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Top 100 Lawyers AND DISTINGUISHED COUNSEL



THEANE EVANGELIS

GIBSON DUNN & CRUTCHER LLP
LITIGATION
LOS ANGELES

Six days before trial, the city of Los Angeles called Theane Evangelis in to defend against the L.A. Alliance's attempt to take the city's homelessness policy away from elected officials and hand it to a receiver. *L.A. Alliance for Human Rights et al. v. City of Los Angeles et al.*, 2:20-cv-02291 (C.D. Cal., filed March 10, 2020).

"In the city of Los Angeles case, we were asked to jump in on the eve of trial,

literally with days' notice," said Evangelis, a partner at Gibson, Dunn & Crutcher LLP. "The case had been going on for years, and to jump in, digest a record that spanned years, and be ready to go to trial when you have just joined the team is an incredibly daunting task. But we assembled a great trial team, and we were able to accomplish a result that most would have thought was impossible."

After a seven-day trial and a 50-page post-trial brief on an expedited schedule, the district court ruled that a receivership would interfere with voters' power to elect representatives who address the issue, a decision that came roughly a year after the firm's Supreme Court win in *Grants Pass v. Johnson* returned control over homelessness policy to local governments.

Evangelis took a similar approach in *Gratton v. UPS*, stepping in after another firm tried the case and a Washington jury returned a \$237.6 million verdict against UPS for retaliation and wrongful termination. Within a week of being retained, her team filed a renewed motion for judgment as a matter of law, and the court vacated the \$198 million punitive damages award. *Gratton v. United Parcel Service Inc.*, 1:22-cv-03149 (E.D. Wash., filed Oct. 18, 2022).

The team later won a new trial over plaintiff's counsel's conduct at trial, eliminating the remaining \$39.6 million emotional distress award, then defeated the plaintiff's appeal and writ petition at the Ninth Circuit. "Gratton, the UPS case, is another example of being called in after the case had been going on for years," Evangelis said. "We jumped in, learned the record inside out, and overturned that verdict, wiping out a nearly \$240 million verdict."

Evangelis clerked for Justice Sandra Day O'Connor, whom she calls one of her mentors. She is preparing to argue *Leeper v. Shipt* before the California Supreme Court, a PAGA and Federal Arbitration Act case that may shape the future of PAGA actions in the state.

Evangelis points to a shift in the litigation her clients face: challenges now target business models themselves, not just individual claims, pushing more cases toward trial, including class actions. She also points to plaintiffs' use of mass arbitration and "headless" PAGA suits, where a plaintiff tries to abandon their own claim to avoid an arbitration agreement. "The most important cases now play out in the press and in the political arena as well as in court," she said. "Managing it all is part of the challenge — and the fun."