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Eugene Scalia is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher He is Co-Chair of the firm's Labor and Employment Practice Group, which in 2012 was recognized as the nation's top employment group by *The American Lawyer*. He is also Chair of the firm's Administrative Law and Regulatory Practice Group and a member of its Appellate and Constitutional Law Practice Group. He is a member of the firm's Partnership Evaluation Committee, and has served on its Executive Committee.

Mr. Scalia has a national labor and employment practice handling a broad range of matters involving the National Labor Relations Act, ERISA, sexual harassment and the anti-discrimination laws, and the many statutes administered by the Department of Labor. He previously served as Solicitor of the U.S. Department of Labor, the Department's principal legal officer with responsibility for all Labor Department litigation, including ERISA, the Family and Medical Leave Act, the minimum wage and overtime provisions of the Fair Labor Standards Act, and the Occupational Safety and Health Act.

In private practice, representative employment matters include:

- *NLRB v. The Boeing Company*, Case 19-CA-32431 – Represented company in closely-watched case regarding new South Carolina facility.
- *Cumbie v. Woody Woo, Inc.,* 596 F.3d 577 (9th Cir. 2010); *Tang v. Wynn Las Vegas, LLC,* No. 2:09-CV-01243 (D. Nev. 2010) – Filed influential *amicus* brief in Ninth Circuit tip-pooling case, to rebut brief by Labor Department; Ninth Circuit victory then used to secure dismissal of separate district court collective action case brought on the same legal theory.
- *Colson v. Avnet, Inc.,* 687 F.Supp.2d 914 (D. Ariz. 2010) – Defeated nationwide FLSA collective action and obtained 12(b)(6) dismissal of state law class claims with no discovery, in case involving sales and marketing representatives.
- *Hohider v. UPS,* 574 F.3d 169 (3d Cir. 2009) – Vacated largest ADA class ever certified.
- *Bath Marine Draftsmen's Assoc. v. NLRB*, 475 F.3d 20 (1st Cir. 2007) – Tried and successfully appealed to the Board and First Circuit this leading case on labor contract modifications.
- *EEOC v. UPS*, 306 F3d 794 (9th Cir. 2002); 424 F.3d 1060 (9th Cir. 2005) – Trial and two successful appeals in nationwide EEOC challenge under the ADA to a company's physical qualification requirements for drivers.

- Representation of companies and audit committees in many Sarbanes-Oxley "whistleblower" matters, including internal investigations and proceedings before the Department of Labor, administrative law judges, and the federal courts.

Mr. Scalia also has handled a range of appellate and regulatory matters, with particular concentration in litigation involving federal administrative rulemaking. Representative matters include:

- *Business Roundtable v. SEC.*, 647 F.3d 1144 (D.C. Cir. 2011) – Successful challenge to SEC's controversial 'proxy access' rule, regarding election of corporate directors.

- *American Equity Inv. Life Ins. Co. v. SEC*, 613 F.3d 166 (D.C. Cir. 2010) – Successful challenge to SEC rule regulating fixed indexed annuities.

- *Retail Industry Leaders Ass'n v. Fielder*, 475 F.3d 180 (4th Cir. 2007) – Successful ERISA preemption challenge to controversial Maryland law that required increased expenditures on employee health care.

- *Chamber of Commerce v. SEC*, 412 F.3d 133 (D.C. Cir. 2005), and *Chamber of Commerce v. SEC,* 443 F.3d 890 (D.C. Cir. 2006) – Two successful challenges to SEC's controversial mutual fund "governance" rule.

- *United States Telecom Association, et al. v. F.C.C.,* 227 F.3d 450 (D.C. Cir. 2000) – Successful challenge to Federal Communications Commission regulation regarding telecommunications surveillance by law enforcement authorities.

- *U.S. Chamber of Commerce v. U.S. Dept. Labor*, 174 F.3d 206 (D.C. Cir. 1999) – Successful challenge under Administrative Procedure Act to "Cooperative Compliance Program," one of largest enforcement programs in OSHA's history.

Mr. Scalia is the author of more than twenty articles and papers on labor and employment law, constitutional law, and other subjects. In 2007 he was named one of the 50 top litigators in the country under age 45 by *American Lawyer.* He is listed in *Who's Who in America* and is identified as a leading labor and employment lawyer in *Chambers*, *The Legal 500, The Best Lawyers in America®,* PLC's *Which Lawyer?*, and other publications. He is a public member of the Administrative Conference of the United States, a federal agency that makes recommendations to Congress and the Executive Branch on ways to improve the administrative process.

Mr. Scalia graduated *cum laude* from the University of Chicago Law School, where he was editor-in-chief of the *Law Review*. From 1992-93 he served as Special Assistant to U.S. Attorney General William P. Barr, receiving the Department's Edmund J. Randolph Award. He graduated With Distinction from the University of Virginia in 1985 and was a speechwriter to Education Secretary William J. Bennett before attending law school. He has been a Lecturer in labor and employment law at the University of Chicago Law School.