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Law360 Interviews Michael Holecek on Recent Gig Company Cases

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Law360 [PDF] interviewed partner Michael Holecek on some of his recent cases representing gig companies. He discussed the fact that gig companies continue to face independent contractor classification claims, even though they often wind up in arbitration, because of the shifting classification laws.

"In California alone, the classification tests have changed several times over the past few years," he said. "And nationally, the Department of Labor has introduced and then rescinded several classification rules."

Michael also discussed successfully representing gig companies in several recent challenges to city food-delivery platform requirements on First Amendment grounds. He said the wins are because in many cases, a city has a message it wants to convey to consumers or delivery workers or restaurants, and they are passing a rule that requires the gig companies to deliver that message.

He added that “I think in some of these cases, the companies are looking at the law and saying, this is not a message or type of information we want to communicate or want to come through our platform. If the city or state wants to communicate that information, it can. It's a product of the way that some of these regulations are drafted. Instead of saying you must do this, a lot of them are being drafted as, you must say this or communicate this or provide this message. And so when the city frames the law in those terms, it's susceptible to a First Amendment challenge.”

Related Capabilities

Technology Litigation

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Michael Holecek

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