

Daily Journal

JANUARY 24, 2024

LEADING COMMERCIAL LITIGATORS 2024



THEANE EVANGELIS

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Litigation

Theane Evangelis, the co-chair of the global litigation practice group at Gibson, Dunn & Crutcher LLP, has a 20-year track record that positions her as a leading national appellate star in employment, class action and general commercial cases.

She is in the thick of litigation over the national homeless crisis. In early January, she was awaiting the outcome of a cert petition asking the U.S. Supreme Court to decide the rights of municipalities to enact ordinances that address the subject. *City of Grants Pass, Oregon v. Johnson et al.*, 23-175 (S.Ct., cert. pet. filed Aug. 22, 2023).

She, joined by an extensive roster of friends of the court who endorse her petition, protested that the 9th U.S. Circuit Court of Appeals got it wrong when — in a 14 to 13 vote — it let stand without en banc review a ban on cities' anti-camping laws. The majority cites the Eighth Amendment's Cruel and Unusual Punishment Clause as its authority for prohibiting camping bans, but Evangelis wrote, "There is nothing cruel or unusual about a civil fine for violating commonplace restrictions on public camping." Evangelis wrote in her petition.

"It may be unprecedented at the cert stage to have gotten 25 amici briefs from 31 cities and 20 states," she said about

the support her petition attracted. "The mayor of San Francisco even called for summary reversal."

If the high court agrees to hear the matter, it will be Evangelis' first U.S. Supreme Court argument. "I care deeply about this from a policy perspective," she said. Indeed, she was recently appointed to the Los Angeles County Blue Ribbon Commission on Homelessness. "We're trying to bring these people indoors. The decision we're trying to overturn is hurting the very people they're meant to protect."

In December, the 9th Circuit announced that it would rehear en banc a major win Evangelis obtained for clients Uber Technologies Inc. and a subsidiary over California's highly contested gig worker law, AB-5. She persuaded a circuit panel to issue a unanimous ruling in March 2023 reversing a dismissal of her challenge to the law — the first and only successful attack on AB-5 to date.

"We think we're right on the law," said Evangelis, who cited the Equal Protection Clause to argue that the law arbitrarily discriminates among similarly situated companies. Oral argument is set for March 18. "I look forward to it," Evangelis said.

— JOHN ROEMER