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– David Sanford, Co-Founder and Chairman,  
Sanford Heisler Sharp

Since the firm's last newsletter, we have achieved major successes and made a number of substantial changes for the better.

We recently filed a number of our cases, including: an ERISA class action against X Corp. (formerly Twitter); a class action involving a data breach against Community Health of Tennessee; a class action against State Farm for discriminating in its insurance claims processing; a wage and hour class action against Weee!; a wrongful death matter against the Archdiocese of Baltimore; a wage case against *The Boston Globe* on behalf of its former president; and numerous qui tam and SEC matters with the federal government.

In addition to filing these cases, we made important case law for crime victims in Maryland. We confidentially settled numerous matters across the country for tens of millions of dollars. We lobbied the New York State Legislature to end wage theft and contributed to the passing of The EMPIRE Act, and we submitted public comment to the U.S. Department of Education to better protect non-binary and intersex students participating in youth sports. We also met with several members of Congress in an effort to end the unjust imprisonment of civil rights activist Leonard Peltier.

We welcomed three new partners, added a new practice group focused on representing executives, and selected a new Criminal/Sexual Violence Practice Group Co-Chair. We also welcomed a new managing partner for legal personnel, a Chief People Officer, an HR Coordinator, and a Director of Marketing as well as three summer associates and 14 new fellows – junior attorneys who commit to us for a minimum of 1 to 2 years.

A number of our attorneys recently received national recognition for their outstanding work. We also are proud to be recognized as a Civil Rights Law Firm of the Year Finalist by *The National Law Journal*.

In brief, we have been busy fighting the good fight on many fronts, taking on powerful wrongdoers and succeeding at the highest levels of the legal profession. Some of this work is highlighted below, and some of it we hope to share in our next newsletter.

## 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 June 28, 2023, the Maryland Supreme Court granted a petition for a writ of certiorari on behalf of Adnan Syed and a cross-petition on behalf of Young Lee to review the Appellate Court ruling in March that found Mr. Lee had not been given adequate notice to attend and participate in the Circuit Court hearing at which Mr. Syed's conviction for the murder of Mr. Lee's sister, Hae Min Lee, was vacated. While counsel for Mr. Syed appealed the reinstatement of his murder conviction that resulted from the Appellate Court ruling, Sanford Heisler Sharp's cross-petition, filed by firm Chairman **David Sanford** and Associate **Ari B. Rubin**, asks the Court to ensure Mr. Lee's statutory and constitutional right to speak and challenge evidence in the redo of the vacatur hearing. Mr. Lee is also represented in the appeal by firm Co-Vice Chairman **Jeremy Heisler**, Co-Vice

Chairman **Kevin Sharp**, and Partner **Andrew Melzer**. Read more at [APNews.com](https://apnews.com) and in [The Washington Post](https://www.washingtonpost.com).

**CHSPSC, LLC Data Breach Community Health:** On April 26, 2023, Sanford Heisler Sharp and Barnow and Associates filed a class-action lawsuit on behalf of over one million people who were victimized by a data breach due to the alleged negligence of Franklin, Tennessee-based CHSPSC, LLC, which provides services to clinics and hospitals associated with Community Health Systems, Inc. The data breach, which occurred over a file transfer software program implemented by the cybersecurity firm Fortra, exposed plaintiffs to fraud and identity theft, the lawsuit alleges. On May 19th, the case was consolidated with five other related actions in the U.S. District Court for the Middle District of Tennessee, with firm Co-Vice Chairman **Kevin Sharp** as co-lead counsel, alongside Managing Partner **Leigh Anne St. Charles**, and Partner **Jonathan Tepe**.



David Sanford



Ari B. Rubin



Jeremy Heisler



Kevin Sharp



Andrew Melzer



Leigh Anne St. Charles



Jonathan Tepe

### Financial Services Litigation

**X Corp. ERISA Class Action:** On July 12, 2023, Sanford Heisler Sharp filed a class action lawsuit in the U.S. District Court for Northern California against X Corp. (formerly Twitter), its parent company X Holdings, and owner Elon Musk. The lawsuit alleges violations of the Employee Retirement Income Security Act (ERISA) for failing to provide promised severance benefits to employees who were terminated during a series of mass layoffs that Mr. Musk instituted shortly after he took control of the company. In alleging ERISA breaches, including the failure to communicate truthfully and accurately about Twitter's employee benefits plan, the lawsuit documents numerous instances during the merger process in which Mr. Musk and defendants gave assurances to employees that

the severance plan agreement would be honored – a tactic, the complaint alleges, to prevent widespread resignations over Mr. Musk's takeover that would have jeopardized the merger. Firm Administrative Partner **Kate Mueting** is lead counsel, alongside San Diego Managing Partner **Charles Field** and Associate **Christopher Owens**.

Read more at [CNN.com](https://www.cnn.com) and [SFGate.com](https://www.sfgate.com).



Kate Mueting



Charles Field



Christopher Owens

## Employment Law/Wrongful Termination

***Vinay Mehra v. Boston Globe Media Partners, LLC***: The firm's complaint was filed on June 29, 2023 in Suffolk County Superior Court on behalf of former Boston Globe Media Partners President Vinay Mehra. The lawsuit alleges that after Mr. Mehra reversed the financial fortunes of *The Boston Globe* starting in 2017, the *Globe's* management, while outwardly praising Mr. Mehra for making the newspaper profitable, pressured him to negotiate down the commissions he was to earn beginning in 2019, and terminated Mr. Mehra based on false "for cause" allegations rather than honor the 2020 commissions owed to him under the terms of his contract, in violation of the Massachusetts Wage Act. Chairman **David Sanford** is lead counsel, with Partner **Andrew Melzer**. Read more at [Law360.com](https://www.law360.com) and [UniversalHub.com](https://www.universalhub.com).



David Sanford



Andrew Melzer

## Wage & Hour Violations

***Weee! Delivery Drivers Class Action***: On March 23, 2023, Sanford Heisler Sharp filed a class action lawsuit on behalf of hourly delivery drivers against Weee! Logistics and Weee! Inc. ("Weee!"), the largest supplier of Asian and Hispanic grocery products in North America. The complaint, which was also filed under the California Private Attorneys General Act (PAGA), alleges, among other things, that Weee! misappropriated drivers' tipped wages and exposed them to physical harm by failing to provide protective gear for the handling of hazardous materials, including dry ice and reflective insulated packaging, in violation of California Occupational Safety and Health (Cal/OSHA) codes. Palo Alto and San Francisco Managing Partner **Qiaojing Ella Zheng**, is lead counsel, with Partner **Andrew Melzer** and Associate **Frank Xu**. Read more at [Law360.com](https://www.law360.com).



Qiaojing Ella Zheng



Andrew Melzer



Frank Xu

## Investigations

### 401(k) Mismanagement

Sanford Heisler Sharp's Financial Services Practice Group is [investigating the Capital Group](#), headquartered in Los Angeles, for 401(k) mismanagement, in violation of the Employee Retirement Income Security Act (ERISA). Our research indicates that the Capital Group's American Funds have suffered from chronic underperformance relative to most of their peers – for nearly a decade – and that employees collectively may have lost millions in retirement savings because of the Capital Group's failure to carry out their fiduciary duties and make changes to the plan after years of poor performance. If you were a participant in the Capital Group's 401(k) plan, please contact the firm today at [americanfunds@sanfordheisler.com](mailto:americanfunds@sanfordheisler.com).

### Wage & Hour Violations

Sanford Heisler Sharp's Wage & Hour Practice Group is [investigating the employment practices](#) of retail giant Nike, Inc. for potential illegal misclassification of workers as independent contractors and temporary workers, as recently revealed by a report in *The Guardian*. The investigation team would like to hear from Nike workers who experienced or may have information about the company's practices employing workers as non-employees. You can reach the firm's Nike team at [nikematter@sanfordheisler.com](mailto:nikematter@sanfordheisler.com).

## Criminal/Sexual Violence Litigation

***Wrongful Death Lawsuit against Baltimore Archdiocese, St. Mary's Seminary and University***: On June 27, 2023, Sanford Heisler Sharp and Grant & Eisenhofer, P.A. filed a wrongful death lawsuit against the Archdiocese of Baltimore, its affiliated St. Mary's Seminary and University, and the seminary's owner, Society of St. Sulpice, on behalf of the adult children of Frank Gallagher Jr. Mr. Gallagher, a Baltimore banker, lawyer, and philanthropist, died of a drug overdose in 2022, the culmination of lifelong trauma he experienced from being sexually abused at age 14 by a St. Mary's seminarian. The complaint alleges that the Archdiocese and other defendants were aware that St. Mary's was rife with pedophile priests and seminarians and negligently failed to protect Mr. Gallagher from abuse. Partner **Christine Dunn** and Associate **Frank Xu** represent the plaintiffs. Read more in [The Washington Post](https://www.washingtonpost.com) and on [wpyr.org](https://www.wpyr.org).



Christine Dunn



Frank Xu

## Our Employment Rights Advocacy

On May 15, 2023, Partner **David Tracey** and Associate **Samone Ijoma**, with legal assistants **Madison Zucco** and **Xan Wolstenholme-Britt**, submitted a public comment to the Department of Education in response to the Department's proposed rule to clarify Title IX's application of sex-related criteria that would limit or deny a student's eligibility to participate on athletic teams consistent with their gender identity.



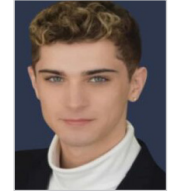
David Tracey



Samone Ijoma



Madison Zucco



Xan Wolstenholme-Britt

While the comment expresses support for the Department's goal of protecting the right of transgender students to compete in sports based on their gender identity, it cautions that the rule may allow for differential treatment in certain circumstances. Additionally, the comment asks the Department to consider whether the language of the rule is strong enough to deter states and funding recipients from implementing illegal bans or restrictions, and it acknowledges that the rule may leave non-binary and intersex students in limbo.

## Attorney Spotlight: Alok Nadig



Alok Nadig

*Alok Nadig is a Senior Litigation Counsel in our New York office and a member of our Discrimination and Harassment and Public Interest Litigation teams. Alok's recent case work includes leading a pro bono appeal on behalf of a gay Cuban asylum-seeker who fled homophobic police persecution in his native country and helping secure a \$2.85 million settlement on behalf of a class of nurses and staff exposed to unsafe working conditions at a California psychiatric hospital. Alok graduated cum laude from New York University School of Law. Away from lawyering, Alok is a member of the legendary New York City Gay Men's Chorus. You can read his full bio [here](#).*

**Q:** What inspired you to pursue a career in public interest and civil rights law?

**Alok:** I was a sociology major in undergrad, where I focused on the academic study of LGBT rights and social movements. After college, I worked at the Human Rights Campaign and the United States Senate, where many of the people doing the most interesting work were lawyers. These experiences inspired me to attend law school so I could advocate for people whose civil rights are being violated.

**Q:** What has been your most rewarding career moment so far?

**Alok:** I was part of a team that mounted a legal challenge relating to the lack of Latinx representation in local government in the town of Islip, New York. Although Latinx people are one-third of Islip's population, no Latinx person had ever been elected to the Town Board. This discrepancy was a result of Islip's at-large electoral system, which left the Latinx

side of town in crisis while the white side of town thrived. The case resulted in an important settlement after a four-and-a-half-day virtual trial. As a result of the settlement, Islip's at-large voting structure was replaced with four districts – with each Town Board member representing a specific district, one of which is now majority-Latinx.

**Q:** What are you currently working on and why do you see it as important?

**Alok:** Until recently, I spent a lot of time assisting with the *Cheatham v. Schlumberger* trial that took place in the U.S. District Court for the Southern District of Texas in July 2023. It was an important case, because we sought justice on behalf of our client Jessica Cheatham, who endured egregious gender discrimination, sexual harassment, and retaliation while she was working at Schlumberger. Helping Jessica reclaim her power by telling her story to a federal jury was a rewarding experience.

## New Firm Partners



*Brent Hannafan*

**Brent Hannafan** joins our Nashville office as Partner and Co-Chair of the firm’s Trial Practice Group. Brent served 17 years as a federal prosecutor in the U.S. Attorney’s Office for the Middle District of Tennessee. As the Office’s Criminal Chief from 2017 to 2023, Brent oversaw all criminal investigations and prosecutions in the District for health care fraud matters; violations of the Anti-Kickback Statute; bank, wire, mail, investment, and tax frauds; public corruption; murder-for-hire; drug trafficking; firearms, money laundering; RICO, VICAR, and civil rights violations; terrorism, child exploitation, and immigration offenses. While Criminal Chief, Brent worked with trial teams on their preparations and presentations for more than 50 trials.



*Andrew Macurdy*

**Andrew Macurdy** joins our New York office as Partner and Co-Chair of the firm’s Trial Practice Group. Andrew was most recently Senior Counsel to the New Jersey Attorney General, overseeing and coordinating criminal justice policy and litigation for the state. In that role, Andrew drafted statewide guidelines for police departments regarding workplace accommodations for pregnant officers. As a prosecutor at every level of government in New Jersey, Andrew investigated and prosecuted crimes resulting from securities fraud, Ponzi schemes, commercial mortgage fraud, insider trading, weapons trafficking and forced labor. As an Assistant U.S. District Attorney, Andrew brought some of the earliest and largest charges of fraud on COVID-pandemic federal relief programs.



*Schwanda Rountree*

**Schwanda Rountree** joins our Washington, DC office as Partner. For nearly two years, Schwanda served as Acting Deputy General Counsel and most recently Deputy General Counsel for Labor and Employment, Office of the General Counsel, Department of Defense Education Activity, which operates accredited schools for children of military families around the world. While at the Department of Defense, she served as lead counsel on a disability discrimination class action. From 2009 to 2021, Schwanda was Counsel in the Department of Education (DOE), advising the agency on employment discrimination matters and union grievances. She represented DOE before arbitrators in complex class action Fair Labor Standards Act (FLSA) hearings, among other key roles. A collector of the work of new and established Black artists, Schwanda serves on the national advisory boards for Creative Capital and the Joan Mitchell Foundation, which support emerging artists in their careers.

## New Firm Roles

New York Partner Carolin Guentert has been named Co-Chair of the firm’s Criminal/Sexual Violence Practice Group, joining practice group Co-Chair Christine Dunn. Among other matters, Carolin is co-lead counsel in the firm’s ongoing Title IX lawsuit against Harvard University, filed on behalf of three female graduate students, alleging that the school ignored a near-decade-long pattern of sexual harassment and retaliation by a professor in the Anthropology Department.

Three Litigation Fellows – Ting Cheung, Christopher Owens, and Ari B. Rubin – have been promoted to Associate.



*Carolin Guentert*



*Christine Dunn*



*Ting Cheung*



*Christopher Owens*



*Ari B. Rubin*

## Recent Arrivals

Three Summer Associates joined us in our Palo Alto office: **Jane Balkoski** will graduate from Berkeley Law in 2024; **Ge Fang** is a J.D. candidate at Harvard Law School; **Elliot Stahr** is a J.D. candidate at Stanford Law School.

**Ricardo Granderson** is Chief People Officer and based in the New York office. He received his law degree from the City University of New York Law School.

**Clare Haugh** is the firm's first Director of Marketing and based in the Palo Alto office. Clare comes to our firm from Girard Sharp LLP, where she was the Digital Marketing Coordinator.

**Khali Jones** is the firm's new Human Resources Coordinator and based in Washington, DC. Khali received her B.A. in Criminal Justice from High Point University.



Jane Balkoski



Ge Fang



Elliot Stahr



Ricardo Granderson



Clare Haugh



Khali Jones

## Awards and Recognitions



On June 29, 2023, Palo Alto and San Francisco Managing Partner **Qiaojing Ella Zheng** (pictured left), Chair of the firm's Asian American Litigation and Finance Practice Group, was among 100 executives, entrepreneurs, and community leaders honored as 2023 Women of Influence by the *Silicon Valley Business Journal*. Ella's award is a reflection of her work as a bilingual, bicultural litigator and community leader in the San Francisco Bay Area, where Sanford Heisler Sharp opened its Palo Alto office last year. "It's immensely fulfilling to see the Valley welcome us as the first and only national civil rights and public interest litigation law firm in the region," Ella said of the event.

**Christine Dunn**, Partner and Co-Chair of the Victims' Rights, Title IX, and Sexual Violence Practice Group, was recognized as one of the Top 100 Civil Plaintiff Trial Lawyers in Washington, DC. Christine was also named a Plaintiffs Trailblazer by *The National Law Journal*.

Associates **Ting Cheung**, **Sarah Chu**, and **Samone Ijoma** were named to the Lawyers of Color Hot List, which annually recognizes attorneys who show a strong commitment to advancing diversity in the legal profession.

Five Sanford Heisler Sharp Partners – **Danielle Fuschetti**, **Carolin Guentert**, **Alexandra Harwin**, **Russell Kornblith**, and **Jonathan Tepe** – were selected for Benchmark Litigation's [2023 40 & Under List](#).

**Qiaojing Ella Zheng** was named Top Labor & Employment Lawyer by *The Daily Journal*.

Sanford Heisler Sharp was named a finalist for Civil Rights Law Firm of the Year by *The National Law Journal*.



Christine Dunn



Ting Cheung



Sarah Chu



Samone Ijoma



Danielle Fuschetti



Carolin Guentert



Alexandra Harwin



Russell Kornblith



Jonathan Tepe

## In the Media

“The State of Maryland supports victims and their families with rights acknowledged by Maryland’s own state constitution and statutory scheme. We will urge the Maryland Supreme Court to recognize those rights by allowing Young Lee and his family the opportunity to challenge the state’s evidence, to the extent it has any evidence, suggesting Adnan Syed did not murder Young Lee’s sister 23 years ago.”



– Chairman **David Sanford**’s statement to the media after the Maryland Supreme Court announced it would hear arguments in *Young Lee, As Victim’s Representative v. State of Maryland*



“The defendant had a duty to keep Frank Jr. safe while working at the seminary, yet they allowed him to work at night alone in a place where they knew or should have known that there was a substantially increased risk that he would be sexually abused.”

– Partner and Criminal/Sexual Violence Practice Group Co-Chair **Christine Dunn** on [wypr.org](http://wypr.org), describing the allegations in the firm’s wrongful death lawsuit against the Archdiocese of Baltimore

“Weee! implements policies that prevent employees from discussing their wages and working conditions with each other or outsiders; it punishes them if they do so; and retaliates against them if they protest the Labor Code infractions they regularly endure. ... The time has come to break the silence and end Weee!’s egregious labor practices.”



– Palo Alto and San Francisco Managing Partner **Qiaojing Ella Zheng** in *Law360*, detailing the allegations in the firm’s class action lawsuit against grocery distributor Weee! on behalf of the company’s delivery drivers

## Justice for Leonard Peltier

In June 2023, firm Co-Vice Chairman **Kevin Sharp** and Rock & Roll Hall of Famer and actor Steven Van Zandt took their fight for the release of imprisoned civil rights activist Leonard Peltier to Capitol Hill, meeting with several members of Congress to discuss Peltier’s case. A leader of the American Indian Movement, Peltier, 78, has spent 47 years in prison – even though it is widely recognized that his incarceration is the result of a deeply flawed legal process involving pervasive government misconduct and repeated violations of Peltier’s right to due process.

On September 28, Judge Sharp will raise awareness about the history of Peltier’s case by participating in a panel discussion hosted by the Harvard Graduate School of Education and the Student Law Society. Judge Sharp will be joined by Nick Tilsen, Founder and CEO of the Indigenous-led social impact organization NDN Collective, and Holly Cook Macarro, a nationally recognized Tribal advocate who leads the federal strategy and outreach related to Leonard Peltier’s executive clemency campaign.



*Judge Kevin Sharp, left;  
Steven Van Zandt, right*



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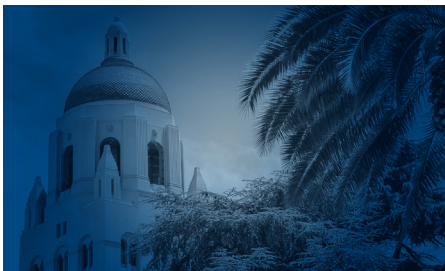
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