

# National Women's Law Center Litigation Highlights - 2021

**BY SUNU P. CHANDY, LEGAL DIRECTOR & PHOEBE WOLFE, LITIGATION FELLOW**

We are immensely proud of NWLC's litigation efforts during 2021, including though our cases against entities that engage in sex discrimination, our cases that keep the pressure on the federal government to fully reverse harmful Trump-era policies, and by leading 23 amicus briefs in a range of cases in which important civil rights protections are at stake. We are excited to highlight victories where we brought positive change through our litigation, including vacating a harmful provision of the Department of Education's Title IX rule addressing civil rights protections for survivors, ensuring that a harmful Department of Labor (OFCCP) rule that expanded exceptions to workplace civil rights was removed, and continuing our legal fight to ensure equality in healthcare through our challenges to the Department of Health and Human Services' Section 1557, birth control, and refusal rules. We could not do this work without our terrific law firm partners and partner advocacy organizations, and we thank them for their time, expertise, and good-natured collaboration.

## OUR CASES

- ***Goidel v. Aetna, No. 1:21-cv-07619 (VSB) (S.D.N.Y.)***

On September 13, 2021, NWLC filed a [class action lawsuit](#), along with co-counsel Emery Celli Brinckerhoff Abady Ward & Maazel LLP, challenging Aetna's discriminatory practices against LGBTQ policyholders seeking fertility treatments. Aetna's policy requires LGBTQ couples to pay out of pocket for 12 cycles of IUI before Aetna will provide them with coverage, whereas Aetna's policy provides immediate coverage, without any out-of-pocket cost, to heterosexual couples who have not gotten pregnant after having unprotected sex for 12 months. Emma Goidel, the plaintiff in the suit, and her spouse sued under Section 1557 of the Affordable Care Act, which prohibits discrimination in health care, and other state nondiscrimination laws. In November 2021, we [amended our complaint](#) to add three more plaintiffs.

- ***A.P. v. Fayette County Board of Education, No. 3:19-cv-00109-TCB (N.D. Ga.)***

We filed this [lawsuit](#) in August 2019 on behalf of A.P., a former Fayette County High School student who was expelled after reporting that another student had sexually assaulted her at school. In June 2021, a federal district court granted summary judgment in favor of the defendant school district on all claims, dismissing A.P.'s case. On October 15, 2021, NWLC, along with co-counsel Mastando & Artrip LLP and the Georgetown Appellate Immersion Clinic, [filed an appeal](#) to the 11th Circuit asking the court to reverse the district court's decision. A group of expert psychologists filed a [motion seeking permission to submit an amicus brief](#) in support of A.P., urging the court to revive her case given that the defendants' actions and the lower court's reasoning were based on faulty and harmful stereotypes concerning survivors' behavior.

- ***Pieper v. CableConn Industries, Inc., No. 37-2020-00030894-CU-OE-CTL (Cal. Super. Ct.)***

NWLC, with co-counsel Levy Vinick Burrell Hyams LLP, filed this [lawsuit](#) in September 2020 in the Superior Court of the State of California, San Diego County, against cable manufacturing company CableConn Industries, Inc., its CEO and President, and two company supervisors who sexually harassed three of their female workers. In July 2021, the parties engaged in mediation that did not result in a resolution, and are now proceeding with discovery. After a case management conference in August 2021, a 12-day trial has been scheduled for September 2022.

## Our Cases Against Trump-Era Rules

- ***Victim Rights Law Center v. DeVos, Case No. 1:20-cv-11104-WGY (D. Mass.)***

NWLC, along with co-counsel Morrison & Foerster LLP and Diane Rosenfeld of Harvard Law School in her individual capacity, filed this [lawsuit](#) in June 2020. In July 2021, a federal district court [vacated](#) a part of the Trump administration's Title IX sexual harassment rule (often referred to as the "exclusionary rule") that had required postsecondary schools to exclude all oral or written statements made by any party or witness who did not submit to cross-examination at a live hearing. After the court vacated the exclusionary rule, the Department of Education announced that it would no longer enforce that harmful provision.

- ***Irish 4 Reproductive Health v. H.H.S., No. 3:18-cv-00491-PPS-JEM (N.D. Ind.)***

NWLC, along with Americans United for Separation of Church and State and the Center for Reproductive Rights, filed this [lawsuit](#) in June 2018 challenging the Trump-Pence administration's 2017 rules that allowed virtually any employer or university claiming a religious or moral objection to deny insurance coverage of birth control. Our lawsuit also challenged the Trump administration's unlawful back-door settlement agreement with the University of Notre Dame allowing the school to take away students' birth control coverage. On August 12, 2021, the district court dismissed several of our claims. Following this decision, the parties agreed to jointly move the court to stay the case in light of the Biden administration's announcement that it would be issuing a new proposed rule, and the court granted the motion.

- ***Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth v. U.S. Dep't of Health, No. 1:2020-cv-11297 (D. Mass.)***

This [lawsuit](#) was filed in July 2020 by NWLC and its partners to block the Trump administration's regulatory attack on Section 1557 of the ACA, which prohibits discrimination in healthcare. In a [decision](#) issued August 18, 2021, the district court dismissed some of our claims but explicitly held that we have standing to bring some of our other claims, including our equal protection claim. On September 15, 2021, the government moved to voluntarily remand the rule back to the agency without vacatur and to dismiss our case pending new rulemaking. Because the rule would remain in effect until a new rule is finalized and continue to cause harm to our clients and others nationwide, we opposed this motion in a [brief](#) filed September 29, 2021. Ultimately, the court stayed the case until April 2022, when the new administration says it will issue a notice of proposed rulemaking revising the Trump-era regulations.

- ***Planned Parenthood v. Azar, No. 1:19-cv-05433 (S.D.N.Y.), No. 19-4254 (2d Cir.)***

NWLC, along with our partners at Planned Parenthood, Democracy Forward, and the law firm Covington and Burling, filed this [lawsuit](#) in June 2019 to block a Trump administration rule that purported to give sweeping new rights to virtually any individual or entity involved in patient care who thinks their personal beliefs should determine the care a patient receives. In November 2019, a federal district court [vacated](#) the rule in full. The Department of Health and Human Services appealed, but, after the change in administration, the U.S. Court of Appeals for the Second Circuit granted the agency's motion to hold in case in abeyance pending a review of the issues in the case by new leadership.

- ***NWLC v. Office of Management and Budget (D.D.C.)***

In September 2020, the defendants filed a motion asking the district court to vacate its March 2019 decision finding that the Trump administration broke the law when it stopped its pay data collection. [NWLC opposed the motion to vacate](#) and briefing was completed October 2020. The parties continue to await the court's decision regarding whether this opinion will be vacated.

# AMICUS BRIEFS

## Education

- ***Mahanoy Area Sch. Dist. v. B.L.* (U.S. Sup. Ct., Mar 3, 2021)**

On March 31, 2021, NWLC led an [amicus brief](#) with Lambda Legal Defense and Education Fund, Inc., and the Lawyers' Committee for Civil Rights Under Law, along with Ropes & Gray LLP and 30 other organizations, in support of B.L., a student who was suspended from her high school's cheerleading team for posting a Snapchat outside of school with the words "fuck cheer." On June 23, 2021, the U.S. Supreme Court [ruled](#) 8-1 in favor of the student, B.L., finding that the school had violated her First Amendment free speech rights. The Court held that schools do not have unlimited power to address off-campus student speech, but that they must retain some ability to deal with legitimately harmful speech, like harassment and bullying, in order to protect students.

- ***B.R. v. F.C.S.B.* (4th Cir., Apr. 22, 2021)**

On April 22, 2021, NWLC, along with Sidley Austin LLP, led a group of 52 organizations to file an [amicus brief](#) in support of student survivor, B.R. Our brief urged the Fourth Circuit to affirm the district court's decision allowing B.R.'s case to proceed using a pseudonym, explaining that pseudonyms are important for ensuring privacy and reducing the risk of retraumatization and retaliation. On November 2, 2021, the Fourth Circuit [affirmed](#) the lower court's decision, allowing B.R. to continue her lawsuit using her initials in a great victory for B.R. and other sexual assault survivors.

- ***Balow v. Michigan State Univ.* (6th Cir., May 26, 2021)**

On May 26, 2021, NWLC, along with Legal Aid At Work and Simpson Thacher & Bartlett LLP, led a group of 25 other organizations to file an [amicus brief](#) in the Sixth Circuit in support of 11 members of MSU's women's varsity swim and diving team. In our brief, we explain that the court below made several errors when it denied the women's team's request to stop MSU from eliminating their team. If this decision is not overturned, our brief explains, large schools will be able to deprive many women of athletics opportunities, and all schools will be able to cut their smallest women's teams to inflate their average team size, allowing them to have ever-larger participation gaps.

- ***K.R. v. Duluth Pub. Sch. Acad. d/b/a Duluth Edison Charter Sch.* (D. Minn., Sept. 10, 2021)**

On September 10, 2021, NWLC, along with our law firm partner Debevoise & Plimpton LLP, led an [amicus brief](#) to the U.S. District of Minnesota on behalf of 32 additional organizations, in support of three Black and bi-racial students who were treated differently than white students including through discriminatory discipline and racial harassment while at Duluth Edison Charter Schools (DECS). [NWLC's brief](#) supports the students' challenge and explains that when educators discipline Black students for behaviors they typically overlook with white students, such differential treatment leads to unequal educational opportunities for Black students.

- ***Soule v. CIAC* (2d Cir., Oct. 14, 2021)**

On October 14, 2021, NWLC, along with Hogan Lovells, led an [amicus brief](#) to the Second Circuit in support of the ACLU from 34 additional groups committed to women's rights. Our brief supports the Connecticut's Interscholastic Athletic Conference policy that allows K-12 athletes to participate in sports consistent with their gender identity. NWLC's brief focuses on why Title IX requires the inclusion of transgender women and girls in female athletics and the harms that would flow from exclusion. The benefits of athletic participation have been well documented, and transgender women and girls, who already are vulnerable to discrimination in education, should have opportunities to reap the benefits of sports as do other women and girls.

- ***Roe v. Doe & Regents of the Univ. of Cal.* (Cal. Ct. App., Oct. 14, 2021)**

On October 14, 2021, NWLC co-led an [amicus brief](#) with the California Women's Law Center and Know Your IX, in support of student survivor Jane Roe. The University of California's Title IX office found John responsible for sexually assaulting Jane and imposed a three-year suspension on John. When John challenged his suspension in court, Jane was never notified. Our brief explains that survivors like Jane have a due process right to be notified that the school's decision is being challenged so that they have the option to participate in the court proceedings.

- ***Adams v. Sch. Bd. of St. John's Cty (11th Cir., Nov. 23, 2021)***

On November 23, 2021, NWLC, along with Quinn Emanuel Urquhart & Sullivan, LLP and 50 additional organizations, submitted an en banc [amicus brief](#) to the full 11th Circuit Court of Appeals in support of Andrew Adams, a transgender boy who was prohibited from using the boys' restroom at his high school in Florida. Despite [overwhelming evidence](#) that allowing transgender students to use the restroom aligned with their gender identity poses no threat to the privacy or safety of other students, Andrew's school has continued its discriminatory restroom policy. Our brief urges the appeals court to reject these harmful myths and correctly find that the school's restroom policy is illegal because it discriminates against transgender students.

## Reproductive Rights & Health

- ***Cochran v. Gresham (U.S. Sup. Ct., Feb. 24, 2021)***

On February 24, 2021, NWLC, the Lawyers' Committee for Civil Rights Under Law, and law firm Holland & Knight, joined by 50 additional organizations, led an [amicus brief](#) to the U.S. Supreme Court in a challenge to work requirements as a condition for receiving Medicaid benefits. Our brief highlighted the devastating impact that Medicaid work requirements would have, especially on impacted groups, and that this loss of coverage would exacerbate existing health and economic disparities.

- ***Dobbs v. Jackson Women's Health Org. (U.S. Sup. Ct., Sept. 20, 2021)***

On September 20, 2021, NWLC and co-counsel Shearman & Sterling, along with 72 other organizations committed to gender equality, led an [amicus brief](#) to the U.S. Supreme Court supporting the right to abortion. In this case, the last remaining Mississippi abortion provider challenged a state law that would ban abortion after 15 weeks. In our brief, we explain that the devastating impact of allowing a pre-viability abortion ban to stand denies the liberty and equality of women and all people who can become pregnant.

- ***Oldaker v. Giles (M.D. Ga, Mar. 4, 2021)***

On March 4, 2021, NWLC, the National Asian Pacific American Women's Forum, the National Latina Institute for Reproductive Justice, and SisterLove, Inc., submitted an [amicus brief](#) in support of women who were subjected to non-consensual, medically unnecessary, and invasive gynecological procedures, and related retaliation, at the Irwin County Detention Center in Georgia. Our amicus brief brings a gender justice and reproductive justice framework to the case, highlighting the ways that the government has historically committed violence and sexual violence against women, in particular women of color and immigrant women, and how important it is to support survivors in speaking up against that violence.

- ***Allegheny Reproductive Health Ctr. v. Penn. Dep't of Hum. Servs. (Pa. S. Ct., Oct. 12, 2021)***

On October 12, 2021, NWLC, along with local counsel Jim Davy at All Rise Trial and Appellate, led an [amicus brief](#) in support of Pennsylvania abortion providers, who are represented by the Women's Law Project. Our brief details the genuine obstacles that prevent abortion patients from challenging state abortion restrictions on their own behalf, explaining that patients cannot be expected to risk their ability to obtain the care they need, their health and economic security, and their safety, with no guarantee of any reward, when abortion providers are much better suited to assert these claims on their patients' behalf.

- ***Whole Woman's Health Alliance v. Rokita (7th Cir., Nov. 8, 2021)***

On November 8, 2021, NWLC led an [amicus brief](#) to the Seventh Circuit in support of abortion providers' challenges to several state laws that deny or limit abortion access. Our brief urges the court to affirm the lower court's judgment, which rightly considered existing economic, social, and public health disparities and how those disparities interact with the delay and the denial of abortion care caused by the abortion restrictions. The brief describes the devastating adverse consequences to people's economic security, health, safety, and autonomy that would continue if the challenged abortion restrictions are permitted to remain in effect in Indiana.

## Workplace Justice

- ***Tucker v. Faith Bible Int'l.* (10th Cir., Jan. 19, 2021)**

On January 19, 2021, NWLC, along with our law firm partner Quinn Emanuel Urquhart & Sullivan and 37 other organizations, led an [amicus brief](#) in the 10th Circuit in support of Gregory Tucker, an employee at Faith Christian Academy (FCA) who was fired after speaking out against race discrimination. FCA is attempting to strip Mr. Tucker of his civil rights protections using the “ministerial exception.” Our brief explains that the arguments made by FCA are yet another dangerous example of employers seeking to use religion as a means by which they can deny employees workplace protections.

- ***Chase v. Penney* (2d Cir., Mar 23, 2021)**

In March 2021, NWLC, along with our law firm partner Linklaters LLP and 30 other organizations, led an [amicus brief](#) to the Second Circuit in support of survivor Nicole Chase, highlighting the ways gender bias by law enforcement, including reliance on harmful sex-based stereotypes, not only leads to failures in sexual assault investigations but also compounds the trauma of sexual assault. On October 4, 2021, the Second Circuit rejected the defendants’ appeal and sent the case back to the trial court, allowing Chase’s claims to continue forward.

- ***Apache Corp. v. Davis* (Tex. Sup. Ct. Apr. 27, 2021)**

On April 27, 2021, the National Women’s Law Center submitted a [letter brief](#) to the Texas Supreme Court joining the [amicus brief](#) filed by AARP, in support of Cathryn Davis, a 67-year-old woman, was fired for opposing age and gender discrimination. NWLC highlighted that discrimination claims based on more than one protected characteristic are legally recognized and must be permitted to fully effectuate the nondiscrimination goals of our civil rights laws. This is an especially important protection for older women, who face high rates of employment discrimination—a reality that has [only worsened](#) since the beginning of the Covid pandemic. Unfortunately, on June 25, 2021, the Texas Supreme Court ruled against Davis, reversing the judgment of the Court of Appeals and entering judgment for the employer. Davis filed a motion for reconsideration, but that motion was denied on September 3, 2021.

- ***Hamilton v. Dallas Cty.* (5th Cir., May 21, 2021)**

On May 21, 2021, NWLC, along with the ACLU Women’s Rights Project, the ACLU of Texas, Katz, Marshall & Banks, led 41 organizations committed to women’s and civil rights, to file an [amicus brief](#) in the 5th Circuit in support of nine Black women working at the Dallas County Jail. The Jail had instituted a policy wherein schedules were restricted by sex—women working at the Jail were not allowed to schedule off the full weekend, but men could take both weekend days off. Our amicus brief details why this policy is sex discrimination under Title VII and the resulting harms to all women, particularly to women of color and women with caregiving responsibilities.

- ***Dent v. Constellation NewEnergy, Inc.* (Ill. Sup. Ct., May 26, 2021)**

On May 26, 2021, NWLC joined an [amicus brief](#) led by Women Employed and the ACLU of Illinois, along with DLA Piper LLP and 28 other advocacy organizations, in support of an employee who reported sexual harassment by an outside vendor and the third-party attorney who was hired to investigate the matter. Amici are asking the Illinois Supreme Court to reverse a troubling decision from the Illinois Appellate Court that would increase the already high levels of retaliation faced by survivors who come forward.

- ***Morgan v. U.S. Soccer Federation, Inc.* (9th Cir., July 30, 2021)**

On July 30, 2021, NWLC and the Women’s Sports Foundation led an [amicus brief](#) bringing along 63 additional organizations, with our law firm partner Selendy & Gay PLLC, in support of the professional soccer players on the United States Women’s National Team (“USWNT”) and their equal pay claims pending in the Ninth Circuit Court of Appeals. Our brief explains that the district court made several legal errors when it dismissed the players’ claims under the Equal Pay Act and Title VII, principally by overlooking the disparate rates of pay offered to the women’s and men’s teams for international games.

- ***Crisitello v. St. Theresa School* (N.J. Sup. Ct., Aug. 4, 2021)**

On August 4, 2021, NWLC, along with Americans United for Separation of Church and State, our law firm partner Lowenstein Sandler LLP, and 26 additional organizations led an [amicus brief](#) in the New Jersey Supreme Court in support of Victoria Crisitello, an unmarried elementary school art teacher at a Catholic school. Ms. Crisitello was fired after she told her employer she was pregnant. Ms. Crisitello's employer is claiming that she is a "minister," and therefore the ministerial exception allows the school to deny her workplace civil rights protections. This case represents continuing efforts by some religiously affiliated employers to avoid complying with workplace civil rights protections.

- ***Jane Roe v. U.S.* (4th Cir., Aug. 26, 2021)**

On August 26, 2021, NWLC, the Purple Campaign, and Legal Momentum, along with our law firm partner Willkie Farr & Gallagher LLP and 42 additional civil rights organizations, led an [amicus brief](#) to the Fourth Circuit in support of appellant Jane Roe who was subjected to pervasive sex discrimination while employed as a federal defender. Because employees of the federal judiciary are not covered by Title VII, Roe's only option was the Fourth Circuit's internal complaint process, which failed to provide redress to Roe. Our amicus brief argues that Roe's case should be allowed to continue and that judicial employees are in vital need of legal protection from misconduct that would have legal remedies in most other workplaces.

## Additional Matters

- ***Cummings v. Premier Rehab Keller* (U.S. Sup. Ct., August 27, 2021)**

On August 27, 2021, NWLC, ACLU, and LDF led an [amicus brief](#) in the U.S. Supreme Court in support of Jane Cummings, a deaf and legally blind woman who was repeatedly denied an American Sign Language interpreter when seeking medical care. A federal district court held that she could not recover emotional distress damages for the disability discrimination, and the Fifth Circuit appeals court affirmed. Our brief argued that all federal civil rights laws must allow victims to recover damages for their emotional distress in order to fully compensate individuals for the harms caused by discrimination.

- ***Corbitt v. Taylor* (11th Cir., Aug. 2, 2021)**

On August 2, 2021, NWLC, along with our law firm partner Allen & Overy LLP, led a group of 32 organizations to file an [amicus brief](#) to the Eleventh Circuit in support of three transgender women who were denied accurate gender markers on their driver's licenses by the state of Alabama. Alabama's policy requires transgender people to undergo genital surgery and provide proof of such to the State before they are able to receive a driver's license that accurately states their gender. As our amicus brief explains, such a restrictive policy unlawfully discriminates against transgender people in violation of the Equal Protection Clause of the Constitution. Carrying a license with an inaccurate gender marker also puts transgender people—especially Black and brown trans women—at a heightened risk of discrimination, harassment, and attack. The district court correctly decided that Alabama's policy violates equal protection because it discriminates against transgender people on the basis of sex, and amici urge the Eleventh Circuit to affirm the lower court's decision.

- ***L.B. v. U.S.A.* (Mt. Sup. Ct., Oct. 14, 2021)**

On October 14, 2021, NWLC, along with our partners the Roderick & Solange Macarthur Justice Center and Women's Law Project, led an [amicus brief](#) to the Montana Supreme Court in support of L.B, an Indigenous woman who was raped by a federal law enforcement officer under threat of being arrested and having her children taken away from her. Our amicus brief explains that sexual assault by police officers is widely prevalent, especially among women of color, and is facilitated by the enormous power and authority that police wield over civilians. Therefore, institutional liability is required to ensure the government is accountable in response to these extraordinarily high numbers of sexual assaults by the police and to help ensure that the government works to prevent sexual assaults by the police from occurring in the first place.

## Victories in Earlier Amicus Brief Cases

- **Sagaille v. Carrega (1st Dep't., N.Y. Sup. Ct. App. Div)**

On March 9, 2021, a New York appellate court [ruled in favor](#) of Christina Carrega, a sexual assault survivor who was sued for defamation by the individual she named in her police report. Although New York law offers some protections against defamation liability for people who report misconduct, the court in Christina's case held that she was not entitled to those protections solely because sexual assault was the type of misconduct that she reported. In August 2020, we led an [amicus brief](#) in support of Christina, emphasizing that courts must not allow defamation lawsuits against survivors to proceed based on harmful and false sex stereotypes. Citing NWLC's brief, the court called the original decision "an unacceptable result" that would "dissuad[e]" victims from seeking protection and "embolden[]" sexual assaulters who seek to weaponize the legal system in order to silence their victims."

- **Peltier v. Charter Day School (4th Cir., August 9, 2021)**

On August 9, 2021, the Fourth Circuit [issued its opinion](#) in Peltier, reversing and remanding to the district court. Agreeing with the arguments in NWLC's July 2020 [amicus brief](#), the court found that Title IX, which prohibits sex discrimination in educational programs that receive federal funds, covers discriminatory dress codes. As such, the court reversed the dismissal of the Title IX claim and remanded to the district court to determine whether a reasonable jury could find the school's skirt requirement to be discriminatory under Title IX. However, on Peltier's § 1983 claim, which NWLC's brief did not discuss, the court reversed and granted summary judgment to the schools by finding that the charter schools were not state actors subject to the statute. The court limited its holding on the state-actor question to only these particular schools, declining to articulate the extent to which a charter school can be a government actor. The ACLU, representing the students, is now appealing this government actor issue.

- **Tudor v. Se. Oklahoma State Univ. (10th Cir. Sept. 13, 2021)**

On September 13, 2021, the Tenth Circuit [delivered a tremendous win](#) for Dr. Rachel Tudor, ordering the district court to reinstate her to a tenure position at Southeastern Oklahoma State University and correctly recalculate her front pay damages award. In line with NWLC's 2018 [amicus brief](#), the Tenth Circuit reversed the district court's decision because of the legal presumption in favor of reinstatement and the particularly low risk of "extreme hostility" between the parties here. The Tenth Circuit also agreed with NWLC's arguments on the issue of Dr. Tudor's front pay determination, finding that the amount the district court used to calculate her compensation rate was "verifiably incorrect" and ordering the court to recalculate. As amicus, we were invited to take part in the oral argument in this case, and our law firm counsel Erica Lai did a terrific job representing amici and supporting Dr. Tudor during the court hearing.

- **Parker v. Reema Consulting (D. Md., Dec. 2021)**

In December 2021, the [jury found in favor of Ms. Parker](#) and awarded her \$725,000 after concluding that she was subjected to illegal sex discrimination when she was fired in retaliation for reporting sexist rumors spread by her male colleagues. NWLC led an [amicus brief](#) in this case in May 2018 in support of Ms. Parker, who was represented by the Washington Lawyers' Committee for Civil Rights and Urban Affairs and Fish & Richardson, P.C., urging the Fourth Circuit to reverse the opinion of the trial court that had incorrectly dismissed the case. Our brief explained the discriminatory nature and impact of sexually explicit rumors like those Ms. Parker was subjected to, and why they constitute sexual harassment under federal civil rights law. In February 2019, the Fourth Circuit [reversed](#) the lower court's ruling, allowing her case to go forward to the jury trial.