Michael Holecek

Partner

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Los Angeles



Michael Holecek is a litigation partner in Gibson Dunn's Los Angeles office, where he handles high profile, bet-the-company lawsuits, arbitrations, and appeals. Companies in the gig economy, technology, and healthcare industries hire Michael when regulators or class action plaintiffs threaten to disrupt a company's business model or impose billions of dollars in liability. Michael is lead counsel in the People of California's lawsuit seeking to reclassify over one million gig workers, an enforcement action by the City of Chicago seeking penalties and restitution for allegedly deceptive consumer practices, numerous putative class actions and mass actions against Amazon and UnitedHealth, and an MDL class action in the Southern District of Florida arising out of the FTX collapse.

Michael is the go-to lawyer for enforcing arbitration agreements and defending against novel "mass arbitrations." He has successfully litigated dozens of motions to compel arbitration and class action waivers in California, New York, Florida, Illinois, and other states. In 2023, Michael presented to the ABA National Class Actions Conference on arbitration agreements, class action waivers, and mass arbitration.

Michael is also a nationally recognized expert in worker classification – including independent-contractor misclassification litigation, the Federal Labor Standards Act ("FLSA"), California's Private Attorneys General Act ("PAGA"), class action employment lawsuits, and lawsuits against staffing agencies and gig economy platforms.

Michael was recognized in *The Best Lawyers in America*® 2022 Ones to Watch in Mass Tort Litigation / Class Action.

Consumer class actions and regulatory actions

- Lead counsel for DoorDash in the City of Chicago's enforcement action seeking restitution and penalties for allegedly false advertising, misleading menu pricing, deceptive promotions, and tipping practices.
- Defending Sunrise Assisted Living in a consumer class action alleging inadequate staffing and false advertising.
- Defeated a putative, nationwide class action brought by dozens of plaintiffs alleging fraud and breach-of-warranty claims against Yamaha.
- Overturned a $173 million penalty by the California Department of Insurance against a UnitedHealth subsidiary.

Labor and employment and gig economy

- Defended DoorDash in a series of putative class actions, PAGA actions, and FLSA actions pending in California state and federal courts, asserting that DoorDash has misclassified delivery drivers as independent contractors.

Capabilities

Litigation
Appellate and Constitutional Law
Consumer Protection
Labor and Employment
Privacy, Cybersecurity, and Data Innovation
Tech and Innovation
Technology Litigation
Trials

Credentials

Education

University of Chicago - 2011 Juris Doctor
Rollins College - 2001 Bachelor of Arts

Admissions

California Bar
Florida Bar

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- Defended Big 4 accounting firm against multiple nationwide wage-and-hour class actions and FLSA actions.
- Defended staffing agency in California class action; obtained dismissal of claims without prejudice and then reached favorable classwide settlement.
- Representing Uber, DoorDash, and Grubhub in high profile lawsuits against the City of New York regarding unconstitutional laws that cap commission rates, set minimum wages for independent contractor delivery drivers, and force companies to disclose private consumer data.
- Presented CLE course on “PAGA and the Gig Economy” at the 2022 Employment Practices Liability Insurance conference.
- Presented CLE course titled “Independent Contractor Classification” in 2022.
- Presented CLE course titled “Is Antitrust Becoming HR’s Biggest Headache?” in 2022.

Appeals

- Prevailed in several cases that enforced OptumRx’s arbitration agreements, including *Copper Bend Pharmacy v. OptumRx* (Illinois Appellate Court 2023) (Michael argued), and *JC Resources v.OptumRx* (Florida Court of Appeals 2023) (Michael argued).
- *Facebook, Inc. v. Superior Court* (Cal. Supreme Ct. 2018): Unanimous ruling holding that the Stored Communications Act safeguards private social-media communications, even if they are posted or shared with a large group friends or followers.
- *Kramer v. Toyota Motor Corporation* (9th Cir. 2016): Unanimous decision affirming summary judgment for auto manufacturer in alleged product-defect class-action lawsuit.
- *Daimler AG v. Bauman* (U.S. Supreme Court 2014): Unanimous decision reversing the Ninth Circuit and holding that it violates due process to exercise general personal jurisdiction over a foreign corporation based on the in-State activities of a corporate subsidiary.
- *The Standard Fire Insurance Co. v. Knowles* (U.S. Supreme Court 2013): Unanimous decision rejecting a putative class representative’s attempt to evade federal jurisdiction under the Class Action Fairness Act by use of a stipulation purporting to limit classwide damages.
- *Hollingsworth v. Perry* (U.S. Supreme Court 2013): Landmark decision holding that proponents of California’s ban on same-sex marriage did not have standing to appeal the district court’s order invalidating the ban.

Recent publications

- “Meet The Attys Fighting Cities’ Regs On DoorDash, Grubhub” *Law360* (October 21, 2021).

Michael serves on the Board of Directors of Family Violence Appellate Project, a nonprofit organization dedicated to providing free legal representation to domestic violence survivors. In 2017, Michael was selected by the Carl & Roberta Deutsch Foundation as a HALO Award winner for his work on behalf of domestic-violence survivors. He was also honored as a winner of Gibson Dunn’s Frank Wheat Memorial Award for his commitment to pro bono work.

He earned his law degree with high honors from the University of Chicago Law School in 2011. While at Chicago, he was a member of the *University of Chicago Law Review*. Michael was runner-up in the Hinton Moot Court Competition and winner of the Karl Llewellyn Cup and the Thomas R. Mulroy Award for Excellence in Appellate Advocacy. He was a Kirkland & Ellis Scholar and was elected to the Order of the Coif.

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Michael graduated *magna cum laude* from Rollins College in 2001 with a bachelor's degree in Political Science and a minor in Fine Art. Before attending law school, he founded and served as Managing Director of ERA Real Estate, the second largest residential real estate network in the Czech Republic.

He is admitted to practice in the State of California and the State of Florida.

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