

Rising Star: Gibson Dunn's Ryan Stewart

By **Grace Elletson**

Law360 (July 23, 2024, 2:03 PM EDT) -- Ryan Stewart of Gibson Dunn & Crutcher LLP helped car rental giant Enterprise dodge \$160 million in claims that it illegally collected biometric data from workers when it used their fingerprints to register their arrival at work, on top of other victories he secured for Amazon and sales company Credico, earning him a spot among the employment law practitioners under age 40 honored by Law360 as Rising Stars.

Recent interesting cases:

There haven't been many rulings favoring employers in cases invoking violations of the Illinois Biometric Information Privacy Act since the law was enacted in 2008. Which is why it was significant, Stewart said, that he was able to convince nine plaintiffs to drop their \$160 million in claims against Enterprise in July 2023.

The group of workers split from a class settlement reached with the company after the Illinois Supreme Court issued rulings that significantly expanded damages in BIPA cases, prompting seven of the workers to ask the court for \$20 million each in damages, alleging that their fingers had been scanned more than 4,000 times, while the remaining plaintiffs sought \$10 million each, Stewart said.

But after scrutinizing the workers' claims, Stewart said, his team realized that they had either exaggerated the number of times their fingers had been scanned or falsely claimed that they had been scanned at all. His team filed a motion for sanctions simultaneously with a motion to dismiss, and in response, the workers voluntarily pulled their own claims, Stewart said.

"I try to focus on ... being very proactive and going out and trying to move things forward and vigorously representing our clients," Stewart said. "Not sitting back and waiting for the next step or saying, 'This is just part of litigation.'"

Stewart also successfully defended Amazon against a shift manager's suit



Ryan Stewart
Gibson Dunn

Age: 36
Home base: Washington
Position: Partner
Law school: Harvard Law School
First job after law school: Associate at Gibson Dunn & Crutcher

claiming that she was sexually harassed by a supervisor and subsequently retaliated against. A Delaware federal judge tossed the suit in December 2021 and the Third Circuit affirmed the dismissal in November.

He is also representing Amazon in an investigation brought by the U.S. Department of Justice claiming that the company hid workplace injuries in its warehouses and failed to disclose the injuries to lenders, and has so far secured two protective order wins for the company.

His biggest case:

Stewart pointed to cases that he called the most formative of his career. When defending sales company Credico against allegations that it had misclassified workers and stiffed them on overtime and minimum wage pay, he said it was the first time that he drove the overarching litigation strategy that ultimately secured the company summary judgment in 2017 — a win that was affirmed by the Second Circuit.

Ultimately, the court found that the workers were exempt from overtime and minimum wage obligations because they were outside salespeople, in addition to ruling that Credico wasn't their joint or direct employer, Stewart said. He said the cases were particularly challenging because there were multiple defendants named in the suits, therefore depositions and discovery requests had to be split up among multiple players.

He said the cases taught him how important it was to be proactive when collecting the facts that will drive a defensive strategy.

"Don't sit back and let any other party be the one driving discovery," Stewart said. "Go get the facts and marshal that record."

His proudest moment:

In December 2021, Stewart recalled, a Massachusetts federal judge signaled that he had already made up his mind to grant conditional certification to a group of 1,500 workers who claimed that Enterprise misclassified assistant branch managers as exempt from overtime.

But when Stewart got in front of the judge for oral arguments, he was able to convince him that there were personal jurisdiction issues at play that the First Circuit was currently toiling with, prompting the court to reverse course and pause the issue while awaiting the appellate court's decision.

"It was exciting and obviously challenging to know going into the argument that [this wasn't] up in the air, and the judge could go either way, but that the judge thought the other way sure was the right one," Stewart said.

Ultimately, in October the court decertified the collective and dismissed the workers' claims, after agreeing with Stewart's team's arguments that they were untimely and couldn't be revived through equitable tolling.

What motivates him:

"Winning for our clients," Stewart said.

The attorney said he's a competitive person, which compels him to secure wins with every motion that's

filed in a case, in addition to pushing for an overall successful outcome at the end of litigation. He said he enjoys sitting down with a client, discussing what "winning" looks like to the client at the beginning of a case, and then creating a road map for the overarching litigation strategy to ensure that there are multiple avenues the team could take to succeed.

Why he's an employment attorney:

When he first joined Gibson Dunn, Stewart said, the firm employed a "free market" system that allowed young attorneys to go out and find work that spoke to them. "You're not assigned to a practice group, you're not assigned to any partner," Stewart said.

One of the first cases he worked on was a discrimination lawsuit. "That's where I really fell in love with employment law, and never turned back," Stewart said.

He said he enjoys the practice area because every employment law case is unique. Even if different cases are brought under the same statute, because different facts and personal relationships are at play, each litigation strategy will be a new challenge, he said.

"I'm motivated to tell a compelling story," Stewart said. "I love the facts. That's why I'm an employment attorney."

--As told to Grace Elletson. Editing by Karin Roberts.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.