Catherine A. Conway

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Los Angeles



Cathy Conway is a partner in the Los Angeles office of Gibson, Dunn & Crutcher and member of the firm's Labor and Employment Practice Group. Cathy has sealed her reputation as a leading labor and employment litigator with more than 40 years trial experience representing major companies in high-stakes employment cases. Her practice focuses on complex employment litigation, including class actions with an emphasis on wage and hour litigation trials. She has trial experience in state and federal litigation, including wage and hour claims, employment discrimination, sexual harassment, wrongful discharge, unfair competition, protection of employer trade secrets and unfair business practice litigation under California Business and Professions Code Section 17200. Cathy has advised boards of directors in many confidential investigations and represents a large variety of employers, including national retail companies, insurance companies, Internet companies, manufacturers, banks, investment banking and financial services firms, national restaurant chains, oil companies and law firms.

Cathy joined Gibson Dunn in April 2012.

Recent representations include:

- In a strongly contested sexual harassment case in the Northern District of California, Cathy was lead counsel on behalf of an individual defendant. U.S. District Judge Phyllis Hamilton on May 11, 2012 granted summary judgment dismissing the case against Cathy's client. The Court found no basis for liability for Cathy's client.
- In March 2012, Cathy obtained a significant victory for Michaels Stores when a federal judge indicated he planned to rule in the arts and crafts chain's favor following a bench trial held with an initial "test" plaintiff. More than 100 individual plaintiffs are named in the case, former and current store managers who claim Michaels improperly classified them as exempt from overtime and other labor violations. The Adams case was filed after Cathy obtained decertification of the class in a previous class action making similar claims against the company. On August 6, 2013 U.S. District Judge George Wu issued his final written decision, and found that Michaels' expectations that the test plaintiff would spend most of her time managing were clear and realistic, so she was properly classified as exempt. This decision greatly impacted the resolution of the remaining cases.
- On November 27, 2012, Cathy along with other Gibson Dunn attorneys, secured a grant of review from the Ninth Circuit in *Brown v. Wal-Mart Stores, Inc.*, a class action brought under the California Private Attorney General Act, which allows private litigants to prosecute violations of the California labor laws. In this "suitable seating" case, plaintiffs are seeking to recover statutory penalties on behalf of a putative class comprised of more than 22,000 current and former Wal-Mart employees, alleging that Wal-Mart violated California law by failing to provide its cashiers with seats while they worked. This case marks the first time a state or

Capabilities

Labor and Employment
Trials

Credentials

Education

Indiana University - 1978 Juris Doctor
Purdue University - 1975 Bachelor of Arts

Admissions

California Bar

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federal court of appeals will consider a case involving the seating requirement.

- Cathy is a part of the Gibson Dunn team that has secured multi district dismissals of class action claims after the *Dukes* decision. In each case, plaintiffs argued - that a smaller, regional class could overcome the U.S. Supreme Court's ruling in *Dukes*. The cases include the following:-- *Ladik v. Wal-Mart* On May 24, 2013, the United States District Court for the Western District of Wisconsin dismissed class allegations brought by a group of current and former female Wal-Mart employees. Gibson Dunn attorneys persuaded the Court that plaintiffs' theory of class certification, whether applied to a regional or national class, cannot satisfy commonality as a matter of law under the Supreme Court's ruling. The Court agreed and dismissed plaintiffs' class claims.-- *Phipps v. Wal-Mart* On February 20, 2013, the United States District Court for the Middle District of Tennessee dismissed with prejudice the class allegations brought by a group of current and former female Wal-Mart employees. Gibson Dunn attorneys persuaded the Court that the new, regional class allegations were untimely, arguing that tolling principles do not apply to successive class actions. The Court agreed, holding that plaintiffs' class claims were barred by the relevant statute of limitations.-- *Odle v. Wal-Mart* On October 15, 2012, the United States District Court for the Northern District of Texas dismissed with prejudice the class allegations brought by a group of current and former female Wal-Mart employees. The plaintiffs claimed Wal-Mart engaged in gender-based discrimination in both pay and promotion decisions. Gibson Dunn attorneys persuaded the Court that the new, regional class allegations were untimely, arguing that familiar tolling principles do not apply to successive class actions involving the same parties. The Court held that plaintiffs' class claims were barred by the relevant statute of limitations. In addition, the Court agreed that the individual claims of lead plaintiff and original *Dukes* class representative Stephanie Odle are time-barred.
- In addition, Cathy has been lead counsel on the resolution of a number of class action cases and high profile cases in state and federal court for such clients as Conoco Oil, Phillips 66, Orchard Supply Hardware and Michaels Stores.

Cathy has been recognized as a leading employment lawyer by *Chambers USA: America's Leading Lawyers for Business* from 2009-2024. She is also recognized by her peers as one of *The Best Lawyers in America*® in the area of Employment Law from 2015 - 2023. In 2024, Cathy was named a "Labor & Employment Star" by Benchmark Litigation and in the Hall of Fame for Labor & Employment (Litigation) by *Lawdragon* in their *500 Leading Corporate Employment Lawyers* guide. Expert Guides named her to its 2022 *Guide to the World's Leading Women in Business Law,* which recognizes top female legal practitioners advising on business law; The *Daily Journal* named her as one of the Top Labor and Employment Lawyers in California many times, most recently in 2020, and one of the Top Women Lawyers in 2012 and 2014. In 2019, she was named a "Leading Lawyer" by *Legal 500*. Cathy also received the California Lawyer of the Year award from *California Lawyer* magazine in the employment law category in 2010.

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