

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED  
CIVIL PROCESSING  
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JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

\_\_\_\_\_)  
 JOSHUA WRIGHT, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ELYSE DORSEY, ET AL., )  
 )  
 Defendants. )  
 \_\_\_\_\_)

ELYSE DORSEY, )  
 )  
 -and- )  
 )  
 ANGELA LANDRY, )  
 )  
 Counterclaim Plaintiffs, )  
 )  
 v. )  
 )  
 JOSHUA WRIGHT, )  
 )  
Serve: 1115 Theresa Ann Street )  
 McLean, VA 22101 )  
 )  
 Counterclaim Defendant. )  
 \_\_\_\_\_)

Case No.: 2023-12232

ELYSE DORSEY AND ANGELA LANDRY’S COUNTERCLAIM

Defendants and Counterclaim Plaintiffs Elyse Dorsey (“Ms. Dorsey”) and Angela Landry (“Ms. Landry”), by counsel and pursuant to Rule 3:9 of the Rules of the Virginia Supreme Court, for their Counterclaim against Joshua Wright (“Wright”) for his violation of Virginia’s Anti-SLAPP statute, Va. Code § 8.01-223.2, state as follows:

## INTRODUCTION

1. Joshua Wright, a former Commissioner at the Federal Trade Commission (“FTC”) and well-known law professor at one of Virginia’s largest public law schools, has sued Ms. Dorsey and Ms. Landry for over one-hundred million dollars in retaliation for their public statements about Wright’s sexual misconduct.

2. In his Complaint, Wright fails to allege any defamatory statements, fails to meaningfully dispute Ms. Dorsey’s and Ms. Landry’s accounts of his sexual misconduct, and goes out of his way to disparage and belittle Ms. Dorsey and Ms. Landry, seemingly for the purpose of opening up Ms. Dorsey and Ms. Landry to public ridicule, harassment, and professional consequences.

3. Accordingly, Wright’s lawsuit is a transparent attempt to punish Ms. Dorsey and Ms. Landry for their protected speech on a topic of ongoing public discourse and is precisely the type of action that Virginia’s Anti-SLAPP (strategic lawsuits against public participation) statute is intended to deter.

4. Pursuant to Va. Code § 8.01-223.2(C), Wright is therefore liable to Ms. Dorsey and Ms. Landry for the attorneys’ fees and costs they have incurred and continue to incur in defense of this action.

## PARTIES, JURISDICTION, AND VENUE

5. Ms. Dorsey is a natural person residing in the Commonwealth of Virginia.

6. Ms. Landry is a natural person residing in the Commonwealth of Virginia.

7. Wright is a natural person residing in the Commonwealth of Virginia.

8. This Court has jurisdiction over this Counterclaim and venue is proper pursuant to Va. Code § 17.1-513, Va. Sup. Ct. R. 3:9, and Va. Code §§ 8.01-257, *et seq.*, because Wright

brought his defamation action in violation of Virginia's Anti-SLAPP statute against Ms. Dorsey and Ms. Landry in this Court.

### FACTUAL BACKGROUND

9. On August 14, 2023, the legal news publication Law360 published an article detailing Ms. Dorsey's and Ms. Landry's personal experiences with Wright, which included Wright leveraging promises of professional opportunities to pursue sexual relationships with Ms. Dorsey and Ms. Landry while he was their law professor at George Mason University School of Law.<sup>1</sup> During the same time frame, Ms. Dorsey and Ms. Landry made similar statements on social media about their experiences with Wright.

10. Wright was and is a well-known figure in antitrust law and in the broader legal profession. In 2015, Wright served as a Commissioner of the FTC, a position to which he was appointed by President Barack Obama. From 2004 until August of 2023, Wright was employed as a law professor at GMU. *See* Compl. ¶¶ 5-11; *Joshua D. Wright*, Wikipedia, [https://en.wikipedia.org/wiki/Joshua\\_D.\\_Wright](https://en.wikipedia.org/wiki/Joshua_D._Wright) (last visited Sept. 19, 2023, 11:53 a.m.).

11. Shortly after the Law360 article was published, Wright sued Ms. Dorsey and Ms. Landry for \$108,000,000.00, asserting claims for defamation, tortious interference, statutory conspiracy, and common law conspiracy.

12. In his Complaint, Wright fails to allege any specific false or defamatory statement made by either Ms. Dorsey or Ms. Landry. Wright tellingly concedes the factual bases of Ms. Dorsey's and Ms. Landry's respective accounts, admitting, among other things, that he began sexual relationships with Ms. Dorsey and Ms. Landry while they were law students and his

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<sup>1</sup> George Mason University School of Law is now known as the Antonin Scalia Law School and is referred to herein as "GMU."

research assistants and that he rewarded Ms. Dorsey and Ms. Landry with professional opportunities during the duration of these relationships.

13. In any event, Wright cannot seriously dispute the contents of the Law360 article and the social media posts because Ms. Dorsey's and Ms. Landry's statements are (i) true, or (ii) opinions regarding each of their feelings about, and experiences with, Wright.

14. Although denigrated by Wright in his Complaint, the "Me Too Movement" remains a topic of ongoing public interest at a local and national level. In the Complaint, Wright concedes that discourse related to the "Me Too Movement" is of national interest and importance. *See* Compl. ¶ 77. Wright further alleges that the Law360 article, as well as Ms. Dorsey's and Ms. Landry's statements on social media, were of interest to the public. *See id.* at ¶¶ 61-62.

**COUNT I**  
**Violation of Anti-SLAPP Statute, Va. Code § 8.01-223.2**

15. The foregoing paragraphs are incorporated as if fully restated herein.

16. The Virginia Anti-SLAPP statute provides, "A person shall be immune from tort liability if the tort claim is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States made by that person that are communicated to a third party. . . ." Va. Code § 8.01-223.2(A). This immunity is broad and has only one exception for statements that "the declarant knew or should have known were false or were made with reckless disregard for whether they were false." Va. Code § 8.01-223.2(B).

17. To deter SLAPP lawsuits, the Virginia Code further provides, "Any person who has a suit against him dismissed . . . or otherwise prevails in a legal action, pursuant to the immunity provided by this section may be awarded reasonable attorney fees and costs." Va. Code § 8.01-223.2(C).

18. “The First Amendment to the Federal Constitution and article 1, section 12 of the Constitution of Virginia protect the right of the people to teach, preach, write, or speak any such opinion, however ill-founded, without inhibition by actions for libel and slander. [E]rror of opinion may be tolerated where reason is left free to combat it. However pernicious an opinion may see[m], we depend for its correction not on the conscience of judges and juries but on the competition of other ideas.” *Tharpe v. Saunders*, 285 Va. 476, 481 (2013) (cleaned up) (quoting *Chaves v. Johnson*, 230 Va. 112, 119 (1985)). A statement involves a matter of public concern “when it involves an issue of social, political, or other interest to a community.” *Snyder v. Phelps*, 580 F.3d 206, 220 (4th Cir. 2009), *aff’d*, 562 U.S. 443 (2011) (citing *Kirby v. City of Elizabeth City, N.C.*, 388 F.3d 440, 446 (4th Cir. 2004)).

19. Ms. Dorsey’s and Ms. Landry’s statements to Law360 and on Twitter involve matters of public concern that are protected by the First Amendment and the Constitution of Virginia. Until his resignation, Wright was a well-known law professor at one of Virginia’s largest public law schools. He previously held public office as an FTC Commissioner, a presidentially-appointed position. Wright’s conduct, judgment, and treatment of his students and subordinates are therefore properly matters of the public’s concern. Thus, as Wright’s own allegations show, Ms. Dorsey’s and Ms. Landry’s statements contributed to a topic of ongoing public discourse, namely, the pervasive problem of superiors abusing positions of power to pursue sexual relationships with their subordinates.

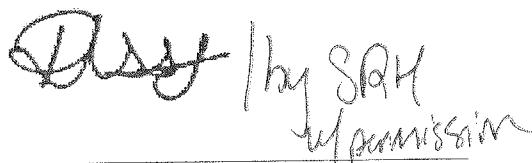
20. Ms. Dorsey’s and Ms. Landry’s statements are true and/or are statements of Ms. Dorsey’s and Ms. Landry’s personal opinion. As a result, Ms. Dorsey and Ms. Landry have not made any statements with actual or constructive knowledge or reckless disregard of any statement’s falsity.

21. Because Ms. Dorsey's and Ms. Landry's statements are statements regarding matters of public concern that are protected under the First Amendment to the Constitution of the United States, Ms. Dorsey and Ms. Landry are entitled to the immunity afforded by Virginia's Anti-SLAPP statute.

22. By bringing his meritless SLAPP action, Wright has violated Va. Code § 8.01-223.2, and pursuant to Va. Code § 8.01-223.2(C), Ms. Dorsey and Ms. Landry are entitled to full recovery of the amounts expended defending this action, and in any event not less than \$500,000.00.

**WHEREFORE**, Ms. Dorsey and Ms. Landry respectfully request that the Court (i) enter judgment against Wright and in favor of Ms. Dorsey and Ms. Landry in the amount of Ms. Dorsey's and Ms. Landry's reasonable attorneys' fees, costs, and post-judgment interest at the maximum legal rate, and (ii) grant such other and further relief as this Court deems reasonable and just.

Dated: September 19, 2023

 Roy Vasseghi / by Sarah W. Vasseghi

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CERTIFICATE OF SERVICE

I certify that on September 19, 2023, a true and correct copy of the foregoing Counterclaim hand-delivered upon the following:

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A handwritten signature in cursive script that reads "Stacey Rose Harris" followed by the initials "SRH".

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Counsel

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