFMH . | 1069 |
| 575. | U.S. Bureau of Lab. Stat., <i>Quarterly Census of Employment and Wages, Employment and Wages Data Viewer</i> (2020), available at https://data.bls.gov/cew/apps/table_maker/v4/table_maker.htm#type=1&year=2020&qtr=A&own=5&ind=10&supp=0 .** | |
| 576. | Am. Hosp. Ass’n, <i>Data & Insights: AHA DataQuery</i> (2020), https://perma.cc/6L7B-FN76 .** Note: The Am. Hosp. Ass'n data set is non-public, and may not be disclosed to third parties pursuant to a data use agreement. | |

| | Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | |
|------|---|------|
| 577. | U.S. Gov't Accountability Off., Tax Administration: Opportunities Exist to Improve Oversight of Hospitals' Tax-exempt status, GAO-20-679 (Sept. 17, 2020). | 1078 |
| 578. | Jasmine Tucker & Jennifer Mondino, <i>Coming Forward: Key Trends and Data from the TIME'S UP Legal Defense Fund</i> (Oct. 2020). | 1118 |
| 579. | Kristopher J. Brown et al., <i>Noncompete Clauses in Applied Behavior Analysis: A Prevalence and Practice Impact Survey</i> , 13 Behav. Analysis Prac. 924 (Dec. 13, 2020).* | |
| 580. | John W. Lettieri, American Enterprise Institute, Policy Brief, <i>A Better Bargain: How Noncompete Reform Can Benefit Workers and Boost Economic Dynamism</i> (Dec. 2020). | 1161 |
| 581. | Cong. Budget Off., <i>Federal Policies in Response to Declining Entrepreneurship</i> (December 2020). | 1190 |
| 582. | Jeff Ostrowski, Bankrate, <i>Survey: Fewer than 4 in 10 Americans could pay a surprise \$1,000 bill from savings</i> (Jan. 11, 2021), https://perma.cc/X8PL-ZEKM . | 1226 |
| 583. | Evan P. Starr, James J. Prescott, & Norman D. Bishara, <i>Noncompete Agreements in the U.S. Labor Force</i> , 64 J. L. & Econ. 53 (2021).* | |
| 584. | Kenneth A. Kuwayti, John R. Lanham, & Candice F. Heinze, Morrison Foerster, Client Alert, <i>Happy Anniversary, DTSA: The Defend Trade Secrets Act at Five</i> (May 25, 2021). | 1235 |
| 585. | Uniform Law Comm'n, <i>Uniform Restrictive Employment Agreement Act</i> (2021).* | |
| 586. | Michael Lipsitz & Evan Starr, <i>Low-Wage Workers and the Enforceability of Noncompete Agreements</i> , 68 Mgmt. Sci. 143 (2022).* | |
| 587. | Donna S. Rothstein & Evan Starr, <i>Mobility Restrictions, Bargaining, and Wages: Evidence from the National Longitudinal Survey of Youth 1997</i> (2021). | 1242 |
| 588. | Omesh Kini, Ryan Williams, & Sirui Yin, <i>CEO Noncompete Agreements, Job Risk, and Compensation</i> , 34 Rev. Fin. Stud. 4701 (2021).* | |
| 589. | Gerald A. Carlino, <i>Do Non-Compete Covenants Influence State Startup Activity? Evidence from the Michigan Experiment</i> (Fed. Rsrv. Bank of Phila. Working Paper 21-26, 2021). | 1277 |
| 590. | Naomi Hausman & Kurt Lavetti, <i>Physician Practice Organization and Negotiated Prices: Evidence from State Law Changes</i> , 13 Am. Econ. J. Applied Econ. 258 (2021).* | |
| 591. | Michael Lipsitz & Mark Tremblay, <i>Noncompete Agreements and the Welfare of Consumers</i> (2021). | 1326 |
| 592. | Matt Marx, <i>Employee Non-compete Agreements, Gender, and Entrepreneurship</i> , Org. Sci. (Online ahead of print) (2021). | 1369 |
| 593. | Lex Machina, <i>Trade Secret Litigation Report 2021</i> , https://perma.cc/L44F-A8BS . | 1387 |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|---|------|
| 594. | Umit G. Gurun, Noah Stoffman, & Scott E. Yonker, <i>Unlocking clients: The importance of relationships in the financial advisory industry</i> , 141 J. Fin. Econ. 1218 (2021).* | |
| 595. | Gjergji Cici, Mario Hendriock, & Alexander Kempf, <i>The impact of labor mobility restrictions on managerial actions: Evidence from the mutual fund industry</i> , 122 J. Banking & Fin. 105994 (2021).* | |
| 596. | Christopher Clifford & William Gerkin, <i>Property rights to client relationships and financial advisor incentives</i> , 76 J. Fin. 2409 (2021).* | |
| 597. | Lauren Weber, <i>The Noncompete Clause Gets a Closer Look</i> , Wall St. J. (Jul. 21, 2021).* | |
| 598. | Donald J. Aspelund & Joan E. Beckner, <i>Employee Noncompetition Law</i> (Aug. 2021).* Note: The 2021 edition of Aspelund & Breckner's <i>Employee Noncompetition Law</i> is no longer available, but the F.T.C. has maintained copies of portions of text relied upon as part of the rulemaking in the 2023 edition. | |
| 599. | Matthew Ma et al., <i>An examination of firm-manager match quality in the executive labor market</i> (2021). | 1389 |
| 600. | Mark Boroush, Nat'l Sci. Found., <i>New Data on U.S. R&D: Summary Statistics from the 2019–20 Edition of National Patterns of R&D Resources</i> (2021), https://perma.cc/3834-8K4L . | 1438 |
| 601. | Rachel Arnow-Richman et al., <i>Supporting Market Accountability, Workplace Equity, and Fair Competition by Reining In Non-Disclosure Agreements</i> , UC-Hastings Research Paper (forthcoming) (Jan. 2022). | 1441 |
| 602. | Dep't of the Treasury, Report, <i>The State of Labor Market Competition</i> (Mar. 7, 2022). | 1454 |
| 603. | Jessica Guynn & Jayme Fraser, <i>Asian Women Are Shut Out of Leadership at America's Top Companies. Our Data Shows Why</i> , USA Today (Apr. 25, 2022).* | |
| 604. | U.S. Bureau of Lab. Stats., <i>Occupational Employment and Wage Statistics, Tables Created by BLS, National XLS Table</i> (May 2022), available at https://www.bls.gov/oes/tables.htm .** | |
| 605. | U.S. Bureau of Lab. Stats., <i>Occupational Employment and Wages, 11-1011 Chief Executives</i> (May 2022), available at https://www.bls.gov/oes/current/oes111011.htm .** | |
| 606. | U.S. Bureau of Lab. Stats., <i>Occupational Outlook Handbook: Top Executives</i> (May 2022), available at https://www.bls.gov/ooh/management/top-executives.htm .** | |
| 607. | Matthew S. Johnson & Michael Lipsitz, <i>Why Are Low-Wage Workers Signing Noncompete Agreements?</i> , 57 J. Hum. Res. 689 (2022).* | |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|--|------|
| 608. | Natarajan Balasubramanian, Jin Woo Chang, Mariko Sakakibara, Jagadeesh Sivadasan, & Evan Starr, <i>Locked In? The Enforceability of Non-Compete Clauses and the Careers of High-Tech Workers</i> , 57 J. Hum. Res. S349 (2022).* | |
| 609. | Sebastian Heise, Fatih Karahan, & Ayşegül Şahin, <i>The Missing Inflation Puzzle: The Role of the Wage-Price Pass-Through</i> , 54 J. Money, Credit & Banking 7 (2022).* | |
| 610. | Fenglong Xiao, <i>Non-Competes and Innovation: Evidence from Medical Devices</i> , 51 Rsch. Pol’y 1 (2022).* | |
| 611. | Rex N. Alley, <i>Business Information and Non-Disclosure Agreements: A Public Policy Framework</i> , 116 Nw. L. Rev. 817 (2022).* | |
| 612. | Brian Callaci & Sandeep Vaheesan, <i>Antitrust Remedies for Fissured Work</i> , 108 Cornell L. Rev. 27 (2022).* | |
| 613. | Salomé Baslandze, <i>Entrepreneurship Through Employee Mobility, Innovation, and Growth</i> (2022). | 1522 |
| 614. | Ege Can & Frank M. Fossen, <i>The enforceability of non-compete agreements and different types of entrepreneurship: evidence from Utah and Massachusetts</i> , 11 J. Entrepreneurship & Pub. Pol’y 223 (2022).* | |
| 615. | Donna S. Rothstein & Evan Starr, <i>Noncompete Agreements, Bargaining, and Wages: Evidence from the National Longitudinal Survey of Youth 1997</i> , June 2022 Mthly. Lab. Rev. (2022).* | |
| 616. | Richardson Oliver Insights, <i>The 2022 brokered patent market</i> (2022). | 1589 |
| 617. | Brian Callaci, Sergio Pinto, Marshall Steinbaum, & Matthew Walsh, <i>Vertical Restraints and Labor Markets in Franchised Industries</i> (Mar. 30, 2023). Note: While the F.T.C. had relied on a 2022 version of the Callaci et al. article, this version is no longer available, and the F.T.C. has instead provided the 2023 version of Callaci et al.’s <i>Vertical Restraints and Labor Markets in Franchised Industries</i> . | 1611 |
| 618. | Jessica Guynn & Jayme Fraser, <i>Only Two Latinas Have Been CEOs at a Fortune 500 Company: Why So Few Hispanics Make It to the Top</i> , USA Today (Aug. 2, 2022).* | |
| 619. | Josh Dylan, <i>What Is Market Cap In Stocks?</i> , Nasdaq.com (Aug, 12, 2022), https://perma.cc/8XUE-79QZ . | 1681 |
| 620. | Russell Beck, Beck Reed Riden LLP, <i>Employee Noncompetes: A State-by-State Survey</i> (Aug. 17, 2022).* | |
| 621. | J.J. Prescott & Evan Starr, <i>Subjective Beliefs About Contract Enforceability</i> (Aug. 26, 2022) (forthcoming J. Legal Stud.). | 1685 |
| 622. | U.S. Bureau of Labor Statistics, <i>Quarterly Census of Employment and Wages, Employment and Wages Data Viewer</i> (2022), https://perma.cc/29EB-36V7 . | 1767 |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|--|------|
| 623. | Implementation of Additional Export Controls: Certain Advanced Computing and Semiconductor Manufacturing Items; Supercomputer and Semiconductor End Use; Entity List Modification, Interim Final Rule; Request for Comments, 87 FR 62186 (Oct. 13, 2022). | 1769 |
| 624. | William F. Sherman et al., <i>The Impact of a Non-compete on Patient Care and Orthopaedic Surgeons in the State of Louisiana: Afraid of a Little Competition?</i> , 14 Orthop. Rev. (Oct. 2022). | 1799 |
| 625. | Lorri Freifeld, <i>2022 Training Industry Report</i> , Training Magazine (Nov. 16, 2022), https://perma.cc/YNS3-YDBJ . | 1815 |
| 626. | Sandy Dietrich & Erik Hernandez, <i>U.S. Census Bureau, Nearly 68 Million People Spoke a Language Other Than English at Home in 2019</i> (Dec. 6, 2022), https://perma.cc/92HY-9TMS . | 1836 |
| 627. | Bureau of Labor Statistics, Employment and Wages Data Viewer (last visited Dec. 9, 2022), available at https://data.bls.gov/cew/apps/data_views/data_views.htm#tab=Tables .** | |
| 628. | U.S. Census Bureau, Statistics of U.S. Businesses (SUSB), available at https://www.census.gov/programs-surveys/susb.html .** | |
| 629. | Off. of Mgmt. & Budget, <i>Historical Tables</i> , available at https://www.whitehouse.gov/omb/budget/historical-tables/ (last visited Dec. 9, 2022).** | |
| 630. | Gary Anderson, John Jankowski, & Mark Boroush, Nat'l Sci. Found., U.S. R&D Increased by \$51 Billion in 2020 to \$717 Billion; Estimate for 2021 Indicates Further Increase to \$792 Billion (2023). | 1841 |
| 631. | The Daily, <i>How Nonprofit Hospitals Put Profits Over Patients</i> (Jan. 5, 2023).* | |
| 632. | Rosemary Scott, <i>FTC's Non-Compete Law Could Propel Rise in Trade Secrets Lawsuits</i> , BioSpace (Feb. 8, 2023), https://perma.cc/8KFW-G2VQ . | 1856 |
| 633. | C.W.A. and Nat'l Employment L. Project, <i>Broken Network: Workers Expose Harms of Wireless Telecom Carriers' Outsourcing to "Authorized Retailers"</i> (Feb. 2023). | 1862 |
| 634. | Nat'l Ass'n of Mfrs., <i>Noncompete Survey Data Report</i> (Mar. 2023). | 1882 |
| 635. | Small Bus. Majority, <i>Opinion Poll: Small Business Owners Support Banning Non-Compete Agreements</i> (2023). | 1887 |
| 636. | U.S. Gov't Accountability Off., Testimony Before the Subcommittee on Oversight, Committee on Ways and Means, House of Representatives, <i>Tax Administration: IRS Oversight of Hospital's Tax-Exempt Status</i> , GAO-23-106777 (Apr. 26, 2023). | 1891 |
| 637. | Andrew Van Dam, <i>The real reason America's nonprofit sector is seeing massive growth, and more!</i> , Wash. Post (May 12, 2023), https://perma.cc/8R7W-NNDZ .* | |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|--|------|
| 638. | <i>Federal Preemption: A Legal Primer</i> , Cong. Res. Serv. (May 18, 2023) (Report R45825). | 1908 |
| 639. | Emma Rockall & Kate Reinmuth, <i>Protect or Prevent? Non-Compete Agreements and Innovation</i> (May 25, 2023). | 1940 |
| 640. | Andis Robeznieks, <i>AMA backs effort to ban many physician noncompete provisions</i> , <i>American Medical Association</i> (June 13, 2023). | 2010 |
| 641. | Tyler Boesch et al., <i>New data on non-compete contracts and what they mean for workers</i> , <i>Fed. Reserve Bank Minn.</i> (June 21, 2023). | 2012 |
| 642. | Zhaozhao He, <i>Motivating Inventors: Non-Competes, Innovation Value and Efficiency</i> (2021, 2023). | 2018 |
| 643. | Matthew S. Johnson, Kurt J. Lavetti & Michael Lipsitz, <i>The Labor Market Effects of Legal Restrictions on Worker Mobility</i> , Nat'l Bureau of Econ. Rsch. (2023). | 2142 |
| 644. | Matthew Johnson, Michael Lipsitz & Alison Pei, <i>Innovation and the Enforceability of Non-compete Agreements</i> (2023). | 2238 |
| 645. | Liyan Shi, Optimal regulation of noncompete contracts, 91 <i>Econometrica</i> 425 (2023).* Note: While the F.T.C. had relied on a 2022 version of the Shi article, this version is no longer available, and the F.T.C. has instead maintained a 2023 version of Shi's Optimal regulation of noncompete contracts. | |
| 646. | Wright & Miller, <i>Federal Practice and Procedure</i> (2d ed. 2023). * | |
| 647. | Fitzpatrick Matrix, https://perma.cc/6K3U-GALN . | 2285 |
| 648. | Austan Goolsbee et al., <i>The Strange and Awful Path of Productivity in the U.S. Construction Sector</i> (NBER Working Paper 30845, Jan. 2023). | 2289 |
| 649. | Benjamin Glasner, <i>The Effects of Noncompete Agreement Reforms on Business Formation: A Comparison of Hawaii and Oregon</i> , Econ. Innovation Group White Paper (2023). | 2318 |
| 650. | Clemens Mueller, <i>Non-Compete Agreements and Labor Allocation Across Product Markets</i> , Proceedings of the EUROFIDAI-ESSEC Paris December Finance Meeting 2023 (2023). | 2336 |
| 651. | U.S. Bureau of Lab. Stats., Research series on percentiles of usual weekly earnings of nonhourly full-time workers, https://perma.cc/6YTD-8RSC . | 2385 |
| 652. | Small Bus. Admin., Office of Advocacy, <i>2023 Small Business Profile</i> (2023). | 2389 |
| 653. | Felicien Goudou, <i>The Employment Effects of Non-compete Contracts: Job Retention versus Job Creation</i> (2023). | 2393 |
| 654. | Gloria Huang, Lex Machina, Lex Machina Releases its 2023 Trade Secret Litigation Report (July 13, 2023), https://perma.cc/YCH6-8LKU . | 2438 |
| 655. | Press Release, Office of U.S. Sen. Chuck Grassley, <i>Bipartisan Senators Probe Potential Abuse Of Tax-Exempt Status By Nonprofit Hospitals</i> (Aug. 9, 2023). | 2441 |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|--|------|
| 656. | Internal Revenue Serv., <i>Definitions</i> (Aug. 29, 2023), https://perma.cc/K4QK-YM5N . | 2442 |
| 657. | U.S. Bureau of Lab. Stats., Occupational Outlook Handbook, Human Resources Specialists (last modified Sept. 6, 2023), https://perma.cc/DAA2-ZRT6 . | 2446 |
| 658. | U.S. Bureau of Lab. Stats., Occupational Outlook Handbook: Lawyers (last modified Sept. 6, 2023), https://perma.cc/KG9X-DAE3 . | 2453 |
| 659. | Ctrs. for Medicare & Medicaid Servs., National Health Expenditure Data, Health Expenditures by State of Provider, 1980–2020 (last modified Sep. 6, 2023), available at https://www.cms.gov/data-research/statistics-trends-and-reports/national-health-expenditure-data/state-provider .** | |
| 660. | Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, NPRM, 88 FR 62152 (Sept. 8, 2023). | 2461 |
| 661. | Leslie Crowe, <i>How to Hire Your First Leadership Team</i> (Oct. 24, 2023), https://perma.cc/CEB3-BRNR . | 2550 |
| 662. | Small Bus. Admin., <i>Table of Size Standards</i> (last updated Oct. 25, 2023). | 2560 |
| 663. | I.R.S., COLA Increases for Dollar Limitations on Benefits and Contributions (updated Nov. 7, 2023), https://perma.cc/A9AY-VJ9U . | 2601 |
| 664. | U.S. Census Bureau, 2021 SUSB Annual Data Tables by Establishment Industry (2023), available at https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html .** | |
| 665. | Mayu Takeuchi & Joseph Parilla, Brookings Inst., <i>Federal Investments in Sector-Based Training Can Boost Workers' Upward Mobility</i> (Dec. 7, 2023), https://perma.cc/ZV94-DU3T . | 2604 |
| 666. | U.S. Census Bureau, <i>NAICS codes that constitute high-technology industries</i> (accessed December 14, 2023), https://perma.cc/LD89-Q52E . | 2613 |
| 667. | Jessica Jeffers, <i>The Impact of Restricting Labor Mobility on Corporate Investment and Entrepreneurship</i> , 37 Rev. of Fin. Stud. 1 (2024).* | |
| 668. | Natarajan Balasubramanian, Evan Starr, & Shotaro Yamaguchi, <i>Employment Restrictions on Resource Transferability and Value Appropriation from Employees</i> (Jan. 18, 2024). Note: While the F.T.C. had relied on a 2022 version of the Balasubramanian et al. article, this version is no longer available, and the F.T.C. has instead provided a 2023 version of Balasubramanian et al.'s <i>Employment Restrictions on Resource Transferability and Value Appropriation from Employees</i> . | 2614 |
| 669. | Small Bus. Admin., <i>8(a) Business Development program</i> (last updated Jan. 25, 2024), https://perma.cc/7K3Z-TXNC . | 2672 |

| Additional Materials (chronological) *Copyright identified and on file with the Federal Trade Commission **Data set available from public source indicated, unless noted otherwise | | |
|--|--|------|
| 670. | Takuya Hiraiwa, Michael Lipsitz & Evan Starr, <i>Do Firms Value Court Enforceability of Noncompete Agreements? A Revealed Preference Approach</i> (Jan. 30, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4364674 . | 2679 |
| 671. | Camilla Alexandra Hrdy & Christopher B. Seaman, <i>Beyond Trade Secrecy: Confidentiality Agreements That Act Like Noncompetes</i> , 133 Yale. L.J. 692 (2024).* | |
| 672. | Steven Ruggles et al., <i>IPUMS USA: Version 15.0</i> . Minneapolis, MN: IPUMS (2024). https://doi.org/10.18128/D010.V15.0 (American Community Survey 2022 data, adjusted to 2023 dollars and excluding government and non-profit workers).** | |
| 673. | Brad N. Greenwood, Bruce Kobayashi, & Evan Starr, <i>Can You Keep a Secret? Banning Noncompetes Does Not Increase Trade Secret Litigation</i> (2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4771171 . | 2747 |
| 674. | Fed. Reserve Bank of Saint Louis, <i>Average Weekly Hours</i> , https://perma.cc/844J-LDG5 . | 2787 |
| 675. | Fenwick & West LLC, <i>Summary of Non-Compete Clauses: A Global Perspective</i> . | 2789 |
| 676. | U.S. Census Bureau, Glossary, https://perma.cc/B6VD-E2UH . | 3195 |
| 677. | Off. of Pers. Mgm't, <i>Patients' Bill of Rights</i> , https://perma.cc/B547-52NZ . | 3202 |
| 678. | Gov.UK, <i>Handing in your notice</i> , https://perma.cc/37G5-YFW7 . | 3208 |
| 679. | American Bar Ass'n, Model Rule 5.6. | 3212 |

| Federal Trade Commission, Open Commission Meeting of April 23, 2024 | | |
|--|--|-----------------|
| Doc. No. | Description | Page No. |
| 680. | Fact Sheet on FTC's Proposed Final Noncompete Rule (April 23, 2024), https://www.ftc.gov/news-events/news/press-releases/2024/04/fact-sheet-ftcs-proposed-final-noncompete-rule . | |
| 681. | Fed. Trade Comm'n, Record of Open Commission Meeting of April 23, 2024, https://www.ftc.gov/news-events/events/2024/04/open-commission-meeting-april-23-2024 . | |
| 682. | Final Rule: Non-Compete Clause Rule, Matter No. 2201200, RIN 3084-AB74, announced April 23, 2024, available at https://www.ftc.gov/system/files/ftc_gov/pdf/noncompete-rule.pdf . | |
| 683. | Noncompete Clause Rule, Staff Presentation for Open Commission Meeting, April 23, 2024. | 3214 |
| 684. | Video, Public Commission Meeting (April 23, 2024), https://www.ftc.gov/media/public-commission-meeting-april-23-2024 . | |
| 685. | Transcript, Open Commission Meeting (April 23, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/transcript_-_ftc_open_commission_meeting-4.23.24.pdf . | |

| Doc. No. | Commissioner | Description | Page No. |
|-----------------|---------------------|--|-----------------|
| | | Commissioner Materials (Commissioners are ordered by tenure, and documents are ordered chronologically by commissioner) *Copyright identified and on file with the Federal Trade Commission | |
| 686. | Bedoya | Mark A. Glick, Darren Bush & Jonathon Q. Hafen, <i>The Law and Economics of Post-Employment Covenants: A Unified Framework</i> , 11 Geo. Mason L. Rev. 357 (2002). | 3221 |
| 687. | Bedoya | Charles Tait Graves, <i>Analyzing the Non-Competition Covenant as a Category of Intellectual Property Regulation</i> , 3 Hastings Sci. & Tech. L.J. 69 (2011). | 3283 |
| 688. | Bedoya | Matt Marx & Lee Fleming, <i>Non-compete Agreements: Barriers to Entry . . . and Exit?</i> , 12 Innovation Pol’y & Econ. 39 (2012).* | |
| 689. | Bedoya | Matt Marx, Jasjit Singh & Lee Fleming, <i>Regional Disadvantage? Employee Non-compete Agreements and Brain Drain</i> , 44 Research Pol’y 394 (2015).* | |
| 690. | Bedoya | White House, <i>Non-Compete Agreements: Analysis of the Usage, Potential Issues, and State Responses</i> (May 2016). | 3324 |
| 691. | Bedoya | Hiba Hafiz, <i>Labor’s Antitrust Paradox</i> , 86 U. Chi. L. Rev. 381 (2019). | 3340 |
| 692. | Bedoya | Eric A. Posner, <i>The Anticompetitive Effects of Covenants Not to Compete</i> , CPI Antitrust Chron. (Jan. 2020).* | |
| 693. | Bedoya | Eric A. Posner, <i>The Antitrust Challenge to Covenants Not to Compete in Employment Contracts</i> , 83 Antitrust L.J. 165 (2020).* | |
| 694. | Bedoya | Ioana Marinescu & Eric A. Posner, <i>Why Has Antitrust Law Failed Workers?</i> , 105 Cornell L. Rev. 1343 (2020). | 3371 |
| 695. | Bedoya | Christopher B. Seaman, <i>Noncompetes and Other Post-Employment Restraints on Competition: Empirical Evidence from Trade Secret Litigation</i> , 72 Hastings L.J. 1183 (2021). | 3423 |
| 696. | Bedoya | Herbert Hovenkamp, <i>President Biden’s Executive Order on Competition: An Antitrust Analysis</i> , 64 Ariz. L. Rev. 383 (2022). | 3467 |
| 697. | Holyoak | David L. Shapiro, <i>The Choice of Rulemaking or Adjudication in the Development of Administrative Policy</i> , 78 Harv. L. Rev. 921 (1965).* | |
| 698. | Holyoak | Thomas W. Merrill & Kathryn T. Watts, <i>Agency Rules with the Force of Law: The Original Convention</i> , 116 Harv. L. Rev. 467 (2002).* | |
| 699. | Holyoak | Kristin E. Hickman, <i>The Roberts Court’s Structural Incrementalism</i> , 136 Harv. L. Rev. F. 75 (2022). | 3501 |
| 700. | Holyoak | Thomas W. Merrill, <i>Antitrust Rulemaking: The FTC’s Delegation Deficit</i> , 75 Admin. L. Rev. 277 (2023). | 3523 |

| | | Commissioner Materials (Commissioners are ordered by tenure, and documents are ordered chronologically by commissioner) *Copyright identified and on file with the Federal Trade Commission | |
|------|----------|--|------|
| 701. | Ferguson | The Federalist No. 52 (J. Madison) (C. Rossiter ed. 1961). | 3563 |
| 702. | Ferguson | Charles E. Carpenter, <i>Validity of Contracts Not to Compete</i> , 76 U. Pa. L. Rev. 244 (1928).* | |
| 703. | Ferguson | Jay B. Sykes, Cong. Res. Serv., <i>The FTC's Competition Rulemaking Authority</i> (Jan. 11, 1968). | 3567 |
| 704. | Ferguson | Jonathan R. Siegel, <i>Textualism and Contextualism in Administrative Law</i> , 78 B.U.L. Rev. 1023 (1998).* | |
| 705. | Ferguson | William E. Kovacic, <i>The Durability of the Biden Administration's Competition Policy Reforms</i> , 29 Geo. Mason L. Rev. 945 (2022). | 3573 |