

November 15, 2024

Mr. Carlton Hadden
Director,
U.S. Equal Employment Opportunity Commission (EEOC)
Office of Federal Operations

Subject: The initial (1994) named, USMS Black Class Action Complainant and former EEOC Class Agents Spokesperson, Dr. Matthew Fogg highlights points below that the entire EEOC settlement process, now a part of OFO, undermines the pursuit of justice for the class members.

Dear Mr. Carlton Hadden;

This cover page list (8) important points from the attached 33-page document with a personal letter and Dr. Matthew Fogg's EEOC OFO reply to the Class Agents Representatives (CAR), law firm of Sanford, Heisler Sharp, LLP., EEOC "**Notice of Relevant Filing**" by the ("Agency"), the U.S. Department of Justice (DOJ) and the U.S. Marshals Service (USMS):

1. **Conflict of Interest:** This matter highlights a conflict of interest involving the Class Agent Representatives (CAR), particularly the law firm Chair, David Sanford, Esq., who admitted to a personal relationship with President Joe Biden and Vice President Kamala Harris. This relationship has influenced the settlement process unfavorably for the class members.
2. **Political Motivations:** This matter suggests that the timing and handling of settlement in this case are influenced by political motivations particularly created to avoid negative press for the Biden-Harris administration during the national elections period.
3. **Dual Jurisdictional Process:** Dr. Fogg objects to the unprecedented and legally unethical dual administrative process at the EEOC and the DC Federal Court, which he believes creates a conflict of interest for the EEOC to retain this matter,
4. **Unethical Practices by CAR:** Class Agents accuse the CAR of not acting in the best interest of the class members, including failing to disclose "final" settlement package before giving to EEOC Judge and media, further fostering a hostile environment to include, threatening and removing the named class agent and spokesperson.
5. **Inadequate Settlement:** Class Agents challenged the proposed \$15 million settlement with attorney's fees as grossly inadequate, especially given the long history and severity of the racial discrimination claims. The settlement does not reflect the actual value of the case, which was previously assessed by the law firm Chair (2008) at \$300 million.
6. **Lack of Fairness Hearing:** The EEOC Supervisory Administrative Judge rightfully canceled a EEOC mandated "Fairness Hearing" after Dr. Fogg filed (3-19-24) the Class in Federal Court. Subsequently, the EEOC Admin Judge has illegally retained EEOC jurisdiction of the case without a mandated Fairness Hearing.
7. **Retaliation and Intimidation:** The CAR and the EEOC have specifically engaged in retaliatory actions against Dr. Fogg after he filed the Class Action in DC Federal Court. Dr. Fogg makes reprisal comparisons with prefabricated CAR affidavits signed by Class Agents to remove and replace him like the fear "Negroes" endured in American history, portrayed in the famed book, "Uncle Toms Cabin and, to the biblical story of JESUS betrayal and denial by his disciples.
8. **Agency's Contradictory Pleadings:** The Agency has taken contradictory jurisdictional positions in the EEOC and federal court, which is unethical and indicative of the Agency's historic lack of integrity in these matters.

Best regards,

/s/Dr. Matthew Fogg

Dr. Matthew Fogg

Retired Chief Deputy U.S. Marshal

Original (1994) Named Complainant - [Matthew Fogg v U.S. Attorney General]

UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

THOMAS HEDGEPEETH, et al,)	
Formerly, MATTHEW FOGG, et al,)	
)	
Class Agents,)	
)	
v.)	EEOC NO, 570-2016-00501X
)	AGENCY CASE NO M94-6376
MERRICK GARLAND, ATTORNEY)	
GENERAL, U.S. DEPARTMENT OF)	
JUSTICE,)	
)	
Agency,)	

**"WHISTLEBLOWER AND NAMED ORIGINAL COMPLAINANT'S REPLY TO CLASS AGENT REPRESENTATIVES' EEOC
"NOTICE OF RELEVANT FILING": ALLEGATIONS OF WASTE, FRAUD, AND ABUSE WITH POLITICAL MOTIVATIONS
AND CONFLICT OF INTEREST AT THE U.S. EEOC"**

[Dr. Matthew Fogg](#), on behalf of himself and the approximate 10,000 Class of individuals presents here in the U.S. Equal Employment Opportunity Commission ("EEOC") only, and now represented by an attorney in the DC Federal Court jurisdiction, file this separate EEOC reply only to this erroneous EEOC "[Notice of Relevant Filing](#)" by the Class Agent Representatives ("CAR") known as Sanford, Heisler, Sharp, LLP.

Dr. Fogg continues his standing objection to this dual administrative process at the EEOC Office of Federal Operations ("OFO") jurisdiction and now alerts the EEOC-OFO that, on October 23, 2024, and through his attorney, requested the presiding DC Federal Judge **DENY** absolutely ("the Agency") U.S. Department of Justice/U.S. Marshals Service, "Motion To Stay" pending the resolution of this erroneous, dual jurisdictional EEOC OFO Appeal.

****All Statements And Exhibits Henceforth Should Already Be Part Of This OFO Appeal****

**Class Agents Representative Appear to Stall Before the November 5th National Election Process With
EEOC Support and Conflict of Interest**

This unprecedented "rigged" and illegal US/EEOC versus the DC Federal Court, dual jurisdiction process is demanded only by the Class Agents Representatives (CAR) whose Chair David Sanford, Esq. admitted being special friends of the defendant's Biden-Harris team in this matter. This same influence has persuaded the Administration's EEOC Supervisory Administrative Judge (SAJ) Sharon Debbage Alexander, Esq. to illegally retain the Black U.S. Marshals Class Action at the EEOC jurisdiction and negate the judicial branch of government.

The EEOC SAJ now purports a "false" EEOC "Final Agency Decision" well after the fact of a Federal Court

filing and without a Fairness Hearing, creates an inherent conflict of interest to fraudulently push this matter to a disgraceful and unconstitutional civil rights settlement.

Therefore, this erroneous EEOC process is legally unethical but gave the public appearance of a settlement during the Biden-Harris political campaign preoccupied with seeking votes but refused to address decades of its own Agency's racial liability in this matter dating back to 1994. In essence, this current unprecedented EEOC legal issue of "First Impression" in dual jurisdictions is simply a Biden-Harris-friendly maneuver by the CAR law firm to stall Federal court proceedings and help this Administration to prevail in the national elections by avoiding more negative press in the Washington Post and other media forums.

The CAR and EEOC SAJ knew that if this matter were solely and rightfully in DC Federal Court in concert with Dr. Fogg's 3-19-24 filing and the Agency's (4-26-24) brief, it would have again, exposed outrageous civil rights violations in the nation's lead law enforcement Agency as a dereliction to the DOJ Oath of Office and the U.S. Constitution's guarantee of equal justice well before the national elections process on November 5th, 2024.

Agency Contradictory And Opposite Pleading Supporting The EEOC's Jurisdiction In Federal Court Is Unethical

Again, on 4/26/24, the Agency's outstanding and comprehensive EEOC brief titled "Surreply In Response To Jurisdictional Issues" (**Exhibit 1**) in this same matter supports Dr. Fogg's post 3-19-24 briefs pursuant to a EEOC SAJ Ordered "[Briefing Schedule](#)" to challenge Dr. Fogg filing this matter in the DC U.S. District Court jurisdiction.

Conversely, the same Agency is now in DC Federal Court motioning a Federal Judge to not address it's 4-26-24 EEOC brief that already determines the Agency's decision on jurisdiction in this matter but, the agency is now addressing an opposite contradictory federal court pleading, motioning that this same matter resurfaces in this known and compromised EEOC jurisdiction already proven to act not in the best interest of Dr. Fogg and the Black Class Members.

The Agency's EEOC contradictory pleadings aligns with the overwhelming consensus of EEOC litigants today [who don't trust the Agency and EEOC processing to guarantee them equal justice under Federal law](#). These waffling integrity concerns for this Agency has been extensively challenged in the entire 40 years of the USMS/EEOC administrative complaint process, originally filed by Dr. Fogg in 1984, identified as Matthew Fogg et al. v. 14 U.S. Attorney Generals and (5) U.S. Presidents. This Class Action has the dubious distinction of America's longest-running unresolved (1994-2024) litigation today and now, split into two contradictory jurisdictions. For more history, please visit > www.BigotsWithBadges.com

The Agency's contradictory (10-21-24) Federal Court Motion is stating the following facts to a U.S Constitution, Article III, Federal Judge and diametrically opposed to its previous (4/26/24) EEOC brief, as follows: *“that a stay in the United States District Court for the District of Columbia is warranted because the outcome of this appeal will bear on whether Mr. Fogg’s civil action is barred by res judicata or related doctrines. Ex. 2. The Agency also argues that the balance of equities and considerations of judicial economy further merits stay in federal district court. Id. Class Agents wanted to make the Office of Federal Operations aware that the pendency of the appeal in this action will likely have an effect on the resolution of the litigation between Mr. Fogg and the Agency in federal court. The appeals in this matter have been fully briefed and are ripe for a decision by the Office of Federal Operations.”*

“Filing opposite pleadings on behalf of the **same party** in Federal Court is generally not permissible and would typically be viewed as improper or unethical. This situation could arise if a party or its legal counsel is attempting to present contradictory positions in the same case, which is a violation of professional conduct rules, especially those concerning candor to the tribunal.” [ChatGPT]

Dr. Fogg’s Class Action Properly Filed In DC U.S. District Court

The EEOC SAJ Sharon E. Debbage Alexander, for all the right reason, canceled a (3-20-24) EEOC-mandated “Fairness Hearing” because all parties comprehended Federal law and [were properly notified](#) that Class Agents Spokesperson, Dr. Fogg did in-fact, file the Class Action in the DC U.S. District Court on 3/19/24, (amazingly 30 years since filing at the EEOC in 1994) and, [in accordance with Federal Regulations 29 C.F.R. §1614.407, §1614.408, and §1614.409.](#)

Therefore, all parties knew that Dr. Fogg effectively withdrew all involvement individually and for all the approximate 10,000 Class members in the EEOC Administrative jurisdiction without a mandated EEOC Fairness Hearing or an approved “Final” Settlement and Agency Decision. Any further processing of this Class after 3/19/24 at the EEOC is fraudulent.

Important and Official EEOC Motion To Remove Class Agents Representatives (CAR) Ignored By EEOC SAJ

Dr. Fogg reiterates his long-standing objection, DC Federal Bar Complaint, and Motion To Strike all of CAR’s input in this matter since November 2023. All parties and the EEOC SAJ were officially notified of the CAR termination of services via an official EEOC Class Agents Motion dated 11-1-23, which included prior letters to the SAJ and CAR addressing the contempt of CAR operating NOT in the best interest of the Class. No parties objected to the motion, and the SAJ never addressed it. [\[Exhibit 2\] 3, 4\]](#)

Termination of the CAR services indicated Class Agents' concerns included an inherent conflict of interest by the CAR Chair, Mr. David Sanford, ESQ. who admitted via a recorded 2022 pre-settlement Zoom conference call of having a personal relationship with President Joseph Biden and Vice President Kamala Harris (currently with oversight of the "Agency") by inviting both into the CAR Chairs home where the CAR Chair made a substantial donation to the 2020 Presidential Campaign for the Biden-Harris and specifically, "told" Joe Biden to pick Kamala Harris as his running mate.

After admitting to Class Agents his unique friendship with the Biden-Harris Administration, the CAR Chair undoubtedly aligned his law firm with the best interest of the Agency/defendant's, the Biden-Harris Administration. The CAR Chair suddenly backtracked on his 2008 media statement of [valuing this Class Action at \\$300 million](#) and backtracked on supporting his former (now deceased) lead attorneys' \$60 million 2021 value assessment of this same Class Action, and today the CAR Chair seeks to settle this long-term degradation for just \$15 million to include his firms attorneys fees.

On 3-22-24 the EEOC SAJ ordered [erroneous briefs](#) to determine whether this Class should remain in Federal Court or in the EEOC jurisdiction. Immediately the CAR Chair briefs and actions instituted staunch retaliation against Dr. Fogg's character, his USMS racial justice advocacy and his CA Spokesperson reputation by asking the EEOC SAJ to remove and replace Dr. Fogg as the original (1994) named Complainant. Pursuant to the SAJ approval, the CAR then chose another CA as the named Complainant over Dr. Fogg. This same replacement signed a CAR prefabricated affidavit supporting the removal of Dr. Fogg. Subsequently, the CAR also directed the SAJ to approve a final settlement absent of a mandated EEOC Fairness Hearing again, for a paltry \$15 million, including legal fees.

* In March 2022, all CAs expressed complete dissatisfaction with the \$15 million after reading the [CAR signed Agency MOU](#), and following a Class Agent's recorded pre-settlement Zoom conference where a consensus vote was taken and Dr. Fogg was tasked as the CAs Spokesperson to notify the CAR Chair to renegotiate a higher monetary amount of "\$25 million without attorneys fees". The Chair still refused to renegotiate per the Class Agents directives. *

Today, the CAR law firm a Biden-Harris Agency ally, is promoting this tainted and illegal EEOC settlement reeking of continuous discrimination where, after three decades the class Complainants would have gained more compensation with a "*lemonade stand*". This settlement is seen as the ultimate Federal government, travesty of justice that validates the cliché, "*Black Lives (Don't) Matter.*"

The EEOC 11-1-23 motion reported, the CAR Chair submitted its final package and "Preliminary Settlement" to the SAJ and the "**Washington Post**" sometime in September 2023 without sharing it with the Class Agents. At that time, the CAR [knew well and in writing](#) the Class Agents' concerns alleging the CAR driven hostile environment with bullying, intimidation, and the CAR Chair threat to direct the EEOC SAJ to remove Dr. Fogg as a Class Agent and client (despite [Dr. Fogg's USMS laborious advocacy](#), initiating the class), if Dr. Fogg disagreed with CAR in settlement procedures. Subsequently, the Chair carried out his retaliatory threat with the approval of an EEOC SAJ after Dr. Fogg rightfully filed the matter in DC Federal Court,) (**Exhibit 2, 3, 4 & 7**)

Standing EEOC Objection To Post 3-19-24 EEOC Settlement Process As Retaliation And EEOC Conflict of Interest

Dr. Fogg repeats, as part of this erroneous settlement process and OFO Appeal, his standing objection that all settlement activity leading up to a “Preliminary” and “Final” Settlement proposal of this Class before and after March 19, 2024, and without an EEOC mandated “Fairness Hearing” is absolute premeditated “retaliation” against the original named Complainant. These reprisals have harmed all the USMS class members and named Congressional “Whistleblowers” identified in the CAR submitted Congressional Correspondence, alleging USMS historic violation of their Civil Rights. Again, this post EEOC activity following a Federal Court filing is clearly Waste, Fraud and Abuse by the U.S. EEOC.

Furthermore, the USMS reprisals severely harmed former (White) deputy U.S. marshal, Stephen Zanowic, Jr. whose career was destroyed after supporting his Black New York City USMS partner William “Bill” Scott (a USMS racial discrimination Complainant who, later died from injuries sustained in an unresolved suspicious car crash that we all believed resulted as reprisals from racist colleagues). Also, Zanowic faced retaliation and filed a Complaint in NY Federal Court and continued reprisals after testifying before U.S. Congress and, in Dr. Fogg’s 1998, DC, U.S. District Court, Civil Rights jury trial that confirmed systemic racism in the USMS.

The USMS Director Ronald Davis’s Silence To Congress On Decades of Agency Racism Is Complicit In A Threat To National Security

The U.S. Department of Justice (DOJ) is, in fact, America’s lead law enforcement agency of the land and supervises America’s oldest Federal law enforcement department, the United States Marshals Service (USMS). The DOJ’s motto is the “Justice Integrity Agency.” Three (3) decades and more of a USMS Black Class Action involving approximately 10,000 claimants has eroded that motto and witnessed by many Americans who carry a badge and gun to uphold the laws of the land, derived from the U.S. Constitution.

The USMS Director, Ronald Davis, a Black American man who came through the rank & file of various government law enforcement entities in America and, by default of his race, most likely knows well about discrimination in rank & files via his past experiences.

On February 14, 2024, Director Davis testified before the U.S. Congress on Capitol Hill about the oversight of the USMS and issues involving threats to National Security.

Not once did Director Davis see that his leadership of the USMS should call for identifying the decades of unresolved systemic racism in the USMS that he knowingly inherited via early CAR correspondence referencing his Confirmation Hearings. Not once did Director Davis call for a Black Class Agents meeting to address ways to end and decrease the longest-running racial litigation in the history of the United States now, under his supervision.

Director Davis’s omission to U.S. Congress of the Black USMS Class Action, claiming 10,000 victims since 1994 depicts complicit behavior to cover up systemic racism in his own rank and file and a dereliction to his oath to office

and the U.S. Constitution. His actions were most likely, due to [his fear of the same retaliation many others face when blowing-the-whistle on racism in the USMS](#) which, has forever tainted the “Justice Integrity Agency”.

Director Davis’s silence and lack of advocacy to end this racial class action put in harm’s way, Black, Deputy Marshals, Federal Judges, Court Security and Prisoner Movement personnel, Witness Protections, the Special Operations Group, the Black public at large via USMS Federal, State, and Municipal, fugitive “Dragnet” operations and contractors, who carry out the USMS mission plan to protect and serve. At the same time, this unabated racism thrives and remains a serious threat to National Security.

Black Class Agents Frightened And Intimidated By Terminated Class Agents Representatives (“CAR”) – Emulate Negroes In Famed Book “Uncle Tom’s Cabin”

The CAR [posted 3-22-24 EEOC briefs](#) against Dr. Fogg included affidavits from [13 out of 15 Black](#) co- CAs ([some never approved by the EEOC SAJ or were part of the settlement discussions](#)), and resulting from a subsequent recorded Zoom conference call with the CAR and CAs.

The CAR attorneys specifically (for the first time) “booted” Dr. Fogg off the Zoom call. Several CAs asked the CAR to allow Dr. Fogg’s participation to defend his reputation that was denied. Later CAs advised Dr. Fogg that the Zoom call was only to impugn his reputation and credibility and to take a vote to remove him as a “non-corporative” and “unfit” CA in settlement procedures. The call convinced CAs with the CAR false and prefabricated affidavits suborning on perjury, and misrepresenting Dr. Fogg’s legal right to file the matter in DC Federal Court.

During the same Zoom call and subsequent intimidating calls to each CA, the CAR fostered hostile environment and incited fear with warnings that other CAs could face similar actions, including not getting CA’s special increased liability compensation and, can be removed as a CA like in the current affidavit process directing the EEOC SAJ to remove Dr. Fogg as previously threatened by the CAR Chair in early 2022. ** Therefore, CAs felt compelled to sign the prefabricated affidavits removing Dr. Fogg.

Black History in America often depicts intimidation and horrific retribution that African Americans, pre and post Slavery were called “Negroes” in a so called, “great nation” where a U.S. Supreme Court Chief Justice Roger Taney's opinion in the 1857 Supreme Court case, Dred Scott v. Sanford said, “blacks had been regarded as beings of an inferior order" with "no rights which the white man was bound to respect.”

The famed book “Uncle Tom’s Cabin” tells the story of how Negroes had to constantly live in fear of White backlash and were always concerned about losing finances, property, freedom, their families, and worst, their lives if they didn’t approve of White racial injustice and turn against other Blacks who challenged the status quo.

Dr. Fogg has faced the fallout of each of these U.S. Constitutional violations in his 30-year USMS career and nearly lost his life in the line of duty via White backlash in the USMS, which allowed White subordinates (undisciplined) to abandon him during the arrest of a well-publicized, heavily armed and dangerous USMS fugitive

featured on TV's, "America's Most Wanted," and a USMS "Top 15 Fugitive", [Michael Lucas](#).

This historic racial degradation and White Privilege still ever present today, often caused Black racial justice advocates and litigants to stand alone. At the same time, many other frightened, intimidated Negroes characterized in "Uncle Tom's Cabin", "Sold Out" instead of standing up for effective change, believing they could not fight the racist "Giant" of local, State and, Federal governments.

In this matter, the Giant became the endless resource of the Federal government and the unfathered White Privilege of the White-owned multi-millionaire dollar law firm of Sanford, Heisler, Sharp, LLP.

Evidence presented depicted that the CAs were intimidated and bullied by the CAR with the support of an EEOC SAJ and, much like Negroes in Uncle Tom's Cabin who acted out in fear of retaliation. CAs chose to abandon Dr. Fogg knowing well, his life-long stand against racism and the same nationwide [Bigots With Badges](#) who mainly hired Black law enforcement agents, only as "tokens" to help decimated Black communities in a well-known racist "war on drugs" and build the world's largest criminal justice and prison industrial complex, disproportionately on the arrest and incarceration of Black and Brown citizens.

Here the CAs preferred to turn against the well-known, 30-year champion whistleblower, brave enough to file this Class Action alone and without their assistance in 1994, which would pave the way for them and thousands more Class members to obtain monetary relief today.

The Bible indicates that Jesus disciples who communicated with and knew Him well, denied Him after He was betrayed by one of His disciples for 30 pieces of silver. Here Dr. Fogg was betrayed by 13 CAs who knew well his history of protecting and serving them and all 10,000 Class Members.

And this is the same reason Black Americans today find themselves acting like many historic "Uncle Tom's Cabin" Negroes who accept whatever unfair White compensation offered, and "sellout" on others who stand-up for meaningful compensation and effective policy changes that will impact future generations.

The longevity of this USMS Black Class Action proves that America's society today, refuses to address remnants of the historic and disgraceful holocaust of Slavery, "Jim Crow," and systemic racism still permeating America's lead Federal law enforcement agency and the tainted EEOC process.

The EEOC OFO Must Follow The First Agency (4-26-24) EEOC Brief And Immediately END This Erroneous EEOC Dual Jurisdiction Process

Finally, The EEOC OFO must follow “the Agency” (4-26-24) brief and the Class Spokesperson, Dr. Fogg’s comprehensive motions and briefs addressing this tainted and retaliatory EEOC process and further disregard or strike all the CAR drafts, post 11-1-23 termination of services and the erroneous [EEOC SAJ Final decision](#) in this matter.

The EEOC Office of Federal Operation should immediately “END” this unprecedented dual jurisdictional process of a legal “First Impression” without further delay as waste, fraud and abuse, and, a political media shield, featuring overt retaliation, and an instant EEOC Conflict of Interest as “Agency Overreach” in violation to the Administrative Procedures Act.

In closing and using the CAR word “ripe” in reply to the CAR “Notice of Relevant Filing”, this EEOC process is genuinely ripe for waste fraud and abuse and causing more extraordinary legal fees, retaliation, and undue emotional stress to Dr. Matthew Fogg and other witnesses, other individual USMS Plaintiffs filing reference this same matter in the DC U.S District Court and, the rest of the approximate 10,000 current claimants not contacted, to partake in this USMS Black Class Complaint process.

Date: November 15, 2024

Respectfully submitted,

/S/ Dr. MATTHEW F. FOGG
Original Named Complainant

Notably, Class Agents do not acknowledge that the proposed settlement agreement remains unsigned by the Parties, despite the EEOC’s regulations requiring a resolution to be reduced to writing and “signed by the agent and the agency.” 29 C.F.R. § 1614.204(g)(3) (“If the complaint is resolved, the terms of the resolution shall be reduced to writing and signed by the agent and the agency.”). Further, Class Agents make no attempt to explain how their interpretation accords with the clear definitions of agency final action set forth in MD-110 and 29 C.F.R. § 1614.204(j)(1).³

Neither MD-110 nor EEOC’s regulations provide for a category of final action that is based on an agency’s *intent* to settle, or whether the parties are engaged in the settlement process. Indeed, while Class Agents continue to cite 29 C.F.R. § 1614.204(g)(4) as the principal authority for their arguments, they conceded in their initial motion that the words “final action” do not appear anywhere in this regulation.⁴

Class Agents further contend that when class claims are settled, “there is no ‘decision of

¹ See Agency’s Brief in Response to the Equal Employment Opportunity Commission’s Order Regarding Jurisdiction, at fn.1 (Apr. 9, 2024) (hereinafter “Agency Response Brief”).

² See Class Agents’ Reply in Support of Motion to Remove Matthew Fogg as Class Agent, at 3 (Apr. 16, 2024) (hereinafter “Class Agents’ Reply Brief”).

³ See Agency Response Brief, at 3.

⁴ See Class Agents’ Motion to Remove Matthew Fogg as a Class Agent, at 8 (Mar. 22, 2024) (hereinafter “Class Agents’ Motion to Remove”).

Moreover, contrary to Class Agents’ assertion, the Agency has never considered settlement of this matter “complete.”⁶ Indeed, the EEOC’s Administrative Judges’ Handbook, Chapter 10, § V, explains that “an agreement to settle a class complaint is not effective unless it is approved by the Administrative Judge after a fairness determination pursuant to the provisions of 29 C.F.R. § 1614.204(g)(4).”⁷

Because the Agency has not taken final action on Class Agent Fogg’s complaint, the regulations permitted him to file his civil complaint in district court.

II. The Commission Should Exercise Judicial Restraint During the Pendency of District Court Proceedings.

The Agency disputes Class Agents’ characterization that it is seeking to “indefinitely delay” this case. The Agency was fully prepared to move forward with the Fairness Hearing on March 20,

2024, and is disappointed by the current procedural posture of this matter. As stated in the Agency’s Response Brief,⁸ the Agency advocates that the Commission exercise judicial restraint to take no further action given the pendency of the federal court proceedings in the interests of judicial economy and irreparable harm that could be caused by litigating in two

⁵ See Class Agents’ Reply Brief, at 3.

⁶ See Class Agents’ Reply Brief, at 3.

⁷ Assuming, *arguendo*, that the Commission retains jurisdiction over this matter, Class Agent Fogg’s filing will have a significant impact on the litigation and any settlement thereof, including the precise scope and timing of the claims as well as which claims, if any, remain before the Commission and which are appropriately before the federal district court. These issues would need to be carefully evaluated and resolved before the Parties could proceed to a final fairness hearing.

⁸ See Agency Response Brief at p. 6.

forums. See, e.g., *Nken v. Holder*, 556 U.S. 418, 433 (2009). The Agency’s sole interest is ensuring that the novel legal issues resulting from Mr. Fogg’s actions are given the necessary legal consideration with the ultimate goal of “getting it right.”

III. The Cases Cited By Class Agents Do Not Support Continued EEOC Jurisdiction.

Class Agents rely on *Heredia v. Small*, EEOC No. 01A22353, 2003 WL 21372755 (EEOC June 5, 2003), and *Joana C. v. Dep’t of the Army*, EEOC No. 0120103378, 2017 WL 1174348, (EEOC Mar. 14, 2017), for the proposition that jurisdiction would remain with the EEOC subsequent to the filing by a class agent in federal district court. Their reliance is misplaced because both cases are distinguishable.

In *Heredia*, the complainant had filed a class charge before the EEOC. Prior to a decision certifying the class, the complainant filed suit in federal district court relating to her individual complaint but did not file suit on behalf of a purported class. See *Heredia*, 2003 WL 21372755, *1; see also *Heredia v. Heyman, et al.*, Case No. 98-cv-05351(RLE) (S.D.N.Y. Jul. 28, 1998); *Heredia v. Heyman, et al.*, Case No. 99-cv-08580(DAB) (S.D.N.Y. Aug. 3, 1999). Here, the class complaint filed by Fogg before the EEOC was certified prior to Fogg filing his complaint in federal district court, and he purported to file on behalf of the class in federal district court. Thus unlike, Fogg, *Heredia* did not involve a class agent filing a purported class complaint in district court. Notably, Class Agents’ reply does not grapple with *Ted L., Class Agent v. Department of Veterans Affairs*, EEOC DOC 0120182368, 2019 WL 1762014, a case which more similarly mirrors the circumstances in the instant case. In *Ted L.*, the Commission concluded that the administrative judge properly dismissed three administrative class complaints pursuant to 29 C.F.R. § 1614.107(a)(3) where the class agent filed a complaint in federal district court purportedly *on behalf of the class*.

The circumstances in *Joana C.* were likewise dissimilar to the instant case for different reasons. *Joana C.* involved a complainant who filed a class charge before the EEOC. After the Administrative Judge denied certification of the class, and while it was on appeal before the Office of Federal Operations, the complainant withdrew as the named class agent because she resolved her claims with the Agency. 2017 WL 1174348, at *1. Notably, there is no mention in the opinion of any federal district court filing and the reason for withdrawing as class agent was not based on taking her class claims to federal district court. Thus, unlike Fogg, *Joana C.* did not involve a certified class or a purported class complaint in federal district court.

IV. The Agency’s Position Does Not Violate Basic Due Process and Equitable Principles.

Class Agents’ claim that the Agency’s interpretation of the EEOC regulations and interpretative law violates basic due process and equitable principles is unfounded. The Agency’s position regarding jurisdiction is grounded in a plain reading of the EEOC’s regulations and well-established judicial norms. Adherence to those norms will ensure that due process and equitable principles are protected.

It has long been held that “the fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Armstrong v. Manzo*, 380 U.S. 545, 552, (1965); *Grannis v. Ordean*, 234 U.S. 385, 394 (1914). The federal courts indisputably provide Class Agents ample “procedural protections as the particular situation demands.” *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). Class Agents can be heard on the very issues they seek to litigate before the EEOC. The Supreme Court recognized the “duty” of federal courts to examine potential conflicts amongst class members and protect the rights of parties. *Hansberry v. Lee*, 311 U.S. 32, 40 (1940).⁹

A federal court may not be Class Counsel’s preferred forum, but it provides Class Agents the “right to pursue th[eir] case” consistent with due process and constitutional principles.¹⁰

⁹ To be clear, the Agency has taken no position regarding Fogg’s adequacy to represent and “bind” the Class Agents in its briefing. The Agency’s position is that an administrative dismissal is warranted by operation of law, i.e., Fogg’s filing a civil action under 29 C.F.R. § 1614.407. At the time of his federal filing, Fogg had not been removed as a class representative and no arguments regarding Fogg’s purported inadequacy to represent and bind the Class had been made by Class Agents.

¹⁰ See Class Agents’ Reply Brief, at 23.

Class Agents can advance the merits of their arguments, including Mr. Fogg’s inability to represent the class, in the United States District Court for the District of Columbia.¹¹

They can also avail themselves of a plethora of procedural vehicles under the Federal Rules of Civil Procedure to protect the interests of the Class as a whole.

The Agency's position regarding jurisdiction also ensures that equitable principles are protected. The putative Class Complaint must be properly adjudicated in one forum, with deference to the federal courts, to prevent simultaneous pursuits of both administrative and judicial remedies on indisputably overlapping matters, wasting critical resources, and creating the potential for inconsistent or conflicting decisions concerning novel legal issues in class action jurisprudence. *See e.g. Ted L., Class Agent v. Department of Veterans Affairs*, EEOC DOC 0120182368, 2019 WL 1762014, at *3 (Apr. 11, 2019). Contrary to Class Counsel's position, these factors weigh heavily in favor of the EEOC's exercise of judicial restraint.

Dated: April 26, 2024

Respectfully submitted,

LISA M. DICKINSON

General Counsel

/s/ Leah Brownlee Taylor Leah Brownlee Taylor Deputy

General Counsel Susan Gibson

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Associate General Counsel

¹¹ Presumably, disqualification arguments can be advanced a new in federal district court. Here, as previously noted, disqualification arguments were made only after Mr. Fogg filed in federal district court.

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/s/ Elizabeth B. Bradley

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Washington, D.C. 20006

Counsel for the USMS

On October 11th, 2023, Supervisory Administrative Judge (AJ) Sharon E. Debbage Alexander responded to the named Complainant and Class Spokesperson, Matthew Fogg's, letters dated [September 28th](#) and October 10th, which raised ethical concerns regarding violations of the Federal Rules of Civil Procedures (FRCP) and EEOC Regulations taken by SANFORD, HEISLER, SHARP, LLP, the attorneys ("Firm") for this Class Action.

AJ Alexander [responded in part](#), *"Given the timing and content of your letter, I will treat your letter as an objection to the Class Settlement. I will entertain objections to the Class Settlement during the Fairness Hearing scheduled for March 20, 2024."*

However, the AJ's response did not address the emergency circumstances and plethora of EEOC and FRCP ethical violations created by the Firm's refusal to follow the instructions of the Class Agents (CAs), including but not limited to the following:

1. Failure of the Firm to disclose the "Final" comprehensive settlement package to CAs before presenting it to the AJ supporting her September 21, 2023, "Preliminary Order."
2. Failure to identify an inherited Conflict of Interest (COI) between President Joe Biden, his U.S. Department of Justice & U.S. Marshals Service (DOJ/USMS) ("Agency"), and the Firm.
3. Failure to follow the CA's instruction not to accept any monetary offer (\$15 million - *Null & Void*) by the Defendants (USMS) in a Firm only & USMS settlement conference until subsequently approved by the CAs.
4. Created a hostile environment for the named Complainant with CAs, Firm, and Class Members.
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 Class Agents.
- (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@eeoc.gov

Leah Taylor (USMS) <Leah.B.Taylor@usdoj.gov>,
Susan Gibson (USMS) <Susan.Gibson@usdoj.gov>,
Morton J. Posner <morton.j.posner@usdoj.gov>,
Sean Lee (USMS)" <Sean.Lee@usdoj.gov>,
Elizabeth Bradley <ebradley@fortneyscott.com>

David Sanford, Esq.
Sanford, Heisler, Sharp LLP.
700 Pennsylvania Ave., SE, Suite 300 Washington,
DC 20003
Kate Muetting (Kmueting@sanfordheisler.com)
Christine Dunn (cdunn@sanfordheisler.com)
Saba Bireda Esq. (sbireda@sanfordheisler.com),
JamesJHannaway@sanfordheisler.com
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

EXHIBIT 3

Fwd: Fogg, et al. v. Garland, EEOC No. 570-2020-01293X; Agency Case No. M-94-6376 - Letter Fr Named Complainant Fogg To Administrative Judge RE: Preliminary Settlement Agreement

MATTHEW FOGG <carcle1@aol.com> Wed, Oct 11, 2023 at 4:56 PM

To: Ivan Baptise - USMS Class Agent <Ivan_B_Bop3027@yahoo.com>, Tracy Brice <mrstasb@icloud.com>, Charles Fonseca - USMS Class Agent

<fonsecha@hotmail.com>, Antonio Tony Gause - USMS Class <gauseaj@gmail.com>, Thomas Hedgepath <thedgepe@yahoo.com>, rileytheodore3@gmail.com,

Mariam Thompson - USMS Class <marmar1149@hotmail.com>, Robert Byars <uptown530@gmail.com>, Tracy Brice - USMS Class <mrstasb@aol.com>, Paul Darby <PDarby225@gmail.com>, Damon Adam <MixItUp1Time@aol.com>, Jeffrey Whitehead - USMS Class <Shakim07@hotmail.com>, Richard Thomas <RichardThomas196506@gmail.com>, Zachary Thomas

<zachary.t@gmail.com> FYI Class Agents

Administrative Judge Sharon Alexander responded to my email yesterday (10-10-23) today, acknowledging that she received my email on 10-28-23 (attached) and only indicated she will entertain opposition to the Class Settlement in March 2024, approximately another six months away.

She did not respond to my request to remove our Class Counsel (Sanford, Heisler, Sharp, LLC) for possible unethical conduct, which now affects what happens in subsequent individual meetings and six months later.

Matthew Fogg
Named Complainant

EXHIBIT 4

On Oct 11, 2023, at 9:49 AM, SHARON ALEXANDER [she/her/hers] <SHARON.ALEXANDER@EEOC.GOV> wrote: **Named Complainant Fogg To Administrative Judge RE: Preliminary Settlement Agreement**

Date: October 11, 2023 at 9:49:43 AM EDT

To: MATTHEW FOGG <carcle1@aol.com>, "KMuetting@sanfordheisler.com" <KMuetting@sanfordheisler.com>, "Christine Dunn (cdunn@sanfordheisler.com)" <cdunn@sanfordheisler.com>, Saba Bireda <sbireda@sanfordheisler.com>, James Hannaway <JHannaway@sanfordheisler.com>, "Taylor, Leah (USMS)" <Leah.B.Taylor@usdoj.gov>, "Gibson, Susan (USMS)" <Susan.Gibson@usdoj.gov>, "morton.j.posner@usdoj.gov" <morton.j.posner@usdoj.gov>, "Lee, Sean (USMS)" <Sean.Lee@usdoj.gov>, "Gibson, Susan (USMS)" <Susan.Gibson@usdoj.gov>, Elizabeth Bradley <ebradley@fortneyscott.com>

Good morning, Mr. Fogg-

As the Class is represented by counsel, and because it would be improper for me to participate in *ex parte* communications with either party, I am copying counsel for the parties and removing all other recipients from this response.

As you know, on September 21, 2023, I issued an Order Granting Preliminary Approval of Settlement Agreement, Authorizing Notice, and Scheduling Fairness Hearing. The USMS has since initiated the process of providing notice of the Class Settlement Agreement in accordance with the September 21, 2023 Order.

On September 28, 2023, you sent a letter to me through the FoggClassAction account established for any objections to Class Settlement Agreement, copying counsel for the parties. Given the timing and content of your letter, I will treat your letter as an objection to the Class Settlement. I will entertain objections to the Class Settlement during the Fairness Hearing scheduled for March 20, 2023.

Sincerely,

Sharon Alexander

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

From: MATTHEW FOGG <carcle1@aol.com>

Sent: Tuesday, October 10, 2023 4:13 PM

To: SHARON ALEXANDER [she/her/hers] <SHARON.ALEXANDER@EEOC.GOV>;

Fogg Class Action
<FoggClassAction@eeoc.gov>

Cc: Ivan Baptise - USMS Class Agent <Ivan_B_Bop3027@yahoo.com>; Tracy Brice <mrstasb@icloud.com>; Charles Fonseca - USMS Class Agent <fonsecha@hotmail.com>; Antonio Tony Gause - USMS Class <gauseaj@gmail.com>; Thomas

Hedgepath <thedgepe@yahoo.com>; rileytheodore3@gmail.com; Mariam Thompson - USMS Class <marmar1149@hotmail.com>; Robert Byars <uptown530@gmail.com>; Tracy Brice - USMS Class <mrstasb@aol.com>; Paul

Darby <PDarby225@gmail.com>; Damon Adam <MixItUp1Time@aol.com>; Jeffrey

Whitehead - USMS Class

<Shakim07@hotmail.com>; Richard Thomas <RichardThomas196506@Gmail.com>; Zachary Thomas <zachary.t@gmail.com>

Subject: Fogg, et al. v. Garland, EEOC No. 570-2020-01293X; Agency Case No. M-94-6376 - Letter From Named Complainant Fogg To Administrative Judge RE: Preliminary Settlement Agreement
You don't often get email from carcle1@aol.com. [Learn why this is important](#)

CAUTION: The sender of this message is external to the EEOC network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to phishing@eoc.gov.

Dear Judge Alexander;

I emailed you and all parties on September 28, following the 9-26-23 receipt of your 9-21-23 Order in this matter, a letter (dated 2-27-23 attached). My letter explained why the Class Agents believe the Class law firm of Sanford, Heisler, Sharp, LLP (Firm) has not represented this settlement in good faith or in the best interest of the Class Members. I asked you to remove the Firm from this case immediately.

I am forwarding you this same letter with your EEOC-named email to ensure the 'FoggClassAction@eoc.gov' email address matches your direct email.

I'm concerned about the Firm conducting a conference call with Class Agents last Wednesday (10-4-23) and letting us know that they will reach out to each Class Agent in two weeks to discuss the terms of the settlements regarding each Agent.

This further communication is unethical because of the previous issues I have raised. It will cause further discord and intimidation in a hostile environment amongst the Agents and Class members, for which the Class Agents have a fiduciary responsibility. The firm should not have any further contact with the Class Agents before you reply to my letter, and the Class Agents should be allowed to seek other counsel.

Matthew Fogg
Class Spokesperson & Named Complainant.

[DR. FOGG EXHIBIT LINKS CONTINUED](#)

[Exhibit 2](#) [11-1-23 EEOC Motion Terminating Services of Class Law Firm of Sanford, Heisler, Sharp, LLP](#)

[Exhibit 3](#) [\(9-27-23\) Class Agent Letter To EEOC Admin Judge Debbage Alexander](#)

[Exhibit 4](#) [\(10-10-23\) EEOC Judge Debbage Alexander Responds To Class Agent Fogg](#)

[Exhibit 5](#) [\(6-16-23\) Pace News On EEOC Announced Settlement](#)

[Exhibit 6](#) [4-9-24 Post 3-19-24 Dr. Fogg EEOC Brief To Strike All of "Terminated Class Reps" Pleadings](#)

Below – Letter To Carlton Hadden, EEOC OFO Director

November 15, 2024

To: Mr. Calton Hadden
Director - Office of Federal Operations
U.S. Equal Employment Opportunity Commission (EEOC) Washington, DC 200— Dear Mr. Hadden.

Let me start by saying that your career has been remarkable in longevity with the EEOC, especially as the head of the EEOC Office of Federal Operations. Thank you for your service.

As you know, I have been a victim EEO litigant at the EEOC & DC Federal Court in the racial discrimination process for just as long as your career and, while simultaneously employed in the United States Marshals Service (USMS) from 1978 and well beyond my 30- year retirement in 2008.

Early in my USMS career, I was cross-designated and trained by the USMS to officially process employee EEO Complaints as an Agency Investigator and Counselor. Later, I became an AFGE Union Shop Steward and an individual discrimination Complainant's legal EEO/EEOC Representative for several decades for clients throughout the United States and Korea.

I must say that I have often been successful in this arena without a law degree, largely because of my faith in GOD. But today, I am responding to this matter now on an erroneous OFO Appeal as “Waste Fraud & Abuse” before you as Director of the OFO and replying to an EEOC Class Agent Representative, October 21, 2024, **“Notice of Relevant Filing.”**

This matter was previously identified as;

Matthew Fogg, et al, Class Agents, v. Merrick Garland, Attorney General., U.S. Department of Justice [EEOC NO. 570-2016-00501X, Agency Case No. M94-6376 OFO Appeal 20240038890

On March 19, 2024 I filed this matter in the District of Columbia U.S. District Court due to a conflict of interest by my represented attorneys and the tainted EEOC processing of this matter. The presiding EEOC Administrative Judge disregarded my filing the complaint in Federal Court and remained it in the EEOC Jurisdiction under the following Named Complainant.

Thomas Hedgepeth, et al, Class Agents, v. Merrick Garland, Attorney General., U.S. Department of Justice [EEOC NO. 570-2016-00501X, Agency Case No. M94-6376 OFO Appeal 20240038890

On March 19, 2024, I notified the EEOC in writing, as the originally named Complainant and Class Agents Spokesperson, that this Class had been filed in Federal Court. According to *29 C.F.R. §1614.407, §1614.408, and §1614.409.*

There is no ambiguity in the cited regulations above and the same reason the presiding EEOC Supervisory Administrative Judge (SAJ) Sharon E. Debbage Alexander canceled a scheduled and mandated March 20, 2024, EEOC “Fairness’ Hearing” in this same matter.

Therefore, I continue to staunchly oppose any dual EEOC and Federal Court activity in this matter after March 19, 2024.

Furthermore, on October 23, 2024, my attorney for the same matter referenced here by a recent OFO brief by the Class Agent Representatives (“CAR”) as “Notice of Relevant Filing” notifying the EEOC OFO that a Federal request by the Agency to the presiding Federal Judge in this matter to Stay Federal Court proceedings pending any decision in this now dual EEOC OFO Appeals process.

Exhibiting it in my Federal Court attorney’s opposition to the Agency's Federal Court Stay Motion is the Agency’s 4-26-24 EEOC brief explaining why this matter must be solely in the U.S. District Court jurisdiction.

Furthermore, I will assume for the record of this OFO Appeal that all briefs pre- and post-3/19/24, decisions, motions, arguments, proposals, settlement negotiations, and attached documents are currently in the EEOC Portal and/or were delivered as part of the record created in the context of all EEOC matters, including settlement discussions from 1994 through the present.

I repeat my standing objection to this EEOC OFO process and this subject matter letter: All activity in the EEOC processing of this Class after March 19, 2024, is absolute retaliation against me involving Waste, Fraud, and Abuse by the U.S. EEOC and in conjunction with my former (20) year legal Representatives of Sanford, Heisler, Sharp, LLP.

As you well know by now, the EEOC process has been challenged in many ways over the years, and most EEOC Complainants and many social justice organizations now deem the EEOC as unfair and agency- compromised process to neutralize and destroy evidence that favors EEOC Complainants.

Given my extensive experience and expertise in the EEOC process and my membership in several employee EEO advocacy groups, I agree with a consensus of employees who believe the EEOC has become a “death trap” for Complainants and a “cash cow” for lawyer representation.

** Today, the current erroneous dual jurisdictional processing of this case again supports the same negative and critical assertions that challenge the validity of the entire U.S. EEOC process. **

Therefore, on March 19, before any “Final” Settlement or Agency Decision in this matter, and for all the reasons stated in the attached Exhibits, I specifically filed this matter in Federal Court.

Since then, the EEOC SAJ has been complicit in reprisals by knowingly allowing lawyers, via official EEOC motions and terminations, to utilize their historic knowledge in previously representing me to further impugn my character in briefings and actions as retaliation for exercising EEOC due process rights.

The EEOC is now complicit in allowing this process to move forward illegally instead of insisting with an Agency’s (4-26-24) EEOC brief that jurisdiction cannot be dual in this matter and, therefore, the EEOC should have allowed the DC Federal Court its rightful jurisdiction. The EEOC should immediately and without delay withdraw all involvement in this matter and fully support the Agency’s well-justified and comprehensive Surrereply Brief on why this matter is now correctly in the DC Federal Court.

Sincerely,

Dr. Matthew Fogg

Dr, Matthew Fogg Former:
Named Class Complainant Class Agent Spokesperson 2833 Alabama Ave.
SE. #30956 Washington, DC. 20020

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that a true and correct copy of my Response to Class Agent's Representatives EEOC "Notice of Relevant Filing" as Waste, Fraud And Abuse With Current Political Election Motivations And Conflicts of Interest at the U.S. EEOC was served via only to electronic emails that I have or may obtain, on this 15th day of November 2024 upon the following:

/s/Dr. Matthew Fogg

Former EEOC Named Class Complainant

Class Agent's Spokesperson

Retired Chief Deputy U.S. Marshal

All Class Agents and known contact information of all Class members:

"Ivan_B_Bop3027@yahoo.com" <Ivan_B_Bop3027@yahoo.com>, "mrstasb@icloud.com" <mrstasb@icloud.com>, "Charles Fonseca" <fonsecha@hotmail.com>, "gauseaj@gmail.com" <gauseaj@gmail.com>, Hedgepeth <thedgepe@yahoo.com>, "rileytheodore3@gmail.com" <rileytheodore3@gmail.com>, "reginafed5o@yahoo.com" <reginafed5o@yahoo.com>, "carclel@aol.com" <carclel@aol.com>, "S. Sherrelle Gallo" <ruwanted@gmail.com>, "Mariam Rodgers" <marmar1149@hotmail.com>, "sandmanbusa09@icloud.com" <sandmanbusa09@icloud.com>, "Sylvester Jones" <sajones1501@gmail.com>, "kelovalintino@yahoo.com" <kelovalintino@yahoo.com>, "Robert Byars" <uptown530@gmail.com>, "cscgroup2011@gmail.com" <cscgroup2011@gmail.com>, "SUN 7" <shakim07@hotmail.com>, "bufallolawrenced@cox.net" <bufallolawrenced@cox.net>

EEOC Portal In This Matter

Sharon E. Debbage Alexander
Supervisory Administrative Judge
Sharon.Alexander@eeoc.gov

David Sanford
(foggcore@sanfordheisler.com)
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Associate General Counsel USMS

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Sean Lee Sean.Lee@usdoj.gov

David Fortney dfortney@fortneyscott.com

Elizabeth Bradley

ebradley@fortneyscott.com

Don Quin Patton, ESQ

Lawyers For All Individual Claimants Filing In DC Federal
Court

All Known Class Members

70 current and former Deputy U.S. Marshals and Detention Enforcement Officers who sign the Sanford, Heisler, Sharp, LLP. public letter to the Senate Judiciary Committee on May 19, 2021.

Damon Adams of North Carolina

Senior Inspector, Deputy U.S. Marshal

Served in SC/DC, E/NC, HQ

Employee of the USMS from 2003–Present

Drew Arthur of Texas

Senior Judicial Security Inspector Served in S/FL, E/VA, D/HI, D/NV, E/TX

Employee of the USMS from 1988–2008

Tricia Ashford of New Jersey Chief Deputy

U.S. Marshal Served in E/PA, TD, M/GA

Employee of the USMS from March 1992–1996, 2002–2018

J.K. Banks, III of Georgia Deputy U.S. Marshal

Served in N/GA

Employee of the USMS from 2003–Present

Ivan Baptiste, Jr. of New Jersey Supervisory Deputy U.S. Marshal,

Ret.Served in D/NJ

Employee of the USMS from 1977–2008

Lori M. Bell of New Jersey

Senior Inspector, Deputy U.S. Marshal Served in D/NJ, E/NY,

HQ Employee of the USMS from 2003–2008, 2009–Present

Willer Dean Blanding of Florida Assistant Chief Deputy U.S. Marshal,

Ret. Served in D/NJ, S/FL, E/TN, D/VI

Employee of the USMS from 1979–2006

Timothy A. Boyd of New Jersey Criminal Investigator, Deputy U.S. Marshal,
Ret. Served in E/NY,
D/NJ Employee of the USMS from 1988–2011

Herman Brewer, Jr. of Virginia Chief Deputy U.S. Marshal,
Ret. Served in N/IL, E/LA, D/PR, HQ
Employee of the USMS from 1986–2014

Bryan Brown of Virginia Senior Inspector, Deputy U.S. Marshal
Served in S/CA, N/CA, W/VA,
HQ Employee of the USMS from 2011– Present

Karen J. Brown of Maryland Assistant Chief Inspector
Served in D/MD, DC/DC,
HQ Employee of the USMS from 1986–Present

Leodus Brown of Virginia Senior Inspector,
Deputy U.S. Marshal Served in SC/DC, W/WA,
HQ Employee of the USMS from 2011–Present

William “Buz” Brown of Indiana
Chief Deputy U. S. Marshal of the U.S. Marshals Service,
Ret. Served in DC/SC, N/IN, S/IN D/VI,
HQ Employee of the USMS from 1990–2019

Tracy Bryce of Maryland Detention Enforcement Officer,
Ret. Served in SC/DC
Employee of the USMS from 1992–2015

Steven Burns of Maryland Criminal Investigator, Deputy U.S. Marshal,
Ret. Served in SC/DC
Employee of the USMS from 1993–2018

Robert C. Byars of Maryland Deputy U.S. Marshal,
Ret. Served in SC/DC, DC/DC
Employee of the USMS from 1989–2020

Dr. Eric L. Clark of District of Columbia
Supervisory Detention Enforcement Officer
Served in SC/DC Employee of the USMS from 2000–2017

William M. Coleman of South Carolina Detention Enforcement Officer Supervisor,
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Jeremy Conley of Maryland Deputy U.S. Marshal
Served in E/WA, S/CA, D/MD
Employee of the USMS from 2010–Present

Tyrone Cotton of Maryland Supervisory Detention Enforcement Officer,
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Employee of the USMS from 1985–2006

Geraldo Crooke of Florida
Senior Inspector, Deputy U.S. Marshal,
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HQ Employee of the USMS from 1991– 2016

James Dade of Maryland Detention Enforcement Officer,
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Employee of the USMS from 1987–2004

Mark Edge of Maryland Detention Enforcement Officer,
Ret. Served in SC/DC
Employee of the USMS from 1989–2014

Dwayne Epps of California
Senior Inspector, Deputy U.S. Marshal Served in S/CA
Employee of the USMS from 1997– Present

Jeremy Felton of Arizona
Detention Management Inspector
Served in D/AZ, SC/DC
Employee of the USMS from 2014–Present

Dr. Matthew Fogg of Maryland Chief Deputy
U.S. Marshal, Ret. Served in SC/DC
Employee of the USMS from 1978–2008

Charles Ernest Fonseca of Michigan Chief Inspector
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HQ Employee of the USMS from 1985–2005

Randy Foster of Florida Supervisory Deputy U.S. Marshal,
Ret. Served in SC/DC
Employee of the USMS from 1991–2013

Cordell Frazier of Tennessee Deputy U.S. Marshal
Served in M/TN
Employee of the USMS from 2005–Present

Shervonne S. Gallow of Louisiana Deputy U.S. Marshal
Served in W/MO, S/CA, W/LA
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Flora Gant Bridges of Missouri Chief Inspector, Proposing Official,
Office of the Director Served in E/MO, C/IL,
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Employee of the USMS from 2006–Present

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Employee of the USMS from 1988–2016

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Employee of the USMS from 1988–2010

Keith Lawrence Harrington of Illinois Senior Inspector, Deputy
U.S. Marshal, Ret. Served in C/IL,
HQ Employee of the USMS from 1989–2018

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Employee of the USMS from 2000–Present

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HQ Employee of the USMS from 1995–2018

Marc A. Howard of Alabama
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Employee of the USMS from 2003–Present

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HQ Employee of the USMS from 1987–2014

Tony Orlando Jordan of South Carolina Deputy U.S. Marshal
Served in D/AZ, D/SC
Employee of the USMS from 2001–Present

Arthur L. Lloyd of District of Columbia Deputy U.S. Marshal,
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Employee of the USMS from 1980–2004

Jerome Mack of Texas Deputy U.S. Marshal
Served in W/TX
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HQ Employee of the USMS from 1993–2017

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Employee of the USMS from 2011–2012

Sheldon Martin of California Deputy U.S. Marshal
Served in S/CA, E/WA
Employee of the USMS from 2013–Present

Kevin Matthew of Virginia
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Employee of the USMS from 2000–2011

Charles L. McNeal of New Jersey Chief Deputy U.S. Marshal,
Ret. Served in N/CA, S/NY, D/NJ
Employee of the USMS from 1979–2003

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Served in DC/SC, D/MD, and E/VA
Employee of the USMS from 2001–Present **Anthony**

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Served in D/AZ
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Employee of the USMS from 1970–2001

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Employee of the USMS from 1989–2013

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