Brandon J. Stoker

Of Counsel

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Los Angeles



Brandon Stoker is of counsel in the Los Angeles office of Gibson Dunn, where his practice focuses on complex business litigation at the trial and appellate levels. He is a member of the firm's Antitrust and Competition, Appellate and Constitutional Law, Class Actions, and Labor and Employment Practice Groups.

Brandon works with clients in a variety of industries, including technology, consumer products, energy, healthcare, insurance, and financial services. He has represented clients in antitrust, breach-of-contract, consumer, and employment class actions; constitutional litigation involving challenges based on due process, equal protection, the Commerce Clause, and the First Amendment; and government investigation and enforcement actions involving the U.S. Department of Justice, the U.S. Department of Labor, the Federal Trade Commission, and state attorneys general.

He has represented clients in 10 trials in federal and state courts throughout the country. He also represents clients in diverse appellate matters, including briefing dozens of appeals to the U.S. Supreme Court, most federal circuits, and numerous state intermediate and supreme courts, and has successfully presented oral argument to the Ninth Circuit. He frequently advises business leaders on issues at the intersection of litigation, regulation, and public policy, and has substantial experience developing risk-mitigation strategies and guiding clients through crisis situations.

Since 2018, Brandon has been named a "Rising Star" in Class Action Litigation in the yearly Super Lawyers edition of *Los Angeles Magazine*, and since 2022 he has been recognized in *Best Lawyers: Ones to Watch in America*®. His litigation wins have been profiled in awards conferred by a variety of publications, including: "Litigators of the Week ," *The Am Law Litigation Daily* (June 2021); "Litigators of the Week," *The Am Law Litigation Daily* (February 2018); "Top Verdicts of 2017," *Los Angeles Daily Journal* (February 2018); "Litigation Department of the Year," *The American Lawyer* (January 2016); "Top Verdicts of 2014," *Los Angeles Daily Journal* (February 2015); "Practice Group Performs In Spotlight and Under Pressure," *Los Angeles Daily Journal* (March 2012); and "Litigation Department of the Year," *The American Lawyer* (January 2012).

Representative Matters:

- ***The Standard Fire Ins. Co. v. Knowles*** (U.S. Supreme Court): Winning a unanimous victory in the first Supreme Court decision to interpret the jurisdictional limitations of the Class Action Fairness Act.
- ***Campbell v. Uber Technologies, Inc.*** (Mass. Super. Ct.): Representing Uber in an enforcement action brought by the Massachusetts Attorney General in which the government sought injunctive and declaratory relief that drivers who use Uber's rideshare application have been misclassified as independent contractors. The parties reached a favorable settlement on the eve of closing argument

Capabilities

Litigation
Appellate and Constitutional Law
Class Actions
Crisis Management
Labor and Employment
Media, Entertainment, and Technology

Credentials

Education

Brigham Young University - 2010 Juris Doctor

Boise State University - 2007 Bachelor of Arts

Admissions

California Bar

Clerkships

US Court of Appeals, 9th Circuit, Hon. N. Randy Smith, 2010 - 2011

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following a three-week trial.

- ***Razak v. Uber Technologies, Inc.*** (E.D. Pa.): Representing Uber in two jury trials on misclassification claims asserted by luxury vehicle fleet owners who use Uber Black. After both trials resulted in split verdicts favoring Uber, the court dismissed the action with prejudice.
- ***Ballejos v. Facebook, Inc.*** (San Mateo Super. Ct.; Cal. App.): Winning dismissal with prejudice, and unanimous affirmance on appeal, of a consumer class action alleging undisclosed data sharing of user profile information on the Facebook platform.
- ***In re Uber Technologies Wage and Hour Cases*** (S.F. Super. Ct.): Representing Uber in a series of putative class and government enforcement actions in California asserting that Uber has misclassified drivers as independent contractors, including defeating four preliminary injunction motions, winning several motions to enforce arbitration agreements, and securing an emergency stay on the eve of a statewide shutdown of Uber's ridesharing platform in California.
- ***In Facebook, Inc. Consumer Privacy User Profile Litigation*** (N.D. Cal.); ***New Mexico v. Meta Platforms, Inc.*** (Santa Fe Dist. Ct.): Representing Meta in a series of putative class actions and government enforcement actions relating to data privacy issues arising out of the Cambridge Analytica events.
- ***Persian Gulf Inc. v. BP West Coast Prods.*** (S.D. Cal.): Representing Chevron U.S.A. in antitrust class actions alleging a conspiracy among eight oil companies to reduce supply and inflate gasoline prices in California. The Court granted summary judgment on all claims, excluded plaintiffs' experts, and entered judgment for all defendants.
- ***Cepelak v. HP, Inc.*** (N.D. Cal): Representing HP in a consumer class action brought asserting claims of unfair competition and fraud on behalf of a sweeping class of HP inkjet printer owners. After the court issued a decisive order denying class certification, plaintiffs voluntarily dismissed the case.
- ***Hewlett-Packard Co. v. Oracle Corp.*** (Santa Clara Super. Ct.): Securing a verdict finding that Oracle breached its agreement to continue porting software to HP's high-performance Itanium servers. The jury awarded HP more than $3 billion in damages—one of the largest single-plaintiff verdicts in United States history. The California Court of Appeal unanimously affirmed the judgment.
- ***Bay Area Surgical Management et al. v. Aetna Life Insurance Company*** (N.D. Cal.): Representing Aetna in an antitrust action alleging an unlawful conspiracy to restrain trade in the healthcare market. The case successfully settled after the court granted defendants' motion to dismiss.
- ***Lawson v. Grubhub Inc.*** (N.D. Cal.): In a landmark case for the "gig economy," preemptively defeating class certification and winning a verdict for Grubhub finding that a delivery service provider was properly classified as an independent contractor.
- ***Mohamed/Gillette v. Uber Technologies, Inc.*** (Ninth Circuit): Persuading the Ninth Circuit to grant interlocutory review of a class certification order and obtaining unanimous decisions enforcing Uber's arbitration agreements and decertifying a class of hundreds of thousands of drivers.
- ***Parsons Constr. v. L.A. Cnty. Metro. Transp. Auth.*** (Cal. App.): Securing unanimous reversal of a $100 million judgment, on a 17-year trial record, arising from a contract dispute relating to the construction of the L.A. Metro Red Line.
- ***Fischer v. Time Warner Cable, Inc.*** (Cal. App.): Persuading the court to unanimously affirm dismissal of a $6 billion class action against Time Warner Cable, the Los Angeles Dodgers, and the Los Angeles Lakers, alleging that it is unlawful to include sports programming in bundled cable packages.
- ***Vergara v. California*** (L.A. Super. Ct.): Winning a significant ruling, following an eight-week trial, that California's teacher tenure laws violate students'

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fundamental right to education under the California Constitution. Named among the "Top Verdicts" of the year by the *Daily Journal*, *Vergara* was described by *The New York Times* Editorial Board as a landmark decision that "opens a new chapter in the equal education struggle," and U.S. Secretary of Education Arne Duncan called the ruling a "mandate to fix the problems" that beset California's public schools.

Brandon maintains an active pro bono practice that focuses on youth advocacy, military veterans, and first-generation entrepreneurs. In recent years, he has represented unaccompanied minors in petitions for asylum and secured permanent restraining orders on behalf of domestic violence survivors. He also presented oral argument to the Ninth Circuit and won unanimous reversal of an order dismissing the claims of a pro se civil rights petitioner.

He has written and presented on a variety of subjects, including class actions, arbitration, employment, and constitutional law. Brandon co-authored *The Changed Landscape of Businesses' Right to Enforce Arbitration Agreements: A Survey of Class Actions Involving Petitions to Compel Arbitration After* Concepcion (Bloomberg/BNA Class Action Litigation Report), and contributes to chapters and updates in *A Practitioner's Guide to Class Actions* (American Bar Association).

Prior to joining Gibson Dunn, Brandon served as a law clerk to the Honorable N. Randy Smith of the U.S. Court of Appeals for the Ninth Circuit. He graduated *magna cum laude* and Order of the Coif from the J. Reuben Clark Law School at Brigham Young University, where he served as Editor-in-Chief of the law review. While in law school, he externed with the Honorable David Sam of the United States District Court for the District of Utah and received the John S. Welch Prize for Outstanding Legal Writing.

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