

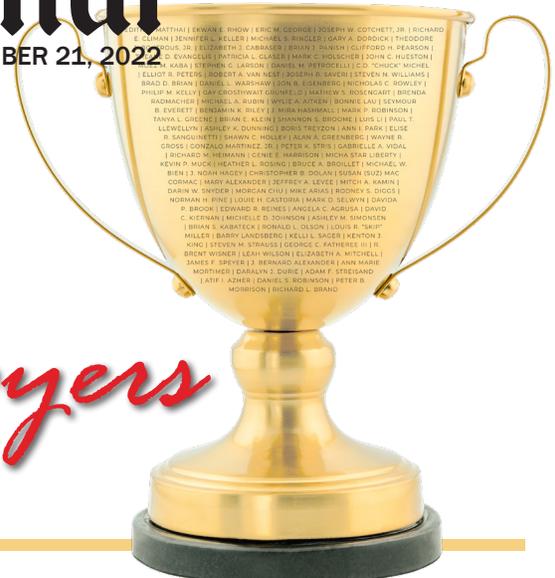
# Daily Journal

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# Lawyers 2022



**T**heane D. Evangelis is an appellate, class action and general commercial litigation partner at Gibson, Dunn & Crutcher LLP. She serves as co-chair of the firm's general litigation practice group. Her practice involves issues of first impression on questions involving the Federal Arbitration Act, the Communications Decency Act and other thorny legal matters.

Like many trial lawyers, she's glad to be back arguing cases in person. "It's invigorating," Evangelis said.

In late August, she was before a 9th U.S. Circuit Court of Appeals panel, arguing to defend the dismissal of a potential class action she obtained for client Reddit Inc. over sex trafficking claims. It's set to be the first appellate case in the U.S. to interpret an exception to Section 230 of the Communications Decency Act.

The exception is known as FOSTA, the Fight Online Sex Trafficking Act. A district judge concluded that the exception would apply only if a civil defendant like Reddit violated the criminal sex-trafficking statute and held that the plaintiffs made no such plausible allegation. *Jane Doe No. 1-6 et al. v. Reddit Inc.*, 21-56293 (9th Cir., argued Aug. 29, 2022).

"This is an important issue being litigated in district courts across the country, and this is the first case to reach an appellate court," Evangelis said.

In another major matter, Evangelis will argue the state Supreme Court's first Private Attorneys General Act arbitration case post-the U.S. Supreme Court's *Viking River* decision. The outcome will determine the extent to which *Viking River* limits the right of

workers who signed arbitration clauses to sue on behalf of themselves, their co-workers and the state — or whether such suits must be sent to arbitration. *Adolph v. Uber Technologies Inc.*, S274671 (Ca. S.Ct., rev. granted July 20, 2022).

Lawyers said that when *Viking River* was published, defendants filed hundreds of motions across California to compel arbitration of individual worker claims and dismiss the representative actions on behalf of co-workers.

Days after the California justices granted review, Uber retained Evangelis to replace previous counsel to handle the matter. "We welcome the California Supreme Court's review and the opportunity it presents to confirm that the U.S. Supreme Court's decision in *Viking River* requires arbitration of the plaintiff's individual PAGA claim," Evangelis said.

Uber may have chosen Evangelis because of her success for the ride-sharing giant in a 9th U.S. Circuit Court of Appeals matter last year over a separate FAA question. The circuit panel held that arbitration agreements are enforceable for drivers despite the statute's exception for transportation workers engaged in interstate commerce. *Capriole v. Uber Technologies Inc.*, 20-16030 (9th Cir., op. filed Aug. 2, 2021).

"I'm engaged in a pretty diverse group of issues of first impression where courts are grappling with tough legal issues," Evangelis said. "That makes it exciting. I love the interesting questions — and I love to win."

— John Roemer

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