UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

LUCINDA LC and JUNE WHEATLEY,

Plaintiffs

v.

Civil Action No. 1:26-cv-252

JAY JONES, in his official capacity as Attorney General of Virginia, and

KEMPER FUNKHOUSER, CAVELLE MOLLINEAUX, JEREMY DALPIAZ, AEKTA CHAWLA, RENE FONSECA, PIERI BURTON, BERNICE TRAVERS, RAJESH PATEL, and KIT HALE, in their official capacities as Members of the Virginia Real Estate Board, and

BARRY MOORE, BRIAN REAGAN, MORTON MARKS III, AMANDA BUYALOS, ANGELA WEST, STANLEY REID, SHION FENTY, STUART GILCHRIST, JAY SOM, STEVEN RIVERA, JOHN SCOTT and ANGELO PHILLOS, in their official capacities as Members of the Virginia Fair Housing Board, and

ANIKA COLEMAN, in her official capacity as Executive Director of both the Virginia Fair Housing Board (VFHB) and the Virginia Real Estate Board (VREB),

Defendants.

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL AND MEMORANDUM IN SUPPORT

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Plaintiffs respectfully move this Court to certify the putative class—so defined as "all current and future Virginia rental property owners, Virginia rental property managers, and Virginia real estate licensees who own, manage, or work with at least five Virginia-based rental units which do not accept Section 8 vouchers"—and appoint Plaintiffs' attorneys from the Hamilton Lincoln Law Institute and its counsel of record Adam Schulman as class counsel in this case. [1]

INTRODUCTION

Plaintiffs Lucinda LC and June Wheatley filed this class action against the defendant officials responsible for the enforcement of Virginia's Fair Housing Law (VFHL) and specifically the "source of funds" nondiscrimination provisions at issue in this case. Va. Code § 36-96.1:1; 36-96.3 (listing specific behaviors and actions in real estate for which source of funds discrimination is unlawful). These provisions bar Virginia landlords from turning away tenants using any "assistance, benefit, or subsidy … administered by a governmental [] entity" like Section 8 housing vouchers, even though the Section 8 program—by congressional design—is entirely voluntary. Moreover, once a landlord accepts a Section 8 voucher, they must sign a standardized, Department of Housing and Urban Development (HUD)-drafted Housing Assistance Payment (HAP) contract with the local Public Housing Authority (PHA), which gives the PHA and HUD broad and warrantless access to the landlord's property, equipment, and records.

Lucinda is a Virginia LLC that owns one nine-unit rental property in Arlington and Wheatley is the sole manager of the property with plenary authority over its day-to-day affairs, as well as a Virginia real estate agent. Plaintiffs are model landlords/managers in Virginia but decline to participate in the Section 8 program, for fear of waiving their rights under a HAP agreement and incurring substantial compliance costs. They were recently contacted by a housing non-profit, the Housing Rights Initiative (HRI), which, acting under the guise of being a prospective tenant,

[1] Plaintiffs' counsel and Defendants' counsel met and conferred regarding this motion, but were unable to narrow the scope of disagreement. *See* Declaration of Adam Schulman in Support of Motions for Preliminary Injunction, Class Certification, and Appointment of Counsel ¶ 19.

asked if they'd accept Section 8 vouchers. When Wheatley responded no, HRI brought a formal housing discrimination complaint based on "source of funds" against both Plaintiffs, which now subjects Plaintiffs to Defendants' investigatory and enforcement purview.

Plaintiffs seek an injunction to bar enforcement of the "source of funds" provisions of the VFHL and declaratory relief that these provisions are unconstitutional, because they compel landlords to accept Section 8 vouchers and, thus, waive their Fourth Amendment rights in a HAP contract. The requested injunctive relief is independently warranted because the VFHL's "source of funds" language is preempted by Section 8's statutory scheme; the program is voluntary for landlords and designed so that the federally-sponsored low-income housing market resembles the larger private sector rental market. Plaintiffs seek class relief on behalf of current and future Virginia property owners, managers, and real estate licensees who own, manage, or work with at least five Virginia-based rental units that do not accept Section 8 vouchers. Lucinda, a property owner, and Wheatley, a manager and real estate licensee, seek to represent the class.

This case presents the traditional scenario for a (b)(2) class action and meets the four requirements of Federal Rule of Civil Procedure 23(a)—numerosity, commonality, typicality, and adequate representation. The VFHL's "source of funds" provisions threaten the Fourth Amendment and agency rights of thousands of Virginia rental property owners, managers, and agents, compelling participation in the voluntary Section 8 program. Bringing these claims as individual lawsuits would defeat judicial efficiency; the putative class members' claims share common questions of fact and law; Plaintiffs' claims are typical of those putative class members; and, Plaintiffs have no conflicting interests with the class and will faithfully represent it in prosecuting this action. *See* Section I.

Second, the proposed class is maintainable under Rule 23(b)(2). Under Rule 23(b)(2), Plaintiffs seek declaratory and injunctive relief prohibiting Defendants from further enforcing the VFHL's "source of funds" provisions, as applied to the non-acceptance of Section 8 vouchers. As the complaint details, landlords across Virginia with more than four units cannot simultaneously opt to *not* accept Section 8 vouchers without violating the VFHL. The requested declaratory and

injunctive relief prevents Defendants from enforcing that law's "source of funds" language as applied to the non-acceptance of Section 8 vouchers, making Rule 23(b)(2) certification appropriate. Such indivisible relief applies to Defendants' VFHL-derived enforcement powers that threaten the class's Fourth Amendment rights and federal choice to participate in Section 8. *See* Section II.A.

Plaintiffs also seek the appointment of their counsel, the Hamilton Lincoln Law Institute and its counsel of record Adam Schulman, as class counsel. HLLI attorneys have dedicated substantial time and resources to investigate and research the case; they have extensive experience with complex litigation, including class actions; and they are fully committed to pursuing this litigation on behalf of Plaintiffs and the class with the necessary resources. *See* Section III.

STATEMENT OF FACTS

Plaintiffs incorporate the statement of facts section in their contemporaneously filed Motion for Preliminary Injunction, as it provides the same relevant factual predicates for this motion.

LEGAL STANDARD

Federal Rule of Civil Procedure 23 authorizes federal courts to determine, "[a]t any early practicable time after a person sues" as a class representative, "whether to certify the action as a class action." Fed. R. Civ. P. 23(c)(1)(A).[2] Certification requires Plaintiffs show the proposed class meets the "indispensable 'prerequisites'" of Rule 23(a): numerosity, commonality, typicality, and

[2] Given the Supreme Court's decision in *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), which limits a court to granting injunctive relief to the parties before it, it is appropriate for the Court to rule on class certification now because of Plaintiffs' contemporaneously filed motion for a preliminary injunction. Otherwise, the putative class cannot directly benefit from any injunctive relief. *But see Washington v. Finlay*, 664 F.2d 913, 928 (4th Cir. 1981) ("[A]s the interests of the putative class members in this type 23(b)(2) class action seeking only injunctive relief are concerned, noncertification as a class action is likely to be of no practical consequence. If judgment on the merits goes for the individual plaintiffs, the members of the putative class will be fully benefitted by it in practical, if not technically legal, terms.").

adequacy. *In re White*, 64 F.4th 302, 304 (D.C. Cir. 2023) (describing Fed. R. Civ. P. 23(a)(1)-(4)); *accord 1988 Trust for Allen Children v. Banner Life Ins. Co.*, 28 F.4th 513, 521 (4th Cir. 2022).

When met, Plaintiffs must then show that this case falls within one of three specified types of class actions in Rule 23(b). *Gunnells v. Healthplan Services, Inc.*, 348 F.3d 417, 423 (4th Cir. 2003). Here, Plaintiffs seek certification of the putative class under Rule 23(b)(2) for declaratory and injunctive relief classes.

When certifying a class, a court "must appoint class counsel." Fed R. Civ. P. 23(g). In appointing class counsel, the court must consider: "(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class." Fed R. Civ. P. 23(g)(1)(A). The court also "may consider any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class." Fed R. Civ. P. 23(g)(1)(B). The court may only appoint an applicant for class counsel if the applicant is adequate under these standards of Rule 23(g)(1), and if the applicant can fulfill Rule 23(g)(4)'s requirement that they "fairly and adequately represent the interests of the class."

ARGUMENT

A plaintiff whose suit meets the requirements of Rule 23 has a "categorical" right "to pursue his claim as a class action." *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 398 (2010). To meet these requirements, the "suit must satisfy the criteria set forth in [Rule 23(a)] (i.e., numerosity, commonality, typicality, and adequacy of representation), and it

also must fit into one of the three categories described in subdivision (b)." *Id.* This action satisfies Rule 23's requirements for certification.[3]

Plaintiffs seek to certify a Rule 23(b)(2) class of "all current and future Virginia rental property owners, Virginia rental property managers, and Virginia real estate licensees who own, manage, or work with at least five Virginia-based rental units which do not accept Section 8 vouchers."[4] Plaintiff Lucinda, a property owner, and Plaintiff Wheatley, a manager and real estate licensee, seek to represent the class.

Plaintiffs respectfully ask the Court to certify the class and appoint Lucinda and Wheatley as class representatives and the Hamilton Lincoln Law Institute ("HLLI") and its senior attorney Adam Schulman as class counsel, as all will adequately represent the interests of the class and have the requisite capabilities, interests, and absence of conflicts to serve in these roles.

I. The proposed class satisfies Rule 23(a)'s requirements.

A party seeking certification of a proposed class must demonstrate that the class satisfies the four requirements of Rule 23(a): (1) the class is so numerous that joinder of all members is impracticable ("numerosity"); (2) there are questions of law or fact common to the class ("commonality"); (3) the claims or defenses of the representative parties are typical of the claims

[3] The Fourth Circuit recognizes an extra "implicit" Rule 23 requirement of an objectively ascertainable class, but that requirement does not apply to Rule 23(b)(2) class actions seeking injunctive and declaratory relief like this one. *Kadel v. Folwell*, 100 F.4th 122, 160-61 (4th Cir. 2024), *judgment vacated on other grounds*, *Folwell v. Kadel*, 145 S. Ct. 2838 (2025); *Casa, Inc. v. Trump*, 793 F. Supp. 3d 703, 717 n.3 (D. Md. 2025). In any event, it would be satisfied by the objective non-vague class definition offered immediately below.

[4] This definition slightly modifies that of paragraph 31 of the Complaint, by omitting the "at the time of filing this Complaint" qualification. Rule 23 permits modification of the class definition as appropriate as the case proceeds before final judgment. *CareFirst of Md. v. Johnson & Johnson*, No. 23-cv-629, 2025 WL 3486761, 2025 U.S. Dist. LEXIS 252966, at *14-*15 (E.D. Va. Oct. 10, 2025); *In re Zetia Ezetimibe Antitrust Litig.*, No. 18-md-2836, 2020 WL 5778756, 2020 U.S. Dist. LEXIS 183601, at *18 (E.D. Va. Aug. 13, 2020); *see generally* Fed. R. Civ. P. 23(c)(1)(C).

or defenses of the class ("typicality"); and, (4) the representative parties will fairly and adequately protect the interests of the class ("adequacy"). All are present here.

a. The proposed class satisfies numerosity.

The key to numerosity is whether joinder is impractical. *See generally* 7A Charles A. Wright, Arthur R. Miller & Mary Kay Kane, FEDERAL PRACTICE AND PROCEDURE § 1762 at 176 (3d ed. 2005); *accord In re Zetia (Ezetimibe) Antitrust Litig.*, 7 F.4th 227, 234-35 (4th Cir. 2021). "Where the exact size of the class is unknown but general knowledge and common sense indicate that it is large, the numerosity requirement is satisfied." Alba Conte & Herbert Newberg, NEWBERG ON CLASS ACTIONS § 3:3 at 225 (4th ed. 2002). That is the case here: as of 2021, there were hundreds of thousands of rental properties dispersed throughout Virginia, but only 45,587 Section 8 vouchers actively in use. Virginia General Assembly, *HB854 Statewide Housing Study* (2022), https://dmz1.dhcd.virginia.gov/hb854/part-3-rental.html.[5] This suggests the existence of many Virginia rental property owners, managers and agents who deal with properties that do not actively participate in the Section 8 program. The actual threshold for joinder to be impractical is also fairly low, as "the Fourth Circuit has affirmed certification for classes as small as 18 people." *Knight v. Lavine*, 2013 WL 427880, at *2 (E.D. Va. 2013). Common sense suggests far more class members than 18 here.

Beyond the numbers, other factors make joinder impractical. Many landlords and their managers are smaller mom-and-pop operations like Lucinda. *E.g.*, Daniel Pang, Jung Hyun Choi & Katie Fallon, *How Do One-Size-Fits-All Landlord-Tenant Laws Affect Small Landlords?*, URBAN INSTITUTE (2024), https://tinyurl.com/2m64m7ma. Smaller operations may lack the resources to preemptively bring suit to enjoin the VFHL; they likely have little motivation to bring suit until they find themselves, like Plaintiffs, under state investigation for declining to participate

[5] As of November 2025, 48,257 vouchers are in active use. U.S. Dep't of Hous. & Urb. Dev., *Housing Choice Voucher (HCV) Data Dashboard: Virginia,* 2 (Nov. 2025), https://tinyurl.com/4nr7vzxf.

in the Section 8 program; and they are geographically dispersed throughout the entire state. All of these factors weigh in favor of numerosity, too. *Zetia*, 7 F.4th at 234.

b. There are issues of law and fact common to every class member.

The proposed class satisfies the requirement that there be "questions of law or fact common to the class." Fed. Civ. R. P. 23(a)(2). What matters for this inquiry is "the capacity of a classwide proceeding to generate common answers apt to drive the resolution of the litigation." *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011). The class members' claims "must depend upon a common contention" that is "capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke." *Id.* Rule 23(a)(2)'s commonality requirement "does not require that all questions be common to the class"; "even a single common question will do." *Id.* at 359. And the commonality factor is satisfied if the class members suffer the same injury. *Id.* at 349-350. Notably, the (a)(2) commonality requirement is less "stringent" than the (b)(3) requirement that common questions to the class predominate over other individual questions. *Brown v. Nucor Corp.*, 785 F.3d 895, 918 n.22 (4th Cir. 2015) (internal quotation omitted).

Here, the class members share multiple common questions of law: (1) whether signing a HAP agreement which grants the PHA and HUD access to landlord property, records, and equipment under compulsion of the VFHL's "source of funds" provisions constitutes a Fourth Amendment violation; and, (2) whether Section 8's voluntary structure preempts the VFHL's requirement that Virginia landlords accept Section 8 housing vouchers. And they share a common question of fact, which is exposure to the same injury: the looming threat of state investigation and subsequent civil remedies empowering the Defendants under the VFHL.

Accordingly, commonality is satisfied.

c. The proposed class satisfies typicality.

Plaintiffs' claims are "typical of the claims . . . of the class." Fed. R. Civ. P. 23(a)(3). "The essence of the typicality requirement is captured by the notion that 'as goes the claim of the named plaintiff, so go the claims of the class.'" *Deiter v. Microsoft Corp.*, 436 F.3d 461, 466 (4th Cir. 2006). "Although a representative's claims and the claims of other members of the class need not be 'perfectly identical or perfectly aligned,' ... the representative's pursuit of his own interests 'must simultaneously tend to advance the interests of the absent class members.'" *Ealy v. Pinkerton Gov't Servs., Inc.*, 514 F. App'x 299, 304-05 (4th Cir. 2013). This requirement "tend[s] to merge" with the commonality requirement. *Gen. Tel. Co. of Sw. v. Falcon*, 457 U.S. 147, 157 n.13 (1982). "Both serve as guideposts for determining whether under the particular circumstances maintenance of a class action is economical and whether the named plaintiff's claims and the class claims are so interrelated that the interests of the class members will be fairly and adequately protected in their absence." *Id.* When all class members', including the named plaintiffs', claims turn on pure issues of law rather than issues of variable fact, typicality is satisfied. *See Deiter*, 436 F.3d at 467. In other words, "the disputed issue [must] occupy essentially the same degree of centrality to the named plaintiffs' claim as to that of other members of their purported class." *Cottrell v. Virginia Electric & Power Co.*, 62 F.R.D. 516, 520 (E.D. Va. 1974).

Here, Plaintiffs have the same interests in this matter as all the other members of the class and their claims are typical of all the members of the class. Plaintiffs assert the same Fourth Amendment and Supremacy Clause constitutional claims as every member of the proposed class. Because Plaintiffs challenge Virginia's "source of funds" provisions as written and applied to one single circumstance—the non-acceptance of Section 8 vouchers, there are no salient factual differences that would impede typicality. Plaintiffs and the other class members not only share a joint legal nexus and common cause, they naturally seek the same injunctive relief. The requested injunctive relief would treat Plaintiffs and the class members equally while curing their harm by restoring their voluntary choice to participate in the Section 8 program. Like Plaintiffs, all class

members are at risk of penalty by the state for any refusal to take part in the Section 8 program, whether they are property owners, property managers, or involved in the rental property as a real estate licensee.

While Plaintiffs have already suffered from an actual state agency complaint at the hands of a third party, this does not defeat typicality because the VFHL's unconstitutional "source of funds" prohibition gives class members standing to sue now even before state enforcement. *See Mobil Oil Corp. v. Att'y Gen. of Com. of Va.*, 940 F.2d 73, 75 (4th Cir. 1991) (ascertaining standing and observing that "[p]ublic policy should encourage a person aggrieved by laws he considers unconstitutional to seek a declaratory judgment against the arm of the state entrusted with the state's enforcement power…") "Certification of a class under Rule 23(b)(2) is appropriate even if not all class members may have suffered the injury presented in the class complaint so long as the challenged policy or practice was generally applicable to those in the class as a whole." *Fraser v. BATFE*, 2023 WL 5616011, 2023 U.S. Dist. LEXIS 154061, *10 (E.D. Va. Aug. 30, 2023) (citing 2 NEWBERG AND RUBENSTEIN ON CLASS ACTIONS, § 4:28 (6th ed.) (June 2023)). Nor do Plaintiffs sue here the third-party organization, HRI, that levied the fair housing complaint against them, which might raise unique and particular facts.

If brought and prosecuted individually, the claims of each class member would rely upon the same legal theories and seek the same type of relief. Accordingly, Plaintiffs' claims are typical of the claims of every class member they seek to represent, and this requirement of Rule 23 is met.

d. Plaintiffs are adequate class representatives.

Plaintiffs will "fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a)(4). Rule 23's adequacy requirement imposes two criteria on plaintiffs seeking to represent a class: (1) "whether class counsel [whom the plaintiffs' select] is qualified, experienced, and generally able to conduct the proposed litigation; and (2) whether Plaintiff's claims are sufficiently interrelated with and not antagonistic to the class claims as to ensure fair and adequate representation." *In re Willis Towers Watson PLC Proxy Litig.*, 2020 WL 5361582, 2020 U.S. Dist.

LEXIS 162810, *39 (E.D. Va. Sept. 4, 2020). Again, this inquiry overlaps with that of typicality and commonality. *Gen. Tel. Co. of Sw.*, 457 U.S. at 157 n.13.

The purpose of the adequacy requirement is "to uncover conflicts of interest between named parties and the class they seek to represent." *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 625 (1997). Yet only actual conflicts count; a conflict "will not defeat the adequacy requirement if it is 'merely speculative or hypothetical.'" *1988 Trust for Allen Children*, 28 F.4th at 524 (quoting *Ward v. Dixie Nat'l Life Ins. Co.*, 595 F.3d 164, 180 (4th Cir. 2010)). Plaintiffs satisfy these requirements.

Plaintiffs will fairly and adequately protect the interests of the proposed class. Their claims are aligned with the interests of absent class members, ensuring that the class claims will be prosecuted with diligence and care by Plaintiffs as representative of the class. They seek no unique or additional benefit from this litigation that may make their interests diverge from or adverse to the claims of absent class members; the requested injunctive and declaratory relief treats them the same as any other class member, and protects them all from the same unconstitutional application of law. Plaintiffs' objective is to ensure the Section 8 program remains voluntary, to protect the Fourth Amendment and agency rights of both themselves and the absent class members. There is no zero-sum game here: Plaintiffs seek for all class members to have the discretionary choice to accept Section 8 vouchers or not. Thus, this action presents no intraclass conflict, no problem of simultaneously picking winners and losers. *Contrast, e.g., Broussard v. Meineke Disc. Muffler Shops,* 155 F.3d 331, 338 (4th Cir. 1998) (concluding that grouping current and former franchisees in a single class violated (a)(4) because of conflicting remedial interests). Here, the class representatives' interests are fully aligned with the class, as to claim and as to prospective remedy.

Similarly, the class representatives have retained counsel who will be able to prosecute this case vigorously and adequately protect the interests of the absent class members. Plaintiffs have retained the services of HLLI, a public-interest law firm whose counsel who are experienced litigators, particularly with respect to class actions, Rule 23 of the Federal Rules of Civil Procedure, and the Class Action Fairness Act (CAFA). *See* Section III. In addition, Friedlander and

Friedlander PC will serve as local Virginia counsel. Plaintiffs' counsel will vigorously prosecute this action and will otherwise protect and fairly and adequately represent Plaintiffs and all absent class members. Proposed class counsel have adequate resources to litigate this matter vigorously and do not have interests antagonistic to the class members.

Accordingly, this last element of Rule 23(a) is satisfied, too.

II. Class certification is appropriate under Rule 23(b)(2).

Beyond the Rule 23(a) requirements, a proposed class must meet the prerequisites of at least one Rule 23(b) subsection. Plaintiffs seek certification under Rule 23(b)(2).

Rule 23(b)(2) applies when the opposing party "has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). The central inquiry is whether the requested relief is "indivisible"—that is, whether "the conduct can be enjoined or declared unlawful only as to all of the class members or as to none of them." *Wal-Mart Stores*, 564 U.S. at 360. More simply, (b)(2) certification is appropriate "when a single injunction or declaratory judgment would provide relief to each member of the class." *Wal-Mart Stores*, 564 U.S. at 360.

"A principal purpose of Rule 23(b)(2) class actions is to enable class resolution of civil-rights claims alleging classwide deprivations of protected rights." *J.D. v. Azar*, 925 F.3d 1291, 1314 (D.C. Cir. 2019); *see also Amchem Prods., Inc.*, 521 U.S. at 614 (civil rights cases constitute "prime examples" of appropriate 23(b)(2) certifications). "Rule 23(b)(2) certification is considered to be most useful in civil rights and constitutional cases, particularly those in which an individual plaintiff may change status during the pendency of the action…" *Fraser*, 2023 WL 5616011, 2023 U.S. Dist. LEXIS 154061, *9-*10. Such is the case here. Right now, enforcement of the VFHL's "source of funds" law compels class members to either (a) accept Section 8 vouchers, which means signing HAP agreements and waiving Fourth Amendment rights; or, (b) risk enforcement of the VFHL by the named Defendants. An injunction and declaratory judgment by this Court that finds

the "source of funds" provisions as applied to Section 8 vouchers unconstitutional—based on either Plaintiffs' Fourth Amendment or Supremacy Clause argument—would enjoin Defendants from such enforcement. That, in turn, would "provide relief to each member of the class" by restoring Section 8 as a voluntary program that permits class members to decline or accept participation.

Accordingly, Rule 23(b)(2) certification is proper.

III. The Court should designate Plaintiffs' Counsel as Class Counsel.

"[A] court that certifies a class must appoint class counsel." Fed. R. Civ. P. 23(g). In making this appointment, a court must consider: "(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class." Fed. R. Civ. P. 23(g)(1)(A).

Here, Plaintiffs propose that their counsel, HLLI and its counsel of record Adam Schulman, be appointed as class counsel. Proposed class counsel thoroughly investigated the claims, defendants, and background concerning the VFHL's "source of funds" language and its interplay with the federal Section 8 program. HLLI is a public interest law firm housing the Center for Class Action Fairness ("CCAF"), an organization that has successfully created dozens of legal precedents that have increased class member protections since its inception in 2009. *See* Declaration of Adam Schulman in Support of Motion for Class Certification and Appointment of Counsel ¶12 (cataloging 32 CCAF appellate victories on Rule 23 issues). Courts, academics, and commentators alike have praised CCAF for its work in upholding the rights of absent class members. *See, e.g.,* Elizabeth Chamblee Burch, *Publicly Funded Objectors*, 19 THEORETHICAL INQUIRIES IN LAW 47, 55-57 & n.37 (2018) (recognizing CCAF for developing "the expertise to spot problematic settlement provisions and attorneys' fees."); *see also* Schulman Decl. ¶9 (providing other examples). Federal courts have *sua sponte* requested CCAF's amicus

participation and lauded its service as amicus. *McKnight v. Uber Techs.*, No. 14-05615, Dkt. 256 (N.D. Cal. Mar. 21, 2022) (Tigar, J.) (requesting CCAF's opinion regarding a novel issue of class action procedure); *Ark. Teachers Ret. Sys. v. State Street Bank*, 513 F. Supp. 3d 202, 208 (D. Mass. 2021) (Wolf, J.) ("CCAF brought expertise to the proceedings, which was often very helpful to the court"). HLLI's attorneys' experience spans corporate law firms, federal clerkships, and a state solicitor general's office—all contributing to a deep base of knowledge regarding class-action law.

HLLI's lead counsel of record, Senior Attorney Adam Schulman, has been with CCAF for fifteen years, and has served as lead counsel on many of its precedent-setting class actions cases. *See, e.g., In re Wawa, Inc. Data Sec. Litig.*, 85 F.4th 712, 719 (3d Cir. 2023) (finding Schulman's client's objections "correct" and sustaining them on appeal); *McKinney-Drobnis v. Oreshack*, 16 F.4th 594, 610 (9th Cir. 2021) ("agree[ing]" with Schulman's client's objection on appeal); *In re Dry Max Pampers Litig.,* 724 F.3d 713, 716-17 (6th Cir. 2013) (describing Schulman's client's objections as "detailed, and substantive" and sustaining them on appeal); *Rougvie v. Ascena Retail Grp., Inc*., 2019 U.S. Dist. LEXIS 28229, *42 (E.D. Pa. Feb. 21, 2019) ("[W]e witnessed Attorney Schulman's advocacy, and he is entitled to the requested $78,000 fee. His efforts, seeking payment at less than lodestar, benefitted the Class and increased the value of the Settlement Fund for the Class."); *Ma v. Harmless Harvest, Inc.,* No. 16-cv-07102, 2018 WL 1702740, 2018 U.S. Dist. LEXIS 123322, *14 (E.D.N.Y. Mar. 31, 2018) (denying settlement approval after crediting Schulman's client's "lengthy and substantive objections."); *Richardson v. L'Oreal USA, Inc*., 991 F. Supp. 2d 181, 205 (D.D.C. 2013) (describing Schulman's client's objection as "comprehensive and sophisticated" and noting that "[o]ne good objector may be worth many frivolous objectors in ascertaining the fairness of a settlement."); *cf. also In re All-Clad Metalcrafters, LLC Cookware Mktg. and Sales Practices Litig.*, 2023 WL 2071481, 2023 U.S. Dist. LEXIS 27868, at *20 (W.D. Pa. Feb. 17, 2023) ("appreciat[ing]" Schulman's client's "thoughtful objection"). Mr. Schulman has testified as a witness regarding matters of class action procedure. *See* Declaration of Adam Schulman in Support of Objection of John Hughes, *In* re *Vanguard Chester Funds Litig.*, Dkt. 187-1 (E.D. Pa. Mar. 31, 2025); *compare In re Vanguard Chester Funds Litig.*, 783 F. Supp. 3d 815,

821 (E.D. Pa. 2025) (sustaining Mr. Hughes' objection on that same "simple and compelling" ground).

Separately, Schulman has litigated numerous successful constitutional and civil rights cases at HLLI. *See, e.g., Leroy v. Livingston Manor Cent. Sch. Dist.*, 158 F.4th 414 (2d Cir. 2025) (reversing summary judgment against student alleging First Amendment claims for suspension arising from out of school snapchat); *Kohls v. Bonta*, 797 F. Supp. 3d 1177 (E.D. Cal. 2025) (granting summary judgment to permanently enjoin the State's ban on AI-generated political speech as a violation of the First Amendment); *Stock v. Gray*, 773 F. Supp. 3d 733, 738 (W.D. Mo. 2025) (granting summary judgment and enjoining Missouri's viewpoint-based restriction on pharmacist speech as violating the First Amendment). In that capacity, he has sought and obtained statewide injunctive relief of the type that Plaintiffs seek in this case. *See Kohls*; *Stock*; *Greenberg v. Haggerty*, 491 F. Supp. 3d 12 (E.D. Pa. 2020). He also presently serves as a volunteer member of the Virginia State Advisory Committee to the U.S. Commission on Civil Rights. Schulman Decl. ¶13.

Separately, HLLI has partnered with Friedlander and Friedlander PC as local Virginia counsel. Counsel of record Jerome Friedlander has represented Plaintiffs in the initial stages of their state investigation and has decades of experience representing Virginians in state and federal court, including for complex litigation. He is especially well-versed in the nuances of Virginia landlord and tenant law, having authored a comprehensive treatise on the subject. *See* JEROME P. FRIEDLANDER, VIRGINIA LANDLORD-TENANT LAW (2d ed. 1998).

To date, counsel has dedicated significant time and resources towards the case, and has sought and can earmark substantial donations specifically to support their work on this case. Both HLLI and Schulman are fully committed to their fiduciary responsibilities to Plaintiffs and to the putative class, and will continue to commit the resources necessary to represent the class.

CONCLUSION

For these reasons, Plaintiffs respectfully ask the Court to grant Plaintiffs' motion for class certification and appointment of class counsel.

DATED this 9th Day of March, 2026.

Respectfully submitted,

/s/ Jerome P. Friedlander, II
Jerome P. Friedlander, II
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Certificate of Service

I certify that on March 9, 2026, I served a copy of the above on all counsel of record by filing a copy via the ECF system.

Dated: March 9, 2026

/s/ Jerome P. Friedlander
Jerome P. Friedlander