

BLANK PAGE

Appendix A

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY
OF HAMPTON
RICHELLE D. WALLACE**

Plaintiff,
v. CASE NO. CL19-729
CITY OF HAMPTON,
and
JAIME RASTATTER,
Defendants.

ORDER

UPON MOTIONS of the parties, by counsel and pro se, in consideration of the papers presented prior to the hearing and upon arguments made by the plaintiff and counsel for the defendants at the hearing, for good cause shown, it is

ADJUDGED, ORDERED, AND DECREED, that the plaintiff's Motion for Default Judgment be and hereby DENIED for the reasons set forth in the record of the hearing on December 18, 2019. Moreover, even if the plaintiff had been able to establish that service had been effected, the Court finds that good cause exists to grant an extension of time to the defendant. As such, the pleadings filed by the defendant are deemed timely filed; it is further

App. 1a

ADJUDGED, ORDERED, AND DECREED that plaintiff was a public figure in the context of this case and in order to prevail she would be required to prove malice in accordance with the holding of *New York Times v. Sullivan*, and it is

ADJUDGED, ORDERED, AND DECREED that the Special Plea of the City of Hampton to dismiss plaintiff's claims against the City for lack of notice is DENIED, for the reasons set forth on the record of the hearing on December 18, 2019; it is further

ADJUDGED, ORDERED, AND DECREED that the Demurrers and Special Pleas filed by the defendant Rastatter and defendant City of Hampton are hereby SUSTAINED for reasons set forth on the record of the hearing on December 18, 2019. Accordingly, this action is hereby DISMISSED, except that plaintiff is afforded a period of thirty (30) days from the date of this Order in which to file an Amended Complaint. Failure to file an Amended Complaint within that time period will result in the entry of a Final Order.

WE ASK FOR THIS:

James A. Cales III, Esquire

Counsel for Jaime Rastatter

Lola R. Perkins, Esquire

Counsel for the City of Hampton

SEEN AND OBJECTED TO:

Richelle D. Wallace, *pro se*, 1-21-2020

Statement written by plaintiff: (The City's Motion to Dismiss because of failure to give subsequent notice for the May 1, 2018 statement is DENIED. The City's Motion to Dismiss is DENIED based on Code Section.) (The Plaintiff disagrees with the Order because she does not qualify as a "public figure" as the initial comments from the defendant were made prior to the plaintiff becoming a qualified candidate. The defendants made libel statements which are not protected even against "public figures". The "public figure" issue is not cut and dry. A fairly high threshold of public activity is necessary to elevate a person to public figure status, *Brown v. Kelly Broadcasting, Co.* (1989), 48 Cal. 3d, 711, 745), and must have "thrust themselves to the forefront of particular controversies in order to influence the resolution → cont. on back.) The second page with the continuance of the plaintiff's objection and judge's signature was not filed in the Supreme Court of Virginia by the Clerk of Court, Linda Batchelor-Smith. Filed and entered AFTER the FINAL ORDER, the civil docket report confirms this order was entered AFTER the FINAL ORDER and violates FRCP Rule 79(a)(2)(C). **Not certified or signed by the Clerk of Court, Linda Batchelor-Smith.**

App. 3a

Appendix B

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY
OF HAMPTON
RICHELLE D. WALLACE
Plaintiff,
v. CASE NO. CL19-729
CITY OF HAMPTON,
and
JAIME RASTATTER

FINAL ORDER

UPON MOTIONS of the parties, by counsel and pro se, in consideration of the papers presented prior to the hearing and upon arguments made by the plaintiff and counsel for the defendants at the hearing, for good cause shown, it is

ADJUDGED, ORDERED, AND DECREED that plaintiff was a public figure in the context of this case and in order to prevail she would be required to prove malice in accordance with the holding of *New York Times v. Sullivan*; and it is

ADJUDGED, ORDERED, AND DECREED that the Demurrers and Special pleas to the Amended Complaint filed by defendant Rastatter and defendant City of hampton are hereby SUSTAINED and the Special Pleas of Bunting, Clark, Monk, and Wilson are

hereby SUSTAINED, each for the reasons set forth on
the record of the hearing on December 29, 2020.
Accordingly, this action is hereby DISMISSED, with
prejudice, and judgment entered on behalf of the
defendants.

Entered this 19th of March, 2021
L.R. Savage
Judge

Order-Rulings of Hearing December 29, 2020
Case No. CL19-729 Page 2
Endorsements on following page

WE ASK FOR THIS:

James A. Cales III, Esquire

Counsel for Jaime Rastatter

Lola R. Perkins, Esquire

Counsel for the City of Hampton and defendants

Bunting, Clark, Monk, and Wilson

SEEN AND OBJECTED TO:

Signed by unknown, plaintiff was not present as plaintiff was unaware of the hearing.

Certified and signed by the Clerk of Court, Linda Batchelor-Smith 03-25-2021

Appendix C

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 25th day of March, 2022.

Richelle D. Wallace, Appellant,

against Record No. 210406
Circuit Court No. CL19-729

City of Hampton, et al., Appellees.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on December 22, 2021 and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk (no
signature)

By:

Deputy Clerk

Appendix D

VIRGINIA:

*In the Supreme Court of Virginia held at the
Supreme Court Building in the City of Richmond
on Wednesday the 22nd day of December, 2021.*

Richelle D. Wallace, Appellant,
against Record No. 210406
Circuit Court No. CL19-729
City of Hampton, et al., Appellees.
From the Circuit Court of the City of Hampton

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.

Upon consideration whereof, appellant's July 16, 2021 motion for default judgment, etc. is denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk (no
signature)

By:

Deputy Clerk

App. 1d

Appendix E

Case 2:15-cv-00126-AWA-LRL Document 18 ID#131

Filed 12/23/15 Page 1 of 3. Page ID#131

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

RICHELLE D. WALLACE,

Plaintiff,

v.

Civil Action No: 2:15cv126

City of Hampton,

Defendant.

RULE 26(f) PRETRIAL ORDER

Subject to any special appearance, questions of jurisdiction, or other motions now pending, the Court ORDERS as follows:

1. On January 4, 2016 at 2:00 p.m., the parties shall confer for the purpose of conducting the conference required by Federal Rule of Civil Procedure (hereinafter “Rule”)26(f). Unless otherwise agreed upon by the parties, the parties shall meet in person at the offices of counsel located closest to the courthouse at Norfolk. By agreement of the parties, this conference may be conducted at any time prior to the Rule 16(b) conference or at any place and by any means of communication so long as the parties accomplish the

App. 1e

purposes of Rule 26(f) in a timely manner. The parties proposed discovery plan shall provide a completion of all discovery on or before August 5, 2016, and shall be formulated to accommodate a trial date before February 7, 2017. The parties shall report orally upon their discovery plan at the subsequent Rule 16(b) conference and the plan shall not be filed with the Court.

2. The Rule 16(b) scheduling and planning conference will be conducted at Walther E. Hoffman United States Courthouse in Norfolk on February 2, 2016 at 9:30 a.m. in conference Room 332, third floor.

(a) The rule 16(b) conference may be rescheduled for an earlier date by agreement of the parties, subject to the availability of the court; however, the conference may not be postponed to a later date without leave of court. If the date poses an unavoidable conflict for counsel, and all counsel and unrepresented parties can agree on an alternate date, please call **Lorraine Howard** in the clerk's Office at **757-222-7212** for assistance.

(b) At the conference, all parties shall be present or represented by an attorney, admitted to practice in the Eastern District of Virginia, who possess the authority to agree upon all discovery and scheduling

matters that may reasonably be anticipated to be heard in court.

(c) The parties are advised that the court has instituted a procedure for Settlement and Alternative Dispute Resolution (ADR) contained in Local Rule 83.6. In accordance with Local Rule 83.6(D), utilization of ADR procedures shall not operate to change any date set by order of the court, by Federal Rules of Civil Procedure, or by the Local Rules of Practice.

(d) The parties shall complete the initial disclosures set forth in Rule 26(a)(1) on or before **February 16, 2016**. Any objection to the requirement of initial disclosure, and any unresolved issues regarding the discovery plan, shall be addressed at the Rule 16(b) conference.

3. Subject to the limitations imposed in pretrial orders, the parties may initiate any form of discovery at any time subsequent to the date of this order, provided that no party will be required to respond to a deposition notice or other form of discovery sooner than **February 29, 2016**, unless specifically ordered by the court. All objections to interrogatories and requests for production and admission should be served within fifteen (15) days after service of such discovery requests. The failure of a party to comply with any disclosure provision, or any

form of discovery, will not excuse any other party from the failure to comply with any disclosure provision or any other form of discovery.

4. Interrogatories to any party by any other party shall be limited to thirty (30) in number, including sub-parts. Depositions of nonparty, non-expert witnesses shall be limited to five (5) in number. There shall be no limit App. 4e placed upon the number of depositions of military witnesses, or of witnesses not subject to summons for trial, which are undertaken by the proponent of the witness for the purpose of presenting such deposition testimony at trial. By agreements of the parties, or upon good cause shown, the court may enlarge the number of interrogatories which may be served upon a party, and the number of depositions which may be taken, or limit the number of depositions of military witnesses, or those taken by the proponent of the witness for presentation in evidence in lieu of the appearance of the witness.

Robert J. Krask
UNITED STATES MAGISTRATE JUDGE

Date: December 23, 2015

App. 4e

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