

JMJ

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF PORTSMOUTH

VERONICA M. JOHNSON, )  
Plaintiff, )  
v. ) Case No. CL16003713-01  
ROCK SOLID JANITORIAL, INC. )  
and )  
SELECTIVE INSURANCE CO. )  
OF AMERICA, )  
Defendants. )

**FINAL ORDER**

On November 26, 2018, the parties appeared before the Court, by counsel and *pro se*, to be heard on Defendants' Rock Solid Janitorial, Inc. ("Rock Solid") and Selective Insurance Co. of America, to the extent that plaintiff Veronica M. Johnson ("Johnson" or "Plaintiff") improperly identified Selective Way Insurance Company as Selective Insurance Co. of America Motion to Dismiss this action because Plaintiff lacks standing to pursue the claims asserted and failed to join all necessary parties.

*The mandate from The Supreme Court of Virginia  
is on the record*  
Upon consideration of the pleadings and briefs filed herein, the evidence presented on the record and the arguments of the parties heard by the Court, and for the reasons stated from the bench and incorporated herein, the Court finds:

- a. Plaintiff does not have standing because she is not a beneficiary under Rock Solid's insurance policy, does not have a contract with Rock Solid's insurance company and has suffered no loss or any out-of-pocket expenses;
- b. Plaintiff sued Rock Solid and Selective Insurance Co. of America, jointly and severally;

*VP*

c. The general district court for the City of Portsmouth did not grant any request by Plaintiff to amend her warrant in debt to name additional defendants, including Selective Way Insurance Company and Selective Insurance Group, Inc.; and

d. Selective Way Insurance Company and Selective Insurance Group, Inc. are not before this Court.

Accordingly, it is hereby ADJUDGED, ORDERED and DECREED that:

The Motion to Dismiss is GRANTED and the case is DISMISSED with PREJUDICE and removed from the docket.

Nothing remaining to be done herein, this matter shall be placed with the ended matters, properly indexed. The Clerk is directed to send an attested copy of this Final Order to all parties and counsel of record.

IT IS SO ORDERED.

This 31<sup>st</sup> day of December 2018

H. Thomas Padrick  
Judge H. Thomas Padrick, Jr., Designate

A Copy, Teste: Cynthia P. Morrison

Clerk of the Circuit Court of the

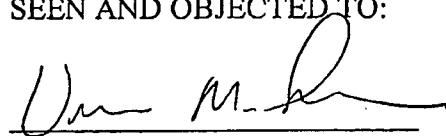
City of Portsmouth, Virginia

By B. Jenner D.C.

I ASK FOR THIS:

  
\_\_\_\_\_  
Kelley C. Holland, Esq. (VSB No. 79627)  
kholland@williamsmullen.com  
WILLIAMS MULLEN  
A Professional Corporation  
222 Central Park Avenue, Ste. 1700  
Virginia Beach, Virginia 23462  
(757) 499.8800 (telephone)  
(757) 473.0395 (facsimile)  
*Counsel for Defendant/s*

SEEN AND OBJECTED TO:

  
\_\_\_\_\_  
Veronica M. Johnson  
166 Yorkshire Road  
Portsmouth, Virginia 23701

*Pro se*

order is in violation of 14th Amendment  
fundamental fairness & part & parcel of an  
ongoing conspiracy to deny me a fair &  
impartial judicial proceeding

See Formal Objection

Filed

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the  
City of Richmond on Wednesday the 28th day of August, 2019.*

Veronica M. Johnson, Appellant,

against Record No. 190294  
Circuit Court No. CL16003713-01

Rock Solid Janitorial, Inc., et al., Appellees.

From the Circuit Court of the City of Portsmouth

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk

"APPENDIX B"

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the  
City of Richmond on Friday the 14th day of February, 2020.*

Veronica M. Johnson,

Appellant,

against      Record No. 190294  
                  Circuit Court No. CL16003713-01

Rock Solid Janitorial, Inc., et al.,

Appellees.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein  
on August 28, 2019 and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk

**"APPENDIX C"**

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 28th day of February, 2018.*

Veronica M. Johnson, Appellant,

against Record No. 171132  
Circuit Court No. CL16003713-00

Rock Solid Janitorial, Inc., et. al., Appellees.

From the Circuit Court of the City of Portsmouth

Upon the petition of the Veronica M. Johnson ("Johnson") an appeal is awarded her from a judgment rendered by the Circuit Court of the City of Portsmouth. This appeal, however, is limited to the consideration of assignment of error No. 1, as set out in the petition for appeal. The remaining assignments of error are refused.

Upon further consideration whereof, the Court is of the opinion that the judgment appealed from is erroneous. Johnson served a warrant in debt upon Rock Solid Janitorial, Inc. ("Rock Solid") and Selective Insurance Company of America ("Selective Insurance") and the matter proceeded to a hearing in the General District Court of the City of Portsmouth. On the same day the general district court judge denied Johnson relief, Johnson tendered a written notice of appeal to the clerk of the general district court. The clerk stamped the notice of appeal as received that day, and Johnson paid the filing fee seven days later. The general district court judge stated on a case disposition form, however, that the court was "not accepting the notice of appeal" because Johnson altered the pre-printed notice of appeal form. The general district court judge directed Johnson to sign a corrected notice of appeal, but she refused to do so.

As required by Code § 16.1-112, the general district court clerk transmitted the case materials, including Johnson's written notice of appeal, to the circuit court. In the circuit court, Rock Solid and Selective Insurance moved to dismiss the appeal as not perfected because Johnson did not file a proper notice of appeal. Agreeing with this position, the circuit court concluded it "never acquired jurisdiction" over the appeal because Johnson "failed to properly

**"APPENDIX D"**

notice and to perfect the appeal" within the required time period.

In assignment of error No. 1, Johnson contends the circuit court erred in granting the motion to dismiss. She asserts the clerk of the general district court timely received her notice of appeal and filing fee, undermining the circuit court's finding that she failed to perfect the appeal. We agree.

Code § 16.1-106 grants an appeal of right from the general district court to the circuit court if taken within ten days of the judgment being appealed. The act of noting or taking an appeal under the statute is perfunctory. *Godlewski v. Gray*, 221 Va. 1092, 1097, 277 S.E.2d 213, 216 (1981). "All appeals shall be noted in writing. An appeal is noted only upon timely receipt in the clerk's office of the writing." Rule 7A:13. Receipt, in this context, is not synonymous with acceptance. *See* Black's Law Dictionary 12 (6th ed. 1991) (acceptance is receipt "with approval or satisfaction"). Because Johnson submitted a written notice of appeal that was timely received by the clerk of the general district court, she satisfied the requirements of Rule 7A:13, and the circuit court erred in holding Johnson failed to perfect the appeal. Accordingly, the judgment is reversed and this case is remanded to the circuit court for further proceedings consistent with this order.

This order shall be certified to the said circuit court.

A Copy,

Teste:

*Dale L. Hammie*

Clerk

VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR THE CITY OF PORTSMOUTH

Case No. 16008237-00

Trial Date: December 6, 2016

Judge: The Honorable Douglass B. Ottinger

Veronica M. Johnson

Plaintiff, pro se

v.

Rock Solid Janitorial, Inc.

Defendant, jointly and severally  
and

Selective Insurance Group, Inc.

Defendant, jointly and severally  
and

Selective Insurance Company of America

Defendant, jointly and severally  
and

Selective Way Insurance Company

Defendant, jointly and severally

I, Shannon Baker, do swear to which the  
above Plaintiff, Plaintiff and true copy of  
a record in the Portsmouth General District  
Court, that I have custody of the record,  
and that I am the custodian of that record.

12/6/16

Date

Clerk

Deputy Clerk

ORDER

On the above date came the Plaintiff, Veronica M. Johnson, in person, pro se, upon Plaintiff's AMENDED WARRANT IN DEBT asking judgment for \$24,455.14, (\$12,455.14 as medical benefit payment balance and \$12,000.00 as punitive damages). Defendants appeared by Counsel. Upon consideration of the argument and the evidence presented, it is:

ADJUDGED, ORDERED, AND DECREED that Plaintiff Veronica M.

Johnson is granted judgment in the amount of \$ 0

Warrant in debt is denied with

**"APPENDIX E"**

\$ 0 as medical benefit balance due and \$ 0 as  
punitive damages.

ENTER: 12/6/16

WLT

Date: 12/6/16

I ASK FOR THIS:

Veronica M. Johnson

Veronica M. Johnson, Plaintiff, pro se  
166 Yorkshire Road  
Portsmouth, Virginia 23701  
757-465-0348 Telephone

SEEN AND OBJECTED TO:

H

Kelley C. Holland (VSB No. 79627)  
WILLIAMS/MULLEN  
222 Central Park Avenue  
Suite 1700  
Virginia Beach, Virginia 23462  
757-499-8800 Telephone

I certify that this document to which the  
affidavation is affixed is a true copy of  
a record in the Portsmouth General District  
Court, that I have custody of the record,  
and that I am the custodian of that record.

12/6/16 Shannon Baker  
Date  Clerk  Deputy Clerk

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF PORTSMOUTH

Veronica M. Johnson,  
Plaintiff

v.

Case No.: CL16-3713-01

Rock Solid Janitorial, Inc., et al,  
Defendants

ORDER

The Plaintiff's Motions to Clarify the Clerk's Role in selection of case file numbers and issues of the Plaintiff's Due Process Rights are DENIED.

The Clerk of this Court is responsible for the filing of documents and other matters. It does not matter what number the clerk selects for a case file.

This matter is scheduled for trial on November 26, 2018, and all other pre-trial motions on, September 24, 2018. This case is the same case which was heard by the Supreme Court of Virginia, which reversed the decision of the former trial judge. It is the same case and the matter will be tried *de novo* as mandated by the Supreme Court of Virginia.

ENTERED: 9-7-2018

Thomas Rodin  
JUDGE DESIGNATE

A Copy, Teste: Cynthia P. Morrison  
Clerk of the Circuit Court of the  
City of Portsmouth, Virginia

By B. Gunner D.C.

"APPENDIX F"

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF PORTSMOUTH

VERONICA M. JOHNSON, )  
Plaintiff, )  
v. ) Case No. CL16003713-01  
ROCK SOLID JANITORIAL, INC. )  
and )  
SELECTIVE INSURANCE CO. )  
OF AMERICA, )  
Defendants. )

ORDER

On September 24, 2018, the parties appeared before the Court, by counsel and *pro se*, to be heard on Plaintiff Veronica M. Johnson's ("Ms. Johnson" or "Plaintiff") Motion to Enter Judgment for Virginia Supreme Court Appeals Costs, Motion to Enter Summary Judgment in this Case, Motion to Enter an Order Declaring Plaintiff is Entitled to Jury Trial to Determine the Amount of Punitive Damages for Bad Faith Insurance Practices, Motion to Enter Order Declaring Plaintiff is Entitled to an Award of Sanctions and Motion for Cameras in the Courtroom.

Upon consideration of the pleadings and briefs filed herein, the evidence presented ore tenus and the arguments of Defendants' counsel and Plaintiff heard by the Court, and for the reasons stated from the bench and incorporated herein, the Court finds:

- a. Plaintiff shall recover costs in the amount of \$50.00, as stated in the Itemized Statement of Costs from the clerk of the Supreme Court of Virginia dated June 21, 2018, to be paid within two (2) weeks from the date of the hearing;
- b. Plaintiff is not entitled to summary judgment as there are genuine issues of fact in dispute;

*M*

<sup>1</sup>  
"APPENDIX G"

c. Plaintiff is not entitled to an award of punitive damages therefore her claim for punitive damages for Bad Faith Insurance Practices is dismissed;

d. Plaintiff is not entitled to an award of sanctions therefore her claim for sanctions is dismissed; and

e. Plaintiff's request for cameras in the courtroom is improper and therefore denied.

Accordingly, it is hereby ADJUDGED, ORDERED and DECREED that:

1. Plaintiff shall recover costs in the amount of \$50.00, as stated in the Itemized Statement of Costs from the clerk of the Supreme Court of Virginia dated June 21, 2018, to be paid within two (2) weeks from the date of the hearing;

2. Plaintiff's Motion to Enter Summary Judgment is DENIED;

3. Plaintiff's Motion to Enter an Order Declaring Plaintiff is Entitled to Jury Trial to Determine the Amount of Punitive Damages for Bad Faith Insurance Practices is DENIED with her claim for punitive damages for Bad Faith Insurance Practices DISMISSED;

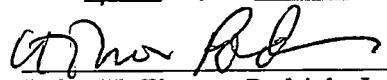
4. Plaintiff's Motion to Enter Order Declaring Plaintiff is Entitled to an Award of Sanctions is DENIED with her claim for sanctions DISMISSED; and

5. Plaintiff's Motion for Cameras in the Courtroom is DENIED.

The Clerk is directed to send an attested copy of this Order to all parties and counsel of record.

IT IS SO ORDERED.

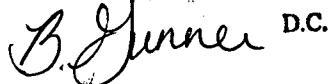
This 9/3 day of October 2018

  
Judge H. Thomas Padrick, Jr.

A Copy, Teste: Cynthia P. Morrison

Clerk of the Circuit Court of the

City of Portsmouth, Virginia

By  D.C.

I ASK FOR THIS:

  
\_\_\_\_\_  
Kelley C. Holland, Esq. (VSB No. 79627)  
kholland@williamsmullen.com  
WILLIAMS MULLEN  
A Professional Corporation  
222 Central Park Avenue, Ste. 1700  
Virginia Beach, Virginia 23462  
(757) 499.8800 (telephone)  
(757) 473.0395 (facsimile)  
*Counsel for Defendant/s*

SEEN AND OBJECTED TO:

\_\_\_\_\_  
Veronica M. Johnson  
166 Yorkshire Road  
Portsmouth, Virginia 23701  
*Pro se*

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**Additional material  
from this filing is  
available in the  
Clerk's Office.**