

## DEI Task Force Update

March 27, 2024

**Gibson Dunn's Workplace DEI Task Force aims to help our clients develop creative, practical, and lawful approaches to accomplish their DEI objectives following the Supreme Court's decision in *SFFA v. Harvard*. Prior issues of our DEI Task Force Update can be found in our [DEI Resource Center](#). Should you have questions about developments in this space or about your own DEI programs, please do not hesitate to reach out to any member of our DEI Task Force or the authors of this Update (listed below).**

### Key Developments:

On March 21, 2024, Chief Judge Diane Sykes of the United States Court of Appeals for the Seventh Circuit [announced](#) the resolution of a judicial misconduct complaint filed by America First Legal (AFL) against three judges on the United States District Court for the Southern District of Illinois. The complaint accused Chief Judge Nancy J. Rosenstengel, Judge Staci M. Yandle, and Judge David W. Dugan of race and sex discrimination in violation of Rule 4(a)(3) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*, Canon 2A of the *Code of Conduct for United States Judges*, and the Fifth Amendment of the United States Constitution. AFL took issue with the judges' policies that a motion for oral argument would be granted if "at all practicable to do so" where the moving party "intends to have a newer, female, or minority attorney" argue. The complaint drew the attention of Senators Ted Cruz (R-TX) and John Kennedy (R-LA), who sent a letter to Chief Judge Sykes arguing that the policies are unethical and unconstitutional in light of *SFFA v. Harvard*. In her order, Chief Judge Sykes stated that Judge Dugan had removed references to "women and underrepresented minorities" from his courtroom policies in October 2022, and that Judge Rosenstengel and Judge Yandle had both since rescinded the policies at issue. In letters attached to Chief Judge Sykes' order, Judge Rosenstengel stated that she "chose the wrong means to accomplish [her] goal of expanding courtroom opportunities for young

lawyers,” and Judge Yandle acknowledged that the now-rescinded policy, as worded, “created a perception of preferences based on immutable characteristics.”

Governor Kay Ivey signed Alabama Senate Bill 129 (S.B. 129) into law on March 20, one day after the [bill](#) passed both chambers of the Alabama General Assembly. The sweeping anti-DEI legislation prevents higher education institutions, public school boards, and state agencies from using state funds to support DEI programming, offices, or training, and prohibits these entities from teaching about certain “divisive concepts” related to race, bias, and meritocracy. The law also includes a measure that prohibits public universities from allowing transgender people to use bathrooms designated for their gender identity. Student groups, state Democrats, and advocacy groups like PEN America have campaigned against the law, noting Alabama’s fraught history with respect to race issues and criticizing the bill’s restrictions on speech and diversity initiatives. The law takes effect on October 1, 2024. A similar Kentucky bill, SB 6, has passed both chambers and will soon be sent to Governor Beshear’s desk. The governor is expected to veto the bill, but it is anticipated that a Republican supermajority will overrule the veto.



On March 19, conservative think tank Goldwater Institute filed a [complaint](#) against the Arizona Board of Regents, claiming that Arizona State University violated state law by requiring a professor to complete ASU’s “Inclusive Communities” training. The Institute alleges that the mandatory virtual training, which addressed issues including white supremacy and microaggressions, violated an Arizona law that prohibits the state from “us[ing] public monies for training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity or sex.” The Institute also asserts that the training violated the state constitution’s free-speech protections.



The Congressional Hispanic Caucus sent a letter to the leaders of Fortune 100 companies on March 11, 2024, calling for an increase in representation of Hispanics in executive roles. The letter asserts that, although nearly 20 percent of people living in the United States today are of Hispanic descent, only 4 percent of Fortune 100 CEOs are Hispanic. The caucus asked recipients to provide data on current Hispanic representation among senior and government relations staff, as well as the percentages of philanthropic funding and contract dollars awarded to Hispanic recipients and Hispanic-owned businesses. The requests are similar to those made in recent months by both the Congressional Asian Pacific American Caucus and the Congressional Black Caucus.

## Media Coverage and Commentary:

Below is a selection of recent media coverage and commentary on these issues:

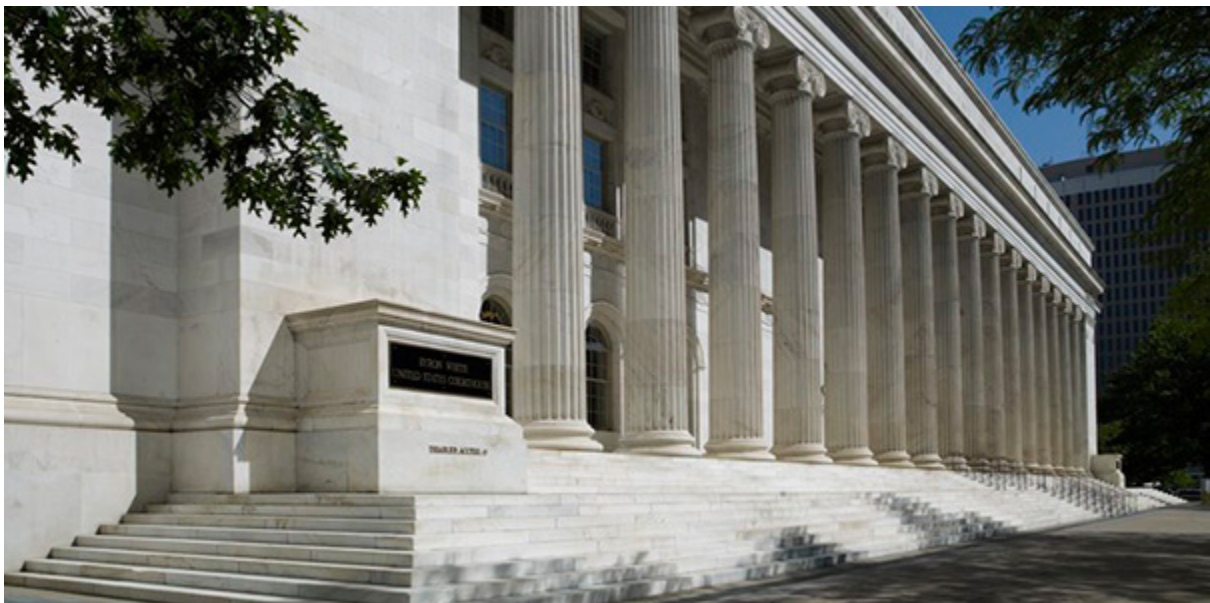
- [Bloomberg Law Daily Labor Report, “Firms From KKR to Coors Flag DEI as Business, Legal Risk” \(March 11\)](#): Bloomberg’s Clara Hudson and Riddhi Setty report on the increasing number of public companies listing DEI as a “risk factor” in securities filings. According to an analysis by Bloomberg Law, JetBlue Airways Corp., Molson Coors Beverage Co., Blue Owl Capital Corp., Duolingo, Inc., and Leidos Holdings, Inc.—among others—have listed DEI as a legal or brand value risk on their most recent 10-Ks. Fordham University School of Law professor Atinuke Adediran says this can be a strategic choice; in the event of future DEI-related litigation, these securities filings may help the company defend against a related shareholder action. But Hudson and Setty note that companies listing DEI as a risk in their 10-Ks also list diversity as “pivotal to the success of their business,” and that most companies continue to recognize DEI as a key corporate value.



- [Fast Company, “DEI needs to get back on track—these leaders have solutions” \(March 13\)](#): Tania Rahman reports on “The Fight for DEI,” a panel discussion hosted by Fast Company earlier this month at the South by Southwest festival. Lenovo’s Chief Diversity Officer Calvin Crosslin, Making Space Founder and CEO Keely Cat-Wells, and Upwork’s Head of Diversity, Inclusion, Belonging, and Access Erin L. Thomas spoke about the challenges facing DEI initiatives and offered potential paths forward. Upwork’s Thomas stated that companies have to be genuinely motivated for their DEI initiatives to succeed—companies that felt forced to adopt diversity programs in the wake of George Floyd’s murder, she believes, are those that have already scaled back. Making Space’s Cat-Wells emphasized the importance of tying DEI impact to business strategy, saying that viewing diversity through a “charity lens” doesn’t lead to permanent systemic change. And Lenovo’s Crosslin recognized the significant burdens of advancing DEI initiatives in the

current political and legal climate, advocating for corporate executives to better support their DEI leaders.

- [New York Times Magazine, “The ‘Colorblindness’ Trap: How a Civil Rights Ideal Got Hijacked” \(March 13\)](#): NYT Magazine staff writer and Howard University professor Nikole Hannah-Jones opines that the recent flurry of conservative legal activism around affirmative action and reverse discrimination is the latest step in a 50-year effort to reverse the constitutional legacies of the civil rights movement. In Hannah-Jones’ view, the *SFFA* decision is the Supreme Court’s latest effort to erode racial minorities’ constitutional rights, following in the footsteps of *Parents Involved in Community Schools v. Seattle School District No. 1* in 2007 (holding that the school district’s school assignment policy designed to remedy historic racial segregation violated the Equal Protection Clause), and *Shelby County v. Holder* in 2013 (invalidating the Voting Rights Act provision requiring that the DOJ or a federal court approve proposed redistricting plans as not harmful to minority interests). Hannah-Jones provides a comprehensive history of reconstruction, desegregation, and the civil rights era, and she posits that this history has developed around a still-unresolved tension: “Do we ignore race in order to eliminate its power, or do we consciously use race to undo its harms?”



- [Law360 Employment Authority, “Worker’s 10th Circ. Loss May Aid Future DEI Challenges” \(March 15\)](#): Law360’s Anne Cullen reports on the Tenth Circuit’s recent decision [affirming](#) dismissal of a harassment and discrimination suit brought by a white male former Colorado Department of Corrections officer. The officer alleged that the Corrections Department’s DEI seminar about white supremacy and racial injustice violated Title VII, but the district court dismissed the complaint, concluding that any effects of the program were not severe or pervasive enough to constitute a hostile work environment. But in the majority opinion affirming the dismissal, Judge Timothy Tymkovich wrote that the “race-based rhetoric” included in the seminar was “well on the way to arriving at objectively and subjectively harassing messaging” that “could promote racial discrimination and stereotypes within the workplace.” Jason Schwartz, Gibson

Dunn partner and co-head of the firm's Labor and Employment practice group, called the decision "a signal that they're certainly not shutting the courthouse door to these claims." "If anything, they're saying come on back with more, and we'll see," said Schwartz, who concluded that the majority decision "provided a road map for a future challenge to DEI training." Judge Scott Matheson Jr.—who wrote separately to concur only in the result—took issue with the majority's "unnecessary" commentary on the Correction Department's seminar and "the potential for future legal challenges to it or other [DEI] programs."

- [National Law Journal, "Tip of the Iceberg': Appellate Ruling Provides Roadmap for Bias Suits Over DEI Training" \(March 18\)](#): The National Law Journal's Avalon Zoppo reports on two recent appellate decisions addressing reverse-discrimination claims. On March 11, the Tenth Circuit [issued](#) one of the first appellate decisions involving a claim that DEI training creates a hostile work environment for white employees. The panel affirmed a district court's dismissal of the case, holding that any harassment resulting from the DEI training was neither severe nor pervasive. The majority opinion nonetheless expressed concern that the training's "race-based rhetoric" had the potential to place employees who express criticism of diversity programming at risk of "being individually targeted for discriminatory treatment." And on March 12, the Fourth Circuit partially [upheld](#) a jury's verdict for a former executive who contended that he was fired intentionally to make room for a more diverse workforce. Zoppo reports that Gibson Dunn's Jason Schwartz called these two cases "the tip of the iceberg" and predicted there will "be a huge number of reverse discrimination type cases filed this year and in subsequent years."
- [Law360, "EEOC Official Flags 'Overblown' Takes On Admissions Ruling" \(March 19\)](#): Law360's Vin Gurrieri reports on comments made by Equal Employment Opportunity Commission Vice Chair Jocelyn Samuels about the impact of the *SFFA* decision on corporate diversity initiatives. Speaking as part of a panel at the American Bar Association's recent conference on equal employment opportunity law, Vice Chair Samuels acknowledged that "there have been a lot of allegations about the ways in which the *SFFA* decision affects employment programs" but called those allegations "way overblown," as "there is nothing about the *SFFA* decision that applies to the vast majority of DEI programs in employment for several reasons." Vice Chair Samuels emphasized that multiple factors—the education context, the underlying law, and the degree to which challenged policies expressly authorized the consideration of race in conferring benefits—distinguish *SFFA* from lawful corporate initiatives attempting to ensure equal opportunities in the workplace. In light of "the persistence of entrenched inequities that are too often based on race or gender or national origin," Vice Chair Samuels emphasized "that employers are not under the law required to turn a blind eye to trying to address these kinds of inequities."



- [Law360 Employment Authority, “DEI Backers Clinch Big Wins, But The Fight Is Far From Over” \(March 19\)](#): Law360’s Anne Cullen highlights three recent appellate decisions that gave “a boost” to corporate DEI initiatives. On March 4, the Eleventh Circuit [affirmed](#) a district court order preliminarily enjoining operation of Florida’s “Stop WOKE Act,” which would prohibit employers from requiring employees to participate in trainings that identify certain groups of people as “privileged” or “oppressors.” On March 6, the Second Circuit [affirmed](#) a district court dismissal of the medical advocacy association Do No Harm’s reverse-discrimination claims against Pfizer, holding that a plaintiff relying on organizational standing must name at least one affected member to establish Article III standing. And on March 11, the Tenth Circuit [affirmed](#) dismissal of a white former correctional officer’s suit against the Colorado Department of Corrections based on alleged harassment in a racial equity seminar. But Cullen refers to the Tenth Circuit decision as a “double-edged sword”—the majority opinion affirmed that the effects of the training program were not severe or pervasive enough to support a hostile work environment claim, but also expressed concern about the program, providing a road map for future challenges to DEI training programs. Meanwhile, on March 12, the Fourth Circuit partially upheld a jury verdict awarded to a white male marketing executive who sued his former employer alleging that he was fired without cause from his management position because of his race and sex. Gibson Dunn’s Jason Schwartz said the Fourth Circuit decision would encourage similar lawsuits: “If you’ve got a plaintiff who is a white employee saying that he was displaced as part of a larger corporate diversity initiative, this case is going to add fuel to that fire.”
- [New York Times, “America First Legal, a Trump-Aligned Group, Is Spoiling for a Fight” \(March 21\)](#): The Times’ Robert Draper reports on the recent efforts of America First Legal Foundation (AFL), the conservative organization founded and run by former Trump policy advisor Stephen Miller. AFL, which Draper refers to as “a policy harbinger for a second Trump term” and which Miller has called “the long-awaited answer to the A.C.L.U.,” has filed or submitted more than 100 lawsuits, EEOC complaints, amicus briefs, and demand letters over the past three years. Draper notes that although the substance of these

challenges has varied, all have sought to advance the same “hard-line views on immigration, gender and race” that Miller prioritized during his time in the White House. AFL’s success rate is hard to determine, as many of the group’s lawsuits remain pending and the EEOC does not comment on complaints or investigations. But Draper posits that “winning” is not necessarily the group’s goal; ACLU Executive Director Anthony D. Romero reportedly told Draper that AFL seems “less interested in defending core [legal] principles and more about cherry-picking cases that feed the grievances of the MAGA wing of the Republican Party.”

- [Washington Lawyer, “Defending Diversity: DEI Practice Groups on the Rise” \(March/April 2024\)](#): Washington Lawyer contributor William Roberts reports on the growth of law firm practice groups “aimed at helping companies reduce their legal risk and defend diversity efforts” following *SFFA*. Molly Senger, Gibson Dunn Labor and Employment partner and co-leader of the firm’s DEI Task Force, told Roberts that the team’s work requires a dual focus on “both advice work and litigation,” highlighting the firm’s recent Eleventh Circuit defense of Fearless Fund, a venture capital group that provides financing to black female entrepreneurs. The Task Force is also watching for the Supreme Court’s much-anticipated decision in *Muldrow v. City of St. Louis*; Senger told Roberts that, “[d]epending on how the Supreme Court rules, it could significantly expand the scope of conduct in the workplace that could give rise to Title VII claims,” leading to “a proliferation of Title VII litigation challenging corporate DEI programs.” Although many companies, nonprofits, and other organizations are actively assessing their legal risk, they also seek to maintain commitment to diversity efforts. As Dariely Rodriguez, deputy chief counsel for the Lawyers’ Committee for Civil Rights Under Law, told Roberts, given “persistent systemic discrimination” against minorities, it remains “important to lean into what’s possible under the law.”

## Case Updates:

Below is a list of updates in new and pending cases:

### 1. Contracting claims under Section 1981, the U.S. Constitution, and other statutes:

- ***Do No Harm v. National Association of Emergency Medical Technicians***, No. 3:24-cv-11-CWR-LGI (S.D. Miss. 2024): On January 10, 2024, Do No Harm challenged the diversity scholarship program operated by the National Association of Emergency Medical Technicians (NAEMT), an advocacy group representing paramedics, EMTs, and other emergency professionals. NAEMT awards up to four \$1,250 scholarships to students of color hoping to become EMTs or Paramedics. Do No Harm requested a temporary restraining order, preliminary injunction, and permanent injunction against the program. On January 23, 2024, the court denied Do No Harm’s motion for a TRO and expressed skepticism that the group had standing to bring its Section 1981 claim, since

the anonymous member had “only been deterred from applying, rather than refused a contract.” On February 29, 2024, NAEMT filed an answer and motion to dismiss.

- **Latest update:** On March 4, Do No Harm filed an amended complaint, alleging that “Member A,” the anonymous potential applicant for NAEMT’s scholarship program, had now enrolled in a one-semester EMS course, whereas she previously had simply registered to begin the course. As a result, Do No Harm withdrew its original motion to dismiss and filed a new answer and motion to dismiss on March 18. NAEMT argues in its new motion that even though the amended complaint now includes allegations that “Member A” has satisfied a prerequisite for the scholarship program, Do No Harm has still failed to plead a cause of action under Section 1981 because there is no contractual relationship between a would-be applicant and NAEMT. NAEMT also reasserted its argument that Do No Harm lacks associational standing because it has not identified by name a plaintiff who has suffered a concrete injury.
- ***Am. Alliance for Equal Rights v. Zamanillo***, No. 1:24-cv-509-JMC (D.D.C. 2024): On February 22, 2024, AAER filed a complaint and motion for a preliminary injunction against Jorge Zamanillo in his official capacity as the Director of the National Museum of the American Latino, part of the Smithsonian Institution. The complaint targets the Museum’s internship program, which aims to provide Latino, Latina, and Latinx undergraduates with training in non-curatorial art museum careers. AAER claims that the program constitutes race discrimination in violation of the Fifth Amendment because the Museum considers the race of applicants in choosing interns and allegedly refuses to hire non-Latino applicants. AAER has asked for an injunction to prevent the Museum from closing the application window on April 1, or selecting interns for the program (currently scheduled to begin in late April).
  - **Latest update:** On March 8, the Museum opposed AAER’s preliminary injunction motion and moved to dismiss for lack of jurisdiction. The Museum argued that AAER does not have Article III standing because “Member A” did not apply to the challenged internship and therefore was not denied an internship based on his or her race or ethnicity. Furthermore, the museum argued that AAER does not meet the “redressability” prong of the preliminary injunction test because the program does not consider an applicant’s race, so any injunction to prohibit race-based admissions decisions would have no effect. The plaintiff’s opposition to the motion to dismiss is due on March 29.
- ***Do No Harm v. Gianforte***, No. 6:24-cv-00024 (D. Mont. 2024): On March 12, 2024, Do No Harm filed a complaint on behalf of a white female dermatologist in Montana, alleging that a Montana law requiring the governor to “take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible” when making appointments to the Medical Board violates the Equal Protection Clause of the Fourteenth Amendment. The complaint further alleges that since the ten filled seats are currently held by six women and four men, Montana law requires that the remaining two seats be filled by men, which would preclude the plaintiff from holding the seat.

- **Latest update:** The defendant has not yet responded to the complaint.
- ***Californians for Equal Rights Foundation v. City of San Diego, et al.***, No. 3:24-cv-00484-MMA-MSB (S.D. Cal. 2024): On March 12, 2024, the Californians for Equal Rights Foundation filed a complaint on behalf of members who are “ready, willing and able” to purchase a home in San Diego, but ineligible for a grant or loan under the City’s BIPOC First-Time Homebuyer Program. The plaintiffs allege that the program discriminates on the basis of race in violation of the Equal Protection Clause of the Fourteenth Amendment.
  - **Latest update:** The defendants have not yet responded to the complaint.
- ***Do No Harm v. Pfizer***, No. 1:22-cv-07908–JLR (S.D.N.Y. 2022), on appeal at No. 23-15 (2d Cir. 2023): On September 15, 2022, plaintiff association representing physicians, medical students, and policymakers sued Pfizer, alleging that the company’s Breakthrough Fellowship Program, which provided minority college seniors summer internships, two years of employment post-graduation, and a scholarship, violated Section 1981, Title VII, and New York law. The association alleges that the program illegally excludes white and Asian applicants. The association is represented by Consovoy McCarthy PLLC, the firm that also represents American Alliance for Equal Rights in multiple lawsuits. In December 2022, the court granted Pfizer’s motion to dismiss, finding that the plaintiff did not have associational standing because they did not identify at least one member by name, instead only submitting declarations from anonymous members. The Second Circuit affirmed the dismissal on March 6, 2024.
  - **Latest update:** On March 20, 2024, Do No Harm filed with the Second Circuit a petition for rehearing en banc, arguing that the panel’s opinion “splits with at least two circuits and creates an irreconcilable line of intracircuit precedent.”

## 2. Employment discrimination and related claims:

- ***Gerber v. Ohio Northern University, et al.***, No. 2023-1107-CVH (Ohio. Ct. Common Pleas Hardin Cnty. 2023): On June 30, 2023, a law professor sued his former employer, Ohio Northern University, for terminating his employment after an internal investigation determined that he bullied and harassed other faculty members. On January 23, 2024, the plaintiff, now represented by America First Legal, filed an amended complaint. The plaintiff claims that his firing was actually in retaliation for his vocal and public opposition to the university’s stated DEI principles and race-conscious hiring, which he believed were illegal. The plaintiff alleged that the investigation and his termination breached his employment contract, violated Ohio civil rights statutes, and constituted various torts, including defamation, false light, conversion, infliction of emotional distress, and wrongful termination in violation of public policy.
  - **Latest update:** On February 28, the plaintiff filed an opposition to Ohio Northern University’s motion to dismiss the second amended complaint, arguing that he adequately stated a claim for defamation and intentional infliction of emotional distress because he alleged that the university made false accusations of

misconduct against him. On March 13, the defendants filed their reply, arguing that Gerber's discrimination and defamation claims against university officials in their individual capacity should be dismissed because the university was engaged in official academic activities. On March 18, the plaintiff filed a motion to voluntarily dismiss two of his claims—for conversion and replevin—citing the university's return of property left in his former office.

- ***Rogers v. Compass Group USA, Inc.***, No. 23-cv-1347 (S.D. Cal. 2023): On July 24, 2023, a former recruiter for Compass Group USA sued the company under Title VII for allegedly terminating her after she refused to administer the company's "Operation Equity" diversity program, in which only women and people of color were entitled to participate. The plaintiff alleged that she was wrongfully terminated after she requested a religious accommodation to avoid managing the program, claiming it conflicted with her religious beliefs.
  - **Latest update:** On March 21, the parties filed a stipulation of dismissal, stating that they had reached an undisclosed agreement to settle the case on February 28.

### 3. Challenges to agency rules, laws, and regulatory decisions:

- ***American Alliance for Equal Rights v. Ivey***, No. 2:24-cv-00104-RAH-JTA (M.D. Ala. 2024): On February 13, 2024, AAER filed a complaint against Alabama Governor Kay Ivey, challenging a state law that requires Governor Ivey to ensure there are no fewer than two individuals "of a minority race" on the Alabama Real Estate Appraisers Board (AREAB). The AREAB consists of nine seats, including one for a member of the public with no real estate background (the at-large seat), which has been unfilled for years. Because there was only one minority member among the Board at the time of filing, AAER asserts that state law will require that the open seat go to a minority. AAER states that one of its members applied for this final seat, but was denied purely on the basis of race, in violation of the Equal Protection Clause of the Fourteenth Amendment.
  - **Latest update:** On March 11, AAER moved for a temporary restraining order and preliminary injunction to prevent the Governor from enforcing the statute and to require her to withdraw her pending Board appointments. In response, Ivey argued that AAER had not shown irreparable harm and lacked standing via anonymous "Member A." On March 15, the court ordered AAER to "file under seal the name of Member A" that day. On March 18, the court held a hearing on the emergency motion for a temporary restraining order and preliminary injunction, and on March 19 denied AAER's motion, holding that AAER has standing, but is not entitled to a TRO and preliminary injunction because it will not suffer irreparable harm.
- ***Valencia AG, LLC v. New York State Off. of Cannabis Mgmt. et al***, No. 5:24-cv-116-GTS (N.D.N.Y. 2024): On January 24, 2024, Valencia AG, a cannabis company owned by white men, sued the New York State Office of Cannabis Management for discrimination, alleging that New York's Cannabis Law and implementing regulations favored minority-owned and women-owned businesses. The regulations include goals to

promote “social & economic equity” (“SEE”) applicants, which the plaintiff claims violates the Equal Protection Clause and Section 1983. On February 7, 2024, the plaintiff filed a motion for a temporary restraining order and preliminary injunction, seeking to prohibit the defendants from implementing the regulations, charging SEE applicants reduced fees, or preferentially granting SEE applicants’ applications.

- **Latest update:** On March 5, the defendants filed their opposition to the plaintiff’s motion for a preliminary injunction. On March 8, plaintiff’s new counsel, Pacific Legal Foundation, asked to withdraw the plaintiff’s motion for a preliminary injunction, which the court granted. On March 13, the plaintiff filed an amended complaint, naming only two New York state officials as defendants in their official capacity and voluntarily dismissing others, including the claims against the two officials in their personal capacity.

#### **4. Actions against educational institutions:**

- ***Chu, et al. v. Rosa***, No. 1:24-cv-75-DNH-CFH (N.D.N.Y. 2024): On January 17, 2024, a coalition of education groups sued the Education Commissioner of New York, alleging that its free summer program discriminates on the bases of race and ethnicity. The Science and Technology Entry Program (STEP) permits students who are Black, Hispanic, Native American, and Alaskan Native to apply regardless of their family income level, but all other students, including Asian and white students, must demonstrate “economically disadvantaged status.” The plaintiffs sued under the Equal Protection clause and requested preliminary and permanent injunctions against the enforcement of the eligibility criteria.
  - **Latest update:** On March 18, the defendant moved to dismiss for lack of standing, arguing that neither the organizational plaintiffs (comprised of parent members) nor the named parent plaintiff have suffered any personal or individual injury, and that the plaintiffs cannot sue for alleged violations of members’ rights as prospective STEP applicants. The plaintiffs’ response is due on April 8.

The following Gibson Dunn attorneys assisted in preparing this client update:  
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Gibson Dunn’s lawyers are available to assist in addressing any questions you may have regarding these developments. Please contact the Gibson Dunn lawyer with whom you usually

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