

## Contractor Can't DQ Maynard Nexsen From Bias Case

By **Daniel Wilson**

Law360 (August 13, 2024, 4:24 PM EDT) -- An Alabama federal judge won't disqualify Maynard Nexsen PC from representing a former Parsons Corp. engineer in his discrimination suit against the company for allegedly representing both parties at the same time, saying Parsons' disqualification motion was "unmeritorious."

U.S. District Judge Liles C. Burke at a hearing on Friday denied all of Parsons' pending motions in Anil Varshney's suit against the defense contractor, including its disqualification motion, after suggesting the motions "appeared from the briefing to be unmeritorious, and that some of them appeared to have been offered in bad faith," according to a minute entry summarizing the hearing filed on Monday.

Counsel for Varshney and a representative for Parsons did not immediately respond to requests for comment on Tuesday.

Varshney, an Indian-American engineer who was 78 years old when he sued Parsons and the Missile Defense Agency in June 2023, alleged he was "abruptly" terminated from his job working under an MDA contract based on a video call to his dying brother-in-law in which he had spoken in Hindi.

Varshney was accused of violating both the government's and Parsons' security requirements with the call, a claim the company reiterated in an Aug. 8 statement to Law360. But that allegation was a pretext to fire Varshney based on his age, race and national origin, he said. Parsons argued that those discrimination allegations were "unsubstantiated."

The company filed its **disqualification motion** on Aug. 5, claiming that Maynard Nexsen had a conflict of interest stemming from one of its attorneys representing Parsons in a North Carolina court at the same time it was representing Varshney in his Alabama case, which happened because of two predecessor law firms merging in 2023.

Varshney responded on Aug. 8, arguing that there was **no conflict** because Maynard Nexsen's North Carolina attorney had represented "entirely distinct corporate entities" not involved in Varshney's lawsuit — redacted in the response but apparently subsidiaries of Parsons — which was allowed under both Alabama and North Carolina law.

Even if there had been a conflict, Parsons' deputy general counsel had signed a waiver that "expressly permitted" Maynard Nexsen to represent Varshney in his case, he said.

Judge Burke gave the parties a chance on Friday to resolve their pending motions before letting the court weigh in, but discussions did not lead to a resolution, according to Monday's minute entry. Parsons then pushed ahead with its disqualification motion and a motion to modify the scheduling order to extend the discovery deadline, the entry stated.

Varshney's counsel argued that the disqualification motion had been brought in bad faith, and he sought related costs from Parsons as

well as costs for a missed deposition that the company had pulled out of after raising concerns about Maynard Nexsen's role in the case, according to the minute entry.

Alongside rejecting Parsons' pending motions, Judge Burke granted Varshney's motions to compel depositions from the company, to file an **amended complaint**, and for costs, the minute entry said. A further hearing will follow regarding those costs, and there is also the potential for a hearing on unspecified sanctions, according to the judge.

Varshney is represented by Walter A. "Tod" Dodgen, Warren B. Lightfoot Jr., John B. Holmes III and Jennifer Hanson Wheeler of Maynard Nexsen PC.

Parsons is represented by Tammy L. Baker, Shannon L. Miller and Donald E. English of Jackson Lewis PC.

The MDA is represented by Allison M. Walter and C. Lee Reeves II of the U.S. Department of Justice's Civil Division.

The case is Varshney v. Parsons Corp. et al., case number 5:23-cv-00812, in the U.S. District Court for the Northern District of Alabama.

--Editing by Adam LoBelia.