IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOSHUA WRIGHT, ET AL., *Plaintiffs,* **v.** **ANGELA LANDRY, ET AL.,** *Defendants.*	**Case No. CL-2023-12232**

MEMORANDUM OPINION

Date Submitted: March 25, 2025
Date Decided: August 12, 2025

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This matter comes before the Court on Defendant Angela Landry's Motion for Sanctions under Virginia Code Section 8.01-271.1 and Motion for Attorney Fees under Virginia Code Section 8.01-223.2 against Plaintiffs Joshua Wright and Lodestar Law and Economics. For the reasons set forth herein, the Court will deny the motions.

The Court scheduled a two-day evidentiary hearing beginning on March 24, 2025. During the hearing, the Court received in-person testimony from Plaintiff Joshua Wright and Defense Attorney Stacey Rose Harris. The parties provided deposition testimony, both video and written, and presented declarations. Deposition transcripts of the following persons are received and considered:

Joshua Wright	Dan O'Connor	Kellie Kemp
Christa Laser	James Mutchnik	Robert Mahini
Adam Benayoun	Michael Spindler – Expert	Kenneth Walsh

The Court received over 100 exhibits. The parties stipulated to the consideration of discovery pleadings as exhibits.[1] To the extent court orders and other court filings are considered, the Court takes judicial notice.

At the conclusion of the evidentiary hearing, the Court took this matter under advisement and directed the parties to file post-hearing briefs. Since that time, the Court has reviewed the pleadings in this case, each party's post-hearing brief, and the exhibits introduced into evidence at the hearing. The Court has fully considered the testimony of the witnesses and the arguments of each party. During the hearing, the Court observed the witnesses and their demeanor and

[1] 03/24/25 Hr'g Tr. 14:20-15:2; 51:15-52:2 ("THE COURT: Unless I hear an objection, [discovery in this matter] [is] considered admitted, and that's because of the stipulation of the parties.").

made determinations as to their respective credibility. Now, the Court will determine the merits of the motions.

FACTS

Plaintiff Joshua Wright is a former professor at George Mason University Antonin Scalia Law School ("Law School"). He was distinguished for his scholarship and served as the Executive Director of the Global Antitrust Institute. He also managed a private consulting business, Plaintiff Lodestar Law and Economics ("Lodestar"). In the summer of 2023, he resigned from his post at the Law School.

While a professor, he had romantic relationships with students. Allegations of sexual misconduct were brought to light by former students, Defendant Elyse Dorsey and Defendant Angela Landry. They publicly accused him of sexual harassment and sexual misconduct in addition to reporting the allegations to a Title IX investigator.

Wright does not dispute that he had an ongoing sexual relationship with Dorsey and Landry while they were students at the Law School. He claims that the relationships were consensual, lasting far beyond their graduation. Dorsey and Landry disagree with Wright's characterization of the relationship, citing the power imbalance between teachers and students.

Public discussion about this matter ensued. Law360, among other media outlets, published articles. Wright subsequently brought a lawsuit against Defendants. He claimed that their allegations of misconduct were false which tarnished his reputation and caused him substantial financial harm. The lawsuit contained a count of tortious interference, several counts of defamation, and counts of statutory and common law conspiracy. Plaintiffs prayed for a total of $108 million worth of damages in addition to injunctive relief prohibiting the publication or republication of the alleged defamatory statements.

Parties litigated this case extensively until Dorsey settled with Plaintiffs, and a nonsuit was taken on the eve of trial against Landry. Soon thereafter, Landry filed a motion for costs pursuant to Virginia Code Section 8.01-380 (Nonsuit Statute),[2] a motion for sanctions pursuant to Virginia Code Section 8.01-271.1 (Certification Requirement), and a motion for attorney fees pursuant to Virginia Code Section 8.01-223.2 (Virginia Anti-SLAPP Statute).

ANALYSIS[3]

This Court retains jurisdiction to adjudicate the motions pursuant to the order entered on March 25, 2025, suspending finality of the nonsuit. The motion for sanctions under Section 8.01-271.1 and motion for attorney fees under Section 8.01-223.2 remain under consideration. This Court will now address each motion.

I. Virginia Code Section 8.01-271.1 Sanctions.

Landry claims that Plaintiffs and their counsel breached Virginia Code Section 8.01-271.1 when bringing this lawsuit. She specifically argues that Plaintiffs violated the Section when they brought a tortious interference claim and sought an unsupportable amount of damages. This Court does not find a violation of the Section.[4]

Under Virginia Code Section 8.01-271.1, the movant bears the burden of establishing that sanctionable conduct occurred in the case. [5] The Section applies to every pleading and motion

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[2] Landry withdrew her motion for costs pursuant to the nonsuit statute at the hearing.

[3] To the extent the Court discusses any facts when deciding the instant Motions, such facts are in no way established for the purposes of adjudicating the merits of any claim or defense asserted in this case.

[4] Although Landry's motion for sanctions references the Second Amended Complaint, this Court's decision applies to every iteration of the complaint filed by Plaintiffs.

[5] *See, e.g.*, *Ey v. Blume*, 92 Va. Cir. 293, 297 (Fairfax Cnty. 2016) (Kassabian, J.) (finding that the defendant "has not met its burden in proving that sanctionable conduct occurred . . . ."); *Lankford v. Moore's Marine, Inc.*, 22 Va. Cir. 295, 297 n.1 (Richmond City 1990) (Johnson, J.) ("In seeking sanctions, the burden is on defendant to show that such allegations were frivolous.").

(regardless of whether written or oral) that is brought by a party represented by counsel.[6] By signing the paper, the attorney certifies:

> (i) He has read the pleading, motion, or other paper,
>
> (ii) To the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or good faith argument for the extension, modification, or reversal of existing law, and
>
> (iii) It is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.[7]

Should this Section be violated, the Court shall impose a sanction against, "the person who signed the paper or made the motion, a represented party, or both[.]"[8] Sanctions include an award for reasonable attorney fees and reasonable expenses incurred.[9]

An "objective standard of reasonableness" is used to evaluate the subject pleading.[10] Under that standard, the Court considers whether "after reasonable inquiry," the party and counsel, could have "formed a reasonable belief" that the pleading was "well grounded in fact, warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and not interposed for an improper purpose."[11] "[T]he wisdom of hindsight should be avoided in applying the appropriate objectively reasonable standard of review."[12] And "[a]ny

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[6] VA. CODE ANN. §§ 8.01-271.1(A), (C) (2025).

[7] *Id.* § 8.01-271.1(B) (formatting added).

[8] *Id.* § 8.01-271.1(D).

[9] *Id.*

[10] *Williams & Connolly, LLP v. People for the Ethical Treatment of Animals, Inc.*, 273 Va. 498, 510 (2007).

[11] *Id.* (citing *Flippo v. CSC Assocs. III, LLC*, 262 Va. 48, 65-66 (2001)).

[12] *Gilmore v. Finn*, 259 Va. 448, 467 (2000) (internal quotation and citation omitted).

doubts should be resolved in favor of the counsel and party filing the pleading."[13] This Court now turns to Landry's Motion, holding each basis to the parameters of the law set forth above.

A. Wright had a reasonable belief to plead that Landry tortiously interfered.

Landry alleges that Plaintiffs and their counsel violated Section 8.01-271.1 when they brought a tortious interference claim against her. Plaintiffs counter that Landry's coordinated efforts with Dorsey were sufficient to allege tortious interference with Plaintiffs' business. Plaintiffs' pleadings are not in breach of the Section.

A tortious interference with business expectancy or contract claim requires:

> (1) the existence of a valid contractual relationship or business expectancy;
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> (2) knowledge of the relationship or expectancy on the part of the interferor;
>
> (3) intentional interference inducing or causing a breach or termination of the relationship or expectancy; and
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> (4) resultant damage to the party whose relationship or expectancy has been disrupted.[14]

In this case, Plaintiffs and their counsel did not violate the Section when pleading the tortious interference claim. They had a reasonable belief to plead that Landry tortiously interfered.

Prior to any complaint being filed in this case, and before the first media coverage, Parties were embroiled in a Title IX investigation. At the direction of GMU, an investigator interviewed students. University officials questioned Wright. Parties even attended mediation.

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[13] *AV Auto., LLC v. Gebreyessus*, 301 Va. 321, 330 (2022).

[14] *Schaecher v. Bouffault*, 290 Va. 83, 106 (2015) (citation omitted and formatting added).

Throughout this time, Plaintiffs contend that they developed the belief that Landry and Dorsey were acting together.

On August 14, 2023, the Law360 article was published. Featured commentary was provided by Landry and Dorsey. As pleaded, Wright believed that his suspicions were confirmed that Defendants were working together and sharing information with each other. His over a million-dollar portfolio of business dissipated; Plaintiffs then pleaded that both Defendants were to blame. There is no breach of Section 8.01-271.1.

A more nuanced basis, independent of Defendants working together, also exists. Defendants individually shared a relationship with Wright that is inextricably intertwined with his business dealings. For example, Dorsey previously worked at Wright's company, Lodestar.[15] Landry also discussed professional matters with Wright.[16] Both Defendants, at one point or another, consulted Wright when making career decisions. The connection between Defendants, Plaintiffs' business, and the losses, provided a means for Plaintiffs to plead tortious interference without violating the certification requirement.

Whether Plaintiffs may ultimately prove their tortious interference claim against Landry is not for the Court to decide at this time. For the purposes of the present Motion, Landry must show that Plaintiffs and their counsel could not have formed a reasonable belief, after conducting

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[15] 03/25/25 Hr'g Tr. 20:17-21:4 ("[Dorsey] was an independent contractor at Lodestar, and was -- was within the confines of the firm who knew who my clients were, either through personal knowledge, working on projects, or because we talked about that sort of thing on a regular, very regular basis.").

[16] 03/25/25 Hr'g Tr. 19:8-20:4 ("I expected Ms. Landry would -- would know from those articles, but perhaps sort of more directly, in 2019, when Ms. Landry left her law firm and was looking for a job, we talked about potential other jobs . . . . And one of the things I suggested was me speaking to Rob Mahini at Google, about the potential of her going to work in-house at Google. And I could go -- go talk to a former client and, excuse me, an existing client at the time about the possibility of -- doing so."

a reasonable inquiry, that the pleadings complied with Section 8.01-271.1.[17] Based on the evidence received, this Court finds that Plaintiffs met the standard to allege a tortious interference claim against Landry. Sanctions will not be levied.

B. *Ad Damnum* Clause.

Landry also argues that the *ad damnum* clause in Plaintiffs' Complaint violates Section 8.01-271.1. She believes that the amount sought—$108 million—is unsupportable. The figure, she claims, caused her to needlessly increase the costs of her defense. Plaintiffs, on the other hand, argue that the *ad damnum* clause is merely to put Defendants on notice of the amount of damages sought. The amount pleaded, Plaintiffs point out, does not guarantee recovery in full; damages are a matter that should be argued at trial.

Plaintiffs are correct. Virginia Supreme Court Rule 3:2(c)(ii) requires the plaintiff to provide "the amount of damages sought." This is to provide the defendant "notice of the size and amount of the claim against her as she is entitled to notice of its nature."[18] The rule, however, does not require a plaintiff to plead more than a lump sum of damages.[19] In any event, a plaintiff may not recover more than the amount pleaded.

Here, Plaintiffs plead the *ad damnum* clause at the end of the Complaint. It is in accord with pleading standards because it provides a definite amount, and it does not need to be apportioned by defendant or by count. The figure simply puts Landry on notice of the amount

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[17] The Court notes that Plaintiffs' Counsel was never called to testify at the evidentiary hearing.

[18] *EER Sys. Corp. v. Armfield, Harrison & Thomas, Inc.*, 51 Va. Cir. 84, 99 (Fairfax Cnty. 1999) (Roush, J.) (citing John L. Costello, Virginia Remedies, § 6-3(c)(5) (1997)).

[19] *See* VA. SUP. CT. R. 3:2(c)(ii).

sought against her (and Dorsey). Any argument that the damages amount is unsupportable is an issue for trial.

Landry disagrees that the issue of damages in this setting is triable. She argues that Plaintiffs wrongly relied on damages expert, Mr. Michael Spindler, to substantiate their damages figure. Landry posits that Spindler's expert report is unreliable. She believes that the unreliability of the report triggers the finding in *Vasquez v. Mabini*,[20] that is, expert testimony cannot be considered.

The *Vasquez* case is inapposite. It involved the trial court improperly admitting expert witness testimony that was "speculative and unreliable as a matter of law."[21] This Motion does not concern the admissibility of Mr. Spindler's testimony. And more significantly, the Supreme Court in *Vasquez* did not address the issue of sanctions on the grounds of inadmissible expert testimony.[22] Landry's request is thus premature. Determining whether Mr. Spindler's testimony is admissible on sanctions would be inappropriate. The Court therefore declines to do so.

The applicable inquiry here is whether the *ad damnum* clause, as pleaded, complies with Section 8.01-271.1. This Court finds that it does. Wright testified at the hearing that he spoke with his attorneys about how he believed he was damaged. He stated:

> I told, to the best of my recollection, what I told Mr. Cross was that I conferred with my counsel. I described each of the contractual relationships that Lodestar had or that I had individually, what I expected in my experience for those relationships to grow over time or stay the same, the future expectancy with those businesses and the nature of those relationships, how long I expected for those relationships to continue. And then I provided those figures and

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[20] 269 Va. 155 (2005).

[21] *Id.* at 163.

[22] *See id.* at 158-63.

> contracts and that additional qualitative information to my counsel, who put together the complaint.[23]

Wright's testimony indicates that there were pre-filing discussions with counsel and that the damages figure was properly pleaded. Sanctions will not be imposed under these circumstances.

II. Attorney fees under the Virginia Anti-SLAPP statute.

The Court will now address Landry's second motion. She seeks attorney fees under Virginia Code Section 8.01-223.2 because one of two statements was dismissed with prejudice on demurrer. The defamation count nevertheless survived.[24] This decision, she argues, warrants attorney fees. The Court cannot agree.

Colloquially known as the Virginia Anti-SLAPP Statute, Virginia Code Section 8.01-223.2 was enacted to "weed out and deter lawsuits brought for the improper purpose of harassing individuals who are exercising their protected right to freedom of speech."[25] The statute provides an immunity from tort claims under qualifying contexts.[26] One example is when the claim is based solely on statements "regarding matters of public concern that would be protected under

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[23] 03/24/25 Hr'g Tr. 145:10-21.

[24] Landry moved to dismiss the following statements on demurrer:

> 127. Specifically, in the context of her sexual relationship with Mr. Wright, Defendant Landry falsely stated that he "emotionally abused and manipulated [her] until he got what he wanted."
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> 128. She falsely stated that she "does not believe she would have been in a relationship with him" absent the power dynamics, which is intended to convey that he subjected her to a nonconsensual relationship.

The Court overruled the demurrer as to paragraph 127 and dismissed paragraph 128 with prejudice. 02/05/24 Order (Kassabian, J.).

[25] *Rolofson v. Fraser*, 81 Va. App. 508, 526 (2024).

[26] VA. CODE ANN. § 8.01-223.2(A).

the First Amendment."[27] "Speech involves a matter of public concern when it involves an issue of social, political, or other interest to a community."[28] Upon finding that the immunity applies, the prevailing party may be awarded attorney fees and costs.[29]

In this case, the Court cannot impose Anti-SLAPP fees for four reasons: (1) the defamation count survived demurrer; (2) the statement was not dismissed pursuant to the statute because it was not even raised on demurrer; (3) this Court cannot now impose an additional ground of dismissal when two motions addressing the issue were already adjudicated; and (4) dismissal of any part of the lawsuit pursuant to the immunity is now moot. Each ground will be addressed in turn.

A. Plaintiffs prevailed on demurrer when the Court did not dismiss the defamation count with prejudice.

The demurrer, on which Landry bases her motion, did not result in the dismissal of the defamation count in its entirety. Plaintiffs prevailed. There was no dismissal contemplated under the Anti-SLAPP statute. Therefore, an award of attorney fees under the statute cannot be applied.

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[27] VA. CODE ANN. § 8.01-223.2(A).

[28] *Rolofson*, 81 Va. App. at 528. The Court also notes that several other courts have found allegations of sexual misconduct against persons in positions of power to be matters of public concern. *See, e.g.*, *Fairfax v. N.Y. Pub. Radio*, 2023 U.S. Dist. LEXIS 81984, at *15 (E.D. Va. April 4, 2023), *aff'd*, 2024 U.S. App. LEXIS 21505 (4th Cir. Aug. 26, 2024) ("The radio program also unquestionably pertained to a matter of public concern—how allegations of sexual assault are treated when made against persons in positions of power (such as public officials)."); *Watson v. Doe*, 2023 U.S. Dist. LEXIS 180671, at *11 (S.D.N.Y. October 6, 2023) ("Courts have found 'sexual impropriety and pressure in [a certain] industry[,]' especially 'amid the rising tide of public concern over workplace sexual harassment known as the #MeToo movement[,]' to be matters of 'public interest.'") (alterations in the original and citations omitted).

[29] VA. CODE ANN. § 8.01-223.2(C).

B. Landry's demurrer did not raise the Anti-SLAPP statute as a ground for dismissal.

Additionally, Landry did not raise the Anti-SLAPP statute on demurrer. This means that the immunity could not have applied at that hearing. Under Virginia Code Section 8.01-273, the Court is limited to consider only the grounds raised on demurrer. The grounds pleaded here targeted the defamation count for, among other grounds, lack of pleading *in haec verba*. There was no mention of the Anti-SLAPP statute; Landry was locked in the arguments she raised. This is crucial because prevailing under the statute must be pursuant to the immunity.[30] And because there was no immunity finding at that time,[31] no fees can be awarded.

C. Two Anti-SLAPP motions were already addressed and denied.

Additionally, this statute never served as a ground for dismissal on any claim at any time during the litigation despite being raised on two separate occasions. The Virginia Anti-SLAPP statute provides defendants with several opportunities to raise the immunity.[32] It "authorizes an award whenever a suit is dismissed pursuant to the Anti-SLAPP immunity, whether at the threshold, at summary judgment, or after a trial on the merits."[33] Whether the immunity applies is a question to be decided as a matter of law.[34]

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[30] *Id.*

[31] 02/02/24 Hr'g Tr. 37:10-20 (ruling on demurrer).

[32] *Fairfax v. CBS Corp.*, 2 F.4th 286, 297 (4th Cir. 2021).

[33] *Id.*

[34] *Harless v. Nicely*, 80 Va. App. 678, 692-93 (2024).

Here, Landry raised the immunity on plea in bar on two separate occasions, both of which were ultimately denied.[35] The Court considered the immunity and never applied it. To bring a freestanding Anti-SLAPP motion at this juncture is consequently ineffective; it is essentially asserting another plea in bar. This Court will not relitigate an issue already twice considered and denied.

D. Any motion to dismiss after a nonsuit is moot.

Last, this Court cannot apply the immunity after a nonsuit. A nonsuit ends the litigation.[36] The day Plaintiffs exercised their statutory right to voluntarily dismiss the case, Landry filed the instant Motion. To the extent that the Motion requests that the immunity apply now, the Court will deny the Motion as moot. The litigation has ended. No finding of immunity can be made.

CONCLUSION

For the foregoing reasons, this Court denies Landry's Motion for Sanctions and her Motion for Attorney Fees under the Anti-SLAPP statute. An Order will be entered commensurate with this Court's ruling.

THIS MATTER IS ENDED.

ENTERED this 12th day of August, 2025.

[redacted]

Manuel A. Capsalis, Judge

[35] Elyse Dorsey and Angela Landry's Plea in Bar (filed Sep. 19, 2023); 11/17/23 Order (Kassabian, J.); Def. Angela Landry's Plea in Bar to the Amended Complaint (filed Jan. 9, 2024); 03/20/24 Calendar Control Order (scheduling joint plea in bar hearing); 05/31/24 Order (ruling on joint plea in bar) (Blanch, J.).

[36] *Nash v. Jewell*, 227 Va. 230, 237 (1984) (finding that "a plaintiff has an absolute right to one nonsuit.").

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOSHUA WRIGHT, ET AL., *Plaintiffs,* **v.** **ANGELA LANDRY, ET AL.,** *Defendants.*	**Case No. CL-2023-12232**

ORDER

THIS MATTER came before the Court on Defendant Angela Landry's Motion for Sanctions under Virginia Code Section 8.01-271.1 and Motion for Attorney Fees under Virginia Code Section 8.01-223.2. For the reasons set forth in the Court's Memorandum Opinion, dated August 12, 2025, which is incorporated by reference herein, it is

NOW, THEREFORE, ORDERED that the Motions are denied, and the March 25, 2025 Order suspending finality of the nonsuit is lifted. This Order is final.

ENTERED this 12th day of August, 2025.

[redacted]

Manuel A. Capsalis, Judge