

## NEWS & INSIGHTS

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### BLOOMBERG LAW QUOTES BRANDON ESSIG ON KOUSISIS SCOTUS CASE

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Bloomberg Law sought insights from Lightfoot, Franklin & White LLC partner and white-collar defense litigator **Brandon K. Essig** for insights into the United States Supreme Court's upcoming review of *Kousisis v. United States*. At issue in the case is how federal enforcement agencies apply the "fraudulent inducement" theory in mail and wire fraud. **Bloomberg has previously interviewed Essig on Kousisis.**

The case revolves around allegations that a company conspired to defraud the U.S. Department of Transportation and the Pennsylvania Department of Transportation (PennDOT) by misrepresenting a subcontractor as a disadvantaged business enterprise. Despite the deception, PennDOT actually paid less than it otherwise would have. This detail lies at the center of the question before SCOTUS — Can inducing a commercial exchange through deception be considered mail or wire fraud if no economic harm occurred?

Essig, quoted extensively in the **article "Supreme Court Case to Test Reach of Mail, Wire Fraud Statutes" (subscription required)**, focused on what he believes the court's concern will be.

"All kinds of contracts out there say that representations are material — there are hundreds of thousands of cases litigated in the civil context where the allegations are that the defendant misrepresented a material term," he told Bloomberg. "Are all of those now amenable to prosecution under the wire fraud statute?"

A seasoned litigator and former assistant U.S. attorney, Essig maintains a robust civil, white-collar criminal defense and investigations practice. He has tried dozens of high-profile jury cases, and his courtroom experience includes civil and criminal trials in state and federal courts and multiple appellate arguments. Essig also handles a diverse docket of civil cases for the firm's clients in state and federal courts and arbitration forums.