

5. Inappropriate and ongoing class representation by refusing to withdraw from representing the Class following the September 11, 2023, letter of instruction.
6. Refusal to share with CAs the Class Members' entire contact list provided by the Agency, thereby severely compromising CA's fiduciary responsibilities to all class members.
7. Continued delays in resolving these internal civil and human rights matters have created enhanced [USMS Racial Profiling dangers to the Black public](#) and communities nationwide.

As a result of the Firm's brazen disregard of its ethical duty to the CAs involving the irreconcilable issues listed, CAs cannot wait six months for a hearing to seek the Firm's immediate termination.

As listed, there is an urgency created by this continued unabated government-sanctioned discrimination within the nation's [lead Federal law enforcement agency rank and file](#) that poses an ongoing threat to National Security and Public Safety. This historic Federal government matter continues to foster imminent danger and the erosion of public trust and transparency.

Hence, I will briefly note this motion supported by previously dated letters sent to all parties.

Threat to National Security and Public Safety:

It is well established in FBI reports that [right-wing racist groups have infiltrated law enforcement](#), including reports from numerous whistle-blowing police officers nationwide, the "George Floyd" and "January 6th" incidents, and a Presidential [Executive Order](#) addressing racism in Federal law enforcement. Specifically, the USMS has created a culture of indifference known as "[Bigots With Badges](#)" within a blue code of silence that has caused the demise of African-American deputy U.S. marshals and white supporting officers. Each minute, hour, and day this [historic litigation remains unabated](#) is indicative of a nation's disregard for systemic racial profiling, excessive force, and unjustifiable homicides in Black communities nationwide orchestrated by the lead law enforcement Agency of the United States. This ongoing racial disparate impact proves the [rightful public distrust](#) for National Security and Public Safety in all law enforcement activities, especially "[Dragnets](#)" involving the [USMS supervised by the DOJ](#).

Withdrawal of Sanford, Heisler, Sharp LLP as Class Representatives:

One of the basic tenets of a class action by the EEOC and FRCP that governs Class Actions is that "*class counsel must fairly and adequately represent the interests of the class.*"

Inherit Conflict of Interest:

In an initial Settlement Conference via the "Zoom" platform (February 2022) involving fifteen CAs and multiple Class Counsel, the Firm ("Chair") David Sanford, Esq. informed all CAs that he had a personal relationship with U.S. Presidential Candidate Joseph Biden before he was elected President.

He invited Candidate Biden to his home and substantially donated to Biden's Campaign for President and further told Candidate Biden to pick Kamala Harris as his running mate, which occurred.

CAs surmised this sudden admission was because the Chair immediately took over the settlement negotiations in this matter following the untimely death of his former lead counsel, Thomas Henderson, Esq. and understood that his direct lead was a “*Conflict of Interest*” (COI), knowing that President Biden was now ultimate manager of the named DOJ defendant in this class action.

Knowing legal standards, all counsel in this matter should have admitted that whenever the Firm Chair and Biden's financial commitment occurred during this matter, the appearance of a COI existed and immediately notified the EEOC and provided CAs the opportunity to seek new counsel.

The CAs assumed the Chair's sudden admission well after his financial commitment to President Biden insinuated a favorable settlement with the DOJ since other Presidents failed in this regard, and it would commiserate with the class action's incredible decades of civil rights litigation, pain, and suffering.

CAs also learned during the Chair's initial Settlement discussions, and afterward, the Firm had completely changed strategy from attorney Tom Henderson's previous lead. The Firm immediately started acting solely in the best interest of President Biden's DOJ by disposing of a 29-year-old Black class for an [inexplicable low monetary amount](#) of \$15 million.

Many CAs and members interpreted the Firm's action that the Black lives of deputy U.S. marshals didn't matter to the Firm in a Biden for President election cycle; therefore, the Firm ceased to operate in good faith, viewing this matter as a laborious racial discrimination nuisance.

Furthermore, it has been brought to the attention of several CAs that members of the Firm are detailed from the U.S. DOJ (Defendants) who have or will return to work for the DOJ.

Created A Hostile Environment:

In the initial Zoom settlement conference, the class counsel Chair informed all CAs that if Matthew Fogg disagreed with the Firm's assessment of this Settlement, the Firm could motion the AJ to remove Fogg as a CA. This assertion created an instant “*Hostile Environment*,” including fear and intimidation for other CAs who might oppose the Chair's new direction. CAs feared receiving a lesser settlement payout by the Chair's motion to remove them for any opposition after being advised the Firm could motion the AJ to remove the named Complainant.

The Firm Chair also stated that there was no doubt that CAs would face retaliation from the USMS due to this settlement process, and some Class Members would not get compensation.

Preventing Class Agents From Fiduciary Responsibilities:

The Firm denied CAs with the class member's contact list obtained from the USMS, stating that providing CAs the list would present “*Privacy*” concerns because some class members may not want their contact information shared. The Firm continues to violate FRCP and EEOC regulations by preventing CAs from acting in their fiduciary CA responsibilities.

This denial has created confusion and hostility among many class members who lack CA information. This further proves the distrust of CAs by the Firm because the Firm was provided the same privacy information from the USMS.

Submitting a Final Settlement Package Without Notifying Class Agents:

On September 26th, the Firm provided the CAs and the Washington Post newspaper with AJ Alexander's Settlement Order dated September 21st without first discussing the firm's Final Settlement Package(FSP) with the CAs or allowing CAs to know the specific content in the FSP submitted to the AJ. This most egregious and unethical conduct has fostered an ongoing hostile environment amongst CAs and class members who now believe the CAs have not been forthcoming on the Settlement progress. What precisely are provisions in the FSP they might oppose or agree with alluded to in the AJ's 9/21/23 order?

Furthermore, the CAs must assume the Firm did not make AJ Alexander aware of the CA's significant concerns *in good faith* throughout the Settlement period. Most importantly, CAs do not believe the Firm advised the AJ that CAs had not reviewed or were briefed on the Firm's FSP before the AJ constructed and issued her Order dated September 21, 2023.

This Motion Seeks EEOC Orders For The Following:

Therefore, given the facts presented in this motion, the Firm has received a letter of termination today (attached) and is directed to withdraw its representation in this EEOC case.

- (1) CAs seek an Order supporting the Firm's withdrawal from this matter and to obtain new counsel.
- (2) CAs seek an Order to obtain all Class Member's names and contact information that defendants made available to the Firm.
- (3) CAs seek an Order to obtain the Firm's Final Settlement Package with the cover letter submitted to the AJ.
- (4) CAs seek an Order for the Firm to make all previous legal documents available to the new council and any CA upon request.

Although the USMS has since initiated the process of providing notice of the Class Settlement Agreement per AJ's September 21, 2023, Order, we ask AJ to extend the process deadline pending the retainment of new counsel and to ensure that CAs connect worldwide with all potential class members. The CAs will immediately seek other counsel solely for settlement purposes.

Respectfully Submitted,

Dr. Matthew F. Fogg

Dr. Matthew F. Fogg

USMarshal.Fogg@Gmail.com

Retired Chief Deputy United States Marshal

Named Class Complainant/Agent and appointed Class Agent Spokesperson

[CNN \(10-27-23\) Law Enforcement Analyst](#)

CERTIFICATE OF SERVICE

I certify that on November 1, 2023, this Class Agent MOTION for an ORDER calling for Withdrawal of the Class Firm's Representation, ORDER for CA's receipt of all Class Member Contact Information, ORDER for CA's receipt of Firm's Final Settlement Submission, and ORDER for any class documents to be delivered to new counsel and Class Agents upon request, was sent to the following individuals electronically via email.

Sharon E. Debbage Alexander (she/her)
Supervisory Administrative Judge
Washington Field Office
U.S. Equal Employment Opportunity Commission
131 M Street NE
Washington, DC 20507
Sharon.Alexander@eoc.gov

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All Class Agents & Known Class Members

Respectfully Submitted,

Dr. Matthew F. Fogg

Dr. Matthew F. Fogg
USMarshal.Fogg@Gmail.com
Named Class Complainant and Class Agent Spokesperson

November 1, 2023

TERMINATION OF SERVICE

David Sanford, Esq.

Sanford, Heisler, Sharp LLP.

700 Pennsylvania Ave., SE, Suite 300 Washington,

DC 20003

Dear David

It pains me to terminate your Firm's services in this matter and demand you officially withdraw from this case immediately for the irreconcilable differences and inherent conflicts of Interest as stated in previous correspondence. This requirement coincides with a motion filed with the U.S. Equal Employment Opportunity Commission this day, electronically served to all parties.

I'm writing you this letter as the Class Spokesperson and individually as the named Complainant, having first personally filed this Class in 1994 and legally defended it until personally bringing it to your Firm in 2004. Since then, your firm's lead attorney diligently protected this Class involving systemic racism in the U.S. Marshals Service(USMS), represented by the U.S. Department of Justice(DOJ), arguably a "*Justice Integrity Agency*" in the world's most powerful government.

As you know, today, this nonpartisan class action has the dubious distinction as the most extended outstanding civil rights litigation in American history. It has named or involved 12 U.S. Attorney Generals appointed by (5) U.S. Presidents, incorporating an estimated ten thousand African American class members.

Given the law enforcement nature and longevity of these internal DOJ civil and human rights violations, I hoped you would understand. They have also impacted USMS enforcement operations involving racist interactions with Black people across America and an imminent threat to National Security and Public Safety.

As I said to you in 2004, this case was never just about Black deputy U.S. marshals in a racially hostile environment who are unequally disciplined, promoted, trained, or hired. Still, it involves holding federal law enforcement accountable and how we must protect the public from these same deadly [bigots with badges](#) proven to emanate within our rank and file as a pretext to this Class Action.

It was baffling to see how you entered the 2022 settlement discussions in this case following the 2021 death of your former outstanding lead attorney, Mr. Tom Henderson.

You began settlement discussions by advising the Class Agents of your intimate financial commitment to President Biden, the ultimate defendant in this case. This appears to have affected your judgment in this settlement process. You immediately instituted a strategy to end this 29-year saga to settle in disapproval of the Class Agents' direction with an inexplicably low monetary settlement totaling \$15 million per a March 2022 Memorandum of Understanding(MOU) with the USMS that I immediately stated was "*null & void.*"

You signed this MOU knowing well this same Federal government is giving billions of dollars in foreign wars and to illegal immigrants breaching our borders and knowing well this settlement is not commiserate with your firm's previous assessment of a 2008 congruent class action [[Grogan v. DOJ/USMS](#)] that you filed fifteen years ago in DC Federal Court asking for \$300 million.

You knew well the historic devastation this decades-long case has on so many Black USMS employees and civilian victims. Yet, you signed an MOU compromise that would also set a horrible legal precedent for any great class of civil rights litigants in the future.

Too many Black deputy U.S. marshals paid a severe price protecting Federal Judges, courtrooms, and witnesses, tracking down America's Most Wanted fugitives and being First Responders, securing foreign dignitaries, our borders, dangerous prisoners, and the entire Federal Judicial system. They also faced the dangers of internal hatred from colleagues with unabated racist aggression, proving “Black Lives (Don’t) Matter” in the United States Marshals Service.

I must assume your final “Programmatic” settlement package, which you withheld from the Class Agents in opposition to all regulated attorney-client relationships, was also anti-civil rights and will not hold anyone in the Biden Administration, the DOJ, and USMS accountable today or in the future for repeating these same historic racist abominations that were the impetus for me contacting your firm in 2004, and characteristic of America as Apple Pie.

In closing, we will make sure in the provisions of a settlement that any class member who is retaliated against, as your initial settlement discussion indicated, will end the violation immediately (not in laborious litigation), and the reprisal Bigot or Bigots will be instantly held accountable. Furthermore, in place of the *justice delayed is justice denied* longevity of this matter, every class member coming forward must be well compensated.

As you know, I have advocated my entire career and life against systemic racial discrimination towards Black people by our Federal government. Still, never in my dreams did I imagine I would end up in combat with the same legal advocates I asked to help me in this iconic journey to justice.

Respectfully Submitted,

Dr. Matthew F. Fogg

Dr. Matthew F. Fogg

Named Class Complainant and Class Agent Spokesperson