

United States Supreme Court Denies Orange County's Request to Overturn A Substantial Civil Rights Verdict Against County Social Workers

Orange County, California April 18, 2011--

RE: Fogarty-Hardwick v. County of Orange, et al.
United State Supreme Court, Docket # 10-857

Today the United State Supreme Court denied Orange County's petition for certiorari filed in October 2010. The petition arose from a 2007 jury verdict of \$4.9 million against Orange County and two of its social services agents, Marcie Vreeken and Helen Dwojak. The plaintiff in the action, Deanna Fogarty-Hardwick filed suit in February 2001 alleging the defendants violated her civil rights when they lied to a juvenile dependency court judge to obtain orders authorizing them to remove and detain her daughters. The children were separated from her for approximately 6 and one half years.

In its petition for certiorari, Orange County argued – among other things – that the Supreme Court should overturn the verdict based on principals recently announced by the court in its decision in *Connick v. Thompson*. The County further argued that social workers are akin to prosecutors and should therefore be entitled to absolute immunity for their misconduct. Fogarty-Hardwick was ordered by the Court to file an opposing brief on February 14, 2011. Resolution of the petition for certiorari was the last step in Fogarty-Hardwick's decade long battle to vindicate her rights, and hold Orange County and its agents accountable for their misdeeds. She remains hopeful that her case will cause much needed changes to be implemented at the Orange County Social Services Agency.

San Diego Lawyer Shawn A. McMillan, of the Law Offices of Shawn A. McMillan, was lead counsel in the case. Attorney Kathryn E. Karcher, of Karcher Harmes, LLP., was co-counsel.

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