

STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



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September 19, 2023

National Association of Attorneys General  
1850 M Street NW, 12<sup>th</sup> Floor  
Washington, DC 20036

Dear NAAG Awards Committee,

Re: Senior Staff of the Year Award

This year I would be remiss not to nominate Melissa Holyoak for the NAAG Senior Staff of the Year award. During the past three years in which Melissa has worked as Utah's Solicitor General, she has far surpassed my expectations and firmly set her place as a distinguished member of the Utah Attorney General's Office. She leads her appellate, constitutional defense, and antitrust divisions with expertise displayed only by the finest lawyers in the nation. Due to her professionalism and acute legal mind, she has elevated the work of the office, leading complex litigation against high-powered organizations such as the EPA, Google, and Apple to name just a few.

Melissa's reach and influence far expand the borders of the State of Utah. Melissa has been an integral leader in many multi-state lawsuits nationally, all of which require a strategic and discerning intellect that she consistently demonstrates. In addition, her leadership ability and warm nature enable her to drive such efforts with grace and civility, earning the respect of all those she works with.

Melissa has recently been nominated by President Biden to serve as a Commissioner of the Federal Trade Commission. Such a prestigious nomination speaks volumes of her ability.

Please accept this deserved nomination for Senior Staff of the Year. I believe Melissa's service to Utah and the nation is proof of her dedication to public service, the rule of law, and to the consumers she works valiantly to protect. If chosen as the recipient of this award, the honor would be warranted and appropriate in recognition of her exemplary achievements.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. D. Reyes".

Sean D. Reyes  
Utah Attorney General

## **Nomination of Melissa A. Holyoak NAAG Senior Staff of the Year Award**

The Utah Attorney General's Office ("Office") hereby nominates Melissa Holyoak for the NAAG Senior Staff of the Year Award. In September 2020, Melissa Holyoak became the Utah Solicitor General with the Office, where she manages the civil appeals, criminal appeals, constitutional defense and special litigation, and antitrust and data privacy divisions. In that capacity, she oversees merger reviews, data privacy and antitrust enforcement actions, and provides leadership in consumer protection matters. Holyoak was recently nominated by President Biden to serve as a Commissioner of the Federal Trade Commission.

Holyoak served in positions as a public interest attorney with the Competitive Enterprise Institute and the Center for Class Action Fairness. She also worked as an associate with O'Melveny & Myers prior to joining the Office. Holyoak was a litigator with much of her twenty years of practice focused on consumer protection. Holyoak served as president and general counsel of Hamilton Lincoln Law Institute, a Washington, D.C.-based public interest firm representing consumers challenging unfair class actions and regulatory overreach. Holyoak was one of the successful petitioners in the 2019 Supreme Court case *Frank v. Gaos*. Holyoak has argued in the Fifth, Seventh, Eighth, Ninth, Tenth and D.C. Circuits.

Recently, she guided the State's constitutional and special litigation matters in a variety of areas including public lands, environment, and energy. For example, in *Utah v. EPA*, she was recently successful on a motion to stay in the Tenth Circuit of EPA's disapproval of Utah's state implementation plan related to the ozone transport rule. Her work also includes multistate, bipartisan efforts as well. She leads the Office's work in *Utah v. Google*, an antitrust lawsuit filed by 39 states challenging Google's exclusionary conduct relating to the Google Play Store, an app store for Android. The states recently announced a settlement with Google and 50 states, the District of Columbia, and Puerto Rico. Relatedly, she led two amicus briefs filed by 35 states in the Ninth Circuit relating to a lawsuit against Apple alleging anticompetitive conduct relating to the iOS App Store. In the U.S. Supreme Court, she led a 15-state bipartisan amicus supporting North Carolina in *Stein v. PETA*, No. 22-1150, a case involving the ability of states to protect their citizens' private property from unwarranted intrusion by deceptive individuals.

On a personal level, Melissa is a warm and wonderful colleague and mentor, both in Utah and nationally. She has a delightful sense of humor and is beloved by superiors, peers and subordinates alike. She is adept at dealing with the executive branch, the Legislature and the judiciary, and she is forthright, candid, and persuasive in representing her clients. Melissa consistently provides sound legal analysis for the attorneys she supervises as they take on some of the most challenging issues facing the State of Utah. Melissa's quick mind and tireless work ethic have helped the Office defend Utah's laws against a myriad of constitutional challenges, and her ability to form strong and lasting relationships with legislative and executive leaders has resulted in amendments to bills and laws that were constitutionally deficient.