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Offit Kurman Attorneys Prevail in Federal Due Process Case

February 6, 2026

Offit Kurman is pleased to announce Kimberly C. Lau, and the Offit Kurman team successfully defeated the Government's motion to dismiss in a federal due-process matter involving Frank Rose, a former Senate-confirmed, presidentially appointed employee of the National Nuclear Security Administration. The Court granted in part and denied in part the Government's motion to dismiss, allowing key claims to proceed to discovery.

The plaintiff alleged he was forced into early retirement under duress after being accused of misconduct without notice, details of the allegations, or an opportunity to respond. The Court determined that he adequately stated claims for procedural due process violations based on "reputation plus" and "stigma plus" theories, finding that the amended complaint adequately stated Government's actions foreclosed the pursuit of his chosen profession. These claims will now move forward. The Court reserved judgment on the substantive due process claim, ultimately finding the allegations, even if deliberate and injurious, were not so egregious to constitute conscience-shocking behavior in a constitutional sense.

Offit Kurman's [Kimberly C. Lau](#) served as lead counsel and argued the motion. [James Figlio](#) assisted with the briefing and [Anders Sleight](#) served as local counsel.

The outcome reflects Offit Kurman's dedication to providing clients with attentive advocacy rooted in integrity, diligence, and collaboration. The firm remains committed to guiding clients through complex legal challenges with clarity and purpose, grounded in the principles that define our culture and our work.

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