

# Plaintiffs in Pocomoke City Race Discrimination Case Refute Defendants' Baseless Attempts to Excuse Misconduct, Citing EEOC Support

June 2, 2016

Washington, DC—Yesterday, the plaintiffs in race discrimination and retaliation case *Savage et. al. v. Pocomoke City et. al.* filed their oppositions to the defendants' opening motions, including five separate motions to dismiss the federal lawsuit. Plaintiffs are three African-American police officers formerly employed in Pocomoke City and Worcester County, Maryland, including the Pocomoke City's first Black police chief. In their filings, the plaintiffs advised the court that, after a thorough investigation, the U.S. Equal Employment Opportunity Commission (EEOC) had found "reasonable cause" to believe that the plaintiffs' claims of discrimination and retaliation were well founded.

Earlier this year, Wiley Rein LLP, the Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC), and the ACLU of Maryland jointly filed suit on behalf of the plaintiffs in the U.S. District Court for the District of Maryland, challenging a conspiracy of race discrimination and retaliation among white officials of Pocomoke City, the Worcester County Sheriff's Office, the Worcester County State's Attorney, and the Maryland State Police. The lawsuit asserted numerous causes of action on behalf of the plaintiffs based on the race-based discrimination and retaliation they endured, which are "clearly prohibited by federal and state laws as well as [the] Constitution." The asserted causes of action seek to remedy violations of the First and Fourteenth Amendments, as well as the federal Fair Labor Standards Act. The lawsuit is pending before U.S. District Judge J. Frederick Motz.

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In the papers filed yesterday, the plaintiffs argued that the government entities overseeing the Worcester County Criminal Enforcement Team (CET) were joint employers of then-Detective Franklin Savage when he was subjected to repeated racial epithets, references to the Ku Klux Klan (KKK), and the lynching of African-Americans on the Eastern Shore. The plaintiffs argued that they had adequately stated these allegations and allegations of further discrimination and retaliation against Savage, former Chief Kelvin Sewell, and former Lieutenant Lynell Green. The plaintiffs also offered the court new evidence of discrimination, including a "circle of trust" posted in the CET squad room that included all six white members of the CET and excluded only Detective Savage.

In the papers, the plaintiffs also advised that they expect to soon add claims under Title VII of the Civil Rights Act of 1964. The EEOC recently advised based on its official investigation, it had "reasonable cause" to find "unlawful employment practices" by Pocomoke City, the Pocomoke City Police Department, the Worcester County Sheriff's Office, and the Worcester County State's Attorney. Conciliation between the EEOC and several of those defendants has failed, and the charges are now in the hands of the Department of Justice for review. After that review is complete, the plaintiffs will seek to amend their complaint.

Andrew G. McBride, chair of Wiley Rein's Communications Appellate & Litigation Practice and lead counsel for the plaintiffs, stated: "With the EEOC findings and the proffer of additional acts of discrimination, we are hopeful that Judge Motz will reject the defendants' motions to dismiss and allow the case to go forward to discovery. We are also hopeful that the U.S. Department of Justice, which is now considering the EEOC findings, will decide to support the plaintiffs in the litigation."

Mr. McBride expressed particular surprise over the positions taken by Maryland Attorney General Brian E. Frosh on behalf of the Maryland State Police (MSP). "The MSP defendants actually deny that 'anything untoward' happened when white officers drove Detective Savage to what they called 'KKK Lane' and discussed lynching and possession of white hoods and ropes during the incident," Mr. McBride said. "I think Attorney General Frosh should take a hard look at his position in this case, particularly after the EEOC findings. He is on the wrong side of justice in this matter."

"If these bad actors really think they will prevail by arguing that nothing illegal happened, they are doing a true disservice to the taxpayers in their communities," said Dennis A. Corkery, senior staff attorney with the WLC and plaintiffs' co-counsel.

"The blatant racism and retaliation experienced by these Black officers has now been recognized for what it was, following an independent review by the federal Equal Employment Opportunity Commission. We can only hope that the officials in Pocomoke City and Worcester County - as well as the government lawyers representing them - finally stop their stonewalling and act swiftly to remedy the egregious injustice that has been done here, both to the plaintiffs and to the entire Pocomoke community," said Deborah A. Jeon, Legal Director of the ACLU of Maryland and plaintiffs' co-counsel.

Representing the plaintiffs on a pro bono basis, Mr. McBride serves as lead counsel. Mr. Corkery and Director of Litigation Matthew Handley of the WLC, and Ms. Jeon of the ACLU of Maryland, serve as co-counsel. The Wiley Rein team includes numerous associates; those appearing on the plaintiffs' behalf are Christen B'anca Glenn, Dwayne D. Sam, Brian Walsh, Craig Smith, and Craig G. Fansler. For biographies of the lead attorneys, please [click here](#).

To view the plaintiffs' filings from yesterday, please see below:

- Opposition to Defendants' Motions to Bifurcate
- Opposition to Defendant County Commissioners of Worcester County's Motion to Dismiss or, in the Alternative, to Bifurcate
- Opposition to Defendants Pocomoke City, Russell Blake, Ernest Crofoot, and Bruce Morrison's Partial Motion to Dismiss or, in the Alternative, to Bifurcate
- Opposition to Defendant Oglesby's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment
- Opposition to Sheriff Mason, Chief Deputy Smack, Sergeant Passwaters, and Corporal Wells' Motion to Dismiss First Amended Complaint
- Opposition to Maryland State Police Defendants Sergeant Patricia Donaldson and Corporal Brooks Phillips' Motion to Dismiss or, in the Alternative, for Summary Judgment