

Rising Star: Weil's Rebecca Sivitz

By Irene Spezzamonte

Law360 (July 24, 2024, 2:02 PM EDT) -- Rebecca Sivitz of Weil Gotshal & Manges LLP has helped several companies successfully handle mergers and restructuring, including helping The Kroger Co. face a first-of-its-kind challenge from the Federal Trade Commission, earning her a spot among the employment law practitioners under age 40 honored by Law360 as Rising Stars.

Her biggest cases:

Sivitz, a partner at Weil, is advising Kroger on its \$25 billion merger with grocery store company Albertsons Cos. Inc. after the FTC in February challenged the transaction.

The commission claimed, for the first time, that the deal between the two companies will prune competition for employees, spike consumer prices and limit choice, while also diluting the bargaining power of the union representing Kroger and Albertsons' employees.

Sivitz said she first started working on the deal side, helping with the transaction, negotiation and diligence of the merger, but she is now also working on the litigation.

The litigation is particularly challenging because it is the first time the FTC is pushing the theory that a merger could hurt unionized employees, Sivitz said.

"Everything is really novel," she said. "So we've had to think outside the box in terms of crafting our strategy ... [in] figuring out how to marry arguments that make sense, from a labor law perspective, with arguments that are going to be salient in antitrust litigation."

The case is still pending, and Kroger and Albertsons have asked the court to delay the evidentiary portion of the case.

Earlier in 2023, Sivitz also worked on Home Depot's \$18 billion

2024



Rebecca Sivitz

Weil Gotshal

Age: 37

Home base: Boston, New York

Position: Partner

Law school: University of Pennsylvania Carey Law School

First job after law school: Associate at Foley Hoag

acquisition of SRS Distribution Inc., a private equity-backed distributor of roofing and building supplies.

Sivitz helped the home improvement chain in dealing with integrating workforces, sorting out existing collective bargaining agreements, and tackling diversity and inclusion issues.

Another case that was significant was stepping up for Florida-based Western Global Airlines after it lost its labor relations teams following its \$500 million restructuring in 2023.

The restructuring led to a dispute with the Air Line Pilots Association over pilots' retention bonuses, which required Sivitz to meet with the union's representatives, with a court eventually approving the airline's employee retention plan.

Her proudest moment:

Sivitz said she takes pride in working with younger associates, mentoring them and "watching them grow and learn and be able to really meaningfully contribute to the matters that we're working on," including the Kroger matter.

She said that what makes her particularly proud is "taking someone who's never worked on a transaction before, and then having them work on multibillion-dollar deals and do a great job."

Why she is an employment attorney:

Sivitz said the human aspect of employment law is what drew her to the field.

"I say that a huge part of my job is applying emotional intelligence and figuring out how to balance the complex considerations in the workplace in terms of allowing clients to accomplish their business objectives, while making sure that they're compliant with the law," she said.

The ability to gain experience very quickly was also something that attracted her to employment law as "employment matters, particularly at large firms, tend to be leanly staffed," Sivitz said.

What motivates her:

Expanding and growing Weil's labor and employment groups is at the root of Sivitz's motivation, especially when it comes to being an example for other women attorneys in the "extremely male-dominated" field of labor relations, she said.

--As told to Irene Spezzamonte. Additional reporting by Jared Foretek. Editing by Lakshna Mehta.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.