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WOMEN

TOP WOMEN LAWYERS 2019

Theane Evangelis

As the gig economy continues to grow—one in the three Americans are freelancers or under contract work, according to news reports—the debate continues as to whether contractors are actually employees.

That usually means more work for Evangelis.

A partner at Gibson, Dunn & Crutcher LLP, Evangelis has been the lead on decisions tackling this question. She has represented large gig economy companies including GrubHub Inc., Uber Technologies Inc., and Postmates Inc. in misclassification suits.

“That’s what I loved most about my job,” she said, “being at the heart of interesting and important issues that society is grappling with. It’s where I have always hoped my practice would take me.”

Last year, she defended Grubhub when a driver sued the food delivery service claiming that he was an employee. After a bench trial, U.S. District Judge Jacqueline Scott Corley sided with Grubhub, agreeing with Evangelis’ argument that the driver had complete control of his work schedule.

“Grubhub did not control the manner or means of [the named plaintiff’s] work, including whether he worked at all or for how long or how often, or even whether he performed deliveries for Grubhub’s competitors at the same time he had agreed to deliver for Grubhub,” the Judge wrote. *Lawson v. GrubHub Inc.*, 15-CV05128 (N. D. Cal., Feb 8, 2018).



Evangelis employed a similar strategy while defending Uber in the 9th Circuit Court of Appeals. A three-judge panel decertified a class action of hundreds of thousands of current and former drivers alleging they were misclassified as independent contractors. Uber then settled the case favorably. *O’Connor v. Uber Technologies Inc.*, 2018 DJDAR 9663 (9th Circuit, filed June 3, 2014).

GIBSON, DUNN & CRUTCHER LLP

LOS ANGELES

Practice Type: Litigation

Evangelis now represents Doordash and Postmates in separate cases. She won victories in both, upholding the plaintiffs’ classification as independent contractors and compelling them to arbitration.

The common thread in these cases is that the workers are accessing mobile platforms to find work, schedule their hours and receive payment, not the companies, she said.

“They’re doing such different work and using various apps in such different ways,” she said. “There’s really no class action that would ever make sense because of the individualized nature of the work.”

Despite the lengthy court battles, Evangelis is a fan of the gig economy, she said. It provides people with a flexible, independent way to work.

“The gig economy has changed our lives for the better,” she said. “It’s brought great opportunities both for workers and for consumers. I don’t think many of us could imagine life before Uber, GrubHub, Doordash and Postmates.”

— Glenn Jeffers