

# Winter 2022

## Public Justice Highlights



### In the News

Scan the QR code with your phone for the latest updates about our work!



[Court revives lawsuits against Ohio State over sex abuse](#) | *Associated Press*

[Enviros Blast W.Va. Coal Co. Compliance Plan](#) | *Law360*

[Judge strikes down 4th Iowa 'ag-gag' law in ongoing conflict over free speech vs. trespassing](#) | *Des Moines Register*

### Access to Justice

#### Ensuring Worker Safety at Amazon Warehouses

Public Justice is proud to be part of a dedicated team representing Amazon warehouse workers and their families fighting for better working conditions.

In 2020, our clients filed a case against Amazon for unsafe workplace policies and crowded, unsanitary conditions at the JFK8 fulfillment center that facilitated the spread of COVID-19. These procedures and practices endangered workers, their families, and their communities—many of whom are Black, Latinx, and/or immigrants.

The district court initially dismissed the suit, reasoning that the Occupational Safety & Health Administration (OSHA) should address their concerns instead. But we fought back, arguing that workers have the right to go to court when their health and safety is at stake.

The Second Circuit reversed the district court's opinion, ruling that workers can seek justice in the courts. While waiting for this decision, Amazon workers have been busy building power and making labor organizing history.

We are grateful to work alongside strong advocates—the workers, their communities, Board Member Beth Terrell and Terrell Marshall Law Group, Make the Road New York, and Towards Justice—to secure this win.

### Students' Civil Rights Project

#### Advancing Title IX Claims against Sexual Abuse

Public Justice won a critical victory against the Ohio State University (OSU), allowing over 100 survivors of sexual abuse to move forward with their efforts to hold the university accountable for its role in causing the abuse they suffered.

Our suit alleges that OSU facilitated and concealed sexual abuse from OSU doctor Richard Strauss, who preyed on male students, workers, visitors, and others during his two-decade tenure. The district court recognized this abuse but dismissed the case, taking up OSU's argument that our clients' claims were untimely.

The Sixth Circuit reversed this decision, agreeing with us that plaintiffs "plausibly allege a decades-long cover-up" and "could not reasonably have known that Ohio State injured them until 2018," when the university first announced allegations against Strauss. Notably, we also prevailed in our argument that non-students and non-employees can assert Title IX claims, empowering all victims of Strauss's abuse to pursue justice in the courts.

#### Holding Schools Accountable for Sexual Assault

Public Justice, alongside Messa & Associates, represents a student seeking to hold North Penn School District accountable for its failure to appropriately respond to repeated sexual assaults.

A male student began sexually abusing student Jane Doe and other female students in sixth grade. Despite a teacher witnessing the abuse, little was done. Jane Doe moved middle schools to avoid him. High school officials assured Jane's mother that she and the male student would be kept separate. Nonetheless, the school assigned Jane and the male student to the same class—where the abuse continued.

The district court denied North Penn's motion to throw out the case on summary judgement. This is a big win for Jane Doe, who can now expose the District's numerous failures and seek justice in our legal system, and for all survivors harmed by their school districts' lack of preparation, training, and action.

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### Environmental Enforcement Project

#### Two Environmental Wins in West Virginia!

Public Justice represented the Sierra Club and the West Virginia Highlands Conservancy Inc. in a recent victory against the Brooks Run Coal Company for violating the Clean Water Act and the Surface Mining Control and Reclamation Act.

The coal company polluted waterways with excessive selenium, a chemical hazardous to aquatic environments in high concentrations. The Court found Brooks Run Coal Company liable for its violations, ordering the company to stop polluting selenium.

Public Justice also forced operational change at Dominion Virginia's largest coal-fired power plant—a significant contributor to climate change. Dominion Virginia was discharging excess heated water into the Stony River, violating its permit limit for temperature every month for nearly 15 years.

West Virginia refused to enforce the permit due to Dominion Virginia's claims that compliance was impractical. But when Public Justice pursued a citizen suit, Dominion Virginia decided to install a gigantic water-cooling system, adhering to permit regulations.

### Debtors' Prison Project

#### Decriminalizing Homelessness in Oregon

Public Justice just celebrated an *amicus* win in a case against the City of Grants Pass (OR) on behalf of unhoused residents.

The city repeatedly cited and fined its unhoused residents for sleeping outdoors—conduct that is an unavoidable consequence of being homeless. As city officials admitted on the record, Grants Pass intended to drive its poorest residents out.

The district court certified a class of involuntarily homeless residents and entered an injunction, or court order, against Grants Pass. The Ninth Circuit affirmed, finding that the city's permits and fines violated the Excessive Fines Clause of the 8th Amendment—an argument we made in our *amicus* brief.

### Food Project

#### Protecting Factory Farm Whistleblowers

Public Justice and our food justice allies recently secured a victory striking down an Iowa "Ag-Gag" law, which criminalizes and penalizes undercover investigations at factory farms and slaughterhouses.

This win is our Food Project's latest in a long line of victories against Ag-Gag laws across the country.

The district court ruled that the law violates the First Amendment. The Court rejected the State's argument that freedom of speech rights are significantly diminished on private property, citing U.S. Supreme Court precedent.

We view this decision as a critical step toward building a more transparent, just food system. The ability to investigate and document how our food is made allows us all to hold companies and government institutions accountable.

### Advocacy

#### Fighting Anti-Trans Credit Reporting

We're proud to join the Name Acknowledgement Means Everything (NAME) Coalition in supporting H.R. 8478, The Credit Reporting Accuracy After a Legal Name Change Act.

This bill prohibits dead-naming transgender and nonbinary people in consumer reports and credit reporting.

#### Congress: Reform the Supreme Court Now

Public Justice is calling for Congress to expand the Court to 13 justices and implement a 18-year term limit.

The Hill recently published an op-ed from our Executive Director Paul Bland urging Congress to reform the U.S. Supreme Court following a series of harmful, threatening decisions this summer.