

## Virginia federal cases

*Lapp v. United States*, 2023 WL 8628314 (E.D. Va. 2024) (jail suicide case; offer of judgment by jail psychiatrist for \$1,750,000 accepted following denial of summary judgment)

*Souter v. Irby*, 2022 WL 884268 (E.D. Va. Mar. 23, 2022) (summary judgment on liability against deputy sheriffs for unconstitutional arrest; \$50,000 jury verdict).

*Whitley v. SecTek, Inc.*, No.1:20-cv-1411(E.D.Va. 2021, 2022) (damages for sex discrimination where male employee wrongfully fired to appease female employee falsely claiming harassment).

*Wilson v. Fairfax County*, No.1:21-cv-800 (E.D. Va. 2021) (\$390,000 settlement for victim of unconstitutional pretextual police stop; qualified immunity denied for stop).

*Drew v. Irby*, No.1:20-cv-736 (E.D. Va. 2021)(damages for wrongful arrest, tasing, and search).

*Marshall v. Marshall*, 523 F.Supp. 3d 802 (E.D. Va. 2021) (private parties liable under 42 U.S.C. §1983 for acting in concert with state actor).

*Wingate v. Fulford*, 987 F.3d 299 (4<sup>th</sup> Cir. 2021)(standard set for detention and arrest under stop-and-identify ordinances; qualified immunity denied for unconstitutional detention).

*Rogers v. Va. State Registrar*, 507 F. Supp. 3d 664 (E.D. Va. 2019) (Unconstitutional statute requiring applicants for marriage license to label themselves by race enjoined)

*Porter v. Clarke*, 852 F.3d 358 (4th Cir. 2019) (permanent solitary confinement on Virginia's Death Row enjoined)

*Allen v. School Board of Stafford County*, No.1:18-cv-518 (E.D.Va. 2018) (First and Fourth Amendment claims for exclusion from public meeting)

*Joyce v. Hajoca Corp.*, No.1:18-cv-113 (E.D.Va. 2018) (race discrimination in employment)

*Sims v. Labowitz*, 885 F.3d 254 (4th Cir. 2018) (Fourth Amendment claim by minor against police officer who compelled him to expose himself for a "search")

*Henderson v. Jones*, No.1:17-cv-676 (E.D.Va 2018) (police assault)

*Cook v. Smith*, No.1:17-cv-781 (E.D. Va 2018) (wrongful police seizure)

*Orsted v. University of Mary Washington*, No.3:15-cv-525 (E. D. Va., 2017)(\$160,000 settlement plus institutional changes arising out of denial of basketball tryout to African-American student)

*Graham v. Gagnon*, 831 F.3d 176 (4th Cir. 2016) (unconstitutional arrest; immunity denied)

*Williams v. Prince William County*, 645 Fed. Appx. 243 (4th Cir. 2016) (dismissal of employment discrimination claim reversed)

*Rogers v. Stem*, 590 Fed. Appx. 201 (4th Cir. 2014) (unconstitutional arrest; immunity denied)

*De'lonta v. Johnson*, 708 F.3d 520 (4th Cir. 2013) (reversal of refusal to consider transgender inmate for sex reassignment surgery. (Inmate then released from prison.)

*Garcia v. Daniel*, 2013 WL 75969 (E.D. Va. 2013)(excessive police force case; \$1M offer of judgment accepted after qualified immunity appeal dismissed)

*Walker v. Correct Care Solutions, LLC*, No.1:10-cv-1012 (E. D. Va. 2011)(prison death case; \$1M offer of judgment accepted)

*Willingham v. Crooke*, 412 F.3d 553 (4th Cir. 2005)(establishing rule that qualified immunity is to be decided by the court, not the jury; new trial ordered)

*De'lonta v. Angelone*, 330 F.3d 630 (4th Cir. 2003) (reversal of dismissal of pro se transgender inmate's medical claim for treatment for Gender Identity Disorder.

*Noviks-Tucker v. Law School Admissions Council, Inc.*, C.A. No.00-1971-A (E.D. Va. 2000) (injunction granted requiring accommodations in law school admissions test for sight-impaired student)

*Warren v. Fairfax County*, 196 F.3d 186 (4th Cir. 2000) (*en banc*) (county's restriction of access to government center public forum to county residents enjoined)

*McNew v. Surry Cty. Sch. Bd.*, C.A. No.3:99cv381 (E.D. Va. 1999) (following preliminary injunction, public school board reverses expulsion of student for coloring his hair blue)

*Alexandria Resident's Council v. Alexandria Housing & Redevel. Auth.*, 153 F.3d 718 (4th Cir.1998) (case of first impression establishing the right of public housing tenants to hold municipal housing authority to federal obligations)

*Trinity Baptist Church v. City of Richmond*, C.A. No.3:97cv637 (E.D. Va. 1997) (city enjoined from enforcing ordinance restricting charity feeding of the homeless pending rewriting of liberalized ordinance)

*Clark v. Virginia Board of Bar Examiners*, 880 F. Supp. 430 (E.D. Va. 1995) (bar examiners' rule violating American With Disabilities Act enjoined)

*Steckbeck v. Williams*, C.A. No.93-1373-A (E.D. Va. 1994) (DMV censorship of license plate enjoined)

*Gearon v. Loudoun County School Board*, 844 F. Supp. 1097 (E.D. Va. 1993) (public school

prayer enjoined)

*Gneckow v. Kelso*, C.A. 93-290-A (E.D. Va. 1993) (sex harassment and retaliation)

*Arlington County Republican C'ee v. Arlington County*, 790 F. Supp. 618 (E.D. Va. 1992), modified, 983 F.2d 587 (4th Cir. 1993) (unconstitutional county sign ordinance enjoined)

*Barry v. Alexandria School Board*, C.A. No.92-296-A (final order entered May 18, 1992) (racially discriminatory procedure for determining admission to full-day kindergarten abandoned)

*French Quarter, Inc. v. Hampton*, C.A. No.91-1180-A (E.D. Va. 1991) (unconstitutional Virginia statute prohibiting gays from working in bars enjoined)

*Iota Xi Chapter v. George Mason University*, 773 F. Supp. 792 (E.D. Va. 1991) (student discipline violating First Amendment enjoined)

*Wilson v. Westgate Apartments Ltd. P'ship* (E.D. Va. 1991) (race discrimination in housing)

*No. Va. Chapter ACLU v. Alexandria*, 747 F. Supp. 324 (E.D. Va. 1990) (unconstitutional city loitering ordinance enjoined)

*Holland v. First Va. Bank*, 744 F. Supp. 722 (E.D. Va. 1990) (race discrimination inn employment)

*Bradley v. Carydale Enterprises*, 707 F. Supp. 217 (E.D. Va. 1989) (damages awarded against landlord for race discrimination by tenant; case of first impression nationally)

*Budd v. Gondles*, C.A. No.88-118-A (E. D. Va., 1988) (sheriff's deputies reinstated with back pay following unconstitutional demotion)

*Bell v. Arlington County*, 673 F. Supp. 767 (E.D. Va. 1987) (vague county criminal ordinance enjoined)

*Bryant v. CSN Management Company*, C.A. No.86-1264-A (E.D. Va. 1987) (housing discrimination enjoined)

*Culver v. Lineweaver*, C.A. No.85-1263-A (E.D. Va. 1986) (voting redistricting mandated)

*Jackson v. McKoy*, C.A. No.84-1240-A (E. D. Va. 1985) (racial discrimination in public accommodations enjoined)

*Davenport v. City of Alexandria*, 748 F.2d 208 (4th Cir. 1984) (ordinance banning street musicians enjoined)

*McElveen v. Prince William County*, 725 F.2d 954 (4th Cir. 1984) (substandard jail ordered

closed; inmate class awarded damages by jury)

*Rout v. Gen'l Services Admin.*, C.A. No.84-491-A (E.D. Va. 1984) (government required to conform to handicap-accessibility standards at the former Alexandria federal district courthouse)

*Bennet v. City of Alexandria*, C.A. No.81-649-AM (E.D. Va. 1984) (city required to upgrade life-safety systems and medical care in former city jail and build new facility under set timetable)

*Harrington v. Quintin*, C.A. No.82-3296 (E.D. Va. 1983) (racial discrimination at skating rink enjoined and plaintiffs paid damages)

*Fiedler v. Marumsc Christian School*, 631 F.2d 1144 (4th Cir. 1980) (racial discrimination by private school enjoined)

*Northern Virginia Women's Medical Center v. Balch*, 617 F.2d 1045 (4th Cir. 1980) (anti-abortion disruption of women's medical facility enjoined).

### Virginia State Litigation

*In re Buta Biberaj*, 2022 WL 17590136 (Va. Sup. Ct., Dec. 8, 2022) (writ of *mandamus* against circuit court granted to reformist prosecutor disqualified by court without notice or a hearing).

*Cord v. Gibb*, 219 Va. 1019, 254 S.E.2d 7 (1979) (cohabitation held no basis for exclusion from state bar; amicus brief for ACLU of Virginia).

### D. C. Litigation

*Hinett v. British School of Washington, LLC*, No.2017-CA-6005 B (Super. Ct. D.C. 2019) (disability discrimination case under D.C. Human Rights Act)

*Izuka v. Clark Realty Capital, LLC*, No.1:18-cv-2087 (D.D.C. 2019) (pregnancy discrimination)

*Doe v. United States Postal Service*, 37 FEP Cases 1867 (D.D.C., 1985) (employment discrimination against transgender employee; case of first impression under the Rehabilitation Act of 1973).

### Non-Litigious Resolutions

Following success in *Rogers v. Va. State Registrar*, 2019 WL 11868366 (E.D. Va. 2019) (Virginia statute requiring applicants for marriage license to label themselves by race enjoined), successfully advocated to have similar laws revoked in Delaware, Connecticut and Minnesota).

Working with advocacy groups and local counsel, securing the nullification of order of the Manassas City Council to evict about 300 residents, mostly Latino, from mobile home park that had fallen into disrepair as a result of owner neglect; non-profit housing agency purchases and repairs site; residents remain. 2017.

Convincing the Virginia Supreme Court to promulgate written guidelines for warning criminal defendants of possible adverse immigration-related consequences were they to plead guilty. Requesting and receiving a formal opinion from the Virginia State Bar that it is unethical for a prosecutor knowingly to permit a deportable alien to plead guilty to a crime that might, without the defendant's knowledge, yield deportation. 2012-2015.

\$150,000 in damages for several female inmates of the Arlington County Adult Detention Center and overhaul of policies and procedures designed to prevent and to deal with sexual abuse of female inmates by guards. January 1999.

### Defense work

Representation of defendants in cases with civil rights, particularly First Amendment, overtones favoring the defense:

*1007 L.L.C. v. The Alexandria City Council*, 2005 WL 6786759 (Cir. Ct. Alexandria, 2005) (dismissal on First Amendment grounds of lawsuit against homeowners' association for having petitioned city council; sanctions awarded)

*Gibson v. City of Alexandria*, 855 F.Supp. 133 (E.D. Va. 1994) (dismissal on First Amendment grounds of claim for allegedly wrongful lobbying of city council; sanctions awarded)

*Taylor v. Kuckro*, Law No.970848 (Cir. Ct. Alex.1998) (dismissal on First Amendment grounds of lawsuit against television political commentators).

Chief defense counsel to C.B.S., Inc. and Chrysler Corporation in Delaware Chapter, *Ukrainian Congress C'ee v. C.B.S., Inc.*, C.A. No.87-306-JJF (D. Del., dismissal order entered Sep. 13, 1988) (federal civil rights challenge to a nationally telecast screenplay recounting an escape from a Nazi death camp).

*United States v. Shoupe*, Crim. No.85-287 (E.D. Va., order entered March 6, 1987) (government drops demand that federal probationer marry his girlfriend as condition of probation)

*United States v. Rein*, Special Court Martial, United States Navy, Atlantic Judicial Circuit (charges withdrawn, Feb. 3, 1981) (charges against sailor for having posed nude in Playboy magazine dismissed)

*United States v. Berrigan*, Crim. No.97176-77 (Super. Ct. D.C. 1978) (pacifist demonstrators acquitted of White House trespass charge).

*Jarvis v. The Christmas Attic*, No.1:12-cv-1010 (E. D. Va. 2012) (frivolous employment discrimination claim brought obsessive litigant dismissed);

*Pratt v. Walmer Enterprises, Inc.*, C.A. No.98-1588-A (E.D. Va. 1999), *aff'd* 199 F.3d 1327 (4<sup>th</sup> Cir. 1999) (sanctions imposed for frivolous employment discrimination claim)

### Unsuccessful litigation

*El Masri v. Tenet*, 437 F.Supp. 2d 530 (E.D. Va. 2006), *aff'd* 479 F.3d 296 (4th Cir. 2007) (unsuccessful challenge to U.S. government kidnapping and torture policy)(local counsel)

*United States v. Snowden*, No.1:19-cv-1197 (E.D. Va., Dec, 17, 2019)(unsuccessful defense of civil claim by federal government against whistleblower for failing to secure pre-publication C.I.A. review of book revealing the extent of unlawful electronic spying by government)

