

# Brandon J. Stoker

## Of Counsel

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Los Angeles



Brandon Stoker is of counsel in the Los Angeles office of Gibson, Dunn & Crutcher, where his practice focuses on complex business litigation at the trial and appellate levels. He is a member of the firm's Antitrust and Competition, Appellate and Constitutional Law, Class Actions, and Labor and Employment Practice Groups.

Brandon works with clients in a variety of industries, including technology, consumer products, energy, insurance, and financial services. He has represented clients in antitrust, breach-of-contract, consumer, and employment class actions; constitutional litigation involving challenges based on due process, equal protection, the Commerce Clause, and the First Amendment; and government investigation and enforcement actions involving the U.S. Department of Justice, the Federal Trade Commission, and state attorneys general.

He also represents clients in appellate matters in federal and state appellate courts throughout the country. Brandon has briefed dozens of appeals to the U.S. Supreme Court, most federal circuits, and several state supreme courts, and has successfully presented oral argument to the Ninth Circuit. He frequently advises business leaders regarding issues at the intersection of litigation, regulation, and public policy, and has substantial experience developing risk-mitigation strategies and guiding clients through crisis situations.

Prior to joining Gibson Dunn, Brandon served as a law clerk to the Honorable N. Randy Smith of the U.S. Court of Appeals for the Ninth Circuit. Since 2018, he has been named a "Rising Star" in Class Action Litigation in the yearly Super Lawyers edition of *Los Angeles Magazine*, and since 2022 he has been recognized in *Best Lawyers: Ones to Watch in America*®. Brandon's litigation wins have been profiled in awards conferred by a variety of publications, including: "[Litigators of the Week](#)," *The Am Law Litigation Daily* (June 2021); "[Litigators of the Week](#)," *The Am Law Litigation Daily* (February 2018); "[Top Verdicts of 2017](#)," *Los Angeles Daily Journal* (February 2018); "[Litigation Department of the Year](#)," *The American Lawyer* (January 2016); "[Top Verdicts of 2014](#)," *Los Angeles Daily Journal* (February 2015); "[Practice Group Performs In Spotlight and Under Pressure](#)," *Los Angeles Daily Journal* (March 2012); and "[Litigation Department of the Year](#)," *The American Lawyer* (January 2012).

### Representative Matters:

- *The Standard Fire Ins. Co. v. Knowles* (U.S. Supreme Court): Winning a unanimous victory in the first Supreme Court decision to interpret the jurisdictional limitations of the Class Action Fairness Act.
- Representing Uber Technologies, Inc. in a series of putative class and government enforcement actions in California and Massachusetts asserting that Uber has misclassified drivers as independent contractors, including defeating four

### Capabilities

Antitrust and Competition  
Appellate and Constitutional Law  
Class Actions  
Crisis Management  
Labor and Employment  
Litigation  
Media, Entertainment, and Technology

### Credentials

#### Education

Brigham Young University - 2010 Juris Doctor  
Boise State University - 2007 Bachelor of Arts

#### Admissions

California Bar  
Idaho Bar

#### Clerkships

US Court of Appeals, 9th Circuit, Hon. N. Randy Smith, 2010 - 2011

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preliminary injunction motions and an application for a temporary restraining order, winning several motions to enforce arbitration agreements, and securing an emergency stay on the eve of a statewide shutdown of Uber's ridesharing platform in California.

- *Persian Gulf Inc. v. BP West Coast Prods.* (S.D. Cal.): Representing Chevron U.S.A. in antitrust class actions alleging a conspiracy to reduce supply and inflate gasoline prices in California.
- *Hewlett-Packard Co. v. Oracle Corp.* (Santa Clara Super. Ct.): Securing a verdict finding that Oracle breached its agreement to continue porting software to HP's high-performance Itanium servers. The jury awarded HP more than \$3 billion in damages—one of the largest single-plaintiff verdicts in United States history.
- Representing Facebook, Inc. in litigation related to Cambridge Analytica events and data privacy practices.
- *Lawson v. Grubhub Inc.* (N.D. Cal.): In a landmark case for the "gig economy," preemptively defeating class certification and winning a verdict for Grubhub finding that a delivery service provider was properly classified as an independent contractor.
- *Meyer v. Uber Technologies, Inc.* (Second Circuit): Persuading the Second Circuit to unanimously reverse an order denying the arbitrability of alleged price-fixing claims relating to the Uber software application.
- *Mohamed/Gillette v. Uber Technologies, Inc.* (Ninth Circuit): Persuading the Ninth Circuit to grant interlocutory review of a class certification order and obtaining unanimous decisions enforcing Uber's arbitration agreements and decertifying a class of hundreds of thousands of drivers.
- *Parsons Constr. v. L.A. Cnty. Metro. Transp. Auth.* (Cal. Ct. App.): Securing unanimous reversal of a \$100 million judgment, on a 17-year trial record, arising from a contract dispute relating to the construction of the L.A. Metro Red Line.
- *Fischer v. Time Warner Cable, Inc.* (Cal. Ct. App.): Persuading the court to unanimously affirm dismissal of a \$6 billion class action against Time Warner Cable, the Los Angeles Dodgers, and the Los Angeles Lakers, alleging that it is unlawful to include sports programming in bundled cable packages.
- *Vergara v. California* (L.A. Super. Ct.): Winning a significant ruling, following an eight-week trial, that California's teacher tenure laws violate students' fundamental right to education under the California Constitution. Named among the [Top Verdicts of 2014](#) by the *Daily Journal*, *Vergara* was described by *The New York Times* Editorial Board as a landmark decision that "opens a new chapter in the equal education struggle," and U.S. Secretary of Education Arne Duncan called the ruling a "mandate to fix the problems" that beset California's public schools.

Brandon maintains an active pro bono practice that focuses on youth advocacy, military veterans, and first-generation entrepreneurs. In recent years, he has represented unaccompanied minors in petitions for asylum and secured permanent restraining orders on behalf of domestic violence survivors. In 2019, he presented oral argument to the Ninth Circuit and won unanimous reversal of an order dismissing the claims of a pro se civil rights petitioner.

He has written and presented on a variety of subjects, including class actions, arbitration, employment, and constitutional law. Brandon co-authored *The Changed Landscape of Businesses' Right to Enforce Arbitration Agreements: A Survey of Class Actions Involving Petitions to Compel Arbitration After Concepcion* (Bloomberg/BNA Class Action Litigation Report), and contributed to chapters and updates in *A Practitioner's Guide to Class Actions* (American Bar Association).

Brandon graduated *magna cum laude* from the J. Reuben Clark Law School at Brigham Young University, where he served as editor in chief of the law review and was elected to the Order of the Coif. While in law school, he served as an extern to the Honorable David Sam of the United States District Court for the District of Utah and received the John S. Welch Prize for Outstanding Legal Writing. He received his undergraduate degree in political philosophy, *magna cum laude*, from Boise State University.