

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ASHLEY COX, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:21-cv-253-HEH
)	
ELLEN MARIE HESS, in her official)	
capacity as Commissioner of the Virginia)	
Employment Commission,)	
)	
Defendant.)	

**JOINT MOTION FOR ENTRY OF SETTLEMENT ORDER
AND REQUEST TO STAY THIS ACTION PENDING SETTLEMENT**

Plaintiffs Ashley Cox, Emily Dimond, Penny Williams, Amber Dimmerling, and Lenita Gibson, on behalf of themselves and all others similarly situated (collectively, the “Plaintiffs”), and Defendant Ellen Marie Hess, in her official capacity as Commissioner of the Virginia Employment Commission (the “Commissioner” or “Defendant”), by counsel, respectfully move this Court for entry of the enclosed Settlement Order pursuant to judicial mediation (the “Settlement Order”) and, in connection with the settlement reached by the parties, enter an order staying all further proceedings in this action pending resolution of matters addressed in the Settlement Order. In support of their joint Motion, Plaintiffs and Defendant state as follows:

1. As the Court is aware, the Parties have engaged in fruitful settlement discussions, including a joint meeting for an in-person judicial mediation on May 17, 2021, which have culminated in a settlement that is memorialized in the enclosed Settlement Order.
2. In connection with the settlement, the Parties move this Court to enter an order staying this action, including the suspension of all proceedings and filing deadlines in the case,

pending resolution of matters addressed in the Settlement Order and periodic joint status reports to be filed with the Court by the Parties.

3. The entry of the enclosed Settlement Order is necessary to memorialize the terms of the settlement reached by the Parties.

4. Pursuant to Local Civil Rule 7(J), Plaintiffs and Defendant further request disposition of this Motion without a hearing.

5. This Joint Motion is unopposed. A copy of the proposed Settlement Order, which has been fully endorsed by the parties, is being filed contemporaneously herewith.

WHEREFORE, Plaintiffs and Defendant respectfully request that the Court: (1) enter the proposed Settlement Order and (2) enter an order staying this action pending resolution of the matters addressed in the Settlement Order.

Date: May 25, 2021

Respectfully submitted,

ELLEN MARIE HESS, in her official capacity
as Commissioner of the Virginia Employment
Commission

By: /s/
William W. Tunner (VSB #38358)
William D. Prince IV (VSB #77209)
Michael G. Matheson (VSB #82391)
John P. O'Herron (VSB #79357)
Rachel W. Adams (VSB #92605)
THOMPSON McMULLAN, P.C.
100 Shockoe Slip, 3rd Floor
Richmond, Virginia 23219
Tel: (804) 649-7545
Fax: (804) 780-1813
wtunner@t-mlaw.com
wprince@t-mlaw.com
mmatheson@t-mlaw.com
joherron@t-mlaw.com
radams@t-mlaw.com

*Counsel for Defendant Ellen Marie Hess, in her
official capacity as Commissioner of the Virginia
Employment Commission*

ASHLEY COX, EMILY DIMOND, PENNY
WILLIAMS, AMBER DIMMERLING, AND
LENITA GIBSON, on behalf of themselves and all
others similarly situated

By: /s/
Leonard A. Bennett (VSB #37523)
Amy Austin (VSB #46579)
Craig C. Marchiando (VSB #89736)
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Blvd., Suite 1-A
Newport News, VA 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662

Steven Fischbach (VSB #94280)
Virginia Poverty Law Center
919 East Main Street, Suite 610
Richmond, VA 23219
Telephone: (804) 351-5266

Brenda Castaneda (VSB #72809)
Patrick Levy-Lavelle (VSB #71190)
Granville Warner (VSB #24957)
Legal Aid Justice Center
1000 Preston Avenue
Charlottesville, VA 22903
Telephone: (434) 977-0553

Daniel Turczan (VSB #81551)
Admission to EDVA Pending
Legal Aid Works
500 Lafayette Blvd., Suite 100
Fredericksburg, VA 22401

Telephone: (540) 371-1105

Kristi Cahoon Kelly (VSB #72791)

Andrew J. Guzzo (VSB #82170)

Casey S. Nash (VSB #84261)

Kelly Guzzo, PLC

3925 Chain Bridge, Suite 202

Fairfax, VA 22030

Telephone: (703) 424-7572

Facsimile: (703) 591-0167

Counsel for Plaintiffs Ashley Cox, et al.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Craig C. Marchiando (VSB #89736)
Leonard A. Bennett (VSB #37523)
Amy Austin (VSB #46579)
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Blvd., Suite 1-A
Newport News, VA 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
lenbennett@clalegal.com
craig@clalegal.com
amyaustin@clalegal.com

Steven Fischbach (VSB #94280)
Virginia Poverty Law Center
919 East Main Street, Suite 610
Richmond, VA 23219
Telephone: (804) 351-5266
steve@vpplc.org

Brenda Castaneda (VSB #72809)
Patrick Levy-Lavelle (VSB #71190)
Granville Warner (VSB #24957)
Legal Aid Justice Center
1000 Preston Avenue
Charlottesville, VA 22903
Telephone: (434) 977-0553
brenda@justice4all.org
pat@justice4all.org
cwarner@justice4all.org

Daniel Turczan (VSB #81551)
Admission to EDVA Pending
Legal Aid Works
500 Lafayette Blvd., Suite 100
Fredericksburg, VA 22401
Telephone: (540) 371-1105
dturczan@legalaidworks.org

Kristi Cahoon Kelly (VSB #72791)
Andrew J. Guzzo (VSB #82170)
Casey S. Nash (VSB #84261)
Kelly Guzzo, PLC
3925 Chain Bridge, Suite 202
Fairfax, VA 22030
Telephone: (703) 424-7572
Facsimile: (703) 591-0167
kkelly@kellyguzzo.com
aguzzo@kellyguzzo.com
casey@kellyguzzo.com

By: /s/
William W. Tunner (VSB #38358)
THOMPSON McMULLAN, P.C.
100 Shockoe Slip, 3rd Floor
Richmond, Virginia 23219
Tel: (804) 649-7545
Fax: (804) 780-1813
wtunner@t-mlaw.com

*Counsel for Defendant Ellen Marie Hess, in her
official capacity as Commissioner of the Virginia
Employment Commission*