

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE

FREDERICK W. PAYNE *et al.*,
Plaintiffs,

v.

Case No. CL 17 - 145

CITY OF CHARLOTTESVILLE, VIRGINIA *et al.*,
Defendants.

FILED
10/5/18 @ 3:10 PM
(Date & Time)
City of Charlottesville
Circuit Court Clerk's Office
L. J. Dugger, Clerk
B. J. [Signature] Deputy Clerk

Plaintiffs' Motion for a View

The Plaintiffs, by Counsel, move this Honorable Court to view the Confederate General Robert E. Lee and Confederate General Thomas Jonathan "Stonewall" Jackson monuments *in situ*, during the trial of this action, preferably during the testimony of Plaintiffs' military accoutrement expert Stephen Sylvia.

(1) A view is necessary for a just decision because monuments are three dimensional. Two dimensional photos cannot do them justice. In addition an in-person viewing offers inspection of minute details, an understanding of the relation of the parts of the monuments to the whole, and of the relation to monuments to the parks in which they stand and which were created to frame them — that a photo or series of close-up photos cannot.

(2) Mr. Sylvia can offer expert guidance on the military uniforms, swords, and other accouterments, and military significance of the insignia and emblems depicted on the two monuments, as well as some biographical history of the two Confederate Generals.

(3) A view by the finder of fact is permitted by Virginia Code §8.01-376 (permitting views at the request of a party); cf. Crockett v. Commonwealth, 187 Va. 687, 47 S.E. 2d 377 (1948) (holding motion for view is granted or denied in discretion of trial court; but ordering new trial because jury viewed crime scene upon their own initiative).

Request for Relief

The Plaintiffs ask this Honorable Court, to view the Confederate General Robert E Lee and Confederate General Thomas Jonathan "Stonewall" Jackson monuments *in situ*, during the trial of this cause, preferably during the testimony of Plaintiffs' expert Stephen Sylvia.

Respectfully submitted:

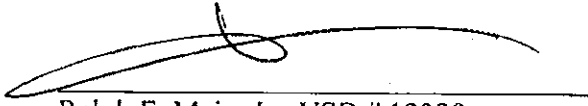
(date) October 5, 2018

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that I caused a true and exact copy of the foregoing Motion for a View to be hand delivered to the offices of Lisa Robertson, Esq., Charlottesville Deputy City Attorney, at her office address of 605 East Main Street, Charlottesville, Virginia 22902 and to the office of Richard Milnor, Esquire, at Zunka, Milnor & Carter, LTD, Counsel for Defendants, at his office address of 414 Park Street, Charlottesville, and by email to William O'Reilly, Esq., Jones Day, 51 Louisiana Ave. N.W. Washington DC 20001, at his email address of <woreilly@jonesday.com> and in addition by first class mail, postage prepaid to William O'Reilly, Esq., Jones Day, 51 Louisiana Ave. N.W. Washington DC 20001, all of the above being Counsel for the various Defendants, this 5th day of October 2018.


Ralph E. Main, Jr., VSB # 13320