

TOP LABOR & EMPLOYMENT LAWYERS 2019

Michele L. Maryott

FIRM:

Gibson, Dunn & Crutcher LLP

CITY: **Irvine**



As an experienced employment defense attorney with a history of high-profile cases, Maryott is co-lead defense counsel for Amazon.com Inc. in a series of putative wage and hour, discrimination and representation actions in various stages of litigation.

She's also co-lead counsel in a disability and age discrimination class action against the online retailer and is co-lead for the defense in a putative gender discrimination class action against Morrison & Foerster LLP.

Her teams have already scored early wins, including an amended complaint in an Amazon case based on a planned motion to dismiss, and a successful motion for judgment on the pleadings on two plaintiffs' claims in the Morrison & Foerster action. *Doe. v. Morrison & Foerster LLP*, 18-CV02542 (N.D. Cal., filed April 30, 2018).

"That's been a really great case to be in-

involved in," Maryott said. "It's a great client and just very interesting subject matter, obviously, given the fact that we're in the same industry."

The case is with U.S. Magistrate Judge Jacqueline S. Corley, who was assigned another major case Maryott handled involving the restaurant delivery service GrubHub Inc.

A former GrubHub driver accused the company of violating California minimum wage, overtime and employee expense reimbursement laws by improperly classifying him as an independent contractor rather than employee, but after a bench trial, Corley ruled in February 2018 he wasn't an employee because GrubHub didn't control how he made his deliveries. *Lawson v. GrubHub Inc.*, 15-CV05128 (N.D. Cal., filed Nov. 9, 2015).

The ruling is seen as giving wide leeway to employers in the so-called gig economy, and it's currently pending before the 9th U.S. Cir-

cuit Court of Appeals. Meanwhile, Maryott recently settled two wage-and-hour class actions against New Prime Inc., a California trucking company accused of misclassifying drivers.

The cases moved from state court to U.S. District Court, and Maryott led successful efforts to compel arbitration. A federal judge approved dismissal of the case following a settlement in June. *Ratajesak v. New Prime, Inc.*, 18-CV09396 (C.D. Cal., filed Nov. 2, 2018).

Maryott said her practice brings "a lot of variety, which is always fun" as well as "a steady diet of trials."

She continues to enjoy working "with really significant clients on cutting-edge issues."

"We're dealing with areas where there's often no clear-cut answer, and there is high potential exposure," Maryott said.

— Meghann M. Cuniff