

(Via Email)

September 27, 2023,

Sharon E. Debbage Alexander
Supervisory Administrative Judge
Equal Employment Opportunity Commission

Re: *Fogg, et al. v. Garland*, EEOC No. 570-2020-01293X; Agency Case No. M-94-6376

Dear Judge Debbage Alexander,

I am writing to inform you of the contentious communications between myself as the Class Agents (“Agents”) appointed “Spokesperson” and the attorneys for the law firm of Sanford Heisler, Sharpe, LLC (“The Attorneys”) representing the Class. Attached is my most recent letter to the Attorneys, dated September 11, 2023, and their response to me, dated September 15, 2023. [See Links Below]

As the Spokesperson appointed by the 15 Agents for this Class, I have repeatedly expressed concerns about the Attorney's handling of this matter following the passing of the former lead attorney, Mr. Tom Henderson, and during subsequent settlement discussions. My written concerns date to early February 2022, when these settlement negotiations began.

In March of 2022, as the spokesperson for the Class Agents, I rejected as Null and Void in writing a signed Memorandum of Understanding by the law firm Chairman David Sanford, Esq. who agreed to a \$15-million settlement that was not in line with the Agent’s directives.

Due to the severe nature of our arguments outlined in my 9/11/23 letter covering the elongated 18-month settlement history with much of the same concerns, I assumed that the Attorneys acting in good faith would have asked for your direction, which I believe would have been forthcoming before your recent order.

Your September 21, 2023 ‘**ORDER GRANTING PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT AUTHORIZING NOTICE AND SCHEDULING FAIRNESS HEARING**’ received by Agents on 9-26-23 following the Attorney’s submission is primarily in opposition to any official Attorney-Client relationship.

My 9/11/23 letter is self-explanatory; therefore, I will only bullet point in this cover letter a few other essential facts about why I believe there has been an irrefutable conflict of interest and

possibly other attorney-client violations that should have prevented the Attorneys from representing this matter before your most recent order.

You know the attorney-client guidelines in the EEOC regulations and the governing DC Bar Association rules. Therefore, I know you will identify any conflicts of interest and other violations in this letter and act accordingly.

- In addition to facts stated in the 9/11/23 letter, The firm chair's initial settlement conference statement in February 2022 indicating he can motion the AJ (you) to remove Matthew Fogg as a Class Agent for non-agreement – fostered fear, intimidation, and a hostile environment in Fogg's subsequent class communications with other Agents, class members, and especially the Attorneys.
- It was brought to the Agent's attention that some attorneys hired by the firm for this matter also worked for the U.S. Department of Justice (DOJ) and will or have returned as DOJ employees.
- The Agents believe the Firm Chairs' unsolicited Agent's advisement that he met at his home and made a substantial donation to President Joe Biden and Vice President Kamala Harris's previous campaign for President insinuated he most likely will expect something in return now that Biden is President. It appears that pleasing the Biden Administration to include the DOJ and their attorneys is the only reason the Agents could figure out why the Firm Chair negotiated an inexplicably low monetary settlement against the Agent's wishes and refused the Agent's request to be present at the March 2023 financial settlement table. The Attorneys operated in this manner knowing this matter has lasted an unprecedented 29+ years and after the firm Chairman reported in a 2008 news article that a coinciding Class was worth \$300 million with fewer than the potential 10,000 members represented in this matter.
- The Firm refused to tender Agents all legal motions made in recent years.
- The Firm refused to provide Agents with the contact information of all class members in their database, thereby preventing Agents from carrying out their fiduciary responsibilities to notify all other Class members of all settlement procedures.
- The firm never identified the experts whom the Firm Chair claimed the case was not worth the claims of the Chair or his former lead attorneys' previous monetary assessments in this matter.

- The firm did not provide the Agents a final briefing to include documents of their last “Programmatic Relief” resolution that began in March 2022. It has now been presented to the Admin Judge without the Agent’s absolute acknowledgment or approval.

Therefore, for the reasons stated in this cover letter and the attached 9/11/23 letter, please remove the law firm from this matter, thereby allowing the Agents to renegotiate, in part, the settlement terms in this Administrative process and seek new counsel, which should take little time and effort since we are finally in settlement mode.

Dr. Matthew Fogg

Dr. Matthew Fogg
Named Class Complainant
Class Agent Spokesperson
Retired Chief Deputy U.S. Marshal

Cc. ALL Class Agents/Members/Attorneys

[9-11-23 Fogg Letter To Class Attorneys] <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:11dcc757-ef3c-441c-ba2c-2f395fd198c0>

[9-15-23 Firm Letter Responding To Fogg 9-11-23 Letter] <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:ba4855fc-2560-3d9f-a32f-f4b72ebb1d09>

[9-21-23 EEOC Administrative Judges Order]
<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:ff2eaa58-a359-34f0-9701-2db0770f34e4>

[9-27-23 Washington Post Article Announcing Class Settlement]
<https://www.washingtonpost.com/nation/2023/09/28/marshals-service-discrimination-lawsuit-settlement/>

[10-2-23 CARCLE Press Release – U.S. Marshals Service Unleashes Bigots With Badges On Black Communities Nabbing 4455 Suspects] <http://www.keepandshare.com/doc17/view.php?id=28130&da=y>