

Written Testimony of John J. Condliffe for the Stop Silencing Survivors Act

I am a principal in the firm of Levin Gann PA. Since 2018 I have been representing victims of sexual assault for the Maryland Coalitions Against Sexual Assault through its legal arm, the Sexual Assault Legal Institute. It has been my privilege to work with MCASA. Of the five litigation cases I handled, three have been defending defamation lawsuits against survivors.

Case 1:

In 2018 I was brought in as co-counsel in the matter of A.S. She was sued by her rapist for: (1) defamation; (2) injurious falsehood; and (3) invasion of privacy—false lights. The lawsuit was particularly despicable because the assailant had already pled guilty to related counts which involved stalking A.S. by impersonating an Asst. State’s attorney, but not the sexual assault counts. However, in his plea he admitted to the sexual assault counts. After serving six (6) months the assailant self-deported to Canada as a convicted felon.

His civil suit was dismissed within six (6) months. The assailant and his lawyer (now disbarred) were both sanctioned around \$25,000 which has proven to be uncollectible so far. The assailant appealed and lost, was further sanctioned, appealed again and lost. The court noted the evidence was clear that the assailant had stalked A.S. and was actively cyber-stalking A.S. from Canada. The Appellate Court of Maryland concurred with the Circuit Court, the Hon. Kathleen Cavanaugh presiding, that the current conduct amounted to judicial stalking.

The assailant then retained new counsel in Canada and sued A.S., Baltimore Co., the United States, the Province of Quebec and the town where he resided—the latter for having their constables serve a protective order and embarrassing him. The Canadian lawsuit was dismissed—rare under Quebecois civil law. He was sanctioned by the court—even more rare under Quebecois civil law.

The value of my services was \$35,351. At my current hourly rate, the value would be \$46,424.

Case 2:

Though I would never oppose anyone having counsel, the current playbook of firms representing the accused in Title IX cases includes suing for defamation and other torts. In this case I represented two leaders of a student sexual assault awareness group. There was a young woman who alleged she was raped by two students, and she initiated a Title IX proceeding.

As so often happens with rape, she gave conflicting statements over time and was not able to give coherent testimony. The assailant was cleared and, as an attorney, that outcome must be respected.

Subsequently, the victim was given a platform to speak by the two student leaders. This was a basis of the lawsuit. There is still a separate case pending against the school for civil rights

violations. The two students settled for a nominal amount as they were graduating and wished to move on.

The value of my services was \$21,637.

Case 3: My key case supporting the essential need for this legislation.

I have the honor of representing Cynthia Sanchez-Hidalgo. I use her name because I am under direct instruction from my client that she refuses to be embarrassed over being raped. Ms. Sanchez was a scholarship student at Johns Hopkins University who graduated with Honors. She is now working with an immigration rights organization in Houston.

Her assailant, Daniel Fraker, was found by a Title IX proceeding to have raped Ms. Sanchez. The Title IX proceeding was highly contested. Because Ms. Sanchez did not report the rape for a few months, she could not pinpoint a date. The assailant demanded extensive records of Ms. Sanchez to attempt to prove he could not have been in the same location with her during the date range given by Ms. Sanchez. After careful examination of the records and consideration of all the testimony the Title IX hearing officials found Ms. Sanchez had been raped—in part because Mr. Fraker admitted he could not remember the time frame in question due to a mental breakdown.

Mr. Fraker, through counsel retained by his parents, sued Ms. Sanchez for defamation. Ms. Sanchez counter-sued for battery through she had no interest in pursuing Mr. Fraker civilly. Mr. Fraker's counsel left no stone unturned and subpoenaed Mr. Sanchez' Hopkins records showing computer log in information, her J-card showing every building she entered and every bus she took, her phone records, her internet records, her texts and every scrap of information about her.

As with the Title IX proceeding, they could not prove what they wanted. After they incurred over \$150,000 in legal fees, the case was dismissed with prejudice a week before a scheduled two-week jury trial through the good offices of the Hon. Pamela White as a settlement judge.

Mr. Fraker has now started a new lawsuit against Hopkins, every Title IX investigator and panel member, the lawyers who conducted an independent investigation and so on. Mr. Fraker still pretends to be "protecting" Ms. Sanchez by sealing her name in federal court. Ms. Sanchez has instructed me to fix that.

The fact that Ms. Sanchez graduated with Honors while suffering from PTSD and dealing with the lawsuit for almost two years is a testament to her strength of character.

The value of my services was \$53,989. I had co-counsel with estimate fees of \$20,000.