

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE, VIRGINIA


FREDERICK W. PAYNE, JOHN BOSLEY)
YELLOTT, JR., et al.,)
Plaintiffs,)
)
v.)
)
CITY OF CHARLOTTESVILLE,)
VIRGINIA, CHARLOTTESVILLE CITY)
COUNCIL, et al.,)
Defendants.)

Case No. CL17-000145-000

**REPLY TO PLAINTIFFS' MEMO
FILED IN COURT ON FEB. 5, 2018**

COME NOW your Defendants, by counsel, and submit this Reply to the arguments presented in the Court hearing conducted on February 5, 2018 in this case, such arguments having been presented within a document titled "*Plaintiffs' memo: legislative privilege does not shield prohibited acts.*" As and for their Reply, the Defendants state as follows:

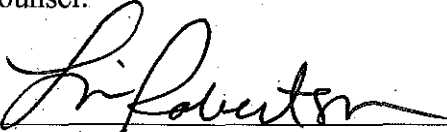
1. Defendants previously filed a Plea in Bar and a Demurrer, raising legislative immunity, and other grounds for immunity, for determination by this court. The Plea in Bar and Demurrer were not before the court for hearing on February 5, 2018, and have been set for a later date.
2. Defendants disagree with Plaintiffs' analysis of legislative or other privilege as may apply to city council (as a public body), and as legislative (or other privilege) may apply to individual members of Council.
3. Defendants reserve the right to present their arguments within briefs in support of their Plea and Bar and Demurrer.

FILED
2/8/18 @ 3:30p
(Date & Time)
City of Charlottesville
Circuit Court Clerk's Office
Mezelle A. Dugger, Clerk
By 
Deputy Clerk

4. Defendants deny that there has been any waiver of any privilege that is or may be available to the City, City Council, or individual members of City Council.

Respectfully submitted,
CITY OF CHARLOTTESVILLE, VIRGINIA,
CHARLOTTESVILLE CITY COUNCIL, et al.,

By counsel:



Lisa A. Robertson, Esq. (VSB# 32486)
Chief Deputy City Attorney
P.O. Box 911, 605 E. Main Street, 2nd Floor
Charlottesville, Virginia 22902
Tel. (434)970-3131
Email: robertsonl@charlottesville.org

John W. Zunka, Esq. (VSB #14368)
Richard H. Milnor (VSB #14177)
Ashleigh M. Pivonka, Esq. (VSB# 89492)
Zunka, Milnor & Carter, Ltd.
P.O. Box 1467, 414 Park Street
Charlottesville, Virginia 22902
Tel. (434) 977-0191

CERTIFICATE OF SERVICE

I certify that on the 12th day of February, 2018, pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia, on or before the date of filing I served a true copy of the foregoing document, by electronic mail (where an e-mail address is indicated below) and also by U.S. Mail, first-class, postage pre-paid, to counsel of record, as follows:

Ralph E. Main, Jr., Esq.
rmain@charlottesvillelegal.com
Dygert, Wright, Hobbs & Heilberg
415 4th St., N.E.
Charlottesville, VA 22902

S. Braxton Puryear, Esq.
P.O. Box 291, 121 S. Main St.
Madison, VA 22727

Signature: 
Counsel for Defendants