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Sanford Heisler Sharp has been named the premier Employment, Civil Rights, and Human Rights law firm in the United States by *The National Law Journal*.

What follows is an overview of some of our matters in the first quarter of 2023. We invite you to hear our attorneys expand on the mission of the firm in our video about our [passion for justice](#).



Practice Area Highlights Public Interest Litigation

Young Lee, As Victim's Representative v. State of Maryland (Adnan Syed case – the subject of the podcast Serial and an HBO documentary):

On March 28, 2023, the Appellate Court of Maryland granted Sanford Heisler Sharp's request and ordered a redo of the vacatur hearing for Adnan Syed, the man convicted of the 1999 murder of Hae Min Lee. While media coverage has highlighted the Court's reinstatement of Mr. Syed's conviction, our pro bono work on behalf of Young Lee, the victim's brother, focused on ensuring the rights of all crime victims to participate in the legal process. Moreover, because the Circuit Court made its vacatur conviction in secret, and the prosecutor never revealed the allegedly new evidence on which the vacatur was based, the appeal argued for fundamental judicial transparency.

On February 2, 2023, firm Chairman **David Sanford**, Criminal/Sexual Violence Practice Group Co-Chair **Steve Kelly**, and Litigation **Fellow Ari B. Rubin** presented oral arguments in the Appellate Court, arguing that the Baltimore City Circuit Court violated Maryland's crime victims' rights by vacating Mr. Syed's conviction without giving the Lee family adequate notice or a meaningful opportunity to attend and participate. We applaud the Appellate Court's decision, remanding "for a new, legally compliant, transparent hearing," where Mr. Lee is permitted to "attend in person, evidence supporting the motion to vacate is presented, and the court states its reasons in support of its decision." Mr. Syed has announced his intention

(continued)

to appeal to the Maryland Supreme Court, and our firm will continue to press Mr. Lee's right as the victim's representative to not only attend the hearing, but also to speak to and challenge the evidence. Firm Co-Vice Chairmen **Kevin Sharp** and **Jeremy Heisler**, and Partner **Andrew Melzer** assisted on Mr. Lee's appeal. Read the Appellate Court ruling here. Read news coverage of the ruling in the [AP](#) and [The New York Times](#).

Ghost Guns Lawsuit: In December 2022, after hearing oral arguments, the Circuit Court for Baltimore City denied motions to dismiss from ghost gun manufacturer Polymer80

and retailer Hanover Armory. The case, filed in June 2022 on behalf of our client and the City of Baltimore, alleges an ongoing public nuisance in the City caused by a flood of unserialized and untraceable ghost guns. After discovery, trial is currently scheduled for October 2024. The City is represented by Brady, a national gun violence prevention organization, and Sanford Heisler Sharp. Partner and Criminal/ Sexual Violence Practice Group Co-Chair **Steve Kelly**, Staff Attorney **Albert Powell**, and Associate **James Hannaway** are part of the case team. Read more about America's ghost gun epidemic in [ProPublica](#).



David Sanford



Steve Kelly



Ari B. Rubin



Kevin Sharp



Jeremy Heisler



Andrew Melzer



Albert Powell



James Hannaway

Wage & Hour Violations

Oracle Commissions Wage & Hour PAGA case: On December 18, 2022, a California Superior Court judge denied Defendant Oracle's motion to compel arbitration and dismiss a lawsuit alleging that the company violated the California Labor Code and failed to fully and timely pay commissions to thousands of Oracle sales representatives. Significantly, the Court held that notwithstanding mandatory arbitration agreements, plaintiffs can prosecute California's Private Attorney General Act (PAGA) representative actions in court. New York Managing Partner **Michael Palmer**, Partner **Danielle Fuschetti**, and Partner **Meredith Firetog** are representing the plaintiffs, alongside co-counsel Valerian Law, P.C., and Goldstein, Borgen, Dardarian & Ho.



Michael Palmer



Danielle Fuschetti



Meredith Firetog

Criminal/Sexual Violence Litigation

Phillips Exeter Academy: The firm reached a confidential settlement with the New Hampshire boarding school Phillips Exeter Academy on behalf of a former student who was groomed and sexually abused by Szczesny "Jerzy" Kaminski, who had been a math teacher at the school for three decades. On January 12, 2023, Kaminski was sentenced to 12 years in prison after pleading guilty to three counts of aggravated felonious sexual assault and one count of sexual assault. Partner **Christine Dunn** and Partner **Steve Kelly**, Co-Chairs of Sanford Heisler Sharp's Criminal/Sexual Violence Practice Group, and Associate **Sarah Chu** represented the victim in her civil case, and Christine served as a victim's advocate during the criminal trial. Read more in the [New Hampshire Union Leader](#).



Christine Dunn



Steve Kelly



Sarah Chu

Financial Services Litigation

Mattson, et al. v. Milliman, et al.: On December 14, 2022, a federal court judge in Washington denied consulting firm Milliman's motion to dismiss a class action lawsuit filed by Sanford Heisler Sharp for breach of fiduciary duty under the Employment Retirement Income Security Act of 1974 ("ERISA"). The ruling came as a result of extensive allegations that described how Milliman's "target risk funds" failed for years to meet the benchmarks of comparable funds and indices. San Diego Managing Partner **Charles**



Charles Field



Meredith Firetog



David McNamee



Denise Choung



Ari B. Rubin

Field and New York Partner **Meredith Firetog** are lead counsel, and the team includes Associates **David McNamee** and **Denise Choung**, and Litigation Fellow **Ari B. Rubin**. Read more on law360.com.

Discrimination and Harassment

University of Miami and Associated Health System and School of Medicine Race and Gender Discrimination suit: The firm's complaint, filed on February 8, 2023 on behalf of Dr. Omaid C. Velazquez, the first Latin/Hispanic woman in the United States to become Chair Surgeon-in-Chief of a major medical school's Department of Surgery, alleges that the University of Miami, its School of Medicine, and its health system (collectively, "UHealth"), unlawfully retaliated and discriminated against Dr. Velazquez because she made protected reports about unequal pay and safety violations at UHealth to University leadership. Chairman **David Sanford** is lead counsel, alongside Co-Vice Chairman **Jeremy Heisler**, Partner **Andrew Melzer**, Litigation Fellow **Surabhi Dhar**, and Litigation Fellow **Ari B. Rubin**. Read more in our [press release](#).

Schlumberger Discrimination, Sexual Harassment, and Retaliation suit: In February, 2023, a U.S. District Court in Houston, Texas, rejected Schlumberger Technology's bid to dismiss our lawsuit against the oil and gas giant on behalf of Jessica Cheatham, who alleges that during her time as a Schlumberger field engineer she endured gender discrimination, sexual harassment, and retaliation by the company for reporting her experiences to company officials. Trial is scheduled for July 2023. New York Managing Partner **Michael Palmer**, Partner **Nicole Wiitala**, Partner **Carolin Guentert**, Partner **Russell Kornblith**, Partner **David Tracey**, Senior Litigation Counsel **Alok Nadig**, and Staff Attorney **Albert Powell** represent the plaintiff. Read more in [Bloomberg Law](#) and the [Southeast Texas Record](#).

Harvard University lawsuit: On March 31, 2023, the U.S. District Court for the District of Massachusetts affirmed that the sexual harassment and retaliation claims brought by doctoral students Margaret G. Czerwienski, Amulya

Mandava, and Lilia M. Kilburn against the university may proceed, largely rejecting Harvard's motion to dismiss nine of the lawsuit's ten counts. The decision came days after the Court also affirmed that Ms. Kilburn had presented evidence in support of her claim that Harvard obtained her confidential medical records without her consent. Sanford Heisler Sharp filed the Title IX lawsuit on behalf of the women on February 8, 2022, alleging that the university willfully ignored a pattern of sexual harassment and retaliation by Anthropology Professor John Comaroff, in violation of Title IX, Massachusetts Civil Rights Laws, and Massachusetts common laws. Partner **Russell Kornblith**, Partner **Carolin Guentert**, Associate **Kate MacMullin**, and **Sean Ouellette** of Public Justice represent the plaintiffs. Read more on law360.com.



David Sanford



Jeremy Heisler



Andrew Melzer



Surabhi Dhar



Ari B. Rubin



Michael Palmer



Nicole Wiitala



Carolin Guentert



Russell Kornblith



David Tracey



Alok Nadig



Albert Powell



Kate MacMullin

Whistleblower and Qui Tam Practice

\$23 Million Whistleblower Settlement: In January 2023, Sanford Heisler Sharp and the United States Government settled a False Claims Act qui tam action against International Vitamin Corporation for alleged customs fraud surrounding the importation of thousands of nutritional supplements from China to the U.S. between 2015 and 2019. Partner **Russell Kornblith** and Partner **John McKnight**, Co-Chair of the firm's Whistleblower & Qui Tam Practice Group, represented the whistleblower. Read more on [law360.com](https://www.law360.com).



Russell Kornblith



John McKnight

Our Employment Rights Advocacy

Sanford Heisler Sharp is committed to engaging in multifaceted advocacy to promote and expand civil rights and workers' rights. In addition to litigating precedent-setting cases, our lawyers and staff work to support new regulations and legislation that will make workplaces more just and equitable. The following are a few emerging areas of legislative and regulatory reform:

- **Banning Non-Compete Agreements:** The Federal Trade Commission has proposed a regulation that would ban most non-compete agreements. States and localities have likewise taken steps against this problematic practice. California has long banned non-competes, and Washington, DC recently passed a similar ban. New York State is also currently considering a proposed bill to prohibit non-compete agreements.
- **Regulating Discriminatory Algorithms:** Various jurisdictions are examining how employers use algorithms, and other automated tools, to make employment decisions. Such tools can be subject to varying biases and therefore may perpetuate workplace discrimination. In 2021, New York City passed legislation regulating the

use of automated employment decision tools, and our firm has submitted comments to New York City regulators to advocate for broad application of the law. Washington, DC has also recently considered legislation in this area.

- **Proposed Legislation in New York State:** The New York State Legislature is considering a number of important pieces of legislation. One bill would help protect jury verdicts in discrimination cases from the unreasonable use of remittitur – a practice by which courts slash jury awards. Another bill, the EmPIRE Act, would empower New York workers to enforce labor code violations on behalf of the state.

We are enthusiastic about collaborating with former clients to expand protections for workers. Client stories are often



David Tracey

key to explaining the need for reform to regulators, legislators, and the public. If you are interested in working with us in our efforts to promote civil rights and workers' rights, please contact Partner **David Tracey**, Co-Chair of Sanford Heisler Sharp's Public Interest Litigation Practice Group, [here](#).

Arrivals



Janette Wipper has been named Firmwide Head of Litigation, returning to Sanford Heisler Sharp after a decade of public service, including four years at the U.S. Department of Labor in the Obama and Biden administrations leading civil rights investigations and enforcement actions in the Western Region

against major companies that do business with the federal government. Janette, who rose to Partner at Sanford Heisler Sharp in 2010 and was part of the team that won a record \$253 million jury verdict in a gender discrimination class action brought on behalf of a class of women sales representatives at a pharmaceutical company, will oversee litigation across our firm's eight offices. Read more about Janette [here](#).

Firm News



Promotions

Carolyn Guentert, **Meredith Firetog**, and **Nicole Wiitala** of the New York office and **Jonathan Tepe** of the Nashville office were named Partners.

Clare Horan and **Austin Webbert** of the Baltimore office and **Alok Nadig** of the New York office were named Senior Litigation Counsel.

New Firm Roles

Qiaojing Ella Zheng was named Managing Partner of the firm's Palo Alto and San Francisco offices. Ella continues as Chair of the firm's Asian American Litigation and Finance Practice Group.

Charles Field is Managing Partner of the San Diego Office and Chair of the firm's Financial Services Litigation Practice Group, which he previously Co-Chaired.

Alec Konstantin is the first Chief Operating Officer in the history of the firm. Alec was previously Director of Operations.

Erika Rigsby is the firm's first Director of Talent Acquisition and Development.



Qiaojing Ella Zheng



Charles Field



Alec Konstantin



Erika Rigsby

Awards and Recognitions

Chairman **David Sanford** was shortlisted for *Benchmark Litigation's* 2023 Labor & Employment Lawyer of the Year. The list is the result of months of research surveying thousands of referees and interviewing hundreds of lawyers. David was recognized as Lawyer of the Year in both 2019 and 2021.

Partners **Qiaojing Ella Zheng**, **Melinda Koster**, **Christine Dunn**, and Litigation Fellow **Ting Cheung** participated in the World Bank Group's 2023 "Women, Business and the Law," an annual report collecting data on the laws and regulations that affect women in 190 economies around the world. Our attorneys were Local Experts on changes to the law covering sexual harassment in employment in New York since October 2021, and Ting was a

contributor on Violence Against Women and Family Law in Hong Kong since 2020. Read the full report [here](#).

Partner **Christine Dunn** was a recipient of *Profiles in Diversity Journal's* 2023 Latino Leadership Award. Read more about the recognition [here](#).



David Sanford



Qiaojing Ella Zheng



Melinda Koster



Christine Dunn



Ting Cheung

Our Attorneys in the News

Qiaojing Ella Zheng, Managing Partner of the San Francisco and Palo Alto offices and Chair of the firm's Asian American Litigation and Practice Group, was featured in a *National Law Journal* article about how discrimination lawsuits are meeting the rise in anti-Asian bias. Read the story [here](#).

David Sanford was interviewed by CBS Baltimore about the firm's victims' rights case before the Maryland Court of Appeals on behalf of Young Lee, the brother of murder victim Hae Min Lee. Watch the interview [here](#).

Firm Co-Vice Chairman **Kevin Sharp** appeared on Scripps News' program "In the Loop" to discuss the status of Leonard Peltier's petition for clemency to President Biden, and the

urgent need to release Mr. Peltier after more than 46 years in a maximum security prison. "We've got to get him free to give him at least some time before he passes on to see his children, his grandchildren, and his great-grandchildren and have some last bit of freedom before he's gone," Judge Sharp said. Watch the segment [here](#).



Qiaojing Ella Zheng



David Sanford



Kevin Sharp

Quick Visit: Our Washington, DC Office

Sanford Heisler Sharp's Washington, DC office provides world-class legal representation to clients in employment law matters in Washington and throughout the country.

The work we do in Washington, DC has the potential to have a far-reaching national impact. We are committed to representing employees who have some association with the federal government, as well as businesses and corporations based in Washington. We also collaborate closely with other Sanford Heisler Sharp offices across the country.

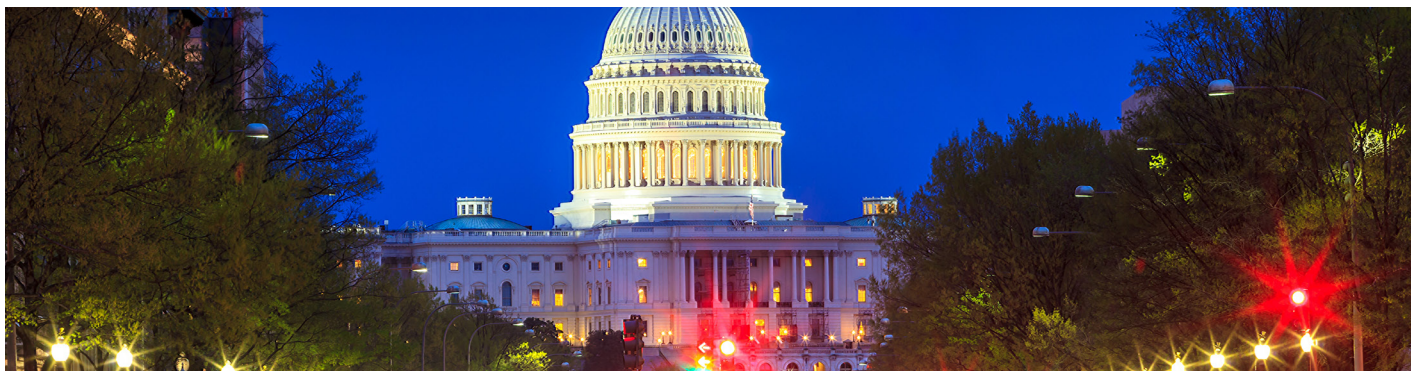
Our DC lawyers focus on employment discrimination, criminal/sexual violence, and whistleblower/qui tam cases.

Our Washington, DC office is led by Managing Partner **H. Vincent McKnight Jr.**

Vince is a second-generation native of Washington, DC and has spent most of his life and career in the city. As Co-Chair of Sanford Heisler Sharp's Whistleblower and Qui Tam Practice Group, Vince represents corporate whistleblowers who have exposed government contract procurement fraud, banking misconduct, securities fraud, and other corporate malfeasance.



Vince McKnight





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