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February 26, 2020

Via Hand Delivery and Mail

The Hon. Charles L. Ricketts, III, Judge
City of Staunton Circuit Court
113 E. Beverley St. 3rd Floor
Staunton, VA 24401

In Re: *June 12, 2018 Decision*
Case No. CL18000404-00

Dear Judge Ricketts:

The Court having ruled in this matter via letter opinion on December 7, 2019, we again very respectfully request that a Final Order be entered. As you will recall, we on December 17, 2019 provided a draft Final Order to Mr. Obenshain, and followed up with him, still seeking a reply, on December 23, 2019. On December 30, 2019, having theretofore received no response from Mr. Obenshain, we provided the Court a proposed form of Final Order, reserving the plaintiff's right to note objections but bringing a formal end to the case.

The continued filing of Notices by Mr. Obenshain, again asserting what he contends to be his client's right, pursuant to Va. Code § 30-5, to a continuance, frustrate the City's ability to evenly apply its zoning ordinance consistently and in accordance with law. The most recent Notice was the fourteenth such filing by Mr. Obenshain in this and other related cases since February 18, 2015, despite the appearance on paper and in person of Mr. Obenshain's associate, Mr. Wolcott (who does not serve in the General Assembly), in this case and his availability to note any desired objections.

The ability of Mr. Obenshain to note objections to the order, and/or send Mr. Wolcott to appear at motions day on his behalf, is underscored by his continued exercise of his longtime profession during the pendency of the General Assembly session. For example, in the case of *Steven A. Williams v. Life Care Associates, LLC*, currently pending in the Circuit Court of Shenandoah County, Mr. Obenshain and Mr. Wolcott filed a praecipe on February 6, 2020,

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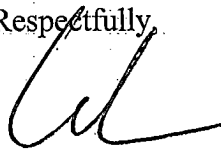
seeking to set the case on the motions day docket of that Court on February 13, 2020. A copy of that praecipe is enclosed. If Mr. Obenshain or Mr. Wolcott are available on February 13, 2020 to set a case for trial, why would they be unavailable in this case to simply note objections to a proposed order implementing the letter opinion written nearly three months ago?

We are also cognizant of the fact that your honor will commence a well-deserved retirement at the close of this month. Given that your honor heard the evidence and arguments in this case and prepared the letter opinion of December 7, 2019, it is certainly appropriate that your honor serve as the judge who will enter the final order in the case. Indeed, we are concerned that another judge, not having heard the case, will not be in as good a position to determine the adequacy of the proposed order, or to consider possible objections. That being said, if your honor is disinclined to enter the proposed order at this time, perhaps a request could be made that, following your retirement, your honor be given an appointment which will allow your continued service in this and any related cases.

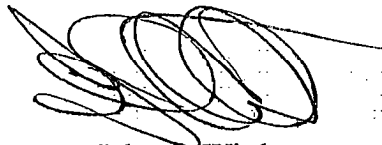
We would again respectfully request that the Court proceed to enter either the order provided with our correspondence of December 30, 2019, or, alternatively, that it enter the Order enclosed with our correspondence of January 10, 2020. In the alternative form of the order, all objections are noted and preserved.

Thank you for your time and attention to this matter.

Respectfully,



Victor M. Santos



John C. Wirth

Encl.

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

VIRGINIA: IN THE CIRCUIT COURT FOR SHENANDOAH COUNTY

STEVEN A. WILLIAMS,
Administrator of the Estate of Ruth Irene Williams

Plaintiffs,

v.

CASE NO.: CL19-1170

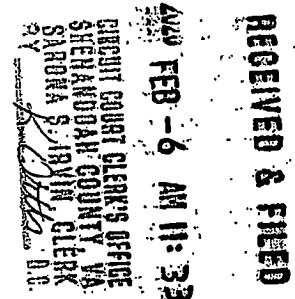
LIFE CARE ASSOCIATES, LLC, d/b/a
LIFE CARE CENTER OF NEW MARKET

Defendants.

PRAECIPE

The Clerk is requested to place the above matter on the docket for the Motions Day of the
Court to be held on **February 13, 2020**, for the purpose checked below:

- _____ 1. Entry of order, judgment or decree.
- _____ 2. Argument on pleading (specify).
- _____ 3. Hearing on Demurrer.
- _____ 4. Pre-trial conference.
- _____ 5. Set for trial on preliminary issues of fact.
- X 6. Set for trial.
- X 7. Other: **Request to appear by telephone @ 540-208-0731**



Counsel's estimate of time required: 5 minutes

Dated: February 6, 2020

STEVEN A. WILLIAMS,
Administrator of the Estate of
Ruth Irene Williams
By Counsel



Mark D. Obenshain (VSB #27476)
Justin M. Wolcott (VSB #83367)
OBENSHAIN LAW GROUP
420 Neff Avenue, Suite 130
Harrisonburg, Virginia 22801
Tel: (540) 208-0727
Fax: (540) 266-3568
Counsel for Plaintiff

CERTIFICATE

I hereby certify that a true copy of the foregoing pleading was mailed and emailed
on this 6th day of February 2020 to:

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Counsel for Defendant



Counsel for Plaintiff