Joseph Barakat

Associate Attorney

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Dallas



Joseph Barakat is a litigation associate in the Dallas office of Gibson Dunn. He is a member of the firm's Appellate and Constitutional Law and Labor and Employment Practice Groups.

Joseph specializes in litigating high stakes appeals and critical motions. He has supported arguments in various courts, including the Ninth Circuit en banc, the Texas Supreme Court, and the California Supreme Court. Joseph has successfully represented clients in cases involving arbitration, contracts, wage-and-hour disputes, constitutional law, data privacy, state enforcement actions, and class and representative actions.

Recent Representative Matters:

- Obtained the first federal circuit decision defeating application of the Federal Arbitration Act's Section 1 exemption to rideshare drivers. See *Capriole v. Uber Techs., Inc.*, 7 F.4th 854 (9th Cir. 2021). Persuaded the Third Circuit to reach the same result and the U.S. Supreme Court to deny review. See *Singh v. Uber Techs., Inc*., 67 F.4th 550 (3d Cir. 2023), *cert. denied*, 144 S. Ct. 566 (2024).
- Convinced a unanimous Ninth Circuit panel to reverse the dismissal of an equal-protection challenge to California's worker classification law A.B. 5. See *Olson v. California*, 62 F.4th 1206 (9th Cir. 2023).
- Persuaded the Austin Court of Appeals to invalidate the Public Utility Commission rule setting prices at their maximum during the 2021 Texas winter storm for exceeding the Commission's statutory mandate. See *Luminant Energy Co. v. PUC*, 665 S.W.3d 166 (Tex. App.—Austin 2023).
- Convinced the Fifth Circuit to reverse the grant of judgment as a matter of law and to remand for a new trial in a trademark infringement case. See *Rex Real Estate I, L.P. v. Rex Real Estate Exch., Inc.*, 80 F.4th 607 (5th Cir. 2023).
- Overturned a $14 million summary judgment by persuading the court to uphold the validity of a payment brand's security program and to revive the brand's counterclaim for fraud. See *Visa Inc. v. Sally Beauty Holdings, Inc.*, 651 S.W.3d 278 (Tex. App.—Fort Worth Dec. 9, 2021, pet. filed). Preserved victory by persuading the Texas Supreme Court to deny review after calling for full merits briefing. Sally *Beauty Holdings, Inc. v. Visa Inc.*, No. 22-0024 (Tex.).
- Persuaded the Fifth Circuit to uphold the dismissal of contractual and tort claims seeking over $12 million dollars. See *Paymentech, L.L.C. v. Landry's Inc.*, 60 F.4th 918 (5th Cir. 2023).
- Achieved a favorable settlement for Meta Platforms in a state enforcement action seeking $300 billion for Meta's alleged capture and use of Texans' biometric data in violation of Texas privacy law. See *State of Texas v. Meta Platforms, Inc.*, No. 22-0121 (71st Dist. Ct., Harrison Cnty., Tex.).

Capabilities

Appellate and Constitutional Law
Higher Education
Labor and Employment
Mass Torts and Product Liability

Credentials

Education

University of Virginia - 2018 Juris Doctor

Presbyterian College - 2014 Bachelor of Arts

Admissions

Texas Bar

Clerkships

US Court of Appeals, 5th Circuit, Hon. Jerry Edwin Smith, 2018 - 2019

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Before joining the firm, Joseph clerked for the Honorable Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit. He attended the University of Virginia School of Law, where he served as an articles editor of the *Virginia Law Review*, drafted a successful cert petition in *Quarles v. United States*, No. 17-778 (U.S.), while participating in the school's Supreme Court Litigation Clinic, and graduated as a member of the Order of the Coif. He earned a Bachelor of Arts in History and Political Science at Presbyterian College, graduating with valedictorian honors.

Joseph is admitted to practice in the State of Texas and the U.S. Court of Appeals for the Fifth Circuit.

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