

October 22, 2010

Public Justice created the *Iqbal* Project last year to help injury victims and plaintiffs' lawyers defeat motions to dismiss based on misreadings of the U.S. Supreme Court's decision in *Ashcroft v. Iqbal*. As part of our Project, we recently organized a moot court for Craig Jones of Page Perry LLC in Atlanta, who was about to argue an important *Iqbal* case before the U.S. Court of Appeals for the Eleventh Circuit. Craig just won a fantastic *Iqbal* victory!



Craig's success comes in a high-profile case called *Speaker v. U.S. Centers for Disease Control*. You may remember hearing some of the facts in the news: The plaintiff, Andrew Speaker, is a Georgia trial lawyer who was diagnosed with tuberculosis and then quarantined by CDC after he returned from getting married in Europe -- the first CDC quarantine of an American citizen since 1963. At the time, CDC claimed that Speaker had extremely drug-resistant tuberculosis (XDR TB) and that it hadn't known about his trip. But in fact, Speaker never had XDR TB, and, according to his complaint, CDC had accurately and repeatedly assured him that he posed no danger to others and had known all along about his trip. In fact, his fiancée's father was a CDC scientist!

After being identified and attacked viciously in the press, Speaker sued CDC for disclosing his name and private medical information in violation of the federal Privacy Act. The district court dismissed his claims, citing *Iqbal*, but today the Eleventh Circuit issued a published decision reversing that dismissal. The Eleventh Circuit's decision emphasizes that every complaint must be read "as a whole" and construed in the plaintiff's favor, and that no plaintiff can be required to "prove his case on the pleadings."

"My client is very pleased with the decision, which applies *Iqbal* in a common-sense way that should discourage defendants from filing unjustified *Iqbal* motions to dismiss," Craig says. "We really appreciate the *Iqbal* Project's help, particularly the input we received as part of the moot court."

To read the Eleventh Circuit's decision in *Speaker*, [click here](#).

We congratulate Craig, who did a wonderful job briefing and arguing this case. We also extend our heartfelt thanks to Board Member and *Iqbal* Project Committee Member Christopher T. Nace of Paulson & Nace, PLLC, who brought this case to our attention; to Professor Alan Morrison, the Lerner Family Associate Dean for Public Interest and Public Service Law at the George Washington University Law School, who hosted our moot court and served as a judge; and to our other moot court judges: John Vail, Vice President and Senior Litigation Counsel at the Center for Constitutional Litigation; Professor Brian Wolfman, Co-Director of the Institute for Public Representation at Georgetown University Law Center and of counsel to the Public Citizen Litigation Group; and Paul Bland, Public Justice Senior Attorney.

Congratulations and thanks to you, too, for helping make this important victory possible. With your help, we can -- and must -- preserve access to justice for all.

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