

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF VIRGINIA  
Big Stone Gap Division**

WILLIAM THORPE, *et al.*,

Plaintiffs,

V.

VIRGINIA DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

Case No. 2:20-cv-00007-JPJ-PMS

## **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Defendants Virginia Department of Corrections (“VDOC”), Harold Clarke, Randall Mathena, H. Scott Richeson, David Robinson, Henry Ponton, Marcus Elam, Denise Malone, Steve Herrick, Tori Raiford, Jeffrey Kiser, and Carl Manis (collectively, “Defendants”) move for summary judgment on Plaintiffs’ claims on the ground that there is no genuine issue of material fact in dispute and Defendants are entitled to judgment as a matter of law as to each of Plaintiffs’ claims for the reasons set forth in the attached Brief in Support of Motion for Summary Judgment and the accompanying exhibits. Defendants respectfully ask the Court to grant them summary judgment.

September 8, 2023

Respectfully submitted,

***/s/ Maya M. Eckstein***

Jason S. Miyares  
*Attorney General of Virginia*

Margaret Hoehl O'Shea (VSB #66611)  
Assistant Attorney General,  
Criminal Justice & Public Safety Division

OFFICE OF THE ATTORNEY GENERAL  
202 North Ninth Street  
Richmond, VA 23219  
Ph: (804) 786-2206  
Fax: (804) 786-4239  
moshea@oag.state.va.us

Maya M. Eckstein (VSB #41413)  
Thomas R. Waskom (VSB #68761)  
Trevor S. Cox (VSB #78396)  
R. Dennis Fairbanks (VSB #90435)

HUNTON ANDREWS KURTH LLP  
951 E. Byrd St.  
Richmond, VA 23219  
Ph: (804) 788-8200  
Fax: (804) 788-8218  
meckstein@HuntonAK.com  
twaskom@HuntonAK.com  
tcox@HuntonAK.com  
dfairbanks@HuntonAK.com

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2023 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

By: /s/ Maya M. Eckstein  
Maya M. Eckstein (VSB # 41413)  
Hunton Andrews Kurth LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219-4074  
Telephone: (804) 788-8200  
Facsimile: (804) 788-8218  
meckstein@HuntonAK.com

*Counsel for Defendants*