

## Jeremy D. Capps

Partner | Richmond

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Jeremy's practice focuses on defending public and private entities and their employees who are involved in litigation. Jeremy has successfully represented his clients in state and federal court in cases involving claims of employment discrimination and wrongful termination under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967, the Family Medical Leave Act, and claims arising under the Fair Labor Standards Act and ERISA. He represents government entities and their employees in civil rights actions asserting constitutional violations and claims under federal law. Jeremy also defends claims involving defamation, malicious prosecution, intentional torts, and negligence, as well as represents employers before the U.S. Equal Employment Opportunity Commission.



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### Professional Activities & Honors

- Virginia Bar Association
- Richmond Bar Association
- Henrico County Bar Association
- Virginia Association of Defense Attorneys
  - Employment & Business Law Section
    - Chair (2008)
    - Vice-Chair (2007)
  - Local Government Section
    - Chair (2007)
    - Vice-Chair (2006)
- Defense Research Institute
- Local Government Attorneys Association
- Virginia Business Legal Elite (2007, 2010 – 2024)
  - Labor/Employment
  - Young Lawyer/Under 40
- Virginia Super Lawyers (2010 – 2024)
  - Employment Litigation: Defense
  - Civil Litigation: Defense
  - Top 50 Lawyers in Richmond (2020 & 2023)
  - Top 100 Lawyers in Virginia (2020 & 2023)
  - 10th Year of Inclusion
- Best Lawyers in America (2017 – 2025)
  - Litigation – Labor and Employment
  - Employment Law – Management
- Virginia Lawyers Weekly
  - 2024 "Go To Lawyer" for Employment Law

## Reported Cases

- *Ibanez v. Albemarle Cnty. Sch. Bd.*, 80 Va. App. 169, 897 S.E.2d 300 (2024)
- *Mais v. Albemarle Cnty. Sch. Bd.*, 657 F. Supp. 3d 813 (W.D. Va. 2023)
- *Starbuck v. Williamsburg James City Cnty. Sch. Bd.*, 28 F.4th 529 (4th Cir. 2022)
- *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586 (4th Cir. 2020)
- *Turner v. Thomas*, 930 F.3d 640 (4th Cir. 2019), *cert. denied*, 140 S.Ct. 905 (2020)
- *Massenburg v. City of Petersburg*, 836 S.E.2d 391 (Va. 2019)
- *Adams v. Ferguson*, 884 F.3d 219 (4th Cir. 2018)
- *Corbett v. Richmond Metro. Transportation Auth.*, 203 F.Supp. 3d 699 (E.D. Va. 2016)
- *Altamira-Rojas v. City of Richmond*, 184 F.Supp. 3d 290, 291 (E.D. Va. 2016)
- *Pleasants v. Rigsby*, 603 F. App'x 126 (4th Cir. 2015)
- *Rollins v. Kjellstrom & Lee, Inc.*, 109 F. Supp. 3d 869 (E.D. Va. 2015)
- *Cox v. MAG Mut. Ins. Co.*, 2015 WL 1640513 (E.D. Va. 2015)
- *Minor v. Tyson Foods, Inc.*, 60 F.Supp.3d 684 (W.D. Va. 2014)
- *Cox v. MAG Mut. Ins. Co.*, 88 Va. Cir. 216 (City of Richmond 2014)
- *Copenney v. City of Hopewell*, 7 F.Supp.3d 635 (E.D. Va. 2014)
- *Woodson v. City of Richmond, Va.*, 2 F.Supp.3d 804, 807 (E.D.Va. 2014)
- *Silverman v. Town of Blackstone, Va.*, 843 F.Supp.2d 628 (E.D. Va. 2012)
- *Amr v. Virginia State University, et al.*, 2011 WL 4404030 (E.D.Va. 2011)
- *Ware v. James City County*, 652 F.Supp.2d 693 (E.D. Va. 2009)
- *Isbell v. Commercial Invest. Assocs.*, 273 Va. 605, 644 S.E.2d 72 (2007)
- *Conley v. Town of Elkton*, 381 F.Supp.2d 514 (W.D. Va., 2005)
- *Washington v. Buraker*, 322 F.Supp.2d 702 (W.D. Va. 2004)

## Representative Experience

- Defense verdict for police officer against claims of assault and false arrest.
- Obtain summary judgment for police officers and County against claims that plaintiff's arrest violated the Fourth Amendment and that plaintiff was subject to false arrest, assault, battery and malicious prosecution.
- Successfully defended correctional officer alleged to have used excessive force in violation of the Eighth Amendment resulting in summary judgment.
- Successfully defended regional jail superintendent in claims for violation of Fourteenth Amendment and gross negligence stemming from jail suicide resulting in dismissal of Complaint.
- Successfully defended animal control officer in suit filed for violation of the Fourth and Fourteenth Amendment.
- Successfully defended county and county officials in claims that defendants violated plaintiff's constitutional rights and conspired to deprive plaintiff of the use of his property resulting in dismissal of Complaint.
- Summary judgment for police officers in claims that the officers allegedly coerced a false confession of wrongfully convicted man in violation of his constitutional rights.
- Obtained summary judgment for a police officer against claims under the Fourth and Fourteenth Amendment as a result of a police shooting.
- Successfully defended police chief against claims by former police officer that his termination from his employment violated his 14<sup>th</sup> Amendment Due Process rights resulting in dismissal of Complaint.
- Successfully defended Sheriff in claims that plaintiff's termination from her employment violated her First Amendment and Fourteenth Amendment rights resulting in dismissal of Complaint.
- Summary judgment in favor of defendant on plaintiff's claims that it violated Title VII, the Americans with Disabilities Act, and Family Medical Leave Act when it eliminated her position.
- Summary judgment in favor of defendant on plaintiff's claims of sex and race discrimination, sexual harassment and retaliation following her termination.
- Successfully defended city council members in claims that removal of plaintiff's from appointed position violated Title VII, the Americans With Disabilities Act and her constitutional right to equal protection resulting in dismissal of Complaint.
- Successfully defended company against claims that termination of independent contractor relationship with company violated Title VII and 42 U.S.C. §§ 1983 and 1985 resulting in dismissal of Complaint.
- Successfully defended company providing home health, hospice services, and medical equipment in *qui tam* suit alleging illegal kick-backs under the False Claims Act resulting in dismissal of Complaint.
- Successfully represented school system against claims that policy on use of facilities violated plaintiff's First Amendment rights.
- Successfully defended attorney in County Attorney's Office against claims for conspiracy, violation of substantive due process rights, liberty interest rights, and procedural due process rights under the Fourteenth Amendment arising from a department of social services investigation and hearing on child abuse charges resulting in dismissal of Complaint.
- Represent school board in claims that the school district's restroom policy violates the Equal Protection Clause and Title IX.
- Represent private university in claims that its investigation and response into an alleged sexual assault violated Title IX.

- Successfully defended school employees accused of defamation as a result of statement released to media following the release of a student to an unauthorized adult resulting in dismissal of Complaint.
- Successfully defended company in ERISA action for promised life insurance benefits resulting in dismissal of Complaint.
- Successfully defended company in ERISA action for alleged breach of health care plan for failure to pay for medical procedures resulting in dismissal of Complaint.
- Successfully defended company in ERISA action for alleged breach of obligation to provide disability benefits.
- Successfully defended company on claims that termination of agency relationship amounted to statutory business conspiracy and conspiracy under the common law to tortiously interfere with legitimate business expectancies resulting in dismissal of Complaint.
- Successfully represented chain of restaurants in claim that architectural barriers limited access to goods, services and facilities at the property in violation of the Americans Disabilities Act.
- Successfully represented non-profit institution in claim that architectural barriers limited access to goods, services and facilities at various properties in violation of the Americans with Disabilities Act.
- Author Amicus Curiae brief in support of local governments on issue of whether a regional jail authority is entitled to sovereign immunity from tort claims arising out of the operation of the jail.

*The cases referenced above do not represent the lawyer's entire record. Each case must be evaluated on its own facts. The outcome of a particular case cannot be based on past results.*

## **Presentations**

- Hit Me with Your Best Shot: Mandatory COVID-19 Vaccinations – Employer Considerations, VRSA, January 2021
- Virginia Association of Community Services Boards, Inc., #metoo – The Impact on Sexual Harassment Law under Title VII, Retaliation – A Not So Hidden Danger, August 2019
- Local Government Grievance Procedure and Process, Virginia Municipal League Insurance Programs, Webinar, February 2019
- From Hugs and Kisses to Other Workplace Conduct: Understanding Sexual Harassment in 2018, Virginia Juvenile Detention Association, Charlottesville, VA, March 2018
- Overtime? Who authorized that? Local Government Attorneys of Virginia, Fall 2016 Conference, Williamsburg, VA, October 2016
- OSHA's New Reporting and Drug Testing Regulations, Scott Insurance Regional Seminar, Richmond, VA, October 2016
- Employment Trends, Virginia Juvenile Detention Association, Blacksburg, VA, September 2015
- Employment Practices for not for profit organizations, Not for Profit Seminar, Richmond, VA, February 2014
- Employment Practices Liability and EEOC Claims, Trends in Social Services Sector, Berkley Mid-Atlantic Group, Charlottesville, VA, October 2013
- Fair Labor Standards Act, Virginia Juvenile Detention Association, Wintergreen, VA, September 2011

## **Education**

- Michigan State University, B.A. (1992)
- University of Nebraska College of Law, J.D., with distinction (1995)

## **Bar & Court Admissions**

- State Bar of Michigan
- Virginia State Bar
- United States District Court for the Eastern District of Virginia
- United States District Court for the Western District of Virginia
- United States Bankruptcy Court for the Eastern District of Virginia
- United States Court of Appeals for the Fourth Circuit