



# A Survivor's Perspective: Civil Litigation

Fainess Lipenga

Survivor-Advocate

Consultant, The Human Trafficking Legal Center

Labor Trafficking Conference

Louisville, KY

October 25, 2018



# CONTRACT

Signature \_\_\_\_\_

A close-up photograph of a hand holding a red ballpoint pen, positioned over a signature line on a document. The word 'CONTRACT' is printed in large, bold, black capital letters above the signature line. The signature line is a dashed line with the word 'Signature' written in a smaller font to its left. The background is a plain, light-colored surface.

A-3









• U.S. Citizens  
• Permanent Residents  
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• Ciudadanos estadounidenses  
• Residentes permanentes  
Entrar aquí

Visitors

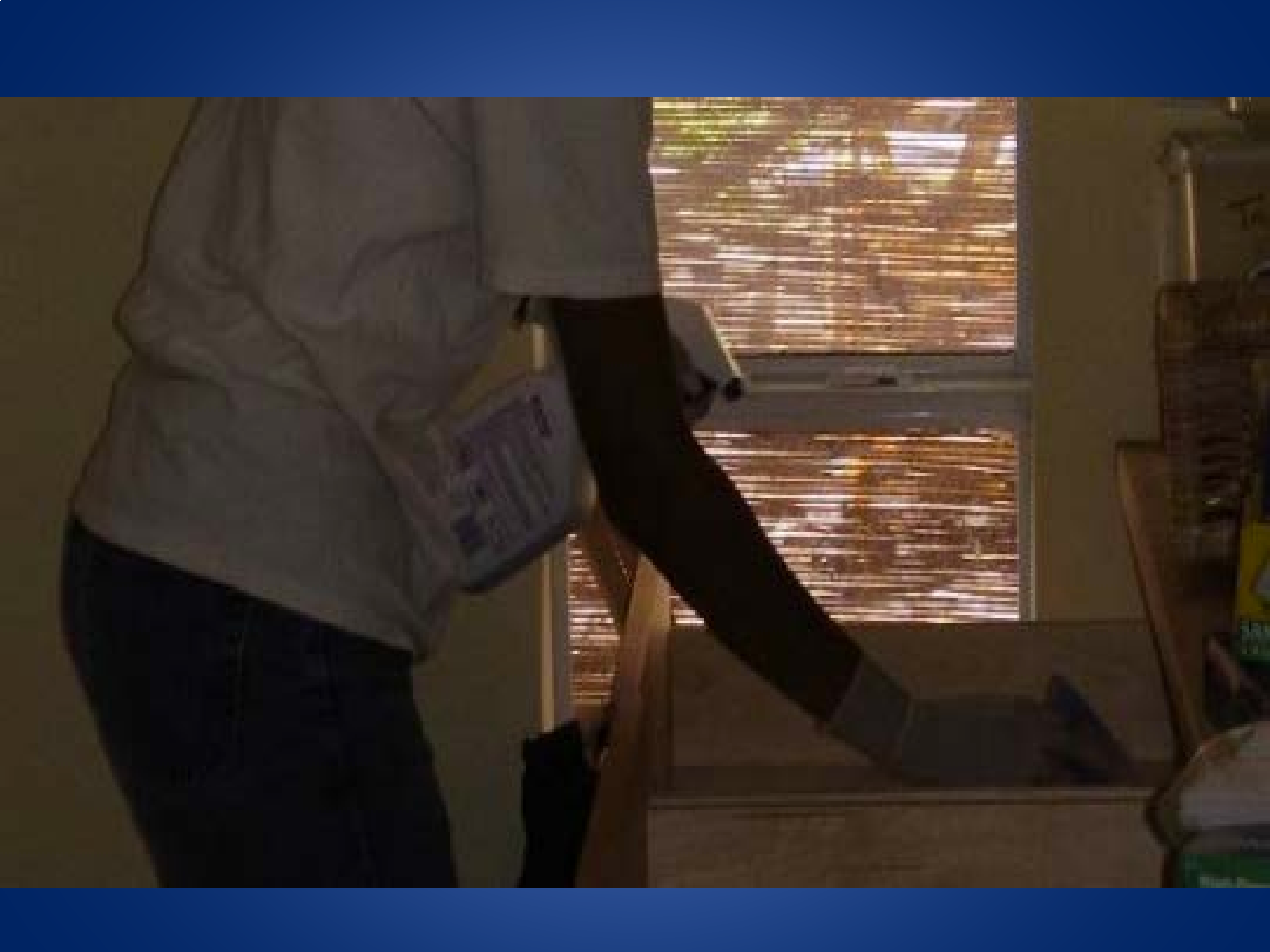
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Visitantes

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COLLEGE OF LAW

## T-Visa Filing



Pro Bono Lawyers Took My Case for Litigation



# Forced Labor Civil Litigation A Survivor's Perspective





# Civil Litigation: What Survivors Should Know

- It is not easy to sue a trafficker
- It takes courage and patience



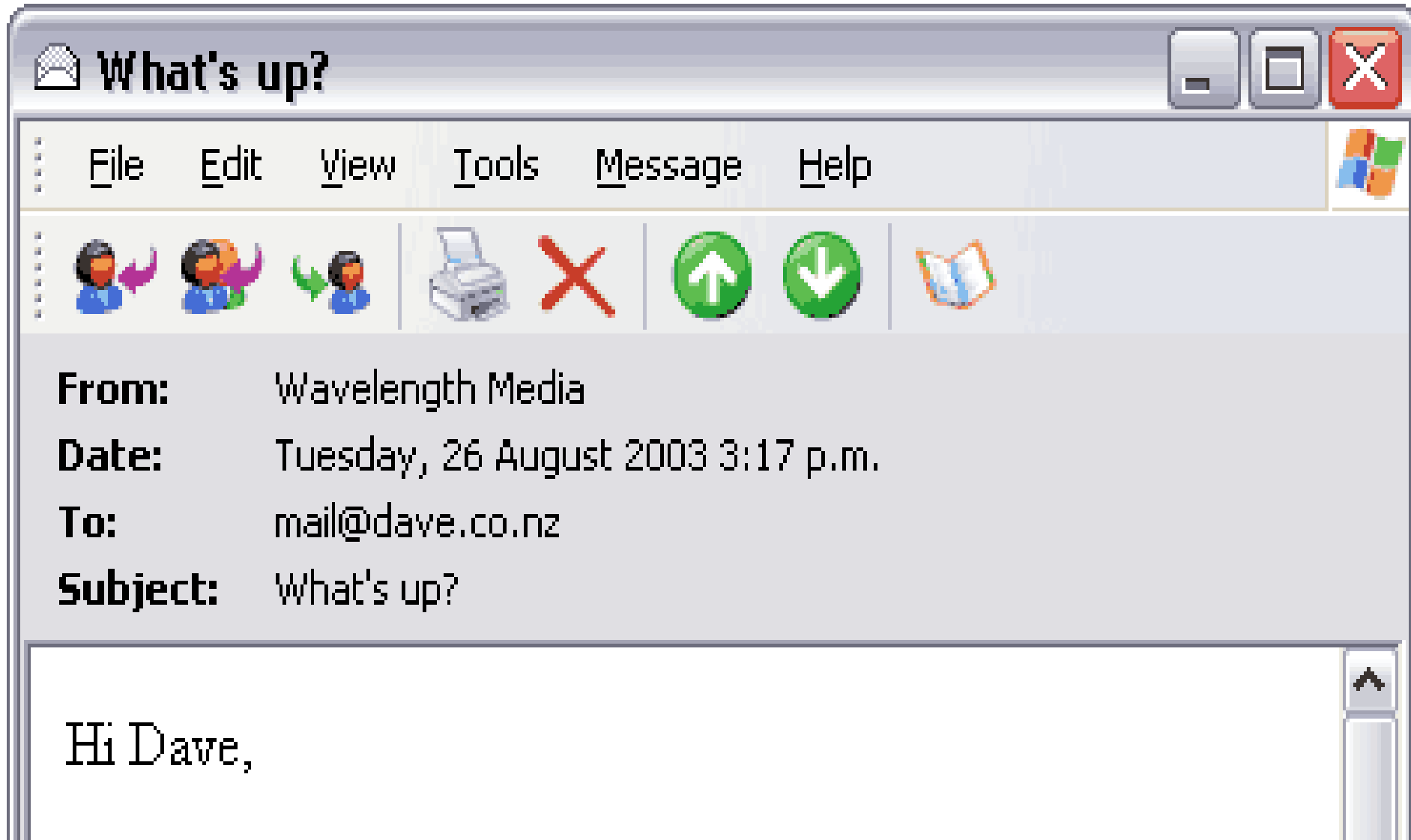
Photo by Eun Creative

# Civil Litigation: What Survivors Should Know

- Civil cases are unpredictable.
- The outcome may be different than you expected.



# Civil Litigation: What Survivors Should Know: Communication with Attorneys



# Civil Litigation: What Survivors Should Know:



# Civil Litigation: What Survivors Should Know: The Client Decides Whether to Settle





# A Settlement Should Not Silence You





It is wonderful to  
win!



\* \* \* \* \*

## MEMORANDUM OPINION

This case arises out of the alleged “illegal trafficking, forced labor, and tortious treatment” of Plaintiff Fainess Bertha Lipenga (“Plaintiff” or “Ms. Lipenga”) by Defendant Jane Ngineriwa Kambalame (“Defendant” or “Ms. Kambalame”). ECF No. 1 ¶ 1.<sup>1</sup> Following Ms. Kambalame’s failure to plead or otherwise defend in this action, the Clerk entered an Order of Default against her. ECF No. 21. Presently pending before the Court is Plaintiff’s Motion for Default Judgment, ECF No. 23. No hearing is necessary. Local Rule 105.6 (D. Md.). For the following reasons, Plaintiff’s Motion for Default Judgment is granted, in part, and denied, in part, and damages are awarded in the sum of \$1,101,345.20, plus reasonable attorney’s fees.<sup>2</sup>

# My Civil Lawyers Were Trauma Informed

- Allowed my immigration lawyer to stay with me as we developed the civil case;
- Gave me time to learn to trust them;
- Asked me to make key decisions, like whether to use my own name;
- Explained the case to me.

JUSTICE



Questions?

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