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experience

**Astrachan Gunst Thomas, P.C., Baltimore, MD**

*Principal*, Litigation Department  
*Associate*, Litigation Department

February 2016 to present  
May 2013 to February 2016

Represent clients in general litigation, including federal and state court trials, focusing primarily on trademark, copyright, business, and employment-related disputes. Provide ongoing advice to employers related to local, state and federal employment law issues.

**Slevin & Hart, P.C., Washington, D.C.**

*Associate*, Litigation Department

May 2011 to May 2013

Represented multiemployer pension and health care funds, as well as their Trustees, in ERISA litigation.

**Skadden, Arps, Slate, Meagher & Flom LLP, San Francisco Office**

*Counsel*, Litigation Department  
*Associate*, Litigation Department

May 2009 to April 2011  
October 2005 to May 2009

Represented clients in federal and state courts in complex commercial litigation and securities matters. Defended corporations, officers and directors in shareholder class actions, including expedited deal litigation. Supervised junior and mid-level associates. Representative cases included:

- Defending Greg Reyes, former CEO of Brocade Communications, Inc., against actions brought by the SEC, the DOJ, and Brocade Communications, Inc. related to stock option backdating.
- Representing the Special Committee of the Board of Directors of KLA-Tencor Corporation, a leading supplier of process control and yield management solutions for the semiconductor industry, in an investigation of stock option granting practices.

**San Francisco Superior Court, Law & Motion Department**

*Law Clerk*, Hon. David A. Garcia/Hon. James L. Warren February 2003 to September 2005

Invited to return to department to assist the Hon. David A. Garcia, and upon his retirement continued to clerk for Hon. James L. Warren. Drafted decisions and orders. Wrote an average of three bench memoranda each day with suggested rulings for pre-trial motions. Frequently briefed visiting judges. Conducted daily *ex parte* hearings. Supervised junior attorneys and numerous law student interns.

**Skadden, Arps, Slate, Meagher & Flom LLP, San Francisco Office**

*Associate*, Litigation Department

October 1999 to February 2003

Prepared clients for and participated in interviews by government entities; defended clients in depositions; and led discovery efforts. Representative work included:

- Defending Apollo Advisors, L.P., a New York-based investment firm, and certain of its current and former officers in fraud action filed by the Attorney General of California.
- Successful motion to dismiss RICO and California False Claims Act claims seeking over \$6 billion in damages;
- Successful appellate brief to the Ninth Circuit Court of Appeals.

**San Francisco Superior Court, Law & Motion Department**

*Law Clerk*, Hon. David A. Garcia (Ret.) August 1998 to September 1999

Drafted decisions and orders. Briefed the Hon. David A. Garcia and recommended rulings on pre-trial motions, including over 100 motions for summary judgments. Conducted daily *ex parte* hearings. Regularly briefed visiting judges on Law & Motion matters.

**Superior Court of the District of Columbia,**

*Law Clerk*, Hon. Mary Ellen Abrecht (Ret.) August 1997 to August 1998

Researched and wrote advisory memoranda and court orders arising from murder, rape, and child sexual assault trials. Organized morning calendar of hearings and coordinated transfer of defendants and witnesses from local jail.

education

**University of California, Hastings College of the Law, J.D.** 1997

*Hastings Constitutional Law Quarterly*, Note Editor

**Mount Holyoke College, B.A., English**, 1994

*Magna cum laude*

*Phi Beta Kappa*

admissions

**California Bar** (1997)

**Maryland Bar** (2011)

**District of Columbia** (2012)

publications

*Strategies for Creating and Implementing a Zero-Tolerance Workplace Violence Policy*, The Lexis Practice Advisors Journal, December 2017.

*Service Providers as Independent Contractors or Employees—The Yoga Vida Decision*, LexisNexis Emerging Issues Analysis, 2017 Emerging Issues 7502, January 2017.

*The Inadequacy of the Second Amendment for 3D Printed Guns*, MARYLAND BAR JOURNAL, September/October 2015, at 25. Republished with permission of the Maryland State Bar Association in THE COMPUTER & INTERNET LAWYER, March 2016, at 14.

speaking

engagements

Speaker: Workplace Violence: Prevention and Liability, Linthicum, Maryland (November 30, 2017)

Radio show guest discussing the *Yoga Vida* decision—an independent contractor versus employee analysis, *The Power Hour, Optometry's Only Live Talk Radio Show!* (January 11, 2017).

Speaker: *Gun Law in Maryland*, National Business Institute, Baltimore, Maryland (July 14, 2016) and (June 27, 2017).

Speaker: *Gun Law in Delaware*, National Business Institute, Wilmington, Delaware (December 1, 2016).

Speaker: *Drugs in the Workplace: What Every Employer Must Know*, Linthicum, Maryland (February 19, 2016).

Speaker: *Social Media, Technology and Your Employee Handbook*, Columbia, Maryland (February 20, 2015).

Radio show guest discussing the Americans with Disabilities Act, *The Power Hour, Optometry's Only Live Talk Radio Show!* (February 18, 2015).

Speaker: *What Every Employer Must Know About the Americans with Disabilities Act—2014*, Timonium, Maryland (October 24, 2014).

s a m p l e o f a d d i t i o n a l r e p r e s e n t a t i v e m a t t e r s

- *Al Farooq Foundation, Inc. v. Vahora et al.*: Prevailed in three-week state court bench trial. Secured a constructive trust in favor of the congregation of a local mosque.
- *Teal Bay Alliances, LLC v. Southbound One, Inc.*: Successfully defended Southbound One, Inc. in a trademark infringement action filed in the United States District Court for the District of Maryland. Member of trial team that prevailed on all claims and secured an order cancelling the plaintiff's trademark.
- *Commissioner of Labor of the State of New York v. Yoga Vida NYC, Inc.*: Drafted appellate brief and presented winning oral argument in the New York Court of Appeals. Case resulted in a published opinion that helped define the test in New York for determining whether a person is an independent contractor or an employee for purposes of unemployment insurance contributions.
- *O'Connell v. Mortimer*: Litigated and successfully resolved two related matters, primarily concerning undue influence allegations, pending in the Orphans' Court and Circuit Court for Queen Anne's County.
- *Riesett v. Mayor and City Council of Baltimore*: Represented local advertiser on a pro bono basis in copyright litigation against the Mayor and City of Baltimore concerning the "Show Your Soft Side" public service campaign she designed to stop animal cruelty.
- Wrote educational presentation describing a step-by-step approach to internal investigations for the Legal and Internal Audit departments at Xilinx, Inc.
- Wrote educational presentation on the ethical obligations of in-house counsel that has been delivered to the legal departments at Xilinx, Inc.; Pacific Gas & Electric; Oracle; SanDisk; Gilead; KLA-Tencor Corporation; Hewlett Packard; Adobe; TiVo; and Applied Materials.
- California Marriage Equality Cases: Drafted amicus briefs for the California Court of Appeal and the Supreme Court of California on behalf of over 400 religious organizations and faith leaders in support of legalizing same-sex marriage in California. Drafted a separate amicus brief for the Supreme Court of California on behalf of a group of distinguished constitutional law professors in favor of overturning California's Proposition 8.
- Represented 16 individuals in removal proceedings arising from raid of clients' home by Immigration and Customs Enforcement agents. Conducted direct examinations of each client and defended against cross examinations by the Department of Homeland Security. Briefed motion to suppress and presented oral argument.
- Represented Union Trustees of the UFCW Local 400 and Employers Health and Welfare Fund in arbitration proceedings. Prepared direct and cross examinations, helped prepare witnesses. Second chaired two days of arbitration hearings.
- Represented the PACE Industry Union-Management Pension Fund in litigation against the Bank of New York Mellon for breaches of fiduciary duty related to the bank's securities lending activities. Defeated BNYM's motion to dismiss on all counts and first chaired oral argument in the United States District Court for the Southern District of New York.
- Member of the Edward J. McFetridge American Inn of Court (2005-2008).