In the United States District Court
For the Western District of Virginia
Harrisonburg Division

JOANNE HARRIS and JESSICA DUFF, and CHRISTY BERGHOFF and VICTORIA KIDD, on behalf of themselves and all others similarly situated, *Plaintiffs*, v. ROBERT F. MCDONNELL, in his official capacity as Governor of Virginia; JANET M. RAINEY, in her official capacity as State Registrar of Vital Records; THOMAS E. ROBERTS, in his official capacity as Staunton Circuit Court Clerk, *Defendants*.	No. 5:13-cv-00077

BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs respectfully move this Court to enter an Order certifying this case as a class action pursuant to Fed. R. Civ. P. 23(b)(2). The Commonwealth of Virginia excludes all same-sex couples from the freedom to marry and refuses to recognize the validity of the marriages entered into by same-sex couples in other jurisdictions. Named Plaintiffs Joanne Harris and Jessica Duff, and Christy Berghoff and Victoria Kidd (collectively, "Named Plaintiffs"), have brought suit on behalf of themselves and the Plaintiff Class, seeking declaratory and injunctive relief for the violation of Plaintiffs' rights under the Fourteenth Amendment to the United States Constitution. For the reasons described herein, Plaintiffs' case is well suited for class treatment and meets all the requirements of Fed. R. Civ. P. 23. Plaintiffs therefore respectfully ask the Court to certify this case as a class action.

I. INTRODUCTION AND SUMMARY

This case challenges the Commonwealth's refusal, based on a series of statutes and a constitutional amendment, to allow same-sex couples to marry or recognize marriages same-sex couples have entered into in other jurisdictions ("marriage ban"). Named Plaintiffs Joanne Harris and Jessica Duff with to be married, but cannot because of the marriage ban; named Plaintiffs Christy Berghoff and Victoria Kidd were validly married in the District of Columbia in 2011, but the Commonwealth, pursuant to the marriage ban, does not recognize their marriage. Both couples seek to bring a class action to vindicate their rights and the rights of all similarly-situated Virginia same-sex couples.

II. ARGUMENT

The Court should certify this case as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(2). As explained below, the requirements of Rule 23(a) are met: (1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and (4) the representative parties will fairly and adequately protect the interests of the class. Furthermore, this action is maintainable as a class action under Rule 23(b)(2) because Defendants' enforcement of the marriage ban applies generally to the class by precluding all class members from marrying or having a valid marriage from another jurisdiction recognized. The injunctive and declaratory relief sought is appropriate with respect to the class as a whole.

A. Summary of Applicable Standards

The decision to certify a class must occur "[a]t an early practicable time after a person sues or is sued as a class representative." Fed. R. Civ. P. 23(c)(1)(A). To be certified as a class

action, Plaintiffs must satisfy the requirements of Rule 23(a) as well as the additional requirements of one of three categories of class actions, Rule 23(b)(1), (b)(2), or (b)(3). Rule 23(a) has four requirements: (1) "the class is so numerous that joinder of all members is impracticable," (2) "there are questions of law or fact common to the class," (3) "the claims or defenses of the representative parties are typical of the claims or defenses of the class," and (4) "the representative parties will fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a)(1)-(4). Plaintiff must also satisfy the requirements of one of the three types of class actions under Rule 23(b). *See Gariety v. Grant Thornton, LLP*, 368 F.3d 356, 362 (4th Cir. 2004). A class action may be maintained pursuant to Rule 23(b)(2) when "the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2).

"If a lawsuit meets these requirements, certification as a class action serves important public purposes. . . . Thus, federal courts should give Rule 23 a liberal rather than a restrictive construction, adopting a standard of flexibility in application which will in the particular case best serve the ends of justice for the affected parties and . . . promote judicial efficiency." *Gunnells v. Healthplan Servs., Inc.*, 348 F.3d 417, 424 (4th Cir. 2003) (internal quotation marks omitted, first ellipses added).

As discussed below, because Plaintiffs undoubtedly satisfy the requirements of Rule 23(a), and class certification is appropriate under Rule 23(b)(2), Plaintiffs' motion for class certification should be granted.

B. Proposed Class Definitions

An order certifying a class action must define the class. *See* Fed. R. Civ. P. 23(c)(1)(B). Plaintiffs propose a class consisting of two subclasses. The first subclass is defined as:

> all persons residing in Virginia who are unmarried, and either
>
> 1. wish to marry a person of the same sex, have applied for a marriage license in the Commonwealth with a person of the same sex, and have been denied the license; or
> 2. wish to marry a person of the same sex in the Commonwealth, but have not attempted to apply for a marriage license because the marriage ban would render such an attempt futile.

The second sub-class is defined as:

> all persons residing in Virginia who are validly married to a person of the same sex in another jurisdiction, and wish to have their marriage recognized by the Commonwealth.

See Compl. ¶ 74.

Should the Court ultimately grant the injunctive and declaratory relief Plaintiffs seek, the Commonwealth will be obligated to grant licenses to all same-sex couples who seek to marry, and to recognize the marriages of all Virginians who have been married to a person of the same sex in another jurisdiction; there will be no difficulty ascertaining who those persons are when they seek the legal benefits granted by marriage. The definition proposed by Plaintiffs objectively captures the class of persons discriminated against by the Commonwealth's marriage ban.

Indeed, Plaintiffs seeking to maintain a class action under Rule 23(b)(2) need not meet the same level of definiteness and ascertainability as those seeking certification under Rule 23(b)(3). *See Manual for Complex Litigation* § 21.222 (4th ed. 2004) ("[B]ecause individual damage claims are likely, Rule 23(b)(3) actions require a class definition that will permit identification of individual class members, while Rule 23(b)(1) or (b)(2) actions may not.").

[I]n Rule 23(b)(2) class actions, notice is not obligatory, and it is often the case that any

> relief obtained on behalf of the class is injunctive and therefore does not require distribution to the class. Because defendants are legally obligated to comply [with any relief the court orders] . . . it is usually unnecessary to define with precision the persons entitled to enforce compliance. Therefore, it is not clear that the implied requirements of definiteness should apply to Rule 23(b)(2) class actions at all.

1 *Newberg on Class Actions* § 3.7 (5th ed.) (internal quotation marks omitted). Therefore, "while the lack of identifiability is a factor that may defeat Rule 23(b)(3) class certification, such is not the case with respect to class certification under Rule 23(b)(2)." *Shook v. El Paso Cnty*, 386 F.3d 963, 972 (10th Cir. 2004) (citing *Yaffe v. Powers*, 454 F.2d 1362, 1366 (1st Cir. 1972)). "In fact, many courts have found Rule 23(b)(2) well suited for cases where the composition of a class is not readily ascertainable." *Shook*, 386 F.3d at 972; *see also Battle v. Pennsylvania*, 629 F.2d 269, 271 n.1 (3d Cir. 1980) (stating that where "class action seeks only injunctive or declaratory relief . . . the district court has even greater freedom in both the timing and specificity of its class definition").

C. Plaintiffs Satisfy the Criteria of Rule 23(a).

1. Numerosity

Plaintiffs meet the numerosity requirement of Rule 23(a)(1). To be maintained as a class action, the class must be "so numerous that joinder of all members is impracticable." Fed. R. Civ. P. 23(a)(1). This is clearly the case here; the 2010 Census reported that .5% of all Virginia households—over 15,000—were same-sex partner households.[1] *See* 1 *Newberg on Class Actions* at § 3:13 ("[A] good faith estimate of the class size is sufficient when the precise number

[1] *See* U.S. Census Bureau, *Households and Families: 2010*, Apr. 2012, at 10, 16, *available at* http://www.census.gov/prod/cen2010/briefs/c2010br-14.pdf. A recent survey conducted by Pew Research found that sixty percent of lesbian, gay, bisexual, or transgendered ("LGBT") respondents were either married or would like to marry. *See* Pew Research, *A Survey of LGBT Americans*, June 13, 2013, *available at* http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/5/#chapter-4-marriage-and-parenting. Given the Census data, this survey suggests a plaintiff class of 9,000 same-sex couples—or 18,000 individuals.

of class members is not readily ascertainable."). "No specified number is needed to maintain a class action." *Brady v. Thurston Motor Lines*, 726 F.2d 136, 145 (4th Cir. 1984) (quoting *Cypress v. Newport News Gen. & Nonsectarian Hosp. Ass'n*, 375 F.2d 648, 653 (4th Cir. 1967)). "As a general guideline . . . a class of 40 or more members raises a presumption of impracticability of joinder based on numbers alone." 1 Newberg on Class Actions at § 3:12; *see also Brady*, 726 F.2d at 145 (certifying a class of 74 plaintiffs); *Dashiell v. Van Ru Credit Corp.*, 283 F.R.D. 319, 321 (E.D. Va. 2012) ("Although a class of 65 is not large enough to satisfy the Rule's numerosity requirement *per se*, it is large enough to create a presumption of numerosity.").

Here, the presence of thousands of same-sex couples in the Commonwealth who are subject to the marriage ban easily meets the numerosity requirement of Rule 23(a)(1).

2. Commonality

Plaintiffs also satisfy the requirement that "there are questions of law or fact common to the class." Fed. R. Civ. P. 23(a)(2). "Commonality requires the plaintiff to demonstrate that the class members 'have suffered the same injury.'" *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541, 2551 (2011) (quoting *Gen. Tele. Co. of Sw. v. Falcon*, 457 U.S. 147, 157 (1982)). "[F]or purposes of Rule 23(a)(2), [e]ven a single [common] question will do." *Id.* at 2556 (internal quotation marks omitted; first bracket added). The commonality requirement is satisfied if the question "is capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke." *Id.* at 2551.

The commonality requirement is met here. This case presents common questions, such as:

- whether the Commonwealth's marriage ban violates guarantees of equal protection by treating individuals differently based on their sexual orientation and their sex in relation to the sex of their life partners;
- whether the Commonwealth's marriage ban violates federal due process guarantees, including the fundamental right to marry, and liberty interests in autonomy and family integrity and association; and the level of constitutional scrutiny applicable to governmental discrimination based on sexual orientation.

These legal issues are common both to the claims of the Named Plaintiffs and to the claims of the unnamed class members. The marriage ban applies in the same manner throughout Virginia, barring all same-sex couples from both the legal and social status that accompanies marriage in our society and the protections that marriage affords, as well as marking them and their children as inferior to the families of couples who may marry. Virginia law constrains the actions of state officials in a uniform manner, allowing no discretion for state officers to apply the marriage ban differently to different individuals, even if they have married under the law of another state.

For all of these questions, class treatment here has the capacity "to generate common *answers* apt to drive resolution of the litigation." *Id.* (quotation marks omitted). Unlike in *Wal-Mart*, where the Court found that commonality did not exist because plaintiffs had not "identified a common mode of [each supervisor] exercising discretion that pervades the entire company," *id.* at 2554-55, here the statutory and constitutional marriage bans affect all plaintiffs in the exact same manner—they prevent them from marrying or having their marriages from other jurisdictions recognized in Virginia. Injunctive and declaratory relief will resolve all plaintiffs' claims "in one stroke." *Id.* at 2551. Plaintiffs easily satisfy the commonality requirement.

3. Typicality

The third requirement of Rule 23(a) is that "the claims or defenses of the representative parties are typical of the claims or defenses of the class." Fed. R. Civ. P. 23(a)(3). For the same reasons that Plaintiffs' claims meet the commonality requirement, they also meet the typicality requirement. Indeed, the Supreme Court has noted that the typicality, adequacy of representation, and commonality requirements "tend[] to merge." *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 626 n.20 (1997) (quotation marks omitted). "The essence of the typicality requirement is captured by the notion that 'as goes the claim of the named plaintiff, so go the claims of the class.'" *Deiter v. Microsoft Corp.*, 436 F.3d 461, 466 (4th Cir. 2006) (quoting *Broussard v. Meineke Discount Muffler Shops, Inc.*, 155 F.3d 331, 340 (4th Cir. 1998)).

> The representative party's interest in prosecuting his own case must simultaneously tend to advance the interests of the absent class members. For that essential reason, plaintiff's claim cannot be so different from the claims of absent class members that their claim will not be advanced by plaintiff's proof of his own individual claim. That is not to say that typicality requires that the plaintiff's claim and the claims of class members be perfectly or identically aligned.

Deiter, 436 F.3d at 466-67.

Here, there is no question that the Named Plaintiffs' claims are in fact identically aligned with those of the unnamed class members. Named Plaintiffs Joanne Harris and Jessica Duff, on July 29, 2013, appeared in person at the Staunton Circuit Court to apply for a marriage license; their application was denied by Defendant Thomas Roberts on account of their sex and sexual orientation. *See* Ex. 1 (Decl. of Joanne Harris); Ex. 2 (Decl. of Jessica Duff). Joanne and Jessica seek injunctive and declaratory relief permitting them to obtain a marriage license in the Commonwealth of Virginia, and the relief they seek is identical to that sought by all of the unnamed class members who are currently unmarried and would like to marry in their home state. Injunctive and declaratory relief requiring that marriage licenses not be denied based on

the sexual orientation or sex of the intended spouses would resolve the claims of all class members who wish to marry in Virginia.

Named Plaintiffs Christy Berghoff and Victoria Kidd were validly married in Washington, D.C. on August 20, 2011. They became engaged in 2005. After they moved to Winchester, Virginia, in 2007, they wished to get married there, but never applied for a license in Virginia because the marriage ban would have made it a futile exercise. Instead, once the District of Columbia granted same-sex couples the freedom to marry, Christy and Victoria got married there. *See* Ex. 3 (Decl. of Christy Berghoff); Ex. 4 (Decl. of Victoria Kidd). But the Commonwealth does not recognize their marriage because of the marriage ban. Christy and Victoria seek injunctive and declaratory relief ensuring that the Commonwealth of Virginia and its political subdivisions will recognize their valid marriage from another jurisdiction for all purposes, and the relief they seek is identical to that sought by all of the unnamed class members who are validly married elsewhere but not currently recognized as such by their home state.

The claims of the Named Plaintiffs thus are entirely aligned with the unnamed class members—all seek to marry or have their out-of-state marriages recognized, and injunctive and declaratory relief will address all claims. The typicality requirement is plainly satisfied.

4. Adequacy of Representation

The final requirement of Rule 23(a) is that "the representative parties will fairly and adequately protect the interests of the class," Fed. R. Civ. P. 23(a)(4), and this inquiry overlaps with the inquiry into commonality and typicality, *see Amchem*, 521 U.S. at 626 n.20. "The adequacy inquiry under Rule 23(a)(4) serves to uncover conflicts of interest between named parties and the class they seek to represent." *Id*. at 625. A minor conflict is insufficient to cause the representatives to be deemed inadequate. "For a conflict of interest to defeat the

adequacy requirement, 'that conflict must be fundamental.'" *Ward v. Dixie Nat'l Life Ins. Co.*, 595 F.3d 164, 180 (4th Cir. 2010) (quoting *Gunnells*, 348 F.3d at 430). "A conflict is not fundamental when . . . all class members share common objectives and the same factual and legal positions [and] have the same interest in establishing the liability of [defendants]." *Id.* at 180 (internal quotation marks omitted; alterations in original). And any purported conflict must be real, not speculative or hypothetical. *Id.* In *Ward*, the defendant contended that the plaintiff was inadequate because she would receive an award in the lawsuit large enough to offset the increase in insurance premiums attributable to the litigation, and therefore she could not adequately represent those class members whose damage awards were small and who could end up with a net loss because of the litigation. *Id.* at 179-80. The Court rejected this argument, holding that the named plaintiff and the unnamed class members shared common objectives and factual and legal positions sufficient to satisfy the adequacy requirement. *Id.* at 180.

In this case, the Named Plaintiffs do not have *any* conflict—let alone a fundamental one—with the other members of the class. The injunctive and declaratory relief they seek will benefit the entire class in the same manner—granting the freedom to marry and the recognition of marriages obtained in another jurisdiction. Furthermore, the Named Plaintiffs are knowledgeable about the facts, the litigation, and the legal obstacles same-sex couples in Virginia face, and are dedicated to actively participating in the litigation on behalf of all Virginia's same-sex couples who seek the freedom to marry or who seek to have marriages they entered in other jurisdictions recognized in Virginia. *See* Ex 1 (Decl. of Joanne Harris); Ex. 2 (Decl. of Jessica Duff); Ex. 3 (Decl. of Christy Berghoff); Ex. 4 (Decl. of Victoria Kidd). "Only if the class representatives' 'participation is so minimal that they virtually have abdicated to their attorneys the conduct of the case' should they fail to meet the adequacy of representation

requirement.'" *Morris v. Wachovia Sec., Inc.*, 223 F.R.D. 284, 296 (E.D. Va. 2004) (quoting *Kirkpatrick v. J.C. Bradford & Co.*, 827 F.2d 718, 728 (11th Cir. 1987)). Such is not the case here.

"The adequacy [requirement] also factors in competency and conflicts of class counsel." *Amchem*, 521 U.S. at 626 n.20. Class counsel in this case easily meet the adequacy requirement of Rule 23(a)(4). "The adequacy of counsel prong of Rule 23(a)(4) asks whether counsel are qualified, experienced and generally able to conduct the litigation and whether counsel will vigorously prosecute the interests of the class." 1 *Newberg on Class Actions* at § 3.72 (internal quotation marks and citations omitted). Plaintiffs are represented by attorneys from Lambda Legal Defense and Education Fund, Inc., the American Civil Liberties Union of Virginia Foundation, Inc., the American Civil Liberties Union Foundation, and Jenner & Block LLP. These organizations, and the counsel involved in this case, have extensive experience litigating complex matters and class actions, including class actions involving matters of federal constitutional law, and all have significant experience litigating on behalf of same-sex couples and gay and lesbian individuals seeking legal recognition of their civil rights, including at the local, state, and federal levels. *See* Ex. 5 (Decl. of Gregory R. Nevins), Ex. 6 (Decl. of James D. Esseks), and Ex. 7 (Decl. of Paul M. Smith). For the same reasons, class counsel satisfy the requirements of Rule 23(g), which requires that the Court appoint class counsel at the time of certification, and that in doing so the Court consider (1) "the work counsel has done in identifying or investigating potential claims in the action," (2) "counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action," (3) "counsel's knowledge of the applicable law," and (4) the resources that counsel will commit to representing the class." Fed. R. Civ. P. 23(g)(1)(A)(i)-(iv).

Plaintiffs have met their initial burden to demonstrate adequacy of representation, 3 *Newberg on Class Actions* at § 7.24, and absent any evidence to the contrary, the Court must thus presume the adequacy requirement has been satisfied. *Id.*

D. Class Certification is Appropriate Under Rule 23(b)(2)

The Court should certify the class pursuant to Rule 23(b)(2). A class action may be maintained pursuant to Rule 23(b)(2) when "the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). The Supreme Court has noted that certification under Rule 23(b)(2) is particularly appropriate in "[c]ivil rights cases against parties charged with unlawful, class-based discrimination." *Amchem*, 521 U.S. at 614; *Thorn v. Jefferson-Pilot Life Ins. Co.*, 445 F.3d 311, 329-30 & 330 n.24 (4th Cir. 2006) (noting that "Rule 23(b)(2) was created to facilitate civil rights class actions.") (citing 7AA Charles Allen Wright, Arthur R. Miller & Mary Kay Kane, FEDERAL PRACTICE & PROCEDURE § 1775 (3d ed. 2005)). "The key to the (b)(2) class is 'the indivisible nature of the injunctive or declaratory remedy warranted—the notion that the conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them,'" *Wal-Mart*, 131 S. Ct. at 2557 (quoting Nagareda, *Class Certification in the Age of Aggregate Proof*, 84 N.Y.U. L. REV. 97, 132 (2009)).

Such is plainly the case here. First, this is exactly the type of civil rights action Rule 23(b)(2) was created to foster. *See Thorn*, 445 F.3d at 330 n.24. The Commonwealth has refused to issue marriage licenses to same-sex couples, or to legally recognize marriages same-sex couples have entered in other jurisdictions, on the basis of the sex and sexual orientation of the individuals involved. The marriage ban applies statewide; no same-sex couple in the

Commonwealth may obtain a marriage license or have their marriage from another jurisdiction recognized. There are no differences among the thousands of same-sex couples in Virginia who seek to marry or to have marriages they have entered in other jurisdictions recognized in Virginia that make the marriage ban applicable to some, but not all, and therefore injunctive and declaratory relief is "appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). It is precisely the class's unifying feature—its members' sexual orientation and sex relative to their committed partners—that the marriage ban targets. The Court should certify this action under Rule 23(b)(2).

III. Conclusion

Plaintiffs represent a unified class of several thousand Virginians, all affected by the same unconstitutional series of laws banning marriage for same-sex couples and refusing to recognize marriages same-sex couples have entered in other jurisdictions. Plaintiffs have met their burden to demonstrate satisfaction of the requirements of Rule 23(a) and (b)(2), and the Court should therefore certify this suit as a class action.

Dated: August 16, 2013

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION OF VIRGINIA FOUNDATION, INC.

/s/
Rebecca K. Glenberg (VSB No. 44099)
701 E. Franklin Street, Suite 1412
Richmond, Virginia 23219
Phone: (804) 644-8080
Fax: (804) 649-2733
rglenberg@acluva.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

James D. Esseks
Amanda C. Goad
Joshua A. Block
125 Broad Street, 18th Floor
New York, New York 10004
Phone: (212) 549-2500
Fax: (212) 549-2650
jesseks@aclu.org
agoad@aclu.org
jblock@aclu.org

LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.

Greg Nevins
730 Peachtree Street, NE, Suite 1070
Atlanta, Georgia 30308
Phone: (404) 897-1880
Fax: (404) 897-1884
gnevins@lambdalegal.org

Tara L. Borelli
3325 Wilshire Boulevard, Suite 1300
Los Angeles, California 90010
Phone: (213) 382-7600
Fax: (213) 351-6050
tborelli@lambdalegal.org

JENNER & BLOCK LLP

Paul M. Smith
Luke C. Platzer
Mark P. Gaber
1099 New York Avenue, NW Suite 900
Washington, D.C. 20001-4412
Phone: (202) 639-6000
Fax: (202) 639-6066
psmith@jenner.com
lplatzer@jenner.com
mgaber@jenner.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of August 2013, I effected service upon counsel for Defendants Robert F. McDonnell and Janet M. Rainey by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system, and that I also sent a filed courtesy copy of the same by U.S. Mail, postage prepaid. I also certify that I served the foregoing by U.S. Mail, postage prepaid, to Defendant Thomas Roberts, Staunton Circuit Court Clerk.

E. Duncan Getchell, Jr.
Solicitor General of Virginia
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
(804) 786-7240
dgetchell@oag.state.va.us

Rita W. Beale,
Deputy Attorney General
rbeale@oag.state.va.us

Allyson K. Tysinger
Senior Assistant Attorney General/Chief
atysinger@oag.state.va.us

Michael H. Brady
Assistant Solicitor General
mbrady@oag.state.va.us

Counsel for Defendants Robert F. McDonnell and Janet M. Rainey

Thomas Roberts
Staunton Circuit Court Clerk
113 East Beverly Street
Staunton, VA 24401
(540) 332-3874
Defendant

August 16, 2013

/s/
Rebecca K. Glenberg (VSB No. 44099)
701 E. Franklin Street, Suite 1412
Richmond, Virginia 23219
Phone: (804) 644-8080
Fax: (804) 649-2733
rglenberg@acluva.org