

FIFTH JUDICIAL CIRCUIT
OF VIRGINIA

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March 23, 2009

CITY OF SUFFOLK
CITY OF FRANKLIN
COUNTY OF ISLE OF WIGHT
COUNTY OF SOUTHAMPTON

RETIRED JUDGES
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BENJAMIN A. WILLIAMS, JR.

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John A. Singleton, Esq.
P.O. Box 1388
Gloucester, VA 23061

**Re: Gloucester Circuit Court
Nos. CL08-415, 416, 417, 418**

L. Steven Emmert, Esq.
Anthony F. Troy, Esq.
James R. Cornwell, Jr., Esq.
Jack T. Randall, Esq.
John A. Singleton, Esq.

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Gentlemen:

After our hearing and the Court's ruling on December 17, 2008 and after the letter opinion of January 6, 2009, the court received a motion to reconsider filed by Mr. Emmert on behalf of the forty petitioners who began these civil proceedings in the Gloucester Circuit Court.

The first basis for the motion to reconsider is that there was no in personam jurisdiction on the petitioners, and therefore, a personal judgment could not be rendered against them. I disagree. The petitioners filed these petitions and placed themselves before the court; the court appointed Mr. Randall to represent the interests of the petitioners. Therefore, the court had the appropriate jurisdiction.

The second basis for the motion for reconsideration is that the "court never conducted an evidentiary hearing in this case...." Both the petitioners and the respondents were given the opportunity to present evidence on the issues, but none was presented. (See transcript of December 17, 2008, p. 9, lines 5-7). However since sanctions have been imposed, the petitioners now want to present evidence on who should pay these fees.

This case, like all cases, is about responsibility and accountability. The duty of the court system is to determine who is responsible, and thereafter to hold that party accountable. Therefore, I will allow the petitioners another opportunity to present evidence on the sole issue of who is responsible for the attorneys fees. The petitioners, at our hearing, can testify as to the basis for the filing of these petitions and the source of their information, and thereafter shall be subject to cross examination by the attorneys for the respondents.

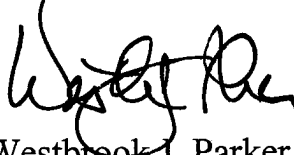
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Finally, I am sending a copy of this letter to the County Attorney for Gloucester so that the county may participate in this rehearing if he deems it necessary. Since Mr. Emmert has requested this rehearing, I would appreciate his setting up an available hearing date for all participants.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Westbrook J. Parker', written over a faint, illegible typed name.

Westbrook J. Parker, Judge

Copy to: Margaret Walker, Clerk
Edwin Wilmot, Esq.