



## 2017 IN REVIEW

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Friends and Colleagues:

We are pleased to share with you our Year in Review for 2017 — another outstanding year for Mehri & Skalet and the clients we serve.

For over 15 years, we have worked on behalf of those who face injustice across a wide spectrum of issues — fighting for equal opportunity and fair pay, combating wage theft, protecting taxpayers and consumers from fraud, supporting whistleblowers, and much more.

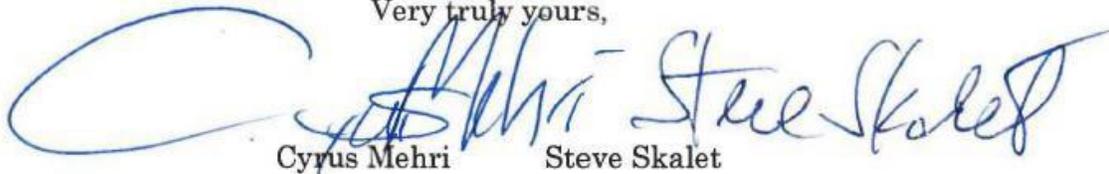
In 2017, our fight for justice expanded to opposing discriminatory actions by the Executive Branch. Within just a few weeks of President Donald Trump's inauguration, we helped create a dynamic coalition of Iranian-American organizations and individuals and, along with co-counsel, filed a case to invalidate the Travel Ban on their behalf. We also settled record-breaking sexual harassment class actions even before the #MeToo movement. These are just some of the many meaningful cases we prosecuted in 2017.

We want to acknowledge the courage of our clients for coming forward to seek justice in the courts, as well as the hard work and collaboration of our co-counsel who have been invaluable in helping many of our cases reach successful conclusions.

We also welcomed Christine Monahan as a new associate. Ms. Monahan, a Yale Law graduate, recently completed a clerkship with the United States Court of Appeals Judge, Judith W. Rogers of the D.C. Court of Appeals. We welcomed back partner Ellen Eardley after she served for several years as the University of Missouri's Assistant Vice Chancellor for Civil Rights & Title IX, launching the school's first institutional equity office and addressing sexual violence on campus. Ms. Eardley is taking a leadership position in the firm's management.

In the year ahead, we look forward to continuing to grow and, working with you, making important impacts on the world around us. Here's to a great 2018!

Very truly yours,

The image shows two handwritten signatures in blue ink. The signature on the left is for Cyrus Mehri, and the signature on the right is for Steve Skalet. The signatures are written in a cursive, flowing style.

Cyrus Mehri

Steve Skalet

## Notable Results

### 2017 IN NUMBERS

1

Number of New York Times Magazine Features on Judge U.W. Clemon

23

Number of not-for-profit organizations that received cy pres monies from Mehri & Skalet settlements

37

Number of Travel Ban Pars Equality clients; Mehri & Skalet represented three organizations and 34 individual clients

48

Number of times Jay Angoff played at Georgetown Piano Bar

#### Discrimination – Sexual Harassment

- *White et al. v. Sessions*, EEOC No. 510-2012-00077X

An EEOC Administrative Judge approved the settlement of a pathbreaking action brought by Mehri & Skalet arising out of the federal Bureau of Prison's failure to take adequate actions to curtail male inmates' harassment of female employees over many years at the largest federal correctional institution in the country, located in Coleman, Florida. For many years women had been forced to endure inmate's harassment and frequently threatening comments with little response from managers, who often expressed the sentiment that this type of behavior was what women should expect in a male prison. This was one of the first cases in which a class was certified in which plaintiffs pursued a claim of hostile working environment by third parties rather than co-workers or supervisors.

The settlement includes a payment of \$20 million to the approximately 500 class members and their attorneys, which the firm believes is one of the highest settlements ever per capita in a gender discrimination class action, and innovative programmatic relief designed to address the inmate harassment issues in multiple ways.

#### Consumer Protection

- *James Estakhrian, et. al v Mark Obenstine, et. al*, No. 2:11-cv-3480-FMO\_CW (C.D. Cal.)

Mehri & Skalet represented the class in *Estakhrian, et. al. v. King & Spalding, LLC et. al.* which settled for \$4.625 million with respect to the claims against King & Spalding and an individual partner. Distributions to the class were made in 2017.

The Complaint alleged that King & Spalding had an undisclosed conflict of interest when they solicited and participated in representing contract purchasers at the Cosmopolitan Condominium in Las Vegas who were seeking a refund of their contract deposit. A substantial cy pres award was made to the National Consumer Law Center in the amount of \$315,000 with an anticipated additional award expected in 2018 of approximately \$35,000.

## 2017 IN NUMBERS

**450**

Number of news stories mentioning the Travel Ban Pars Equality lawsuit

**Over 1,500**

Number of articles that discuss the “Rooney Rule”

**25,000**

Number of federal workers who joined Mehri & Skalet’s successful case against the federal government for failing to provide on-time pay to “essential workers” during the 2013 government shutdown

**85,998,289**

Number times The New York Times Magazine feature on Judge U.W. Clemon, “The Resegregation of Jefferson County” was viewed

The case has continued against the remaining defendant, a California attorney, and a bench trial was held in December 2017. The parties are awaiting a decision by the trial judge following the trial and on pending sanctions against the defendant and his counsel.

- *Julia Enerson, et. al v Verizon New Jersey Inc.*, No. L-344-13 (Super. Ct. N.J.)

In 2016, Mehri & Skalet settled a consumer class action on behalf of approximately 240,000 customers against Verizon New Jersey for its practice of wrongfully charging customers for the installation of network interface jacks.

The settlement of \$4.7 million plus fees recovered almost twice the total amount of the overcharge and included a provision for cy pres awards of any undistributed funds to be made to public spirited non-profits in 2017. The total cy pres fund was over \$1 million and awards were made to the following well deserving groups:

- Essential Information
  - Public Citizen
  - Public Justice
  - Isles of Trenton
  - Veterans’ Transition Project of NJ
  - National Consumer Law Center
  - Eleanor Lewis Fund of NJ For the Public Interest
  - National Association of Consumer Attorneys
  - American Museum of Tort Law
  - Center for Auto Safety
- *Mary L. Grice. et. al v Carolyn W. Colvin*, No. 14-01082 (Dist. Ct. Md.)

The Treasury Department ceased its practice of seizing tax refunds to recover debts from alleged overpayments more than 15 years old and agreed to repay refunds to 65,000 people that could reach as high as \$56 million. For three years, Steve Skalet served as co-counsel on this pro bono case that represented taxpayers and put pressure on the Social Security Administration to end the unlawful seizures. Frequently, the tax refunds were seized from children whose deceased parents had been the actual recipients of the SSA payments decades earlier. The SSA provided refunds to tens of thousands of taxpayers whose tax refunds were improperly seized.

## Civil Rights and Civil Liberties

- *Pars Equality Center, et. al., v. Trump et. al*, No. 17-cv-255 (TSC) (D.D.C.)

Mere weeks after President Donald J. Trump was sworn into office, Mehri & Skalet helped organize a coalition of Iranian-American NGOs to challenge the Trump administration's discriminatory Travel Ban executive order. On behalf of the organizations as well as individual U.S. citizens, lawful permanent residents, visa-holders, asylees and refugees, and in partnership with the Lawyers' Committee for Civil Rights Under Law and Arnold & Porter Kaye Scholer LLP, Mehri & Skalet attorneys filed a complaint and motion for preliminary injunction in federal court in Washington, DC.

The case asserts that the Travel Ban violates the Equal Protection, Due Process and Establishment clauses of the Constitution, as well as the Administrative Procedures Act. The Pars lawsuit became the first Travel Ban case in the country in which a court held an evidentiary hearing, during which plaintiffs presented live testimony showing how the Travel Ban harms the Iranian-American community. The Pars effort has also grown beyond its ongoing court battle to encompass opposition to the Travel Ban on multiple fronts, including community outreach, congressional advocacy, and amicus brief filings in the United States Supreme Court.

## Workers' Rights

- *Richardson et al. v. City of New York*, No. 17-cv-09447 (JPO) (S.D.N.Y.)

In December 2017, Mehri & Skalet and co-counsel, Valli, Kane & Vagnini, filed a race discrimination employment class action against the City of New York alleging that the Fire Department of New York ("FDNY") discriminates against African American "civilian" employees (employees who are not firefighters or EMS employees) in pay and promotion decisions and against African American applicants in hiring decisions. The plaintiffs assert claims under 42 U.S.C. § 1981 and the more employee-friendly New York City Human Rights Law and seek monetary and programmatic relief on behalf of themselves and several proposed classes.

- *Craddock v. Kroger Co.*, No. 3:16-cv02881 (M.D. Tenn.)

Mehri & Skalet represents Jessica Craddock in her claims of pregnancy discrimination against Kroger Company. Ms. Craddock became pregnant during the period of time that she was working as a clerk for Kroger. She experienced complications during her pregnancy and notified Kroger that she needed to avoid heavy lifting. Rather than accommodate Ms. Craddock so that she could continue working, Kroger forced her to take an unpaid leave of absence. A Better Balance, a non-profit that advocates for working families, and Gilbert McWherter Scott Bobbit PLC are our co-counsel.

### **Individual Severance Matters**

Mehri & Skalet represents a number of employees who have experienced discrimination or sexual violence in the workplace. This year we favorably resolved several severance negotiations, including one matter on behalf of a woman who was raped by her direct supervisor.

### **Consumer Protection**

- *Ndzerre v. Liberty Power Corp., LLC*, No. 441430-V (Md. Montgomery Circ. Ct.)

Mehri & Skalet represents a Maryland consumer and a proposed class who are subject to “slamming” – having their retail electrical service switched without their consent and being subject to bogus fees and overcharges. The case is in its early stages.

- *LVNV Funding, LLC v. Erin Hamilton*, No. 2017 SC3 003826 (D.C.)

Mehri & Skalet represents a consumer and a proposed class who were led subject to abusive debt collection practices by one of the nation’s largest debt collectors. The case is in its early stages.

### **Whistleblower/False Claims Act (FCA)<sup>1</sup>**

We continue to develop promising whistleblower cases covering a range of industries and fraudulent schemes, including those involving:

- Real Estate Investment Firm Fraud;
- Mismanagement of a Public Hospital;
- Insurance Industry Fraud;
- State Department Contractor Fraud;
- Medical Laboratory Service Fraud.

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<sup>1</sup> In the interest of protecting our whistleblower clients, we provide only basic information concerning their cases.

In addition to the new matters in our Whistleblower Practice, Mehri & Skalet is investigating potential FCA cases involving banks and banking industry contractors, housing aid fraud, government nuclear facilities, home appraisal and tax assessment fraud, foreign medical and food aid, quality of care and billing at several healthcare facilities, disadvantaged business programs, renewable energy facility funding, and environmental issues. We are also investigating several whistleblower retaliation claims as well as securities and tax issues covered by the Securities and Exchange Commission and Internal Revenue Service whistleblower programs.

- *Groat v. Boston Heart Diagnostics Corporation, et. al*, No. 1:15-cv-00487-RBW (Dist. Ct. D.C.)

Mehri & Skalet is co-counsel in a False Claims Act case against Boston Heart Diagnostics Corporation, alleging that it systematically performed and billed for unnecessary laboratory tests that were purportedly able to screen for current heart disease or assess the risk of future heart disease.

The Complaint alleges that the genetic tests are of no therapeutic value and medically unnecessary, and that Boston Heart marketed these tests to primary care physicians and general practitioners who are not experts in cardiology and duped them into ordering these tests.

Plaintiffs survived a motion to dismiss and a motion to reconsider in which industry representatives filed an amicus brief on behalf of the defendant. The case is now proceeding toward trial or settlement.

# Ongoing Matters

## Consumer Protection

- *Gambino v. MedStar Georgetown University Hospital*, No. 2015-CA-6038 (D.C. Super.)
- *Silver v. Greater Baltimore Medical Center, Inc.*, No. 1:16-CV-3539 (D. Md.)

Mehri & Skalet represents consumers in a proposed class action alleging that two D.C. hospitals overcharge their patients for copies of their own medical records. Hospitals and other care providers received millions of federal tax dollars to convert to electronic medical recordkeeping systems in order to make medical care more cost-efficient and accessible for patients. Despite state and federal laws limiting providers' charges to their reasonable copying costs, Defendants continue to charge patients the same high per-page rates for copies of records that are maintained electronically and no longer need to be manually copied.

In 2015, Plaintiffs won a motion to remand the case to D.C. Superior Court. Plaintiffs are currently engaged in discovery, and Plaintiffs' motion for class certification is pending before the court.

Mehri & Skalet also represents consumers in a case alleging that three Maryland hospitals similarly overcharge their patients for copies of their own medical records. In February 2018, the court denied defendants' motion to dismiss, and the parties are conducting discovery.

## Environmental Justice

- *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, No. 15-MD-02672 (N.D. Cal.)

Mehri & Skalet represents the Cherokee Nation and Eastern Band of Cherokee Indians in connection with allegations that Volkswagen Group and its related entities cheated on emissions tests and deceived their customers. As part of an historic \$14.7 billion settlement, Mehri & Skalet and co-counsel worked with the Department of Justice and Environmental Protection Agency to help secure a \$50 million Tribal Allocation Subaccount, ensuring that Indian tribes receive a proportional allocation of the mitigation trust. In 2017, tribes submitted funding requests for pollution-reduction projects on their reservations.

## Workers' Rights

- *Martin et al. v. The United States of America*, No. 13-834C (Fed. Cl.)

Regarding the October 2013 Government Shutdown, Mehri & Skalet's case challenged the federal government's failure to pay essential non-exempt employees minimum wage and overtime compensation. The U.S. Court of Claims held that the government violated the Fair Labor Standards Act (FLSA) by paying minimum and overtime wages even one pay period late. The case was conditionally certified as a collective action in 2015 and notice was sent to federal employees affected by the case. About 25,000 employees joined the lawsuit. In a decision issued February 24, 2017, the Judge held that the Government did not show that it had acted in good faith. The Court therefore concluded that the Government owed opt-ins liquidated damages for failing to pay minimum wage and overtime compensation when due. With the help of a consultant, the parties are calculating the amount that each plaintiff and opt-in is owed.

- *Ross et al. v. Lockheed Martin Corporation*, No. 1:16-cv-02508-KBJ (D.D.C.)

After three years of investigation and negotiation, Mehri & Skalet agreed in 2016 to settle a race discrimination employment class action with Lockheed Martin for \$22.8 million. The settlement included innovative programmatic relief aimed at reforming the company's performance management system, groundbreaking roles for the Board of Directors, and the creation of a Workforce Initiatives Council to advance equal opportunity. The District Court for the District of Columbia, however, did not approve the proposed settlement based on the heightened class action standards under *Duke v Wal-Mart Stores, Inc.*, and the firm filed a new complaint and is seeking class discovery.

## Sports Law

- Fritz Pollard Alliance

Fifteen years after the release of Johnnie L. Cochran Jr. and Founding Partner Cyrus Mehri's groundbreaking report, "Black Coaches in the National Football League: Superior Performance, Inferior Opportunities," Mehri & Skalet continues to promote the achievements of the Rooney Rule, a diverse slate requirement for head coaching and senior football operation jobs, and the Fritz Pollard Alliance (FPA), an affinity group of NFL minority coaches, scouts, and front-office personnel.

Since 2003, NFL Teams have hired a record number of personnel of color, including head coaches and general managers. The resulting diversity has brought success to the teams that embraced it: starting in 2007, ten teams that participated in the Super Bowl have had either an African-American or Hispanic general manager or head coach. With the hire of Steve Wilkes — head coach of the Arizona Cardinals — we will enter the 2018 NFL season with 14 head coaches and general managers of color.

## **Discrimination**

- *Borders v. Wal-Mart Stores, Inc.*, No 17-cv-0506 (S.D. Ill.)

Mehri & Skalet, along with co-counsel at the National Women's Law Center, A Better Balance, and Sedey Harper & Westhoff, represents current and former Walmart workers who have experienced pregnancy discrimination and who claim that Walmart's pregnancy accommodation policies violate civil rights laws. In May 2017, Mehri & Skalet filed a class action lawsuit in the U.S. District Court for the Southern District of Illinois on behalf of a class of women who sought workplace accommodations for pregnancy in 2013-2014 and were denied.

- *Robbins et al. v. Bolden*, EEOC No. 531-2014-00109X

Mehri & Skalet represents African-American and Asian-American employees in GS grades 13-15 in a proposed class action lawsuit against the National Aeronautics and Space Administration alleging discrimination in performance appraisal ratings that result in lower compensation and reduced promotion opportunities for members of those two minority groups. A motion for class certification is pending. The two proposed classes encompass over 2,000 employees.

- *Brown et al. v. Medicis Pharmaceutical Corporation*, No. 1:13-cv-01345 (D.D.C.)

Judge Richard Leon approved the settlement of this gender discrimination class action in 2016 and Mehri & Skalet began monitoring the programmatic relief in 2017. Plaintiffs claimed that Medicis executives created a hostile working environment and discriminated against female sales employees in compensation and promotion decisions. The programmatic provisions, include the role of the plaintiffs' lawyers in monitoring compliance, continue in force.

- Norflet Progress Fund

The Norflet Progress Fund is the cy pres fund named in honor of Ms. Merle Norflet, the lead Plaintiff in the lawsuit filed against John Hancock Life Insurance Company. Mehri & Skalet secured a settlement in 2009 for \$24.4 million, of which approximately \$16 million was committed to the Norflet Progress Fund to be distributed to organizations that benefit African-American communities. In 2017, Mehri & Skalet continued its processing of millions of dollars of Norflet Progress Fund grants to numerous nonprofit organizations to benefit African-American communities.

### **Consumer Protection**

- *Worth v. CVS*, No. 2:16-CV-498 (E.D.N.Y.)

Mehri & Skalet is pursuing a proposed class action filed in federal court in the Eastern District of New York, alleging that CVS falsely markets its “Algal-900 DHA” product to improve memory. Plaintiffs allege that the study CVS relies on for its claim was conducted by the in-house scientists for another supplements company, which withdrew its own product from the market after the Federal Trade Commission warned that the study did not support its memory claims.

- *Deegan et al. v. Windermere Real Estate/Center-Isle, Inc. et al.*, No. 14-2-705-6 (Wash. Sup. Ct.)

Mehri & Skalet represents consumers who purchased homes on Whidbey Island in Washington State, and in connection with these sales, were not provided with legally required disclosures concerning military flight patterns in the area. Increased military flights have produced extremely high noise levels in the area, potentially affecting the health of residents, especially children, as well as property values. Discovery has been ongoing and a class certification motion is pending.

### **Antitrust**

- *In re Insulin Pricing Litigation*, No. 3:17-cv-699 (D.N.J.)

Mehri & Skalet is counsel in a proposed class action alleging that drugmakers and Pharmacy Benefit Managers collude to inflate the list prices of essential insulin medications. They maintain a wide but secret “spread” between the reported and actual drug prices, and make outsized profit from patients who must pay all or a portion of the list. Plaintiffs allege that these actions violate the Racketeer Influenced and Corrupt Organizations Act, and state consumer protection statutes. The case is in its early stages.

- *Mackmin v. Visa Inc., et al.*, No. 1:11-cv-01831 (D.D.C.)

Mehri & Skalet serves as interim co-lead counsel in an antitrust case attacking the high price of ATM services. Plaintiffs sued on behalf of a proposed nationwide class of automated teller machine (ATM) customers, alleging that Visa and MasterCard, along with member banks, have effectuated an illegal price-fixing agreement by forbidding ATM operators from charging lower access fees for cash withdrawals processed over competing networks. The result is that ATMs raise prices across the board, and consumers pay more.

After a favorable United States Supreme Court Ruling, plaintiffs are now conducting discovery and will file their motion for class certification later in the year, with the goal of obtaining compensation for consumers who were overcharged, and ending Defendants' illegal price-fixing practices.

#### **Whistleblower/False Claims Act (FCA)**

- Natural Gas Pipeline Whistleblower

Mehri & Skalet represents a whistleblower who challenged the adequacy of quality assurance and quality control standards and practices used in the inspection of natural gas pipelines. The case is being litigated before the Department of Labor and is expected to go to trial in the summer of 2018.

- Veterans' Affairs Whistleblower

Mehri & Skalet represents a doctor who blew the whistle on patient care, mismanagement, and corruption issues at a Veterans Affairs medical facility in the New York area. The case is presently being litigated before the Merit Systems Protection Board. The case has been tried and is awaiting decision.

- Financial Services Whistleblower

Mehri & Skalet represents a financial advisor who challenged the misleading information being provided by a major financial institution to its customers. This matter is being investigated by a regulatory agency.

- Defense Contractor FCA Whistleblower

Mehri & Skalet represented a former defense contractor employee who blew the whistle on the falsification of testing results for equipment used in radar and other critical devices. This matter was successfully settled.

- Government Background Investigations FCA Whistleblower

Mehri & Skalet represents a veteran security clearance professional who disclosed numerous violations of investigative standards and requirements resulting in incomplete and shoddy background checks. Following a negative decision by the trial court, this matter is currently on appeal.

- Mortgage Underwriting Whistleblower

Mehri & Skalet represents a mortgage underwriter who worked for a big bank and blew the whistle on numerous violations of underwriting requirements. This matter is pending review before a regulatory agency.

- Tax Scam Whistleblower

Mehri & Skalet represents a whistleblower that exposed the misuse of private foundations to fund political activities. This matter is being investigated by a regulatory agency.

## **Insurance Law**

- Price Optimization Cases

Mehri & Skalet represents policyholders in cases in California and Illinois challenging Allstate's use of non-risk-based factors in setting auto insurance rates. Both state law and actuarial principles require that insurers base their rates on risk, and insurers have always accepted this principle.

The Complaints allege that in recent years Allstate has been setting rates based in part on the policyholder's willingness to tolerate a price increase. In both California and Illinois, the court has rejected Allstate's motion to dismiss on the basis of the "filed rate doctrine", which would preclude a private challenge. The courts' rejection of that defense in both states is notable.

Mehri & Skalet has also challenged Farmers Insurance Exchange's alleged use of non-risk based ratemaking factors in California, and in that case, too, the court denied the company's motion to dismiss. Both the Allstate and Farmers cases have been referred to the California Department of Insurance under the primary jurisdiction doctrine for the DOI to make findings, after which the litigation will proceed. The Illinois case will continue in circuit court in Madison County, Illinois.

- St. Louis Effort for AIDS v. Lindley-Myers*, No.13-04246-CV-ODS (W.D. Mo.)

On behalf of St. Louis Effort for AIDS and Planned Parenthood, and with co-counsel Jane Perkins of the National Health Law Program, Mehri & Skalet successfully challenged a Missouri statute that prohibited consumer assistance organizations, known as Navigators, from engaging in activities that the Affordable Care Act authorized them to engage in. After Plaintiffs prevailed in both the District Court and the Eighth Circuit, the District Court rejected Plaintiffs’ petition for attorney’s fees but was reversed by the Eighth Circuit.
- Morris v. Blue Shield of California*, Case No. 2:16-cv-5914 (C.D. Cal.)

Mehri & Skalet represents Blue Shield of California policyholders who are alleging that Blue Shield has failed to comply with the Affordable Care Act’s (ACA) Medical Loss Ratio (MLR) rule. Under the MLR rule, health insurers must refund money to policyholders if less than 80% of the premiums they collect goes to pay claims. Policyholders are alleging that Blue Shield overstated its MLR, and thus refunded less to policyholders than it is legally required to do. This case is currently on appeal in the Ninth Circuit.
- “Short-term” insurance cases

Mehri & Skalet and co-counsel are challenging the claims-handling of short-term health insurers. Short-term health insurance is insurance that is issued for three months or less, and is exempt from the requirements of the Affordable Care Act.
- Dialysis Patient Citizens

Mehri & Skalet represents Dialysis Patient Citizens (DPC) before multiple state insurance departments. Insurance companies have become increasingly aggressive in seeking to dis-enroll dialysis patients and force those who qualify for Medicare or Medicaid on to such programs, and to leave those who do not qualify for either program without coverage entirely. Some are refusing to cover any dialysis patient who qualifies for Medicare. Insurance companies are lobbying state insurance departments to permit such conduct; DPC is seeking to prevent it.
- Expert Testimony

Mehri & Skalet partner Jay Angoff, based on his experience as both a state insurance commissioner and the first Director of ACA Implementation at HHS, provided expert testimony in two cases. One case involved the effect of a life insurer’s filings with a state insurance department regarding a

merger it undertook and the duties it had to its policyholders; another involved the effect of an auto insurer's characterization of its customers' conduct that were disseminated throughout the industry. One involves the standards a hospital must meet to qualify for protection under a state statute that limits the liability of health care providers in medical malpractice cases.

- **Health Insurance Rate Proceedings**

Jay Angoff worked with the Community Services Society of New York on recommendations submitted to the New York Insurance Department regarding the increases the nine major individual health insurance carriers in the New York market proposed for 2018. For eight of those carriers the Department approved increases that were substantially lower than the carrier had sought.

Mr. Angoff also worked with the Consumers Council of Missouri on comments submitted to the Missouri Insurance Department regarding proposed individual health insurance rates.

Mr. Angoff also represents Charlottesville for Fair Health Insurance, a group of Charlottesville, VA individuals and business who are seeking to have the Virginia Bureau of Insurance order Charlottesville health insurance rates reduced. Charlottesville has the highest individual health insurance rates in the nation.

## **Consulting**

- **Working IDEAL**

Cyrus Mehri and Mehri & Skalet alum, Pamela Coukos, founded a consulting company, Working IDEAL, in 2017. Mehri & Skalet attorneys and paralegals, working alongside Working IDEAL, have helped progressive organizations develop and implement innovative hiring, promotion, and pay equity practices.

## Firm News: New Faces

**Christine H. Monahan** joined Mehri & Skalet in 2017 as an Associate Attorney. Her work focuses on the insurance, health care, and consumer protection aspects of the firm's practice.

Prior to joining Mehri & Skalet, Ms. Monahan served as a law clerk to the Honorable Judge Judith W. Rogers of the United States Court of Appeals for the D.C. Circuit.

Ms. Monahan graduated from Yale Law School in 2016. During law school, she served as Notes Editor for the Yale Journal of Health Policy, Law, and Ethics and as Director of the Yale Health Law and Policy Society, and was a fellow for the Global Health Justice Partnership. Ms. Monahan also participated in the Mortgage Foreclosure Litigation Clinic, in which she represented homeowners facing foreclosure in judicial proceedings and court-sponsored mediations and brought affirmative actions against servicers and lenders for violations of state and federal law, and the Hearing Officer Project, in which she served on an arbitration panel presiding over state lemon law claims.

During Ms. Monahan's 1L summer, she interned with Mehri & Skalet, working with Partner Jay Angoff on a variety of insurance-related matters. During her 2L summer, Ms. Monahan spent eight weeks as a Spitzer Intern at the D.C. office of the National Health Law Program (NHeLP). Ms. Monahan then spent six weeks in the Summer Legal Intern Program at the Department of Justice, interning with the Antitrust Division's Litigation I Section.

Before law school, Ms. Monahan worked as a Senior Health Policy Analyst at Georgetown University's Center on Health Insurance Reforms (CHIR) and as a Health Policy Advisor for the National Partnership for Women & Families. While at the National Partnership, Ms. Monahan advocated for passage of the Affordable Care Act and then spent multiple years working on implementation of the law at the federal level. At CHIR, Ms. Monahan changed her focus to state implementation of the law, co-authoring numerous reports that were published by *Health Affairs*, the Commonwealth Fund, and the Urban Institute.



Based on her experiences both before and during law school, Ms. Monahan has published health law and policy-related pieces in three different law reviews:

- Note, *Private Enforcement of the Affordable Care Act: Towards an “Implied Warranty of Legality” in Health Insurance*, 126 YALE L.J. 1118 (2017)
- *A Prescription for Excessive Drug Pricing: Leveraging Government Patent Use for Health*, 18 YALE J.L. & TECH. 275 (2016) (with Hannah Brennan, Amy Kapczynski & Zain Rizvi)
- *Safeguarding State Interests in Health Insurance Exchange Establishment*, 21 CONN. INS. L.J. 375 (2015)

Ms. Monahan graduated *summa cum laude* from Connecticut College in 2007, with a B.A. in International Relations.

Ms. Monahan is a member of the D.C. Bar, and admitted to practice before the U.S. Court of Appeals for the D.C. Circuit.



**Ellen Eardley** returned to Mehri & Skalet in October 2017 after spending two and a half years as Assistant Vice Chancellor for Civil Rights & Title IX at the University of Missouri, where she became the university’s first Title IX administrator. At Mehri & Skalet, she practices civil rights and employment discrimination law while serving in a management capacity for the firm.

Ms. Eardley also founded the University’s first institutional equity office, creating a central place to address all forms of discrimination and sexual violence. During her tenure, Kevin McDonald, vice chancellor for inclusion, diversity and equity, [credited her with](#) “building a team of highly qualified equity professionals, increasing transparency through annual reports of allegations of discrimination and sexual violence, improving key equity-related university policies, and co-chairing the MU Sexual and Intimate Partner Violence Task Force.”

Before taking on her role at MU, Ms. Eardley practiced law at Mehri & Skalet for eight years, where she was a Partner. She also taught Sex Discrimination Law at American University’s Washington College of Law during this time.

Ms. Eardley plans to build a Title IX practice at Mehri & Skalet, using her Title IX expertise to collaborate with non-profits working to end sexual violence in the nation’s schools and universities.

# Mehri & Skalet in the News: Changing Public Opinion as We Make Legal Progress

Mehri & Skalet's attorneys and cases made headlines in 2017, from challenging the Trump administration's Travel Ban to fighting for the rights of workers discriminated against by employers such as Walmart, the FDNY and the federal government. The following is some of the top media coverage from the year:

## **EndTheTravelBan.com**

After the White House issued an executive order in February 2017 restricting travel from several Muslim majority countries – including Iran – Mehri & Skalet joined forces with The Lawyers' Committee For Civil Rights Under Law and Arnold & Porter Kaye Scholer to represent a number of prominent Iranian-American groups and individuals to challenge the Travel Ban and its subsequent iterations. The lawsuit attracted media attention for months, appearing in the New York Times, Washington Post, POLITICO, Law360 and other outlets. EndTheTravelBan.com was established to provide updates on the case as well as field press requests.

In April, a press conference held before the first hearing produced stories from the Associated Press, PressTV, Bloomberg and the Washington Post's Daily 202. Through the summer and into the fall, the groups filed additional challenges to the travel and refugee ban and the coverage continued in Foreign Policy and POLITICO.

## **Desegregation, 50 Years Later**

Nearly fifty years after Mehri & Skalet Of Counsel attorney and former judge, U.W. Clemon, won a seminal case forcing schools in Jefferson County, Alabama to integrate, the 11th Circuit Court of Appeals in 2017 ruled again in favor of desegregation in the state, finding intentional discrimination by a school district in Birmingham. Judge Clemon was profiled in the New York Times Magazine ("The Resegregation of Jefferson County"), which traced his influence on the issue. It was also featured in the Washington Post, Newsweek and CNN.

## **Workplace Discrimination**

Female prison workers at the Coleman Federal Correctional Complex in Florida were awarded \$20 million – one of the largest payouts for a class-action sexual harassment settlement. The women faced systemic harassment for years from inmates and their concerns were repeatedly ignored. Mehri & Skalet fought for the approximately 500 women named in the settlement, making sure that the settlement

against the Department of Justice's Bureau of Prisons included not only the monetary portion but also a multi-pronged approach to combating inmate harassment. The [Associated Press](#), [Quartz](#), and [WFTV](#) covered the historic settlement.

Mehri & Skalet teamed up with A Better Balance, the National Women's Law Center and Sedey Harper & Westhoff to fight for Walmart employees who faced discrimination while pregnant. In May, a federal complaint filed in the U.S. District Court for the Southern District of Illinois made headlines in [Reuters](#), [Law 360](#), [Mic](#), and [Think Progress](#). In December, continued pregnancy discrimination by Walmart received coverage in [CNN](#) and the [The Atlanta-Journal Constitution](#).

Mehri & Skalet filed a lawsuit on behalf of a group of African-American New York Fire Department employees alleging a pattern of racial discrimination that cost them promotions and resulted in lower wages than their white counterparts. A few days after Mehri & Skalet filed the complaint in Federal District Court in Manhattan, Cyrus Mehri and U.W. Clemon appeared at City Hall along with a number of the plaintiffs at a press conference. Reports on the case and the underlying discrimination made New York and national news, with coverage in the [New York Times](#), [Bloomberg BNA](#), [New York Daily News](#), [ABC7NY](#), [AM NY](#), [CBS](#) and [The Amsterdam News](#).

### **Consumer Protection and Employment Rights**

A judge ruled in February 2017 that the government must pay "essential" workers from the 2013 shutdown after Mehri & Skalet argued that federal workers who were not paid on-time must be compensated. [Bloomberg BNA](#), [Government Exec](#), [US News & World Report](#) and the [Washington Post](#) interviewed Mehri & Skalet attorneys. The story was also covered by [Federal News Radio](#) and [Law 360](#).

[The New York Times](#), along with [Reuters](#) and [NPR](#), covered an historic settlement Mehri & Skalet helped secure for Cherokee Nation in an environmental justice case against Volkswagen Group.

### **Conclusion**

Throughout the year, Mehri & Skalet's cases attracted the attention of national outlets like the [New York Times](#), [Washington Post](#) and [POLITICO](#) as well as important trade publications like [Law360](#). The news coverage kept important issues like the Travel Ban and workplace discrimination in the spotlight while also highlighting historic wins, all of which amplify our clients' voices. Telling the stories of our cases and our work is critical to our mission of advancing justice. You can always catch up on our most recent activity on our [website](#), under "Latest News."