



Gary M. McLaughlin

Partner



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legal expertise

Gary McLaughlin represents employers in all areas of labor and employment law, including representation in wage and hour class action litigation, Private Attorneys General Act (PAGA) actions, and discrimination, harassment, retaliation and wrongful termination claims. Mr. McLaughlin regularly advises clients on wage and hour issues, terminations, investigations, family and medical leaves, employee handbooks, independent contractor classification and contracts, and California non-competes and restrictive covenants. His clients include major employers in the health care, retail, food services, insurance, financial services and entertainment industries.

representative matters

- Prevailed at trial in a PAGA representative action on novel question of California law regarding enforceability of prospective meal break waivers.*
- Defeated class certification of California meal and rest break, off-the-clock, and expense reimbursement claims brought on behalf of a class of home care aides employed by a national home healthcare company.*
- Defeated class certification for a national family dining and entertainment chain in a California class action alleging that the company's general managers were misclassified as exempt employees, and subsequently obtained dismissal of the plaintiff's PAGA representative action.*
- Obtained partial summary judgment against named plaintiffs on off-the-clock, overtime, waiting time penalty, wage statement penalty, and expense reimbursement claims for a national chain of veterinary clinics in consolidated California-wide class actions.*
- Obtained "walk away" settlement and voluntary dismissal of PAGA action alleging overtime and rest break violations after taking the plaintiff's deposition and filing for summary judgment.*

practice areas

labor & employment
employment litigation & counseling
labor litigation & counseling

admissions

California

education

- University of Virginia School of Law, J.D.
- University of Virginia, with distinction, B.A.

other career experience

- Partner, Akin Gump Strauss Hauer & Feld LLP

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- Defeated class certification and obtained partial summary judgment for a major insurance company in a California-wide class action brought by insurance agents alleging misclassification as independent contractors and breach of contract.*
- Defeated class certification in a California-wide class action against a national grocery chain alleging that employees were denied reporting time pay and underpaid wages when reporting to work for termination meetings.*
- Obtained dismissal of class action against a national arts and crafts retailer and two of its subsidiaries in which the plaintiff claimed that the companies violated California law and common law by misleading employees about their vacation policy.*
- Successfully removed and defeated remand of two parallel class actions against a national pharmacy chain which had divided a state-wide class into smaller regional classes in an attempt to avoid CAFA jurisdiction.*

*Indicates matters handled prior to joining MSK

honors & awards

- "Leading Labor & Employment Lawyers in California," *Chambers USA* (2021-2025)
- "Leading Lawyer in Labor and Employment" (2017-2018) and "Labor and Employment Disputes (Including Collective Actions): Defense" (2019-2020), *Legal 500 US*
- "Top 5% of lawyers in Southern California," *Southern California Super Lawyers* (2019-2020)
- "Top Labor & Employment Lawyers in California," *The Daily Journal* (2015-2017)

professional, business and civic affiliations

- Friends of the Los Angeles County Law Library, Member of the Board of Directors
- American Health Law Association, Vice Chair - Educational Programming (Labor & Employment Practice Group)

headlines

Five MSK Practices and Seven Attorneys Recognized in *Chambers USA* 2025 Guide
Chambers USA, June 5, 2025

Five MSK Practices and Attorneys Recognized in *Chambers USA* 2024 Guide
Chambers USA, June 6, 2024

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MSK Practices and Attorneys Recognized in *Chambers USA* 2023 Guide
Chambers USA, June 1, 2023

MSK Practices and Attorneys Recognized in *Chambers USA* 2022 Guide
Chambers USA, June 1, 2022

media mentions

Risky Business: The Most Challenging Workforce Issues Facing Health Care Employers Today
American Health Law Association's (AHLA) Speaking of Health Law Podcast
September 16, 2025

Gary McLaughlin Quoted in *CNBC*
CNBC, August 6, 2024

Gary McLaughlin Quoted in *Bloomberg Law*
July 26, 2024

Gary McLaughlin Quoted in *Law360 Employment Authority*
Law360 Employment Authority, May 24, 2024

Gary McLaughlin Quoted in *SHRM* Discussing New DOL Independent Contractor Rule
January 24, 2024

Gary McLaughlin Quoted in *Law360*
January 1, 2024

Gary McLaughlin Quoted in *Law360*
December 15, 2023

Gary McLaughlin Quoted in *Human Resources Director* and *SHRM* regarding U.S. Supreme Court Decision That Individual PAGA Claims May Be Compelled to Arbitration
June 21, 2022

client alerts

California Court of Appeal Addresses When Nonprofits May Properly Utilize Unpaid Volunteers
MSK Client Alert, February 2, 2026

California Court of Appeal Upholds Validity of Prospective Written Meal Period Waivers
MSK Client Alert, April 23, 2025

California Supreme Court Issues A Rare "Employer Friendly" Decision Concerning Employee Wage Statements
MSK Client Alert, May 22, 2024

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California Doubles Down on Its Longstanding Hostility Against Noncompete Agreements

MSK Client Alert, October 24, 2023

PAGA Representative Claims Can Still Be Litigated In Court Despite Robust Arbitration Agreements

MSK Client Alert, July 20, 2023

Ninth Circuit Withdraws its Decision on California's "AB 51" Arbitration Law

MSK Client Alert, August 25, 2022

West Hollywood Ordinance Significantly Expands Guaranteed Leave

MSK Client Alert, July 21, 2022

U.S. Supreme Court Rules Individual PAGA Claims May Be Compelled to Arbitration in Favorable Decision for California Employers

MSK Client Alert, June 23, 2022

Cal/OSHA Approves Third Adoption of COVID-19 ETS

MSK Client Alert, May 2, 2022

events & speaking engagements

Arbitrating Employment Disputes

April 10, 2025

PAGA: The Next Generation

July 31, 2024

PAGA Then & Now: What's Next for PAGA?

July 23, 2024

MSK's Labor & Employment Department's Annual "Year in Review" Seminar

January 10, 2024

MSK's Labor & Employment "Year in Review" Seminar

January 11, 2023