

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION
THE SHERIFF OF LANCASTER COUNTY,)	NO.
a Constitutional Officer of the)	
Commonwealth of Virginia and)	
elected under the laws of the)	
Commonwealth,)	
)	
Defendant.)	
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AFFIDAVIT

I, David L. Rose, first having been duly sworn, hereby depose and state as follows:

1. I am the Chief of the Federal Enforcement Section of the Civil Rights Division of the United States Department of Justice. I have held that position since the spring of 1979. From October 1969, until 1979, I was Chief of the Employment Section of the Civil Rights Division. In both capacities I have been responsible for the supervision of the Title VII and other equal employment opportunity cases litigated by the Civil Rights Division. In that capacity, I also appear from time to time on behalf

of the United States before federal district courts and courts of appeals. I have been an attorney with the United States Department of Justice since September 1956. Since that time, I have represented the United States, and its officers and agents, in district courts, the Tax Court, the courts of appeals and the Supreme Court.

2. The Civil Rights Division attorneys who signed the complaint on behalf of the United States in the above-styled action work under my supervision in the Federal Enforcement Section. They are experienced in the litigation of Title VII cases. Each of them has worked primarily on Title VII and related cases since joining the Justice Department. Their dates of service with the Justice Department are as follows: William B. Fenton, August 1968; John M. Gadzichowski, July 12, 1971; and Melissa P. Marshall, November 7, 1982.

3. William B. Fenton is a Deputy Chief of the Federal Enforcement Section, and has worked as a Deputy Chief under my supervision since 1975. In that capacity, he assists me in the supervision of the Title VII cases litigated by the Civil Rights Division. In that capacity, Mr. Fenton also appears from time to time on behalf of the United States before federal district courts and courts of appeals.

4. John M. Gadzichowski is a Senior Trial Attorney in the Federal Enforcement Section, and has worked as a Senior Trial Attorney under my supervision since 1978. In that capacity, he has lead responsibility in federal district courts for the litigation of Title VII cases brought by the United States and, from

time to time, represents the United States in courts of appeals. In the past five years, Mr. Gadzichowski has received from this Department two Special Commendation awards (1980 and 1982), one Special Achievement Award (1979) and three Outstanding Performance awards (1980, 1981 and 1982) in recognition of his performance. The pattern or practice cases for which Mr. Gadzichowski has had lead responsibility include: United States v. City of Philadelphia (sex discrimination in its police department), 499 F. Supp. 1196 (E.D. Pa. 1980); and United States v. Nassau County (discrimination against women, blacks and Hispanics in its police department) Civil Action No. 77-C-1881 (consent decree entered 4/21/82).

5. Melissa Marshall is a Trial Attorney in the Federal Enforcement Section. In that capacity, she assists in the preparation and litigation of Title VII cases brought by the United States. Prior to her entering on duty with the Department of Justice, Ms. Marshall served as a Staff Attorney in the Office of the Solicitor, United States Department of Labor.

6. The instant case is based upon a referral from the Equal Employment Opportunity Commission (the "EEOC") as a result of a sex discrimination charge filed by Deborah Lamb, a woman who had applied for employment with the Lancaster County Sheriff's Department as a Field Deputy, but was not hired. The EEOC found reasonable cause to believe that Ms. Lamb was unlawfully denied employment on the basis of her sex in violation of Title VII of

the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. In accordance with Section 706(f)(1) of Title VII (42 U.S.C. §2000e-5(f)(1)), the EEOC referred Ms. Lamb's charge to this Department after the respondent refused to engage in conciliation discussions.

7. Under the supervision and direction of Mr. Fenton and me, Mr. Gadzichowski and Ms. Marshall further investigated the employment practices of the Lancaster County Sheriff. Based upon that investigation, the Department concluded that the Sheriff has maintained policies and practices that unlawfully exclude women from the rank of Field Deputy solely on the basis of their sex, and that Ms. Lamb met all of the qualifications for Field Deputy and would have been appointed as Field Deputy but for her sex.

8. Under my direction, Mr. Gadzichowski and Ms. Marshall entered into settlement discussions with the Sheriff of Lancaster County and with the Lancaster County Attorney, who is also the Commonwealth's Attorney for Lancaster County.

9. I have reviewed the substance of all settlement proposals made on behalf of the United States and the Sheriff of Lancaster County.

10. I reviewed the terms of the Consent Decree and I determined that the terms of the Consent Decree address and resolve the substance of the allegations of employment discrimination which the United States has asserted in its Complaint in this matter. Based upon that determination, and the consistency of the

Decree with the law and with the policies of this Department, I recommended to Assistant Attorney General Reynolds that he approve the Consent Decree. Mr. Reynolds, in turn, reviewed the Decree and approved it.



DAVID L. ROSE

Sworn and Subscribed before
me this 4th day of March, 1983



NOTARY PUBLIC

MY COMMISSION EXPIRES 7/14/84