

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Banks v. City of Virginia Beach

Banks · No. 2:24-cv-149 · Decided November 25, 2025

SUMMARY

The Eastern District of Virginia denied the City of Virginia Beach’s renewed motion for judgment as a matter of law and alternative motion for a new trial following a jury verdict for Michael Banks on his Title VII retaliation claim. The court upheld the jury’s \$137,000 compensatory damages award and related equitable relief, including back pay, reinstatement, and personnel-file remedies. The court granted a partial stay pending appeal, staying enforcement of reinstatement to Internal Affairs but not reinstatement to Banks’s rank of sergeant or payment of back pay and interest.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Raymond A. Jackson
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	November 25, 2025
DOCKET	2:24-cv-149
DISPOSITION	other
PROCEDURAL POSTURE	After a jury verdict for Michael Banks on a Title VII retaliation claim, the City of Virginia Beach moved for judgment as a matter of law under Federal Rule of Civil Procedure 50(b), alternatively for a new trial under Rule 59, and for a stay of enforcement pending appeal under Rule 62.
STANDARD OF REVIEW	For a Rule 50(b) motion, the court viewed the evidence in the light most favorable to the nonmovant, drew all reasonable inferences in the nonmovant's favor, and did not weigh evidence or assess witness credibility. A Rule 59 motion was reviewed under the clear-weight-of-the-evidence and miscarriage-of-justice standards, with discretion to assess the weight of the evidence and witness credibility. The request for a stay was evaluated under Federal Rule of Civil Procedure 62 and the applicable four-factor standard for staying equitable relief.

PRECEDENTIAL VALUE	Unknown
PARTIES	City of Virginia Beach v. Michael Banks

TOPICS

retaliation title vii civil procedure remedies injunctions

PRACTICE AREAS

employment law civil rights civil procedure remedies appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support the jury's finding that the City retaliated against Banks under Title VII.
2. Whether the scope of the evidence presented at trial caused unfair surprise or prejudice requiring a new trial.
3. Whether the \$137,000 jury award was excessive or resulted from passion or prejudice.
4. Whether enforcement of the compensatory-damages judgment and equitable relief should be stayed pending appeal.

HOLDINGS

1. The City was not entitled to judgment as a matter of law because sufficient evidence supported a reasonable jury's finding that the City took adverse actions against Banks because of protected activity.
2. A new trial was not warranted because the City failed to identify specific improperly admitted incidents or demonstrate unfair surprise, prejudice, or injustice.
3. The City was not entitled to a new trial or remittitur because it failed to show that the verdict resulted from passion or prejudice, and the evidence supported the award in light of the harm to Banks's career and reputation.
4. The court stayed enforcement of the compensatory-damages award upon the City's filing of a notice of appeal, denied a stay of the equitable relief restoring Banks to his rank and requiring payment of back pay and interest, and stayed reinstatement to the Internal Affairs position.

KEY QUOTATIONS

“Judgment as a matter of law is proper only if “there can be but one reasonable conclusion as to the verdict.””

“A party is not “unfairly surprised” by an adverse party using information to which both parties had access through the discovery process.”

“The Order to return Plaintiff to his position in Internal Affairs is STAYED. But the Order to return Plaintiff to his Sergeant rank is not stayed and Defendant shall comply with the Court’s Order to pay back pay and

interest.”

FACTUAL BACKGROUND

Banks, a Virginia Beach police officer, engaged in protected activity by requesting a meeting concerning perceived discrimination and later filing an EEOC charge. After those activities, the City disabled his access to the entire police headquarters for approximately eleven months and demoted him. The trial evidence also included additional allegedly retaliatory actions, including a quality-assurance review, administrative charges, and a referral concerning the Brady list. A jury found retaliation and awarded Banks \$137,000 in damages, and the court ordered additional equitable relief.

PROCEDURAL HISTORY

Banks filed an amended Title VII complaint alleging discrimination, hostile work environment, and retaliation. The court dismissed the discrimination and hostile-work-environment claims, leaving a retaliation claim for trial. After a four-day jury trial, the jury found that the City retaliated against Banks and awarded \$137,000 in damages. The court later awarded back pay, prejudgment interest, reinstatement, post-judgment interest, and injunctive relief, then denied the City's renewed motion for judgment as a matter of law and motion for a new trial while granting the stay motion in part and denying it in part.

DISPOSITION

other

CASES CITED

- Anderson v. G.D.C., Inc., 281 F.3d 452 (4th Cir. 2002)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250 (1986)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Laurent-Workman v. Wormuth, 54 F.4th 201, 212 (4th Cir. 2022)
- Foster v. Univ. of Maryland-E. Shore, 787 F.3d 243, 250 (4th Cir. 2015)
- Taylor v. Home Ins. Co., 777 F.2d 849, 855 (4th Cir. 1985)
- Lovell v. BBNT Sols., LLC, 295 F. Supp. 611, 618 (E.D. Va. 2003)
- Webb v. K.R. Drenth Trucking, Inc., 780 F. Supp. 2d 409, 413 (W.D.N.C. 2011)
- Mountain Valley Pipeline, LLC v. 8.37 Acres of Land by Terry, 101 F.4th 350, 358 (4th Cir. 2024)
- Ramaco Res. LLC v. Fed. Ins. Co., 74 F.4th 255, 266 (4th Cir. 2023)
- Wannamaker-Amos v. Purem Novi, Inc., 126 F.4th 244, 257 (4th Cir. 2025)
- Bennett v. Fairfax County, Va., 432 F. Supp. 2d 596, 604 (E.D. Va. 2006)