Tommy McCormac

Associate Attorney

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Washington, D.C.



Tommy McCormac is a senior associate in the Washington, D.C. office of Gibson Dunn and a member of the firm's Litigation Department and Labor and Employment Practice Group.

Tommy represents employers in nationwide class and collective actions, with a particular focus on misclassification claims under the Fair Labor Standards Act ("FLSA") and state wage-and-hour laws. In these matters, he has designed and led declaration drives for multiple employers opposing collective and class certification. And he also has significant experience leading briefing on motions to dismiss and oppositions to certification.

In addition, Tommy handles labor and employment arbitration matters at every stage, from designing arbitration programs to litigating enforcement issues through appeal. Tommy also defends employers against discrimination and retaliation claims in court and before the Equal Employment Opportunity Commission ("EEOC"). And he represents employers in restrictive covenant and trade secret litigation, including emergency injunctive relief proceedings.

He regularly counsels employers on wage-and-hour compliance and pre-litigation strategy. His clients span the financial services, technology, transportation and logistics, manufacturing, and professional services industries, as well as nonprofit organizations.

Tommy's representative experience includes:

Wage and Hour Class and Collective Actions

- As a member of the trial team, won a complete defense judgment following a bench trial for New Prime, a national trucking company, on FLSA and Missouri minimum wage claims brought by a class of more than 6,000 student-driver program participants who alleged they were employees. The team also defeated plaintiffs' motion for a new trial. *Nyachira v. New Prime Inc.* (W.D. Mo. 2024).
- Defending a major financial institution in multiple hybrid FLSA collective and Rule 23 class actions alleging that employees in corporate job families were misclassified as exempt.
- Advising a financial services company on wage-and-hour risks involving its call center workforce.

Arbitration

- Secured affirmance by the U.S. Court of Appeals for the Second Circuit of an order compelling arbitration of a union's Section 301 suit seeking to "enforce" a prior labor arbitration award. *UAW v. Ford Motor Co.*, No. 25-2784 (2d Cir. 2026).
- Advising a wealth management firm on the design and enforceability of an

Capabilities

Labor and Employment
Class Actions

Credentials

Education

University of Pennsylvania - 2016 Juris Doctor
University of Pittsburgh - 2013 Bachelor of Arts

Admissions

Pennsylvania Bar
District of Columbia Bar

Clerkships

US Court of Appeals, 3rd Circuit, Hon. Anthony J. Scirica, 2017 - 2018
USDC, Eastern District of Pennsylvania, Hon. Gerald J. Pappert, 2016 - 2017

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employee arbitration program, including class and collective action waivers.

Discrimination and Retaliation

- Defending a technology company and its CEO in discrimination and retaliation litigation, including moving to compel arbitration and to dismiss the claims against the CEO for lack of personal jurisdiction.
- Advising a major e-commerce company on compliance with an EEOC conciliation agreement, including training and reporting obligations.

Restrictive Covenants and Trade Secrets

- Represented a global logistics company in litigation against the former CEO and senior executives of an acquired subsidiary who joined a competitor in breach of their restrictive covenants. The matter concluded with a global settlement of parallel federal and state actions.
- Representing a pest control services company in litigation to enforce restrictive covenants and protect trade secrets against former executives, including temporary restraining order proceedings, expedited discovery, and forensic investigation of the executives' devices.

Tommy maintains an active pro bono practice. He has represented asylum seekers before U.S. Citizenship and Immigration Services and the Board of Immigration Appeals, and he provides employment counsel to nonprofit organizations.

Before joining Gibson Dunn, Tommy clerked for Judge Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit (2017–2018) and Judge Gerald J. Pappert of the U.S. District Court for the Eastern District of Pennsylvania (2016–2017).

Tommy received his J.D., *magna cum laude*, from the University of Pennsylvania Law School in 2016, where he was elected to the Order of the Coif. He received his B.A., *summa cum laude*, in economics and political science from the University of Pittsburgh in 2013.

Tommy is admitted to practice in the District of Columbia and Pennsylvania, before the U.S. Courts of Appeals for the Third and Fourth Circuits, and before the U.S. District Courts for the Eastern and Middle Districts of Pennsylvania.

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