



FURTHER ADJUDGED and ORDERED that the County shall, within 30 days of the entry of this order, produce to the Petitioner, Jerry W. Hill, copies of the following emails:

1. From Bob Hagan dated 8/6/05 at 2:23 p.m.
2. From Henry Connors dated 9/21/05 at 8:01 a.m.
3. From Mark Taylor dated 2/21/06 at 12:58 p.m.
4. From H. Connors dated 9/27/05 at 10:27:43 a.m.
5. From Sara Branner dated 9/15/05 at 10:49 a.m. and attached "flyer," and it is

FURTHER ADJUDGED and ORDERED that the ruling of this Court that the County is required to provide the foregoing documents to the Petitioner, Jerry W. Hill, is hereby suspended so long as the County timely prosecutes an appeal of that ruling and such appeal remains pending before the Supreme Court of Virginia; in the event the County either withdraws its appeal or receives a final adverse ruling from the Supreme Court regarding the five foregoing emails, then the County will be required to provide said emails to the Petitioner, Jerry W. Hill, within five business days of such withdrawal or final adverse ruling; and

IT FURTHER APPEARING TO THE COURT based on the pleadings, authorities, evidence, and arguments of counsel, that the County has substantially prevailed in this case and that the County has acted reasonably and in good faith in responding to the two Freedom of Information Act requests that are the subject of this case and, therefore, the Petitioner, Jerry W. Hill, should not be awarded any attorneys' fees for bringing this suit; now, therefore, it is hereby

FURTHER ADJUDGED and ORDERED that the request of the Petitioner, Jerry W. Hill, for attorneys' fees is denied; and

IT FURTHER APPEARING TO THE COURT based on the pleadings, authorities, evidence, and arguments of counsel, that the evidence in this case does not warrant any sort of injunction against the County; now, therefore, it is hereby

FURTHER ADJUDGED and ORDERED that the request of the Petitioner, Jerry W. Hill, for injunctive relief is denied; and


IT FURTHER APPEARING TO THE COURT based on the pleadings, authorities, evidence, and arguments of counsel, that the Petitioner, Jerry W. Hill, is not entitled to any civil penalty against the County because there has been no willful or knowing violation of the terms and conditions of the Freedom of Information Act and because this suit has been brought against the County; now, therefore, it is hereby

FURTHER ADJUDGED and ORDERED that the request of the Petitioner, Jerry W. Hill, for any civil penalty in this case is denied; and it is

FURTHER ADJUDGED and ORDERED that the Petition is denied in all other respects.

THIS ORDER IS FINAL.

ENTERED this <sup>26<sup>th</sup></sup> day of February 2008.

  
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David H. Beck, Judge  
Spotsylvania County Circuit Court



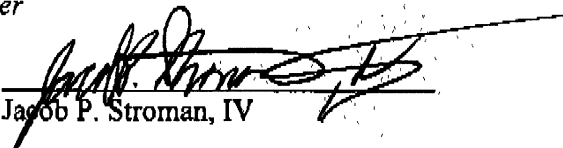
J. Patrick Taves (VSB No. 18610)  
 Alan F. Smith (VSB No. 73423)  
 GREEHAN, TAVES, PANDAK & STONER, PLLC  
 14520 Avion Parkway, Suite 210  
 Chantilly, Virginia 20151  
 703-378-5770 / fax 703-378-5771

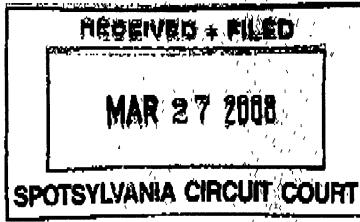
*Counsel for Defendant County of Spotsylvania*

CERTIFICATE OF SERVICE

I hereby certify that on the 27<sup>th</sup> day of March 2008 a true copy of the foregoing was  
 (X) mailed, first class postage prepaid ( ) faxed ( ) hand-delivered to:

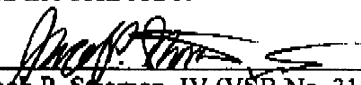
Aaron S. Book (VSB No. 43868)  
 Steven T. Webster (VSB No. 31975)  
 1 North King Street  
 Leesburg, Virginia 20176  
*Counsel for Petitioner*

  
 Jacob P. Stroman, IV



SEEN AND OBJECTED TO FOR THE REASONS STATED IN WRITING AND ORALLY TO THE COURT, AS WELL AS THE FOLLOWING:

(1) BECAUSE THE REQUESTS AT ISSUE IN THIS CASE WERE SIGNED AND SUBMITTED BY STEVEN T. WEBSTER, JERRY W. HILL, LACKED STANDING TO FILE SUIT REGARDING THE FREEDOM OF INFORMATION ACT ("THE ACT") REQUESTS AT ISSUE IN THIS CASE; (2) STEVEN T. WEBSTER LACKED STANDING UNDER THE ACT TO FILE REQUESTS IN A REPRESENTATIVE CAPACITY ON BEHALF OF THE PETITIONER, JERRY W. HILL; (3) THE COUNTY OF SPOTSYLVANIA IS NOT A "PUBLIC BODY" AS DEFINED UNDER THE ACT; (4) EVEN THOUGH THE REQUESTS AT ISSUE IN THIS CASE WERE DIRECTED TO THE COUNTY ADMINISTRATOR AND A DEPUTY COUNTY ADMINISTRATOR, A CERTAIN STRING OF EMAILS THAT WAS IN THE CUSTODY OF A MEMBER OF THE BOARD OF SUPERVISORS, SPECIFICALLY, SUPERVISOR GARY JACKSON, DID NOT BECOME SUBJECT TO THE REQUESTS AT ISSUE IN THIS CASE WHEN SUPERVISOR JACKSON PRESENTED A COPY OF THAT DOCUMENT CONTAINING THE STRING OF EMAILS TO THE COUNTY ATTORNEY FOR THE SOLE PURPOSE OF SECURING LEGAL ADVICE OF THE COUNTY ATTORNEY, ESPECIALLY WHEN THE COUNTY ATTORNEY IS APPOINTED BY AND SERVES AT THE PLEASURE OF THE BOARD OF SUPERVISORS, NOT THE COUNTY ADMINISTRATOR OR THE DEPUTY COUNTY ADMINISTRATOR TO WHOM THE REQUESTS AT ISSUE IN THIS CASE WERE DIRECTED; (5) DEPUTY COUNTY ADMINISTRATOR PENNINGTON WAS NOT LATE IN RESPONDING TO STEVEN WEBSTER'S LETTER OF MAY 15, 2007, AS THE COURT FAILED TO RECOGNIZE THAT WEBSTER'S LETTER OF MAY 15, 2007, WAS NOT RECEIVED BY DEPUTY COUNTY ADMINISTRATOR PENNINGTON UNTIL MAY 16, 2007, AND MAY 28, 2007, WAS MEMORIAL DAY AND THEREFORE NOT A BUSINESS DAY UNDER THE ACT; AND (6) THE COUNTY SHOULD NOT BE COMPELLED TO PROVIDE TO THE PETITIONER, JERRY W. HILL, CERTAIN SPECIFIED ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS THAT WERE EXEMPT UNDER THE ACT BECAUSE THOSE DOCUMENTS WERE EITHER INDEPENDENTLY PRIVILEGED OR THEY WERE IN RESPONSE TO OR A PART OF OTHER ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS THAT THE COURT RULED WERE EXEMPT FROM PRODUCTION UNDER THE ACT.

  
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Jacob P. Stroman, IV (VSB No. 31506)  
Spotsylvania County Attorney  
P. O. Box 308  
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Spotsylvania, Virginia 22553  
540-507-7020 / fax 540-507-7028

and

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*Counsel for Petitioner Jerry W. Hill*

*\* SEEN AND OBJECTED TO FOR THE REASONS STATED IN ALL  
 PLEADINGS AND BRIEFS AND AT ALL HEARINGS HELD IN  
 THIS MATTER*