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Mediation ordered in gay man's lawsuit against DNC

Attempt at resolving 'significant case' set for 2008

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Oct. 12, 2007

A lawsuit filed against the Democratic National Committee by its former gay outreach adviser is headed for mediation.

D.C. Superior Court Judge Robert Morin last month allowed the discrimination case against the DNC and three party officials to proceed, but ordered all parties into mediation.

Lynne Bernabei, an attorney for plaintiff Donald Hitchcock, said she's hopeful the routine step would yield a positive outcome for her client.

"You always enter into these discussions hopeful that some appropriate resolution will result," she said. "You just don't know."

In his lawsuit, Hitchcock says he was the target of discrimination, retaliation and defamation during and after his tenure as director of the Gay & Lesbian Leadership Council.

Hitchcock, who joined the DNC in June 2005, was fired in May 2006. The termination came days after Hitchcock's domestic partner, Paul Yandura, a longtime party activist, sent an open letter to gay Democrats saying DNC Chair Howard Dean failed to adequately defend gay rights.

Yandura's letter criticized Dean and the party for not sufficiently countering state ballot measures that sought to ban gay marriage. It also suggested that gays should temporarily withhold donations to Democrats.

"This is retaliation, plain and simple," Yandura told the Blade last year. He and Hitchcock have declined to discuss the lawsuit.

But Joe Sandler, the DNC's general counsel, has said the charges "have no merit" and that the DNC is "committed to defending its position vigorously in court."

Damien LaVera, a DNC spokesperson, declined to comment on the mediation order.

Bernabei said Hitchcock's "significant case" against the DNC would force the political organization to practice the ideals of fairness and equality that it preaches.

"Donald is trying to hold them accountable," she said. "To have the same values internally that they do externally."

Deadlines set

In a scheduling order dated Sept. 21, the judge also set deadlines for discovery requests, the exchange of witness lists and other procedures.

The discovery and witness steps must be completed by Nov. 20. Discovery concludes Jan. 22, and all

motions are due Feb. 4. Mediation begins March 19 and is slated to go until April 18.

According to court procedure, each party must prepare a settlement proposal before starting mediation. The proposals, which remain confidential, are not binding.

All parties and counsel then meet with an independent mediator. Through a series of meetings, the mediator attempts to facilitate an agreement that satisfies all parties.

If the case settles, a copy of the settlement is filed. If the case does not settle, the case manager sets a pretrial conference.

Hitchcock's lawsuit, filed April 17, alleges he was discriminated against and treated differently at the DNC because he is gay.

It also alleges the DNC "threatened, interfered with and retaliated against" Hitchcock because he advocated for gay issues within the DNC.

Hitchcock's lawsuit names as defendants the DNC; Dean; Julie Tegen, the DNC's deputy finance director; and Andy Tobias, DNC treasurer. Tobias is the Democratic Party's highest-ranking openly gay official.

The lawsuit alleges that Dean, Tegen and Tobias separately defamed Hitchcock and that defamation "had the intended effect of seriously damaging his professional reputation, which was otherwise outstanding."

In responses filed May 31, the DNC, Dean, Tegen and Tobias collectively deny the allegations.

The responses say the defendants "did not discriminate" against Hitchcock and "did not threaten, interfere with or retaliate against" him.

The responses also say Hitchcock's lawsuit lacks "a claim upon which relief can be granted," and the allegations of discrimination, retaliation and defamation "are barred by the statute of limitations." No trial date has been scheduled.