

# Daily Journal

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## California's Top Labor & Employment Lawyers for 2016

### EDITOR'S NOTE

PAGA remained omnipresent in employment law this year. A record number of new lawsuits invoked the Private Attorney General Act of 2004 as employees pushed for civil penalties and to escape employers' binding arbitration clauses.

In this special issue, we honor some of the California lawyers involved in these and other cutting-edge employment and labor cases. They are brilliant, strategic and, most of all, agile, as they navigate a fast-moving and ever-changing legal landscape. Compiling this list, we often marveled at the performances of these lawyers. As you read through this issue, we think you'll be impressed, too.

## Kerry Garvis Wright

FIRM:	CITY	SPECIALTY
Glaser Weil Fink Howard Avchen & Shapiro LLP	Los Angeles	Employer defense litigation

When Dayne Myers, the former CEO of star architect Frank Gehry's technology company, sued for wrongful termination and demanded more than \$6 million plus punitive damages and attorney fees, Garvis Wright defended longtime client Gehry at arbitration before Peter D. Lichtman, a former Los Angeles County Superior Court judge.

"We prepared based on certain facts and legal theories, but opposing counsel for the first time claimed in his opening statement that plaintiff's employment agreement had been induced by fraud," Garvis Wright said. "That had never been part of the pleadings." She immediately moved for a nonsuit, a rare arbitration ploy akin to a demurrer, arguing that the plaintiff had failed to enumerate his evidence.

Garvis Wright said that after working side by side for years with prominent litigator Patricia L. Glaser, her firm's lead name partner, she has learned to handle interesting cases and to represent some of the most powerful players in Hollywood, including William Morris Endeavor Entertainment

LLC and Gehry Partners LLP.

In the Myers arbitration, following extended argument, Lichtman ruled that he would consider the nonsuit motion. "I've only seen that happen once before," Garvis Wright said. "The judge said he was inclined to grant my motion, but he reordered proof, requiring the plaintiff to present his evidence of the alleged fraud only in a mini-trial."

Called to testify were Myers, Gehry and the Gehry chief of staff involved in hiring. "Mr. Myers tried to say that he'd been hired for a position that would let him pump up the stock price of Gehry Technologies so that he could cash in when he exited," Garvis Wright said. "We countered with good evidence of his bad motive. Mr. Gehry said that was never his plan for Gehry Technologies."

At the close of the mini-trial, Garvis Wright moved for judgment as a matter of law, arguing that the plaintiff had not established a case for fraud. Such motions are rarely entertained in the arbitration context, but Lichtman granted it without hearing fur-



ther evidence and dismissed all of Myers' claims. The judge further ruled that Gehry and his companies were the prevailing parties entitled to more than \$1 million in legal fees and costs.

"The testimony of Mr. Gehry was persuasive. That of Mr. Myers was unpersuasive," Garvis Wright summed up. "This was a satisfying outcome, and it is always very cool to be around Frank Gehry. We've become good friends."

— John Roemer