Ashley E. Johnson

Partner

ajohnson@gibsondunn.com

T: +1 214.698.3111

Dallas



Ashley E. Johnson is a partner in the Dallas office of Gibson Dunn, where she is Co-Chair of the firm's ERISA Litigation practice and a core member of the firm's Labor and Employment and Antitrust and Competition practice groups. Ashley has a commercial dispute practice in trial and appellate courts across Texas and around the country. She focuses her practice at both the trial and appellate level on the legal strategy, briefing, and argument of complex legal issues, particularly including ERISA disputes (primarily class actions), cutting-edge antitrust questions, and class certification motions. Her work in these areas make her one of the country's leaders in ERISA and antitrust class action defense. She works with her clients on crafting the most persuasive written presentation on their most critically important and complicated briefs and on communicating those arguments to courts in oral hearings.

Ashley has led the defense in some of the most closely watched ERISA and antitrust class actions in recent years. She represents Fortune 500 plan sponsors and fiduciaries in a range of ERISA matters, including claims involving actuarial equivalence, pension risk transfers, 401(k) forfeiture litigation, and challenges to wellness surcharges. She secured a unanimous Second Circuit victory for a Fortune 50 company in a significant case involving retroactive pension benefits and plays a leading role in ongoing actuarial equivalence cases in multiple federal courts.

In the antitrust arena, Ashley has defended global pharmaceutical companies such as Merck and Amgen in class actions challenging reverse-payment settlements, successfully obtaining Rule 23(f) review and reversal of class certification. She also secured dismissal and a unanimous affirmance from the Fifth Circuit in *SureShot Golf Ventures v. Topgolf International*, a broad and complex antitrust action testing novel market theories.

A former Supreme Court clerk, Ashley has argued in the United States Courts of Appeals for the Second, Fifth, Seventh, and Ninth Circuits, as well as multiple Texas appellate courts. In addition, she has briefed a diverse set of cases in the United States Supreme Court, including high-profile victories in *Murphy v. National Collegiate Athletic Association* (U.S. 2018), *Bank Markazi v. Peterson* (U.S. 2016), and *Black v. United States* (U.S. 2011).

Ashley is ranked by *Chambers USA* for Litigation: General Commercial and recognized in *The Best Lawyers in America* for Appellate Practice since 2024.

She has also been named in *Lawdragon's 500 Leading Litigators in America* in Employment, Commercial Litigation, and Appellate (2025-2027), is a Fellow of the Litigation Counsel of America, and is a member of the American Employment Law Council.

Representative Experience

Capabilities

Labor and Employment

Antitrust and Competition

Appellate and Constitutional Law

Class Actions

Employee Retirement Income Security Act (ERISA) Litigation

Litigation

Trials

Credentials

Education

Vanderbilt University - 2004 Juris Doctor

Vanderbilt University - 2001 Bachelor of Science

Admissions

North Carolina Bar

Texas Bar

Clerkships

US Supreme Court, Hon. Clarence Thomas, 2005 - 2006

US Court of Appeals, 4th Circuit, Hon. J. Michael Luttig, 2004 - 2005

2026 Gibson, Dunn & Crutcher LLP. All rights reserved.
For other information, please visit us at **www.gibsondunn.com**

GIBSON DUNN

Appellate

- *West Texas Gulf Pipe Line v. FERC* (5th Cir. 2025) – Lead counsel for West Texas Gulf Pipe Line in challenge to FERC's denial of market-based rate authority.
- *In re Sensipar Cinacalcet Hydrochloride Tablets* (3d Cir. 2024) – Lead appellate counsel defending dismissal of antitrust class action complaint.
- *ERISA appeals* (2022-23) – Lead counsel in multiple ERISA class action appeals for a Fortune 50 company in the Second and Ninth Circuits.
- *City of Dallas v. Oxley Leasing North Loop, LLC* (Tex. App.—Dallas 2021) – Lead appellate counsel defending denial of City's plea to the jurisdiction.
- *In the Interest of Y.J., a Child* (Tex. App.—Fort Worth 2019) – Lead appellate counsel; reversed joint conservatorship order in ICWA dispute.
- *Sureshot Golf Ventures, Inc. v. Topgolf International, Inc.* (5th Cir. 2018) – Lead appellate counsel; unanimous affirmance of dismissal in major antitrust suit.
- *Murphy v. National Collegiate Athletic Ass'n* (U.S. 2018) – Successfully overturned PASPA on constitutional grounds before the Supreme Court.
- *Sause v. Bauer* (U.S. 2018) – Lead appellate counsel; obtained per curiam reversal of dismissal of constitutional claims.
- *United States v. Ogoke* (7th Cir. 2017); *United States v. Poff* (9th Cir. 2017) – Lead appellate counsel in criminal contempt and veterans' benefits matters.
- *Bank Markazi v. Peterson* (U.S. 2016) – Represented victims of terrorism in landmark Supreme Court case involving foreign sovereign immunity and Congressional authority.
- *Opulent Life Church v. City of Holly Springs* (5th Cir. 2012) – Argued and won unanimous decision in religious discrimination case.
- *Black v. United States* (U.S. 2010) – Won reversal of multiple white-collar criminal convictions in high-profile case.

Trial Courts / Arbitration

- Represent Honeywell and major telecommunications company in ERISA class actions alleging violation of actuarial equivalence requirements
- Lead counsel for major telecommunications company in ERISA class action challenging reasonableness of recordkeeping fees
- Represent multiple Fortune 500 defendants in ERISA class actions alleging fiduciary breach based on theories including 401(k) fund forfeitures, tobacco surcharge challenges, and fee challenges
- Represent Amgen in antitrust suits challenging patent infringement settlements and rebate practices
- Represent major telecommunications company in nationwide class action regarding WiFi calling
- Represented Merck & Co., Inc., in antitrust class action regarding alleged reverse-payment agreement
- Co-lead trial counsel in FLSA case resulting in immediate defense verdict during early COVID-era jury trial

Prior to joining Gibson Dunn, Ashley served as a law clerk to Justice Clarence Thomas of the Supreme Court of the United States and to Judge J. Michael Luttig of the U.S. Court of Appeals for the Fourth Circuit. She earned her law degree in 2004 from Vanderbilt University Law School, where she was a John W. Wade Scholar, Editor-in-Chief of the *Vanderbilt Law Review*, and recipient of the Archie B. Martin and Robert F. Jackson Memorial Prizes for academic excellence. She graduated from Vanderbilt with a B.S. in

Ashley E. Johnson
Partner

ajohnson@gibsondunn.com

T: +1 214.698.3111

Dallas

2026 Gibson, Dunn & Crutcher LLP. All rights reserved.
For other information, please visit us at **www.gibsondunn.com**

Mathematics and History and was elected to Phi Beta Kappa.

Ashley is actively involved in alumni activities at Vanderbilt Law School, where she serves on the *Vanderbilt Law Review* Alumni Board of Advisors and has delivered guest lectures through the Branstetter Litigation and Dispute Resolution Program. In 2014, she invited Justice Clarence Thomas to deliver the Cecil Sims Lecture at Vanderbilt.

She is admitted to practice in Texas and North Carolina and before the U.S. Supreme Court; the U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Circuits; and the U.S. District Courts for the Northern and Southern Districts of Texas.

Ashley E. Johnson
Partner

ajohnson@gibsondunn.com

T: +1 214.698.3111

Dallas

2026 Gibson, Dunn & Crutcher LLP. All rights reserved.
For other information, please visit us at **www.gibsondunn.com**

GIBSON DUNN