

Dear Potential Appellant Counsel.

I, the Appellant/Dr. Matthew Fogg respectfully requests your assistance in this matter against America's premier law enforcement agency, the United States Department of Justice.

Attached are relevant documents for this case, where a Notice of Appeal was filed on October 6, 2025, in opposition to the DC Federal Court's Denial of Dr. Fogg's attorneys' Preliminary Injunction and "Reconsideration" request.

Following the DC Federal Court docket summary below, a Memorandum from the appellant's current attorney, Don Quinn, Esq., outlines a strategy for the appeal. Quinn, Esq., is not licensed in the DC Circuit Court of Appeals. Quinn and Fogg have agreed that Dr. Fogg will seek new counsel for the appellant process.

According to historic research, this case is the longest-running litigation in American History. It is also a matter most likely of "First Impression" with what are (4) main topics, along with the issue of dereliction of EEOC requirements to protect the Class from inherent Conflicts of Interest by Class Counsel.

TOPICS FOR APPEAL

(1) Jurisdiction filed by Appellant in the DC Federal Court vs Retention at the EEOC

(2) "Estoppel" the Agency briefed the EEOC that it agreed with Appellant that he properly notified the EEOC and filed the case on March 19, 2024, in the DC Federal Court during the Biden Administration era. Subsequently, the Agency reversed its position under the Trump Administration and asked the Federal Judge to "Stay" the same matter at the EEOC.

(3) Binding Appellant to a signed DC contract that was materially changed by Trump Executive Order, stripping out DEI/EEOC provisions that were the impetus for Appellant filing the original 1994 Class Complaint. The EEOC's Office of Federal Operations (OFO), in its Final Settlement Decision of September 2, 2025, acknowledged that Executive Orders had eliminated major parts, necessitating a new Implementation Settlement Plan with multiple provisions removed. **Important:** What's being enforced today is not the same contract (DC) that the Appellant agreed to back in January 2024.

(4) The settlement omitted a critical EEOC/FRCP-mandated Class Settlement "Fairness Hearing" before reaching the 9-2-25 EEOC/OFO Final Settlement Agreement.

Thanks for your consideration in this matter.,

Dr. Matthew Fogg

Appellant, 240-375-3580 Cell, Email USMarshal.Fogg@Gmail.com

1994 Original Named EEOC Complainant

Retired, Chief Deputy U.S. Marshal

FOGG V. GARLAND

District Of Columbia District Court Case Filed: Mar 19, 2024

Judge: Christopher R Cooper
Case #: 1:24-cv-00762
Nature of Suit: 442 Civil Rights - Employment
Cause: 42-2000a Job Discrimination (Employment)

Docket Parties (2) Opinions (3)

Last checked: **Sunday Sep 15, 2024 6:01 AM EDT**

Defendant
MEFRICK B. GARLAND **Represented By**
Sam Escher
Dol-Uano
[contact info](#)

Plaintiff
MATTHEW FOGG
Individually and on behalf of all other persons similarly situated 2833 Alabama Ave SE No. 0956
Washington, DC 20020 **Represented By**
Donald Quinn
Quinn, LLC
[contact info](#)

GRD [Jul 01 2025] (cc:0)
R. Cooper on 7/1/2025. (cc:0) ORDER granting Defendant's 8 Motion to Stay, denying Plaintiff's 12 Motion for Injunction, and denying Brown's 16 Motion to Intervene. See full Order and accompanying Memorandum Opinion for details. Signed by Judge Christopher

GRD [Jul 01 2025] (cc:0)
MEMORANDUM OPINION re 21 Order granting Motion to Stay, denying Motion for Injunction and denying Motion to Intervene. See full Memorandum Opinion for details. Signed by Judge Christopher R. Cooper on 7/1/2025. (cc:0)

GRD [Aug 08 2025] (cc:0)
OPINION re 28 Order denying 23 Motion for Reconsideration. See full Opinion for details. Signed by Judge Christopher R. Cooper on 8/8/2025. (cc:0)

Docket last updated: 10/06/2025 11:59 PM EDT

Monday, October 06, 2025

31 **Appeal** [Notice of Appeal to DC Circuit] [Max 10/06 3:29 PM]
NOTICE OF APPEAL TO DC CIRCUIT COURT by MATTHEW FOGG. Filing fee \$ 625, receipt number ADCDC-12006417. Fee Status: Fee Paid. Parties have been notified. (Quinn, Donald)

(FED/CT Case Summary) Filed March 19, 2024, Fogg V. Garland, and today, Fogg v. Bondi in the DC U.S. District Court.

Current Case Lawyer Don Quinn, ESQ Memo on Status of Case for Appeal Counsel Consideration

Current DC Court Case Lawyer Don Quinn, ESQ Memorandum (below) on Status of Case for potential Appellant Counsel Consideration



MEMORANDUM

TO: Prospective Appellate Counsel

DATE: August 2025

RE: Analysis of Potential Appeal from August 8, 2025 Order Denying Reconsideration

EXECUTIVE SUMMARY

The August 8, 2025 order denying reconsideration presents an opportunity notwithstanding procedural headwinds. While the district court dismissed Fogg’s arguments as untimely or contractually foreclosed, the issue—whether class claimants may be bound by materially altered provisions they never agreed to—raises fundamental questions of contract process, and class action integrity.

The most compelling appellate ground is that the post-release elimination of non-monetary remedies (DEI and EEO programmatic relief) constitutes failure of consideration, voiding claimants’ releases. This argument carries doctrinal weight and systemic significance.

PROCEDURAL FRAMEWORK

- **Deadline:** Notice of appeal due **September 7, 2025. (Don E changed this date to October 7, 2025, realizing FRCP allows against the Federal Government 60 days for Notice of Appeal.)** R. App. P. 4(a)(1)(A).
- **Standard:** Abuse of discretion governs review of reconsideration

(ABOVE) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
PLAINTIFF'S EMERGENCY MOTION FOR PRELIMINARY INJUNCTION. **May 28, 2025**

*(Above) EMERGENCY MOTION FOR PRELIMINARY INJUNCTION TO STAY
EEOC PROCEEDINGS **May 28, 2025***

(ABOVE) DEFENDANT'S OPPOSITION TO PLAINTIFF'S EMERGENCY MOTION FOR PRELIMINARY INJUNCTION JUNE 4, 2025

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MATTHEW FOGG

*

Plaintiff,

*

v.

*

Case No. 1:24-cv-00

PAM BONDI,

*

Attorney General,

*

Defendant.

* * * * *

**PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR
RECONSIDERATION**

Plaintiff Matthew Fogg, by and through undersigned counsel respectfully submits this reply to Defendant's Opposition to Plaintiff's Motion for Reconsideration. Defendant's opposition mischaracterizes the legal standard for reconsideration, fails to confront the material impact of the proposed changes to the settlement agreement, and ignores both its own past representations and foundational principles of contract law.

Reconsideration is warranted to prevent manifest injustice.

(ABOVE) PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO RECONSIDERATION OF PRELIMINARY INJUNCTION.

Federal Court **July 1, 2025** Decision On Fogg's Motion For Injunctive Relief

July 1, 2025 Court Order

DEFENDAN

TS' EXHIBIT - EEOC CLASS AGENTS' MOTION TO REMOVE MATTHEW FOGG AS CLASS AGENT JUNE 4,
2025

PLAINTIFF'S MOTION TO INCLUDE EXHIBITS OUT OF TIME **JULY 25, 2025**

[https://www.keepandshare.com/doc17/28840/4-24-24-usms-agency-supports-fogg-fed-ct-class-filing-pdf?
da=y](https://www.keepandshare.com/doc17/28840/4-24-24-usms-agency-supports-fogg-fed-ct-class-filing-pdf?da=y)

Agency (DOJ/US Marshals Service Brief Agreeing With Jurisdiction Change From EEOC When Appellant Filed Class Complaint DC U.S. District Court

EMPLOYMENT OPPORTUNITY COMMISSION -

Appeal No. 2024003880 Hearing No. 570-2016-00501X

Agency No. M-94-6376 EEOC APPELLANTS DR. MATTHEW FOGG

MOTION FOR RECONSIDERATION OF EEOC DECISION DATED 9/2/25