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VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

FREDERICK PAYNE, et al.,

Plaintiffs,

-vs- Case No. CL17000145-00

CITY OF CHARLOTTESVILLE, et al.,

Defendants.

EXCERPT OF PROCEEDINGS BEFORE

THE HONORABLE RICHARD E. MOORE, JUDGE

May 2, 2017

Charlottesville, Virginia

ORIGINAL

FILED
May 17, 2017 1:28p
 (Date & Time)
 City of Charlottesville
 Circuit Court Clerk's Office
 Liezelle A. Dugger, Clerk
 By *[Signature]*
 Deputy Clerk

Job No. 33401

REPORTED BY: Kimberly A. Adderley, RPR, RMR

1 Excerpt of proceedings before The Honorable
2 Richard E. Moore, Judge, reported by
3 Kimberly A. Adderley, RPR, RMR, Notary Public in
4 and for the Commonwealth of Virginia at large,
5 May 2, 2017, at the Circuit Court for the City of
6 Charlottesville, 315 East High Street,
7 Charlottesville, Virginia.

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Counsel for the Defendants

1 (May 2, 2017)

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R U L I N G :

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THE COURT: All right. This might take a few minutes because there's a lot of issues and I really want to touch on as many as I can. And those of you who know me, know it's important to me that people understand why decisions are made and not just simply what the decisions are. So, I do take a little bit of time to explain some things.

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Also, although I was tempted to put this off and read everything again, I don't think that's the best in this case. And I thought about this for days and I don't think looking into it is going to really change my decisions about the issues. It might give me better ways to say it, but I'm going to go ahead and announce my decision on what is before the Court today, which is just a temporary injunction. That's all this is.

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As to the temporary injunction, controlling law that I have used is in WINTER VERSUS NATURAL RESOURCES DEFENSE COUNCIL,

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1 which is a US Supreme Court case from 2008,
2 and then REAL TRUTH ABOUT OBAMA, INC. VERSUS
3 FEDERAL ELECTION COMMISSION, which is a
4 Fourth Circuit opinion, which we are in the
5 Fourth Circuit, so it is binding on us to the
6 extent that it touches on areas where
7 Virginia doesn't have its own case law or
8 statutes, and we don't on this definition.
9 And that's from 2009.

10 But, REAL TRUTH essentially applied the
11 law from WINTER. And, I really don't think
12 there's any dispute about that's the
13 controlling law that we are under.

14 There are several issues that were
15 presented in this case, and we are at an
16 early stage. But, the main question we have
17 been trying to work with today and consider
18 today is not the ultimate merits of the case.
19 It's not about who will win or lose, whether
20 the statue of Robert E. Lee will be moved,
21 whether the parks will be renamed. That's
22 for another day.

23 The issue today is whether I grant a
24 temporary injunction in some form to preserve
25 the status quo until the case is decided in

1 full. That's the only issue today.

2 There are subissues that are raised in
3 the pleadings. A major one is whether
4 15.2-1812 of the Virginia Code, and 1812.1,
5 and 18.2-137, whether they apply in this
6 case, whether they apply to this statue or
7 these statues.

8 There's some issues about whether a
9 removal of the Lee statue, or the Jackson
10 statue down the road, would trigger a
11 reversionary clause in the deed, whether
12 that's the basis of an injunction, nobody
13 really argued that too much today.

14 But, the main issues under WINTER and
15 REAL TRUTH is whether the plaintiffs are
16 likely to prevail on the merits; whether
17 there will be irreparable harm, likelihood of
18 irreparable harm if the injunction is not
19 issued; does the public interest weigh in
20 favor of issuing the injunction to preserve
21 the status quo; is the cost of removal a
22 pertinent factor for me to consider in making
23 the decision, as it impacts on the public
24 interest, I think that would be the one place
25 it would be relevant.

1 There are other subissues that were
2 important to me, they may not be as important
3 to the public. And that is the interplay
4 between the judicial and the legislative
5 branches in our democratic process, or the
6 interplay between the state and local
7 legislative bodies.

8 And there was some mention of gift law
9 and its impact on this decision. So, all of
10 that is floating around here, the attorneys
11 know the relevance of those.

12 But, it's a contentious issue in our
13 community, it has been, everybody knows that.
14 There are those who believe that it is an
15 outrage to have a statue of a military leader
16 and hero of the Confederacy in a major spot
17 downtown when a primary goal of the
18 Confederacy was the preservation of the right
19 to determine your own way of life, which
20 included slavery.

21 On the other hand, there are just as
22 many who think it's an outrage to remove the
23 statue that honors a man who was looked up to
24 and revered by so many, and made a difficult
25 choice to side with his state against that of

1 the Union of States, and a more difficult
2 decision to surrender his troops at the end
3 of the war instead of continuing to fight.
4 And he was an example to all, almost without
5 dispute, of grace and submission in defeat.

6 And there was a quote that was offered,
7 I think by both parties, about the whole
8 point of this was working for peace and
9 moving on, which is exactly what some people
10 would say the whole tradition of Robert E.
11 Lee is.

12 But, both sides not only think that
13 they are right, but they think that the other
14 is plainly wrong. It's not uncommon in this
15 courtroom, I see it all the time.

16 But, Charlottesville City Council in
17 speaking for the people has made a decision.
18 Essentially, siding with one group or
19 opinion, they made their decision.

20 My decision, the Court's decision, is
21 not about whether I agree or disagree with
22 either side. That is not what it's about for
23 me. It's not about whether I think the
24 statue should or should not be moved. I
25 really don't have an opinion on that in my

1 role as a judge.

2 The only question I have before me in
3 this case is a simple question. It's not
4 necessarily an easy question, but it's a
5 simple question of may City Council move the
6 statue legally? That is the only question
7 before me.

8 Do they have the authority or
9 permission to do so?

10 There were two main reasons the
11 plaintiffs put forward, certainly in their
12 pleadings, they didn't really address them
13 equally today, but there were two as to why
14 this action is not legal and it should be
15 enjoined, at least temporarily, until we can
16 hear this in court. One is under the
17 statute, or statutes, and the other has to do
18 with the deed of gift.

19 I simply can't find that the deed
20 prevents City Council's action, at least in
21 the context of a temporary injunction. I
22 can't find today on what I've heard that
23 there is a likelihood of plaintiffs
24 prevailing on the merits with regard to the
25 impact of the gift or the deed. They may

1 ultimately prevail on that. But, I've got to
2 find that there's a likelihood of prevailing
3 on that.

4 The problems I had with regard to that
5 issue is, so far as I know, both parks would
6 still be used as a park. That is what the
7 deed requires; to be used as a park and have
8 no buildings. There's no evidence to the
9 contrary at this point that they would
10 continue to use both of them as a park. And
11 there's no evidence of any buildings being
12 built.

13 Even if the property would revert to
14 the original donors, I'm not sure that an
15 injunction is something that should be used
16 to keep property from reverting. If that is
17 part of the concern, if a condition is not
18 met, the property just reverts if the
19 condition is not met.

20 As to the gift conditions -- and I
21 remember back in law school there was an
22 issue about gifts with conditions and without
23 conditions. But, I don't think they were
24 specific enough to bind the City not to do
25 certain things with the property.

1 As to the naming, I cannot agree with
2 the plaintiffs that what has been presented
3 would stop the City from renaming the parks.
4 Number one, I didn't follow the authority
5 that says they can't because they have named
6 them up to this point. But, I don't think
7 that would be irreparable harm if they did
8 rename the parks, because if I ultimately
9 rule there's no authority to do that, they
10 can just be renamed. I just can't find that
11 is irreparable harm to support a temporary
12 injunction.

13 So, those are the plaintiffs' arguments
14 that I did not find persuasive or dispositive
15 at this point in time.

16 But, as to the action of City Council
17 being contrary to the statute, I need to
18 address that further, because my view is
19 that's a little bit different. City Council
20 is a legislative body or authority and it
21 speaks for its people, it speaks for the
22 citizens and locality.

23 The Court is the judicial branch. In
24 some broad sense the Court might be seen as
25 speaking for the public. But, more

1 accurately, the Court speaks for justice,
2 it's concept of justice, the Constitution,
3 and for what it believes is right, proper,
4 and authorized under law. So, that's a
5 touchstone for the Court.

6 And, that's really what we call
7 separation of powers. People hardly ever
8 hear that, but sometimes in court it's a
9 significant thing. Each branch of government
10 has its own duties and authority, and the
11 Court is not a legislative body or agency.

12 It's not up to the judicial branch to
13 second guess the legislative branch or to
14 substitute its judgment or opinion. Just as
15 if the judgment is being appealed, like in a
16 regular case, de novo, my role is simply to
17 ensure they followed the rules and acted
18 within their authority.

19 But, another legislative body, the
20 General Assembly, the legislature of the
21 Commonwealth, which is made up of the House
22 of Delegates and the State Senate, has also
23 spoken. And, it is not up to me to agree or
24 disagree with the General Assembly either,
25 but simply to interpret what laws they have

1 passed.

2 Those, as we learned in law school, are
3 what we call political decisions, not meaning
4 partisan party politics, but meaning the body
5 politic, democratic decisions. That's what
6 it means when it's a political decision, it's
7 up to the people and their elected
8 representatives. It's not up to me to meddle
9 in that. I frankly don't care what the
10 majority says. The judicial office is not a
11 democratic position. I have to interpret the
12 law and do what I think is the right thing.

13 So, the question for me goes back to
14 the main one, do the statutes; 15.2-1812,
15 1812.1, and 18.2-137, do they apply to this
16 statue?

17 And I think they do apply to the
18 Robert E. Lee statue. I've got to work that
19 out because I'm not granting everything that
20 plaintiffs are asking, but the very reason
21 that it's presence upset some people is that
22 it is clearly a war memorial or a monument to
23 a veteran of war. I mean, that's why people
24 are upset about it. People had even made
25 comments, and today we talked about the

1 artwork and the sculpture, but the horse,
2 everybody said it's a war horse, it's the
3 horse they rode in battle.

4 So, when I read 1812, it talks about,
5 "The erection of monuments or memorials for
6 any war or conflict, or for any engagement of
7 such war or conflict, to include the
8 following monuments or memorials:" And it
9 goes on to list several, including the War
10 Between the States, several before, several
11 after.

12 And then when I read 137, it talks
13 about any person who unlawfully destroys,
14 defaces, damages or removes without the
15 intent to steal, any monument or memorial for
16 war veterans as described in 1812. To me
17 it's inescapable, it means to cover those
18 statues. That's what it is.

19 I thought about this a lot. To think
20 about the purpose of the statute, if we put
21 this in the context of the Vietnam War, for
22 many people that was an extremely unpopular
23 war. As a nation, and in many communities,
24 we treated disgracefully the veterans of that
25 war, we all know that, even with tones of

1 self-righteousness, because many didn't agree
2 with the ends of that war or the need for it,
3 or the cost of it in dollars or lives. Many
4 thought the war was wrong and fought anyway.
5 And no monuments sprang up for those veterans
6 right away. There wasn't a whole lot of
7 honor bestowed on those veterans immediately,
8 because many people disagreed with the ends
9 of war. It was later remedied across the
10 country.

11 But, the winds of popular opinion
12 change. And for those whose relatives;
13 whether they were husbands, fathers, sons,
14 brothers, or even sisters and daughters, who
15 died in the Vietnam War, if they were worried
16 about popular opinion changing and somebody
17 came along and said we shouldn't have done
18 this, let's get rid of all the Vietnam War
19 monuments, let's just get rid of them all,
20 because that was wrong for us to do, I think
21 this statute would stop that.

22 And this statute is directed to local
23 authorities. It says, "If such are erected,"
24 and in an earlier generation of the statute
25 is said, "If such shall be erected," and it

1 was changed to "are erected." To my
2 understanding, I think that's no different
3 than saying if they are built. A building is
4 built. I think it applies.

5 And it says, "It shall be unlawful," it
6 doesn't say for anyone, it says, "for the
7 authorities of the locality to disturb or
8 interfere with," and that includes removal or
9 damaging or defacing.

10 This is clearly directed to what is
11 going on here, saying the locality can't
12 remove one of these things unless the
13 legislature passes another statute and allows
14 it.

15 That's my opinion. I don't agree that
16 this statute, as intended or as written,
17 applies only to monuments built after that
18 statute was passed. I don't think so. I
19 think that strains credibility as to what
20 would be in the mind of the General Assembly
21 when they were passing that, when there were
22 thousands of these monuments to the
23 Revolutionary War, World War II, World War I,
24 the War Between the States. There were
25 thousands of these in existence at the time

1 this was passed. I cannot believe that in
2 their mind they are thinking, "This doesn't
3 apply to any of those, this only applies to
4 ones in the future." I just don't agree with
5 that.

6 And, in that regard, I disagree with
7 the opinion from Danville. I think that was
8 dicta anyway, I don't think that finding was
9 necessary for the decision in the Danville
10 case. I think it was something that was
11 thrown in, I think there was another point
12 that was decided on that would have been
13 dispositive.

14 But, I think it does apply and I think
15 that moves us to the next question. I do
16 think on that point, on that narrow point, I
17 think the plaintiffs are likely to prevail on
18 the merits because of my interpretation of
19 1812 and 1812.1 and 137. So, I think that
20 prong is met.

21 I do think there's a likelihood of
22 irreparable harm as to the Lee statue, not as
23 to anything else. I think there's a
24 significant likelihood that it's going to be
25 damaged. I think it hasn't been rebutted,

1 all they can say is maybe it won't be. But,
2 you have got sculptors and other people that
3 are mentioning the significance of it, it's
4 100 years old, and even if it's damaged, even
5 if it can be patched up, it won't be the
6 same. In my view that's irreparable harm.
7 Not only if it's damaged, which I think it is
8 likely to be damaged, but it can be sold. I
9 mean, that certainly has been part of the
10 discussion. If it's sold, it's not coming
11 back. So, nobody is going to buy it
12 thinking, well, maybe they will come get it
13 back from me.

14 But, I also think, furthermore, with a
15 monument that's been there for 100 years, of
16 this nature of art, it is irreparable harm
17 for it to be gone for any significant period
18 of time, in my view. It would be like let's
19 move the Statue of Liberty for a few months,
20 or let's take away the Washington Monument
21 for a few months, people coming to D.C. or
22 New York during those time periods, they have
23 lost that, they can't get it back.

24 So, my interpretation is, for all three
25 of those reasons, it is irreparable harm.

1 As far as being in the public interest,
2 I do think it's in the public interest until
3 this is resolved one way or the other to not
4 be tinkering with a 100-year-old statue
5 that's on the National Register, that City
6 Council for decades has been the one that's
7 been the driving force to preserve these
8 things, and now this is a different opinion.

9 I think it's in the public interest to
10 wait and see. I also think it's in the
11 public interest that if the plaintiffs
12 prevail, that this is an unauthorized action
13 under the statute, that they not be spending
14 tens and hundreds of thousands of dollars
15 doing it if it's unauthorized.

16 So, the public interest -- and
17 certainly people have different opinions
18 about that, and I understand that. But, I
19 think the public interest, in my view, weighs
20 in favor of preserving the status quo.

21 And, certainly, the final point is
22 balancing. I think there's little harm to
23 the defendants by my granting this temporary
24 injunction. If they ultimately prevail and I
25 ultimately say no, it's okay, you can do what

1 you want to do, they have not really lost
2 that much but some time. I just don't see
3 that.

4 Whereas, on the other hand, if I don't
5 grant the temporary injunction and it is
6 removed and sold or damaged, and then the
7 plaintiffs ultimately prevail, and then they
8 have to somehow trust that it's going to be
9 placed back in the place undamaged, or as it
10 was before. I just think balancing those
11 two, it makes a lot more sense to leave it
12 where it is until the case is decided.

13 So, the balance of the potential harm
14 to me weighs in favor of the temporary
15 injunction.

16 If Council is right and within their
17 authority, the statue is going to go, and
18 that is something that I and everybody else
19 is going to have to accept, because that's a
20 democratic decision.

21 But, if it's not authorized by the
22 statute, which is also a legislative
23 decision, we ought not let it go prematurely.
24 That's my view. We don't want to create a
25 situation where it would be impossible or

1 difficult to restore.

2 But, a temporary injunction or any
3 injunction is an extraordinary remedy, it
4 should be limited. So, I'm not enjoining the
5 renaming. I don't think that's irreparable
6 harm, and I'm not sure that even you would
7 prevail on the merits. I don't see why that
8 would be a problem.

9 I'm not enjoining any planning or
10 designing to be prepared to move forward if
11 the City ultimately prevails. And I don't
12 see any irreparable harm from the planning or
13 designing.

14 I'm not addressing the Jackson statue
15 at all because there's been no resolution or
16 ordinance to attempt to sell or move or
17 damage that. And I don't think renaming the
18 park is beyond a City Council's prerogative
19 or their authority. And I don't think their
20 redesigning it is either beyond their
21 prerogative or authority, as long as it
22 remains a park, there's no buildings put on
23 it, and it doesn't interfere with the use and
24 access to the statue.

25 There's a few other things, I just want

1 to be sure I've covered everything that I
2 thought was pertinent.

3 I do find that the irreparable harm
4 that I talked about would apply both to the
5 plaintiffs, in particular, and the public in
6 general. That's my view.

7 I do find that the standing issue is
8 not really properly raised in the injunction
9 stage, it's raised in the demurrer, which we
10 have to get to later. But, in my view, it's
11 been addressed and I think there is
12 sufficient standing for enough of the
13 plaintiffs that that would support the
14 temporary injunction. You have got
15 plaintiffs here who are residents of
16 Charlottesville, property owners, taxpayers,
17 people who visited the parks regularly,
18 people who are directly involved in their
19 preservation, and people involved in agencies
20 that did so.

21 So, I think certainly taken together,
22 without analyzing each one individually --
23 but, it is interesting to me on that point,
24 on the standing, and the two organizations,
25 which I have to check, the Virginia Division,

1 Sons for Confederate Veterans and the
2 Monument Fund, it's interesting that in the
3 statute, at the second paragraph of
4 15.2-1812, nobody really talked about that
5 much, but it talks about sums of money to
6 preserve or take care of these, and it says,
7 "The governing body may also make a special
8 levy to supplement funds already raised or
9 that may be raised by private persons,
10 Veterans of Foreign Wars, the American
11 Legion, or other organizations."

12 So, to me, they are anticipating other
13 organizations that aren't named having an
14 interest in the existence of these statues.
15 For me that's even more reason to interpret
16 the phrase in 15.2-1812.1(A)(1), which says,
17 "Any person having an interest in the
18 matter." Certainly that language in the
19 second paragraph of 1812 would inform the
20 first paragraph under 15.2-1812.1(A), that
21 they obviously have an interest in it.

22 So, I don't have a problem with the
23 standing. Even though it wasn't properly
24 raised at this stage, I think it's been
25 addressed adequately.

1 I also don't think that the plaintiffs
2 have to wait until the damage is about to
3 occur or until it does occur. If that were
4 the case, the injunction really wouldn't do a
5 whole lot of good if you have to wait until
6 you are right on the brink.

7 In Judge Sweat's case it was referred
8 to in passing, apparently part of his ruling
9 in the previous case was the parties there
10 waited too long, they didn't act quickly
11 enough. So, maybe they were trying to be
12 wise about it and then they waited too long.

13 As far as the money being spent without
14 authority, to me that's just a factor on the
15 public interest aspect of it.

16 As far as the irreparable harm goes, I
17 saw that as four possibilities: One is the
18 possible selling of the statute; the damage,
19 which I think is likely; it's temporary
20 absence; and also there was some allusion to
21 other damage in the City's report to age-old
22 trees and the terrain, and things like that.
23 So, I do think all of that goes into
24 irreparable harm.

25 I do think I need to put a time limit

1 on this under the statute. And I think six
2 months is the limit on what I'm going to say.
3 There can't be -- the Lee statue cannot be
4 moved, removed, moved or sold for six months.
5 But, I'm going to reserve the right to
6 revisit that if we have an earlier hearing.
7 If we have other hearings within six months,
8 on the demurrer, which could change this, or
9 on any other issues, I'm not inviting motions
10 from the plaintiffs or the defense, but sua
11 sponte, if I feel like, after hearing further
12 evidence, I want to revisit this within six
13 months, I'm going to.

14 But, right now the injunction is for
15 six months unless there's further order of
16 the Court, only as to the moving of the Lee
17 statue.

18 As far as it being a war memorial or a
19 monument to veterans, whatever the different
20 terminology, the fact that it's on the Civil
21 War Trail and there's a sign right in front
22 of the Lee statue, definitely leans in that
23 direction, that it's clear what it is, and
24 everybody knows what position he held and why
25 it's there.

1 With regard to the plaintiffs' general
2 objections to all this money being spent, the
3 only touchstone for that is the public
4 interest. I don't think that -- that doesn't
5 go towards irreparable harm, because if there
6 is money wrongly spent, then it can simply be
7 required to be paid back at some point as a
8 part of the suit. If there's money that's
9 being wrongly spent, at least that can be
10 pursued and argued. So, I don't put that
11 under irreparable harm, although it does
12 touch on public interest.

13 And this is sort of a closing, I just
14 want us to see how we got here. In one of
15 the sections of 15.2-1812, it was illuminated
16 to me, when you read down it and it talks
17 about not disturbing, interfering with,
18 removing, damaging, or defacing, and it says
19 interfering with includes removing. But,
20 then it goes on to say this: It also would
21 include, "In the case of the War Between the
22 States, the placement of Union markings or
23 monuments on previously designated
24 Confederate memorials."

25 A lot of people read that and say, "Oh,

1 yeah, there they are." But the next line
2 says, "Or the placement of Confederate
3 markings or monuments on previously
4 designated Union memorials."

5 The only reason I say that is to point
6 out when this statute was passed, it was
7 talking about both sides of a historic
8 conflict that will never go away from our
9 nation's memory. But, this is talking about
10 either way. And I just think that's
11 important for us to remember.

12 I was as sincere as I could be at the
13 beginning of this case when I said we are
14 part of a community and we need to live that
15 way and we need to listen to each other and
16 respect each other, even when we disagree
17 strongly. So, I just beg you to do that.

18 What I've decided today is simply that
19 the evidence supports the Lee statue not
20 being moved, because I think it conflicts
21 with the state statute. But, nothing else I
22 think needs to be done by me at this point in
23 time. Everything else can wait for the trial
24 of the ultimate issues. So, I'm not
25 directing the City not to do anything else

1 except that.

2 If you have any questions, I will try
3 to clarify. Counsel. I'm not taking
4 questions from the gallery, but, if counsel
5 is not clear about anything I ruled.

6 And even though you lost on most of the
7 points, you prevailed on the main thing, I'm
8 going to ask you to do the order.

9 MR. PURYEAR: That was my question,
10 Judge.

11 THE COURT: And circulate it to the
12 City's Attorney's Office.

13 Counsel have any questions about my
14 ruling?

15 MS. ROBERTSON: No.

16 THE COURT: Thank you very much.

17 MR. MAIN: Judge, I want to be sure,
18 though, we reserve the right to come back for
19 subsequent hearings on injunctions depending
20 on what ultimately the City plans --

21 THE COURT: Sure.

22 MR. MAIN: -- to do.

23 THE COURT: If they next pass something
24 that says they are going to sell the Jackson
25 statue, you are not estopped from that. I

1 just want to make it clear that I, on my own
2 motion, could vary this if I feel it's
3 appropriate to.

4 This is simply a temporary ruling to
5 preserve the status quo on one major point,
6 and everything else just proceeds like we are
7 going to trial. And we are going to trial on
8 that, too, I mean, but the injunction is in
9 place.

10 Mr. Puryear, any other questions?

11 MR. PURYEAR: Just like to note our
12 exception to any rulings adverse to the
13 plaintiffs' position.

14 THE COURT: Certainly. And we will put
15 that in the order.

16 MR. PURYEAR: Yes, sir.

17 THE COURT: The plaintiffs are going to
18 object to just about everything I ruled,
19 except to one, and you are going to object to
20 that, and strenuously.

21 MS. ROBERTSON: I will note my
22 exception for the record.

23 THE COURT: I understand that. And
24 everything is still under consideration as
25 the case develops.

1 I appreciate everybody that's been in
2 the courtroom, the way you have conducted
3 yourself. It's an important thing for people
4 to see what goes on in our court system. I
5 really do believe that, because most people
6 never see it. But, you have taken your time
7 to spend basically all afternoon. But, I
8 thank you for the way you have paid attention
9 and listened.

10 Thank you.

11 MS. ROBERTSON: Your Honor, would it be
12 possible to go ahead and set a date for the
13 demurrer?

14 THE COURT: Without Miss Runner, I
15 don't think so.

16 THE CLERK: Judge, she --

17 MR. MAIN: We can certainly contact
18 her, Judge.

19 THE CLERK: -- would ask that we set it
20 as a control for the June docket.

21 THE COURT: Okay. Let's do that.
22 Praeipite it for the June docket call, but you
23 can preset it with her if you get some dates.
24 The main thing to be thinking about is how
25 much time do you think you are going to want.

1 If it is going to be just the demurrer for
2 one hearing, that's easier, so a couple hours
3 maybe.

4 MR. MAIN: Yes, sir.

5 THE COURT: So, somebody praecipe it
6 for -- it's your demurrer, so you all should
7 file the praecipe for the June docket.

8 MS. ROBERTSON: Right.

9 THE COURT: But, we can set it before
10 then. And, if there's anything else that
11 comes up, there might be other motions, just
12 set them in due course as they come up.
13 Okay.

14 MR. PURYEAR: Judge, I'm sorry, what is
15 your June docket date?

16 THE COURT: Nineteenth, I believe,
17 isn't it?

18 THE CLERK: Yes, sir.

19 THE COURT: June 19th. And civil cases
20 will be at 2:00. So, you praecipe it for
21 2:00. You don't have to be here, you can
22 submit letters with dates, avoid dates,
23 available dates, that would be fine.

24 Thank you to all of you.

25 MR. PURYEAR: Judge, thank you.

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MR. MAIN: Thank you, your Honor.

(Court adjourned at 8:02 p.m.)

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CERTIFICATE OF COURT REPORTER

I, Kimberly A. Adderley, RPR, RMR,
Court Reporter, do hereby certify that I reported to
the best of my ability the proceedings heard in the
Circuit Court for the City of Charlottesville,
Virginia, in the captioned cause, heard by The
Honorable Richard E. Moore, Judge of said Court, on
May 2, 2017.

I further certify that the foregoing
transcript constitutes a true and accurate excerpt
of said proceedings.

Given under my hand this 5th day of May,
2017.

Kimberly Adderley

Kimberly A. Adderley, RPR, RMR, Notary Public

Notary Registration No. 273323

Commonwealth of Virginia at Large