

# Daily Journal

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## TOP Labor & Employment Lawyers 2024



**Katherine V.A. Smith**

Gibson, Dunn & Crutcher  
Los Angeles

**F**or nearly 18 years, Katherine V.A. Smith has focused on employment law. She has risen from associate attorney to be a partner and a co-chair of Gibson, Dunn & Crutcher LLP's labor and employment practice group.

She pointed to the dynamism of the field, citing a string of developments that have impacted her practice over the last few years. "Every year, something completely new and different: #MeToo;

Covid; Dobbs and the way employers handle health care for their workers; the Harvard reverse discrimination case; and now AI out of left field. Never boring."

Plus, there's the new Private Attorneys General Act reform legislation signed into law July 1 by Governor Gavin Newsom.

"PAGA's been around for 20 years as employers' frustrations grew over the difficulties of maintaining a California workforce," Smith said. "We really could not estimate exposure, because the law was so broadly written and interpreted."

"Now, the reforms have put in place many of the arguments that employers have raised for years. It gives everyone clarity on standing and on how courts can address unmanageable claims."

Not that everything has been ironed out. "The remaining ambiguities will be interpreted in litigation to come as we see how courts use their new management tools," Smith said.

A new trial date is set for September for an information technology services client accused of hiring discrimination for allegedly preferring Indian and South Asian workers. Smith obtained a mistrial last year after a jury deadlocked on the sole subclass remaining in the case. Earlier, she had successfully argued against

certification of two larger classes. *Palmer et al. v. Cognizant Technology Solutions Corp.*, 2:17-cv-06848 (C.D. Cal., filed Sept. 18, 2017).

"Based on an extensive trial record that demonstrates how individual issues predominate, we've moved to decertify the remaining class," she said. In mid-July, the motion was pending before U.S. District Judge Dolly M. Gee of Los Angeles.

In September 2023, Smith and the Gibson Dunn team secured a key victory on behalf of Lowe's Home Centers LLC when a trial judge denied the plaintiffs' motion to assert non-individual PAGA claims on behalf of a number of employees who had failed to timely exhaust their claims. The court held that notice provided by one of the named plaintiffs was not sufficient to cover all the other allegedly aggrieved employees. *Lowe's Wage & Hour Cases*, JCCP 5110 (S. Bernardino Super. Ct., filed July 21, 2020).

"The court made clear what the reform legislation now establishes, that each plaintiff must have suffered the alleged violation within one year of filing," Smith said.

—JOHN ROEMER