

The City is anxious to bring this matter to a prompt conclusion, but it and the Court have been repeatedly frustrated, if not obstructed, by the assertion by Ms. Chilton-Belloni's counsel of what he contends to be his right to a continuance pursuant to Va. Code § 30-5, which, he asserts, prevents this court from simply *scheduling* the case for trial. On behalf of the City we have, with only one exception, repeatedly placed the case on the motions day docket every month since the petition was filed, for the purpose of scheduling a trial date. Upon our filing of each praecipe Ms. Belloni's counsel filed a motion (five times now in this certiorari case, in addition to several such filings in the related earlier injunction case, which also remains pending) pursuant to Code § 30-5, seeking a continuance. The City repeatedly filed responses to the motions, attaching copies of the daily minutes of the Senate of Virginia to illustrate the fiction that has been used as

The Hon. Charles L. Ricketts, III, Judge

January 16, 2019

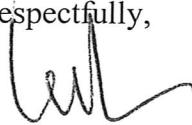
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a stall maneuver. Those minutes indicated that, at least until the Senate opened in general session this week, the Senate last convened and adjourned in Special Session I on June 11, 2018, and further last convened and adjourned in Special Session II on August 30, 2018. Despite the lack of such official business and presumably the reality that his other cases and activities have not been put entirely on hold based on the fiction, Ms. Chilton-Belloni's counsel objected to the Court's mere scheduling of this case for trial. Additionally, Ms. Chilton-Belloni's counsel has not cooperated with our suggestion that the case be scheduled through a simple phone call to the Court's secretary. Moreover, as we have asserted in earlier filings, which we incorporate by reference although already in the Court file, Ms. Chilton-Belloni enjoys representation by co-counsel who cannot claim the fiction, because he is not a privileged member of the General Assembly.

It is imperative that this matter be brought to a conclusion as soon as possible, so that the City's zoning laws may be enforced, even after all of this time. With that in mind, we would again respectfully ask the court to permit the scheduling of a trial date. We understand that the statute entitles Ms. Belloni's counsel, under certain circumstances and upon request, to a continuance of an actual trial, but we do not believe that it prohibits the Court from simply *scheduling* such trial. We remain ready and willing to provide your secretary with our "avoid dates" to facilitate such scheduling over the telephone, if the Court would so prefer.

We would be happy to prepare an Order for your consideration which memorializes, for the record, the proceedings in this matter to date and that simply based on a fiction, the justice system has been blocked from operating. Thank you for your time and attention to this matter.

Respectfully,



Victor M. Santos

cc: Mark D. Obenshain, Esq. (via fax and mail, w/encl.)
Justin M. Wolcott, Esq. (via fax and mail, w/encl.)