

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Wednesday the 18th day of December, 2019.*

Glenn Myer,

Appellant,

against

Record No. 190751

Circuit Court No. CL-2017-10836

All Dulles Area Muslim Society,

Appellee.

From the Circuit Court of Fairfax County

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to 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



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Courthouse
4110 Chain Bridge Road
Fairfax, Virginia 22030-4009

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JUDGES

COUNTY OF FAIRFAX

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RETIRED JUDGES

April 15, 2019

LETTER OPINION

Mr. Glenn Myer
2042 Peach Orchard Drive #408
Falls Church, Virginia 22043

RE: *Myer v. All Dulles Area Muslim Society a.k.a. ADAMS Center, et al.*, Case No. CL-2017-10836

Gentlemen:

This matter came before the Court on March 28, 2019, upon the individual ADAMS defendants' Motion to Dismiss; and upon the Plaintiff's Motion for Sanctions against Defendants. After considering the parties' written submissions, the evidence presented, and the arguments made, Plaintiff's Motion for Sanctions was denied for the reasons stated from the bench. For the reasons that follow, the Defendants' motion will be granted, and the case will be dismissed.

BACKGROUND

Glenn Myer brought this Petition for a temporary and permanent injunction against the Board of Directors of the All Dulles Area Muslim Society Center ("ADAMS Center") as against twenty-two individuals and the ADAMS Center as a corporation on August 4, 2017. The Complaint has since been amended four times and the current version (the "4th Amended Complaint"), filed March 2, 2018, seeks a temporary and permanent injunction against thirty-four individuals, including members of the ADAMS Center and Fairfax and Loudoun County police officers, unnamed committee and sub-committee members at the ADAMS Center, numerous John Does, and the ADAMS Center Boy Scout Troop and its leaders. Myer has been a member of ADAMS Center for three years, and objects to the Board's management of the ADAMS Center, which is granted tax exemption under section 501(c)(3) of the Internal Revenue Code.

ANALYSIS

- 1. Plaintiff's 4th Amended Complaint was not filed in good faith nor has it been pursued in good faith, and as such, should be dismissed as to the ADAMS Center individual defendants.**

The threshold question is whether Plaintiff filed this Complaint in good faith. Virginia Code § 8.01-271.1 provides:

The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading, motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

The Court is to apply a reasonableness standard in determining whether a litigant could, after reasonable inquiry, form a reasonable belief that the pleading was warranted by existing law. *Gilmore v. Finn*, 259 Va. 448, 466, 527 S.E.2d 426, 435 (2000). Contemptuous and disparaging language is inherently improper and subject to sanction under the statute. *Williams & Connolly, LLP v. PETA*, 273 Va. 498, 643 S.E.2d 136 (2007). Further, vengeful or vindictive litigation, or litigation brought for purposes of intimidation, are all improper purposes under the statute. *Kambis v. Considine*, 290 Va. 460, 778 S.E.2d 117 (2015).

Plaintiff's 4th Amended Complaint is filled entirely with conclusory language unfounded in fact or law. A reasonable person would not believe this Complaint was warranted by existing law. For example, Plaintiff asserts he is an owner of the ADAMS Center, but Plaintiff is not now, nor has he ever been, an owner of the property and has no good faith basis to make such a claim. Defendants provided to the Court the ADAMS Center Articles of Incorporation, which provide that no earnings or property may inure to the benefit of any member or other private individual, and that upon dissolution any property is to be turned over to specified religious and charitable organizations. Finally, there is no cognizable claim anywhere in Plaintiff's 4th Amended Complaint. Plaintiff's Complaint consists almost entirely of conclusory statements that the named defendants violated sundry IRS regulations for section 501(c)(3) charitable organizations. However, seven of the individuals being sued have never served as an officer or director of the organization. Moreover, Plaintiff fails to give any specific instances where an officer or director engaged in political activity in his or her capacity as an officer. A reasonably prudent person could not find the allegations raised in the 4th Amended Complaint to be based in law or in fact.

Plaintiff has also failed to pursue his claim in good faith, amply demonstrated by his by repeatedly insulting, disparaging, and contemptuous language, frivolous appeals, attempts at re-litigating matters already addressed, and baseless accusations of racism, corruption, and unethical motives.

2. A pre-filing injunction is the proper sanction against Plaintiff.

Pursuant to Virginia Code § 8.01-271.1, pleadings and motions must be filed for a proper purpose, after appropriate inquiry to ensure they are well-grounded in fact and in law, and cannot be filed for any improper purpose, such as harassment.

In *Adkins v. CP/IPERS Arlington Hotel LLC*, 293 Va. 446, 799 S.E.2d 929 (2017), the Virginia Supreme Court found that a pre-filing injunction was an appropriate sanction in response to Plaintiff's vexatious and frivolous complaints. Ms. Adkins had filed "at least 41 pro se civil actions in the circuit courts of Northern Virginia, including 20 cases in the Circuit Court of Fairfax County, 17 cases in the Circuit Court of the City of Alexandria, and four cases in the Circuit Court of Arlington County." *Id.* 293 Va. at 448, 799 S.E.2d at 930. Each of Ms. Adkins' complaints contained baseless allegations, much like those in Mr. Myers' cases.

In *Cromer v. Kraft Foods N. Am, Inc.*, 390 F.3d 812, 817 (4th Cir. 2004), the Court recognized that a pre-filing injunction is "a drastic remedy [which] must be used sparingly, consistent with constitutional guarantees of due process of law and access to the courts." That Court did, however, lay out a four-factor test to consider in deciding whether such a remedy is appropriate, and the Virginia Supreme Court adopted such test in *Adkins*, which was reaffirmed in *Gordon v. Kiser*, 296 Va. 418, 821 S.E.2d 531 (Dec. 6, 2018).

The four factors to be considered are (1) the party's history of litigation and whether the party has filed vexatious, harassing or duplicative lawsuits; (2) whether the party had a good faith basis for pursuing the litigation or simply intended to harass; (3) the extent of the burden on the courts and parties; and (4) the adequacy of alternative sanctions.

Gordon, 296 Va. at 425, 821 S.E.2d at 536 (citing *Adkins*, 293 Va. at 452, 799 S.E.2d at 932).

After applying these factors, the Court finds that imposing a pre-filing injunction that requires Mr. Myer to obtain leave of this Court before filing any future claim, motion, or other pleading in this court or any other court of the Commonwealth of Virginia to be appropriate.

Mr. Myer has a long history of litigation – there are twelve pending or recent lawsuits brought by the plaintiff in this Court alone.¹ He has noted appeals of six of those cases, including this one,² and has brought suit in the U.S. District Court involving essentially the same claims at issue in this case, including many of the same defendants as well as several Fairfax County

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Circuit Court judges.³ In his cases in each of those courts, Mr. Myer names multiple defendants and repeatedly seeks to amend his complaints any time a new individual “wrongs” him. Mr. Myer has no good faith basis for pursuing litigation in the action at bar. The complaints in other pending actions appear to be comprised of conclusory language and the Plaintiff’s own narrative without any factual or legal basis for his claims. These cases have become such a burden on this Court that the Virginia Supreme Court had to step in and recuse all fifteen judges of the bench and appoint a judge designate. The undersigned judge has had to schedule five hearings in this case to hear baseless and frivolous motions, many of which have already been heard by him or other judges. Finally, because Mr. Myer has repeatedly been determined indigent, monetary sanctions will be ineffective in preventing future improper behavior.⁴ Plaintiff’s harassing behavior has been intentional and deliberate: any time a judge rules against Plaintiff, he brings further harassing litigation (for example, he has brought suit against the judges of the Fairfax County Circuit Court and has asked the Virginia Supreme Court to remove the undersigned judge designate). The plaintiff has alleged a conspiracy between the undersigned judge and defense counsel regarding the issue of a subpoena to an IRS expert after the issue had been previously ruled on many times; and Mr. Myer has filed numerous motions filled only with vitriolic language directed at defense counsel, calling him a pedophile, a war criminal, and a “dick,” and providing no legal argument to support his claims. Plaintiff will continue to bring frivolous lawsuits and file repetitive and unnecessary motions and pleadings if not stopped.

While noting the extreme nature of such a remedy, this Court finds a pre-filing injunction to be appropriate to sanction to prevent Mr. Myer’s filing of frivolous, harassing, and duplicative lawsuits.

CONCLUSION

After reviewing the evidence presented by the parties in briefs and argument, the Court finds that Plaintiff’s 4th Amended Complaint was not filed in good faith and should be dismissed with prejudice as to the individual ADAMS defendants. As all other defendants have either been dismissed previously or have not been properly served,⁵ this entire case will be dismissed with prejudice. Mr. Myer will be enjoined from further filings in this Court or in any other court of the Commonwealth of Virginia without first obtaining leave of this Court.⁶

³ *Myer v. All Dulles Area Muslim Society*, 1:17-cv-1316 et al.; *Myer v. White*, Civil Action No. 1:18-cv-545 (AJT/JFA), 2018 U.S. Dist. LEXIS 148393 (E.D. Va. May 21, 2018); *Myer v. White*, 735 F. App’x 125 (4th Cir. 2018).

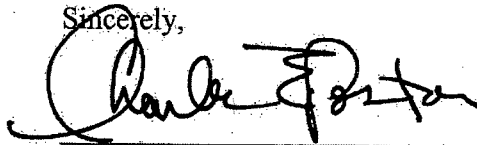
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Re: Myer v. All Dulles Area Muslim Society a.k.a ADAMS Center, et al.
Case No. CL-2017-10836
April 15, 2019
Page 5 of 5

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Poston". The signature is fluid and cursive, with a large initial "C" and a stylized "P".

Charles E. Poston, Judge Designate.

VIRGINIA

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

GLENN MYER,

Plaintiff,

v.

ALL DULLES AREA MUSLIM
SOCIETY, a/k/a ADAMS Center, et al.,

Defendants,

Case No. CL-2017-10836

PRE-FILING INJUNCTION ORDER

THIS MATTER CAME BEFORE THE COURT for consideration of the individual ADAMS defendants' Motion to Dismiss.

AND UPON CONSIDERATION of the pleadings and arguments of the parties and as more fully stated in the Court's Letter Opinion of April 15, 2019 incorporated herein, and for good cause shown, it is hereby

ORDERED, ADJUDGED, and DECREED that Glenn Myer is restrained and enjoined from further filings in this Court or in any other court of the Commonwealth of Virginia without first obtaining leave of this court. To obtain leave of court, Glenn Myer shall inform the court in question of (1) the pertinent facts concerning the action to be brought, including the existence of this injunction order and of any outstanding litigation against the proposed defendant(s) in which Glenn Myer is a party, and (2) that Glenn Myer is required to obtain leave of court to file that action.

IT IS FURTHER ORDERED that to obtain leave of court to institute an action or to file any motion or other initial pleading, Glenn Myer shall first

1. File with such complaint, motion or other initial pleading, a motion captioned "Motion Pursuant to Court Order Requiring Leave to File";
2. Attach to that motion a copy of this Order as Exhibit 1;
3. Attach to that motion as Exhibit 2, a sworn affidavit under the penalty of perjury that the claim or relief Glenn Myer wishes to present is a new claim or prayer for relief that he has never before raised in any court and that such claim or prayer for relief is neither frivolous nor intended to harass;

4. Attach as Exhibit 3 to that motion a list of every action previously filed by Glenn Myer or by anyone on his behalf in any court against each defendant to the action or prayer for relief that Glenn Myer wishes to file;

5. Attach as Exhibit 4 to that motion a copy of the initial pleading he filed in each of those actions and a certified record of its disposition; and

6. Serve a copy of this order on each defendant if and when he receives leave of court to file under the terms of this order.

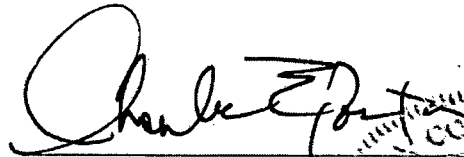
IT IS FURTHER ORDERED that this Order shall apply to any initial pleadings, regardless of its title, that Glenn Myer desires to file in any court of the Commonwealth, but it shall not apply to any appeal he may wish to take from a decision of a trial court.

The Court notes and preserves the Plaintiff's objection to the entry of this Pre-Filing Injunction Order. The Plaintiff and a counsel for Defendants may file written objections to the entry of this Order not later than April 26, 2019.

Let the Clerk forward certified copies of this Order to the Plaintiff and to counsel for Defendants.

IT IS SO ORDERED.

Entered this 15th day of April 2019.


Charles E. Poston, Judge Designate

A COPY TESTE:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

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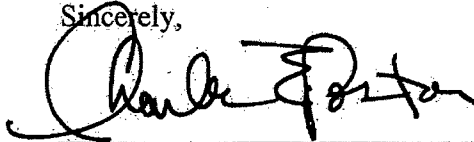
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Charles E. Poston, Judge Designate

VIRGINIA

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IT IS FURTHER ORDERED that to obtain leave of court to institute an action or to file any motion or other initial pleading, Glenn Myer shall first

1. File with such complaint, motion or other initial pleading, a motion captioned "Motion Pursuant to Court Order Requiring Leave to File";
2. Attach to that motion a copy of this Order as Exhibit 1;
3. Attach to that motion as Exhibit 2, a sworn affidavit under the penalty of perjury that the claim or relief Glenn Myer wishes to present is a new claim or prayer for relief that he has never before raised in any court and that such claim or prayer for relief is neither frivolous nor intended to harass;

4. Attach as Exhibit 3 to that motion a list of every action previously filed by Glenn Myer or by anyone on his behalf in any court against each defendant to the action or prayer for relief that Glenn Myer wishes to file;

5. Attach as Exhibit 4 to that motion a copy of the initial pleading he filed in each of those actions and a certified record of its disposition; and

6. Serve a copy of this order on each defendant if and when he receives leave of court to file under the terms of this order.

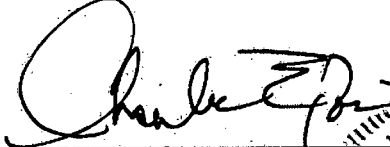
IT IS FURTHER ORDERED that this Order shall apply to any initial pleadings, regardless of its title, that Glenn Myer desires to file in any court of the Commonwealth, but it shall not apply to any appeal he may wish to take from a decision of a trial court.

The Court notes and preserves the Plaintiff's objection to the entry of this Pre-Filing Injunction Order. The Plaintiff and a counsel for Defendants may file written objections to the entry of this Order not later than April 26, 2019.

Let the Clerk forward certified copies of this Order to the Plaintiff and to counsel for Defendants.

IT IS SO ORDERED.

Entered this 15th day of April 2019.


Charles E. Poston, Judge Designate

A COPY TESTE:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

1 a habit of filing suits every time someone disagrees
2 with you. The Adams Center, whatever happened
3 there, you had some disagreement, you sued them.
4 That's fine.

5 But then Judge Carroll denied your motion
6 to remove -- to lift the no trespass order from the
7 Adams Center, so you sue her and the chief judge.
8 The complaint was dismissed. You then sued the
9 chief judge, Judge Carroll, Judge Kassabian, and
10 three general district court judges. I rule against
11 you, you file summary judgment motions; you file a
12 motion to amend your complaint; and you file a
13 motion to recuse.

14 I've got to take notice that in the
15 complaints you've filed, you've sued a number of
16 individual citizens, requiring them to protect their
17 own interests by retaining counsel, having other
18 expenses, and the emotional stress that may come
19 from it. The IRS complaint against Adams for some
20 reason you've filed, you've -- you just appear to be
21 using the legal process as a way to get even, and I
22 think that's what the grounds for this motion to

1 recuse.

2 I find that the motion to recuse is totally
3 without merit and is denied.

4 MR. MYER: Excuse me, Your Honor.

5 THE COURT: Then, in your motion, one of
6 the things you said that I lied -- that I called you
7 a liar because I required you to file supporting
8 documents in support of your motion to proceed in
9 indigent status.

10 I just want you to know, Mr. Myer, if I
11 thought you had lied, you would be sitting in the
12 jail right now. You wouldn't be sitting here able
13 to talk to me. Do you understand that?

14 MR. MYER: Your Honor, you called me a
15 liar. You said --

16 THE COURT: And if --

17 MR. LAWRENCE: -- I do not believe you.

18 THE COURT: -- And if you ever --

19 MR. LAWRENCE: That's exactly what you
20 said.

21 THE COURT: -- if you ever again address
22 the Court as you addressed me today or if you file

1 any other pleadings that has -- the language is
2 intemperate and as contentious as in your motion to
3 recuse, I will find you in contempt and punish you
4 accordingly. Do you understand that?

5 MR. MYER: Yes. Now, Your Honor, you
6 stated that I filed a summary judgment against Adams
7 before. I have not.

8 THE COURT: There is nothing remaining to
9 be done today except to deny your motion for weekly
10 hearings. It's totally without merit.

11 MR. MYER: So when can I have hearings,
12 Your Honor? You told me to call your girl, and she
13 says you haven't scheduled anything.

14 THE COURT: I don't have a girl, Mr. Myer.

15 MR. LAWRENCE: Excuse me. Your assistant.

16 THE COURT: I have assistants, but I don't
17 have any girls.

18 This hearing is concluded.

19 (Off the record at 10:21 a.m.)
20
21
22