

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

ASHLEY FLORA ANN MILLER,

Plaintiff,

v.

Case No.: 3:25CV1042

**JASON S. MIYARES, *In His Individual
Capacity,***

**STEVEN POPPS, *In His Individual
Capacity***

JURY TRIAL DEMANDED

**CHRISTIE WELLS, *In Her Individual
Capacity,***

Defendants.

COMPLAINT

COMES NOW, Plaintiff Ashley Flora Ann Miller, (hereinafter, “Plaintiff” or “Ms. Miller”), by counsel, and hereby presents her Complaint against Jason S. Miyares in his individual capacity, Steven Poppo in his individual capacity, and Christie Wells in her individual capacity, (hereinafter, “Defendants”). This matter arises from an employment relationship between the parties. As provided below, Defendants are liable to Ms. Miller for damages.

JURISDICTION AND VENUE

1. Ms. Miller is a resident of Gloucester County, Virginia.
2. At all times relevant to this matter, Defendants served under color of state law as employees of the Commonwealth of Virginia’s Attorney General. Defendant Miyares served as the Attorney General at all times relevant to this action.
3. Ms. Miller served as Financial Manager for Defendants.

4. Venue is proper as the acts and omissions described below occurred within the Eastern District of Virginia.

5. This matter raises questions of state and federal law. Federal questions are presented pursuant to 42 U.S.C. § 1983. This Court possesses jurisdiction over this matter. *See generally*, 28 U.S.C. §§ 1331, 1367.

6. Defendants acted under color of state law.

7. This matter also advances a state law *Bowman* claim against individual Defendants. The Supreme Court of Virginia has unequivocally permitted the advancement of Bowman claims against individual defendants. *Van Buren v. Grubb*, 284 Va. 584 (2012). “We find Virginia’s existing precedent permitting such suits to be consistent with the Court’s established case law regarding agency relationships. It has long been settled in Virginia that employers and employees are deemed to be jointly liable and jointly suable for the employee’s wrongful act.” *Thurston Metals & Supply Co. v. Taylor*, 230 Va. 475, 483-84, 339 S.E.2d 538, 543 (1986); *see also Miller v. Quarles*, 242 Va. 343, 347, 410 S.E.2d 639, 642, 8 Va. Law Rep. 1271 (1991) (“Both principal and agent are jointly liable to injured third parties for the agent’s negligent performance of his common law duty of reasonable care under the circumstances.”).

STATEMENT OF FACTS

8. Ms. Miller was hired in 2021 to serve as a Senior Accountant.

9. Ms. Miller received an annual salary, health insurance, VRS retirement contributions, and other benefits part and parcel to her employment.

10. Ms. Miller was wrongfully terminated from employment on or about March 25, 2024. This termination was a retaliatory decision based upon Ms. Miller’s protected

expression of speech.

11. Defendants made this decision.

12. Defendants had actual notice of Ms. Miller's protected speech as detailed below prior to the decision to terminate her employment.

13. Defendants did not terminate Ms. Miller's employment for cause. Defendants did not terminate Ms. Miller's employment related to the commission of any act involving moral turpitude, malfeasance, insubordination, dishonesty, or negligence.

14. Defendants terminated Ms. Miller's employment when Ms. Miller was willing and able to perform her duties.

15. In December of 2023 and January of 2024, Ms. Miller investigated a vendor invoice that had been submitted to her for payment by the Virginia Attorney General's Animal Law Unit.

16. The payment request directed Ms. Miller to pay taxpayer funds to a nonprofit company named The Virginia Animal Fighting Task Force ("VAFTF"). This company is registered with the Virginia's State Corporation Commission and lists a principal office address of Richmond, Virginia.

17. Ms. Miller noted that this vendor had never been registered for payment by the Virginia Attorney General's Office before so she set about to collect documentation on VAFTF.

18. When Ms. Miller observed the corporate leadership personnel of VAFTF, she grew concerned. Multiple attorneys employed by the Virginia Office of Attorney General served as executive leadership of VAFTF.

19. Ms. Miller recognized this request for payment as a breach of law, to-wit, a conflict of interest. Pursuant to the Virginia State and Local Government Conflict of Interests Act,

Va. Code § 2.2-3100 *et seq.*, payments to VAFTF violated the law. State officials may not “use his [or her] public position to obtain financial benefit for himself [or herself], a family member, or a business with which he [or she] is associated.”

20. Pursuant to the Virginia Public Procurement Act, public officials may not have a financial interest in any vendor, cannot award of influence contracts for personal gain, and cannot accept or provide kickbacks. Va. Code § 2.2-4300 *et seq.*

21. Although Ms. Miller is not an attorney, she is aware that kickbacks and embezzlement are illegal in Virginia and against Virginia’s public policy.

22. Ms. Miller approached Christie Wells, Chief Financial Officer of the Virginia Attorney General’s Office. Ms. Miller reported the demand for payment to VAFTF as a wrongful act, a matter of public concern, a violation of law, and refused to remit payment.

23. Ms. Wells and Deputy Attorney General Steven Poppo agreed to continue processing payments to employee-led companies in contravention of state and federal law. Ms. Wells and Mr. Poppo operated under specific direction by Defendant Miyares.

24. After meeting with the Administration, Ms. Wells explained that senior leadership, including Mr. Poppo, decided that Office of Attorney General would not issue payments directly to the nonprofit even though the invoice had been submitted under the nonprofit’s name and the charge had been made on the nonprofit’s credit card.

25. Instead, Defendants directed that the reimbursements, based on the receipts submitted with the original invoice, be issued directly to Ms. Taylor. Ms. Wells stated that Ms. Taylor understood this plan and agreed to pay the nonprofit back.

26. Defendants’ intent remained that the nonprofit receive the funds, but leadership sought the payments to pass through employee reimbursements to avoid transparency. The purpose of this structure was to avoid any transactions or written records linking the

Office of Attorney General to the nonprofit.

27. Ms. Miller noted to Ms. Wells in the middle of January of 2024 that the funds could not be paid to employees of the Virginia Attorney General's Office as the funds were regulated by state and federal law. Some of the funds received and earmarked for payment directly to Virginia Attorney General employees came from the U.S. Department of Justice.

28. On or about January 16 or 17, 2024, Ms. Miller refused her superior's directives to process thousands of dollars in payments that violated the law.

29. Defendants circumvented Ms. Miller's signatory authority and multiple vouchers were paid illegally to "vendors" owned and operated by Virginia Attorney General employees.

30. Ms. Miller observed senior leadership at the Virginia Attorney General's Office to funnel thousands in taxpayer dollars illegally to their own employees.

31. Ms. Miller expressed to leadership of the Virginia Attorney General's Office that their actions violated the law.

32. Ms. Miller engaged in follow-up communications to senior leadership with expressions of free speech on matters of public concern regarding these issues in February of 2024.

33. On March 25, 2024, Defendants terminated Ms. Miller.

34. In the termination meeting, Defendant Wells discussed a memorandum that detailed the reasons for Ms. Miller's termination. These reasons were a pretext to mask retaliation.

35. Defendants did not provide nor disclose the memorandum to Plaintiff.

36. After her termination, Ms. Miller submitted a Freedom of Information Act request

to her former employer seeking all documents related to her employment including the alleged memorandum.

37. The Virginia Attorney General's Office never provided this memorandum in response to her lawful request. No documents of any kind that would support the decision to terminate Ms. Miller were produced. This is because these documents do not exist.

38. Ms. Miller never received a performance improvement plan nor workplace discipline prior to her termination.

39. Prior to her termination, Ms. Miller received excellent work performance evaluations.

40. Ms. Miller has suffered and will continue to suffer compensatory damages, emotional distress, and other significant financial and personal harm, due to the retaliation committed by Defendants.

**COUNT I: FIRST AMENDMENT FREEDOM OF SPEECH RETALIATION
AND WRONGFUL TERMINATION
IN VIOLATION OF 42 U.S.C § 1983**

41. Ms. Miller incorporates by reference herein the preceding paragraphs of this Complaint.

42. Ms. Miller engaged in constitutionally protected speech on matters of public concern. All of this occurred regarding substantial financial impropriety and conflicts of interest in which state employees enriched themselves illegally.

43. Defendants had actual notice of Ms. Miller's expression of speech.

44. Ms. Miller's speech did not impede or conflicted with the performance of her job duties.

45. Ms. Miller's speech did not interfere with the operation of or undermine the

mission of Defendants. Indeed, it *should* be the mission of the Commonwealth of Virginia's highest law enforcement officials to enforce the law, not break it for financial gain.

46. Defendants terminated Ms. Miller's employment because she engaged in protected activity pursuant to her First Amendment rights.

47. Defendants violated Ms. Miller's First Amendment rights and retaliated against her in violation of 42 U.S.C. § 1983.

48. Defendants retaliated against Ms. Miller because of her constitutionally protected speech.

49. Defendants' termination of a public employee for expressing First Amendment rights is a violation of clearly established statutory and constitutional rights. Defendants, two of whom are licensed attorneys well acquainted with the applicable laws, policies, and responsibilities of government, would have known that taking such action was unlawful.

50. Defendants acted with reckless and/or callous indifference to Ms. Miller's legal rights.

COUNT II: WRONGFUL TERMINATION IN VIOLATION OF *BOWMAN*

51. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

52. Though she is not a lawyer, Plaintiff recognized that intentionally processing thousands of taxpayer dollars to recipients in violation of state and federal laws was illegal.

53. Ms. Miller refused an illegal directive from Defendants.

54. Pursuant to the Virginia State and Local Government Conflict of Interests Act, Va. Code § 2.2-3120, knowingly violated the Act is a misdemeanor.

55. Further, Virginia criminalizes embezzlement, accepting funds under false pretense, and conspiracy to commit the same.

56. But for Ms. Miller's refusal to engage in illegal activity directed by Defendants, Defendants would not have terminated her employment.

57. Ms. Miller was terminated in violation of *Bowman v. State Bank of Keysville*, 229 Va. 534 (1985).

58. Due to her termination from employment, Ms. Miller has suffered pecuniary loss, lost salary, benefits, compensatory damages, damages to her reputation, quality of life, emotional distress, shame, humiliation and embarrassment, and other non-pecuniary loss.

59. Defendants acted with actual malice or reckless disregard of the protected rights of Plaintiff so as to support an award of punitive damages.

WHEREFORE Plaintiff Ashley Flora Ann Miller, prays for judgment against Defendants Jason S. Miyares, Christie Wells, and Steven Popps, jointly and severally, consistent with these allegations, and requests that the Court award her compensatory damages, back pay, front pay, equitable relief, and punitive damages, together with pre-judgment interest from the date of termination, as well as incidental and consequential costs associated herewith, including attorneys' fees and such other relief as a competent Court would deem appropriate.

JURY TRIAL RESPECTFULLY REQUESTED
UPON ALL ISSUES THAT MAY BE SUBMITTED TO A JURY

Respectfully submitted,

ASHLEY FLORA ANN MILLER

By /s/
Thomas E. Strelka, Esq. (VSB # 75488)
VIRGINIA EMPLOYMENT LAW
Counsel for Plaintiff

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ASHLEY FLORA ANN MILLER

(b) County of Residence of First Listed Plaintiff Gloucester (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Thomas E. Strelka Virginia Employment Law, 4227 Colonial Avenue SW, Roanoke, VA 24018, (540) 283-0802

DEFENDANTS

JASON S. MIYARES, in his individual capacity

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 1983

Brief description of cause: 1st Amend. Retal.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ to be determined CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE December 19, 2025 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: