

Kesselman Brantly Stockinger and Solomon Law Firm Achieve Major Victory for Former US Army Colonel Kathryn Spletstoser

Ninth Circuit Rules Sexual Assault Case Against Former Joint Chiefs Vice Chair General Hyten Can Move Forward, Decision Significantly Impacts Future Lawsuits

LOS ANGELES, CALIFORNIA, UNITED STATES, August 12, 2022 /EINPresswire.com/ -- Kesselman Brantly Stockinger and Solomon Law Firm PLLC achieved a significant litigation win for their client Kathryn Spletstoser this week in a decision that stands to impact millions of service men and women. On August 11, 2022, the United States Court of Appeals for the Ninth Circuit denied former US Air Force General John Hyten and the US Governments' motion to dismiss former US Army Colonel Kathryn Spletstoser's first amended complaint alleging Hyten sexually assaulted her.

Hyten, the defendant in this matter, was a well-known four star general in the US Air Force and former vice Chairman of the Joint Chiefs of Staff under the Trump and Biden administrations. Although now retired from the military, Hyten joined Jeff Bezos' space company as executive director of the firm's Club for the Future foundation and as a strategic advisor. He is alleged to have committed sexual assault against Ms. Spletstoser who was a decorated combat veteran and rising star in the US Army.

The government moved to dismiss the case based on the Feres Doctrine, an immunity that prevents service members from filing suit against the government over injuries resulting from military service. The district court denied immunity to the US government who then appealed to the Ninth Circuit. Immunity was again denied in this case by the Ninth Circuit, with the court stating they "cannot fathom" how the alleged sexual assault in this case could ever be considered an activity 'incident to [military] service.'

"We are thrilled with the court's decision in the matter as it clearly states that sexual assault should not be considered incident to military service," said Majed Dakak, partner with Kesselman Brantly Stockinger and attorney for Ms. Spletstoser. "This decision will serve as a precedent now for other service members moving forward, allowing them the right to bring these kinds of allegations to light and fight to achieve justice through our legal system."

"This is the first decision of its kind, specifically identifying the existence of a sexual assault, as a factor that prevents immunity," said Ariel Solomon, of Solomon Law Firm, PLLC, who argued the

appeal. "COL. Spletstoser is a combat veteran with a distinguished military record. I am heartened that she will not be denied access to a civilian court. The decision signals that not even 4-Star Generals are immune from accountability for their sexual misconduct."

The case is Kathryn Spletstoser v. John Hyten, et al, case number: 20-56180. 9th Circuit Decision – Spletstoser v. Hyten

About Kesselman Brantly Stockinger

Kesselman Brantly Stockinger provides clients full-service attention in disputes involving antitrust and unfair competition, tortious interference with contract and prospective economic advantage, fraud, defamation, copyright, trademark, trade secrets, breach of contract, breach of fiduciary duties, trade libel, real estate litigation, partnership disputes, and complex employment claims. The firm also provides its clients with proactive and responsive antitrust counseling and handles corporate and real estate transactional work.

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About Solomon Law Firm, PLLC

Solomon Law is a Washington, DC based law firm that represents clients in matters relating to complex employment litigation, congressional investigations, national security, military sexual assault, discrimination, sexual harassment, whistleblower retaliation, VA physician whistleblowers, and federal employment claims before the MSPB and EEOC. Representative matters include appearances before the Select Committee to Investigate the January 6th Attack on the United States Capitol and representation of members of the intelligence community during the Ukrainian Whistleblower congressional hearings.

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