

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

FREDERICK W. PAYNE, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 CITY OF CHARLOTTESVILLE, VIRGINIA,)
 et al.,)
)
 Defendants.)

Case No.: CL17-000145-000

MOTION FOR RECONSIDERATION OF DENIAL OF LEGISLATIVE IMMUNITY

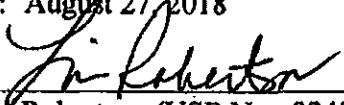
Defendants A. Michael Signer, Wesley J. Bellamy, Kathleen M. Galvin, and Kristin L. Szakos, by their new counsel, respectfully move the Court to reconsider its ruling of June 13, 2018, that common law legislative immunity does not apply to their actions at issue in this litigation. As the Court itself recognized in that ruling, all of the councilors' alleged actions were "legislative in nature and function." Ruling 5. Under longstanding common law principles set forth in the attached brief, that characterization entitles the councilors to absolute immunity from suit altogether. And it is imperative to revisit the question of the councilors' immunity now, because deferring the issue amounts to denying immunity—the purpose of which is protection from the burdens of suit altogether. *See, e.g., Allen v. Cooper*, 895 F.3d 337, 357 (4th Cir. 2018).

Request for Relief

The councilors respectfully request that this Court reconsider its ruling of June 13, 2018, hold them absolutely immune under common law legislative immunity for their legislative actions, and dismiss them from this lawsuit. In the alternative, the councilors ask the Court to hold that they cannot be held personally liable for any damages, attorney's fees, or costs.

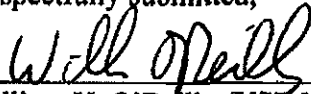
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By Christina Sperry
Deputy Clerk

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Respectfully submitted,



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Counsel for Defendants Signer, Bellamy, Galvin, and Szakos

CERTIFICATE OF SERVICE

I certify that on the 27th day of August, 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 hand-delivery (to the office of Ralph E. Main, Jr.) and also by U.S. Mail, first-class, postage pre-paid (to the office of S. Braxton Puryear), to counsel of record for the Plaintiffs, as follows:

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