

Supreme Court, U.S.  
FILED  
SEP - 8 2023  
OFFICE OF THE CLERK

UNITED STATES :

23A268

**SUPREME COURT OF THE UNITED STATES**

PATRICK O. LOCKHART

Applicant,

vs.

KAREN RENEE STOKES LOCKHART

Respondent,

\*  
\* SCUS \_\_\_\_\_  
\* SCV case# 230360  
\* CAV case# 1915-22-4  
\* FXCC case# CL-2016-17580

**VERIFIED EMERGENCY APPLICATION FOR STAY  
OR TO DECLARE VOID AB INITIO**

COMES NOW PATRICK O. LOCKHART, Applicant and Black Protected Class member, to move this Supreme Court of the United States to stay enforcement of a series of invalid court orders issued by the Fairfax Circuit Court(FXCC) in Virginia and/or declare these orders void ab initio and/or dismiss the complaint. In support of this application, Mr Lockhart states as follows:

**PARTIES AND INTERESTED PARTIES**

- 1) The Lockharts married in 1999 and they bought a home in the City Of Fairfax Virginia in 2001. They have two minor children that attend the public schools in the City of Fairfax.
- 2) The City of Fairfax School Board and its elected members - Carolyn Pitches, Amit Hickman, Stacy Hall, Sarah Kelsey, and Rachel McQuillen. The City of Fairfax School Board hired the Fairfax County Public Schools to manage all the public schools in the City of Fairfax. The City of Fairfax School Board and its board members have not appeared in the SCV case #230398.
- 3) The Fairfax County School Board and its elected members - Karen Keys-Gamarra, Abrar Omeish, Rachna Sizemore Heizer, Megan McLaughlin, Elaine Tholen, Melanie K. Meren, Tamara Derenak Kaufax, Ricardy Anderson, Karen Corbett Sanders, Karl Frisch, Laura Jane Cohen, and Stella Pekarsky. Many School Administrators are also interested parties. Tammara Silipigni is the Principal of Katherine Johnson Middle School. Heather Bousman-Stanczak is the Acting/Assistant Principal of Katherine Johnson Middle School. John McCaughan is an Assistant Principal of Katherine Johnson Middle School. Michele Johnson is an Assistant Principal of Katherine Johnson Middle School. Georgina D Aye is the Principal of Fairfax High School. These are FCSB Respondents mentioned below and they have appeared in the SCV case #230398.
- 4) The City of Fairfax police officer Carrie Johns is assigned to Katherine Johnson Middle School. Johns has not appeared in the SCV case #230398.

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STATEMENTS OF THE CASE - SCV #230360

1) In December 2016, Mrs Lockhart filed for a bed and board divorce on the grounds of cruelty and/or constructive desertion (i.e. false accusations of sexual abuse) while the Lockharts were not separated and the whole family lived in the same home (FXCC CL-2016-17580). No bed and board divorce has been issued to this date. Due to extrinsic fraud and unresolved claims and causes of action, no final order has been issued per SCV Rule 1:1(b).

2) Furthermore, because the divorce proceeding has not been conducted according to law, no final order of absolute divorce can be issued per Virginia Code § 20-121.2. For example, the trial court prevented Mr Lockhart from presenting evidence at several hearings and trials throughout the proceeding in violation of 42 USC 1981. The court failed to ensure the two children have frequent and continuing contact with both parents in violation Va Code § 20-124.2(B). The court received no corroborating evidence of Mrs Lockhart's grounds for divorce as required by Virginia Code § 20-99(1). The court failed to set the valuation date according to Va Code 20-107.3(A) and this has caused the Lockharts' million dollar retirement marital asset to be frozen since in 2018 leaving equitable distribution unresolved. These are just some of the clear material substantial violations during the divorce proceeding that demonstrates this case has been a miscarriage of justice.

3) On October 3, 2018, all judges were disqualified soon after Mr Lockhart pointed out most of their extrinsic fraud and due process and equal protection violations in a federal civil rights lawsuit. **(Exhibit 1 - Order)** On October 31, 2018, retired judge Theodore Markow was designated by the Supreme Court of Virginia to resolve the case. **(Exhibit 2 - Order)**

4) On June 4 2019, after continuing misconduct by officers of the trial court, Mr Lockhart engaged in federally protected activity and sued Markow in federal court for serious civil rights violations. As a result of the lawsuit, Markow retaliated by issuing a series of void ab initio orders including a temporary no contact interim order with no expiration date in violation of Virginia Code § 8.01-624. On June 26, 2019, Mr Lockhart moved the trial court to suspend the no contact order pending an appeal. **(Exhibit 3 - Motion)** On July 9, 2019, Markow refused to recuse himself due to the pending lawsuit. **(Exhibit 4 - Order)** On August 9, 2019, Markow and the court refused to suspend enforcement of the temporary no contact order and an unauthorized arrest warrant. **(Exhibit 5 - Order)** On August 30, 2019, Markow signed an order that contained multiple false statements of facts and law. **(Exhibit 6 - Order)**

5) Markow abandoned the case after issuing these orders. Markow did not resolve all the claims and causes of action of the case, including claims of frozen

marital assets, claims of extrinsic fraud, among others. Since June 2019, Mr Lockhart reported Markow's racist retaliating conduct to the FBI. **(Exhibit 7 - FBI complaint)** Mr Lockhart believes some state or federal investigator or prosecutor has warned Markow not to return to Fairfax to have anything to do with this case.

6) On September 13 2022, the trial court issued a notice to destroy parts of the record and the notice falsely declared a final order was entered on November 23, 2020. **(Exhibit 8 - FXCC Notice)** On November 14, 2023, Clerk John T. Frey signed a "Final Order" to destroy certain records. **(Exhibit 9 - Order)** Mr Lockhart believes Frey and deputies engaged in criminal obstruction of justice and has since requested state & federal criminal investigations. **(Exhibit 10 - FXCC Criminal Complaint)**

7) On December 14, 2022, Mr Lockhart initiated an appeal in the Court of Appeals of Virginia (CAV) (case #1915-22-4). Mrs Lockhart and her counsel filed a Motion to Dismiss filled with false statements of fact & laws. For example, they assert a final divorce order exists even though they know equitable distribution has never occurred according to law and as a result they know a million dollar marital asset has been frozen since 2018. On April 19, 2023, the Court of Appeals of Virginia's unknown judges, acting under the color of law, dismissed the appeal before Mr Lockhart received notice that the trial court record was transmitted to CAV in violation of SCV Rule 5A:10(e). Mr Lockhart had no opportunity to file an opening brief pointing out the assignments of error in violation of due process and equal protection rights. Mr Lockhart has since requested state & federal criminal investigations for this obstruction of justice at the Court of Appeals of Virginia. **(Exhibit 11 - CAV Criminal Complaint)**

8) On May 19, 2023, Mr Lockhart filed a petition to initiate an appeal in the Supreme Court of Virginia. (case# 230360). Mrs Lockhart and her counsel filed no objection to the petition in 21 days as required by SCV Rule 5:18. On June 22, 2023, Mr Lockhart filed an emergency motion requesting the court suspend enforcement of all orders pending an appeal and declare the 9/8/17, 3/9/18 & 6/5/19 orders void ab initio. **(Exhibit 12 - Motion)**. Mrs Lockhart filed no objection per SCV Rule 3:18(e). On June 29, 2023 the court denied relief without a proper explanation. **(Exhibit 13 - Order)**

#### STATEMENTS OF THE CASE SCV #230398

9) On June 10, 2023, Mr Lockhart filed a "Verified Mandamus & Prohibition & Malfeasance Petition" (SCV case # 230398) to compel school officials and employees to execute the ministerial duties and prohibit their ongoing use of police to intimidate and threaten deadly violence while Mr Lockhart engages in protected activity of having lunch with his child at school.

10) Mr Lockhart's petition cited FCSB Regulation 2240.8(III)(A)(1) and Va Code § 22.1-79 as the specific laws to enforce.

11) Regulation 2240.8 provides "...III. DEFINITIONS A. Custodial Parent 1. A person who has legal custody of a child. Fairfax County Public Schools (FCPS) will assume that a natural parent has legal custody of the child unless FCPS is presented with a valid court order that denies the parent legal custody, terminates parental rights, or awards sole legal custody to the other parent or another individual. ..."

12) Virginia Code § 22.1-79 provides "Powers and duties. A school board shall: 1. See that the school laws are properly explained, enforced and observed;" Mr Lockhart complained numerous times to the school board members, yet they did nothing to explain or enforce their laws.

13) Virginia Code § 1-240.1 provides "Rights of parents. A parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent's child." This is equivalent to the fundamental parental liberty rights to child-rearing, education, and custody of the 5th & 14th amendments of the US Constitution.

#### No Lawful Defense Made in SCV #230398

14) Virginia Code § 8.01-647 controls due process and equal protection of how to assert a defense in a mandamus or prohibition lawsuit. The law states "Defense; how made. The defendant may file a demurrer or answer on oath to the petition, or both. The court may permit amendments of the pleadings as in other cases."

15) The FCSB Respondents made no lawful defense in the case. They did not file a demurrer, and they did not file an answer. So the writ should be issued against them because that is what the law says must be done when no defense is made.

#### "Writ Shall Be Awarded With Costs"

16) Virginia Code § 8.01-646 controls the due process and equal protection for what a court must do when no defense is made. The law states "When writ awarded if no defense made. When the application is made, on proof of notice and service of the copy of the petition as aforesaid, if the defendant fails to appear, or appearing fails to make defense, and the petition states a proper case for the writ, a peremptory writ shall be awarded with costs."

17) FCSB Respondents appeared and failed to make a defense. This is a proper case for the writ as government people are not executing their ministerial duties. Therefore, the only thing left for the Supreme Court of Virginia to do regarding

FCSB Respondents is to issue a writ and award costs to Mr Lockhart per Virginia Code § 8.01-646.

18) On July 7, 2023, Mr Lockhart filed a “MOTION FOR SUMMARY JUDGMENT AGAINST FAIRFAX COUNTY SCHOOL BOARD RESPONDENTS” asking the Supreme Court of Virginia to issue the writ against the FCSB Respondents. FCSB Respondents did not file an objection, and the time to do so has expired.

19) Nevertheless, no writ has been issued against the FCSB Respondents in nearly two months. Mr Lockhart believes this is an unreasonable and deliberate delay by the Supreme Court of Virginia, and he believes no writ will ever be issued.

#### Frivolous Unlawful Defense in SCV #230298

20) (Repeat all paragraphs above)

21) On July 6, 2023, FCSB Respondents filed a frivolous motion to dismiss and attached a void ab initio order issued by Fairfax Circuit Court in civil case number CL-2019-17580 titled “INTERIM ORDER REGARDING RULE TO SHOW CAUSE” and dated June 5, 2019. (See **Exhibit 14 - Order**)

22) FCSB Respondents defended themselves by asserting they had legal justification to deny Mr Lockhart of his parental rights based on the June 5, 2019 interim order. Mr Lockhart claims FCSB Respondents are deliberately acting under the color of law.

23) First, Virginia Code § 8.01-647 prohibits this type of defense in a mandamus prohibition action. Thus, the argument is frivolous and unlawful and the Supreme Court of Virginia has no jurisdiction to consider it.

24) Second, Mr Lockhart asserts this June 5, 2019 interim order is a “complete nullity” as it was issued due to lack of all jurisdiction. Therefore, FCSB Respondents cannot use this interim order in any court to present any legitimate arguments about whether or not it is a valid court order. FCSB Respondents know it is not valid and they should have known this from the day it was presented to them.

25) "It is universally recognized that "due process of law" requires that a person be given notice and a reasonable opportunity to be heard before an impartial tribunal before any binding decree or order may be entered affecting his right to liberty or property." John Doe v. Brown, 203 Va. 508 - Va: Supreme Court 1962 "...the defendant must be properly brought before the court, else there will be no jurisdiction over him and a judgment against him will be void." Shelton v. Sydnor, 126 Va. 625, 630, 102 S.E. 83, 85 (1920). "No judicial proceeding can deprive a man of his property without giving him an opportunity to be heard in accordance with the provisions of the law, and if a judgment is rendered against him without

such opportunity to be heard, it is absolutely void. A void judgment is in legal effect no judgment. By it no rights are divested and from it no rights are obtained. All claims flowing out of it are void. It may be attacked in any proceeding by any person whose rights are affected." Harris v. Deal, 189 Va. 675 - Va: Supreme Court 1949

26) Therefore, if this Supreme Court of the United States finds that the June 5 2019 interim order is void ab initio, then the only task left is to declare it as such instead of staying its enforcement because "a void ab initio [] order is a nullity that cannot be appealed." Ellis v. Commonwealth, 875 SE 2d 91 - Va: Court of Appeals 2022

### MOTION TO DECLARE JUNE 9, 2019 INTERIM ORDER VOID AB INITIO

27) (Repeat all above paragraphs)

28) Around July 29, 2023, Mr Lockhart provided FCSB Respondents with several grounds on why the June 5, 2019 interim order was void ab initio. **(Exhibit 15 - motion with orders attached)**

29) Virginia Code § 8.01-274.1 controls how Mr Lockhart was to be served notice for the June 5, 2019 contempt proceeding. This law provides "A rule to show cause entered by the court shall be served on the person alleged to have violated the court order..." "A court acquires no jurisdiction over the person of a defendant until process is served in the manner provided by statute, Broyhill v. Dawson, 168 Va. 321, 191 S.E. 779 (1937), and a judgment entered by a court which lacks jurisdiction over a defendant is void as against that defendant, Finkel Products v. Bell, 205 Va. 927, 140 S.E.2d 695 (1965)." Slaughter v. Com., 284 SE 2d 824 - Va: Supreme Court 1981.

30) Mr Lockhart was not "served in the manner provided by [Virginia Code § 8.01-274.1]" for the June 5 2019 contempt proceeding, and the trial court record contains no evidence that Mr Lockhart was served in the manner provided by statute. Therefore, the Fairfax Circuit Court acquired no jurisdiction over Mr Lockhart, and the June 5, 2019 interim order is void ab initio due to lack of jurisdiction.

31) Virginia Code § 8.01-277.1 controls what constitutes a waiver of personal jurisdiction or defective service. Virginia Code § 8.01-277.1 provides "a person waives any objection to personal jurisdiction or defective process if he engages in conduct related to adjudicating the merits of the case..." Mr Lockhart did not appear at the contempt proceeding on June 5, 2019, and the trial court records for this case have no evidence that Mr Lockhart filed papers "related to adjudicating the merits of the [contempt proceeding] case." Therefore, the hand written

statement “Waived. No Appearance” that appears on the June 5 2019 interim order in the signature line designated for Mr Lockhart is a deliberate malicious false statement of law and fact. Therefore, Mr Lockhart did not waive his right to notice and an opportunity to be heard at the contempt proceeding, and so the June 5, 2019 interim order is void ab initio.

32) On August 16, 2023, Mr Lockhart filed his motion to declare the June 5 2019 interim order void ab initio in the Supreme Court of Virginia case #230398 and requested an oral hearing. No objection has been filed by FCSB Respondents, and the time to do so has expired. No hearing has been scheduled, and no order has been issued to address this material jurisdictional matter.

33) Mr Lockhart believes the Supreme Court of Virginia will abuse its discretion, and it will never schedule a hearing and never properly consider this matter and never issue an order that complies with the clearly established laws. Mr Lockhart asserts this refusal to rule on this emergency motion is effectively a denial of the motion.

34) FCSB Respondents noted in their motion to dismiss that Mr Lockhart filed a motion in a different case to attack the same interim order. Mr Lockhart agrees and notes the interim order “may be attacked in any proceeding by any person whose rights are affected.”

MOTION TO DECLARE 9/8/17 & 12/8/17 & 3/9/18 ORDERS  
VOID AB INITIO

35) The June 5, 2019 interim order is one of three void ab initio orders issued by Fairfax Circuit Court that infringe on Mr Lockhart’s fundamental statutory & constitutional liberty rights and property rights and parental rights without authority and without jurisdiction and without legal justification. If this Supreme Court of the United States finds the June 5 2019 interim order is void ab initio, then it should reasonably also consider declaring these two related orders void ab initio at the same time to stop the irreparable harm and prevent it from recurring.

36) FCSB Respondents are familiar with extrinsic fraud involved in the issuance of these two child custody orders dated September 8, 2017 and March 9, 2018 that renders the order void ab initio. **(Exhibit 16 - Email notice)** In fact, FCSB Respondents have effectively agreed that these are invalid court orders, and they cannot be used per Regulation 2240.8(III)(A)(1) to restrict Mr Lockhart’s parental rights while his children are at school. This is why FCSB Respondents did not answer Mr Lockhart’s petition or attempt to present these orders as valid court orders to the Supreme Court of Virginia in case #230398.

37) Mr Lockhart asserts the September 8, 2017 order is void ab initio for several reasons. Most importantly, Mr Lockhart had No Opportunity To Be Heard at the trial. Mr Lockhart did not testify or present evidence nor did any of his witnesses

testify to present evidence. Mr Lockhart's objection attached to the order provides several other supporting reasons. Mr Lockhart was represented by Dominique A Callins, who is now a judge in the Court of Appeals of Virginia. **(Exhibit 17 - Order)**

38) For the same exact reason of not being provided an opportunity to present all his evidence, the December 8 2017 order from the divorce proceeding is also void ab initio. **(Exhibit 18 - partial Order)**

39) A judgment is void ab initio if it "has been procured by extrinsic or collateral fraud" (quoting Rook v. Rook, 233 Va. 92, 95, 353 S.E.2d 756, 758 (1987))

40) "Extrinsic fraud is fraud which occurs outside the judicial process and `consists of conduct which prevents a fair submission of the controversy to the court.'" F.E. v. G.F.M., 35 Va. App. 648, 659-60 (2001) (en banc) (quoting Peet v. Peet, 16 Va. App. 323, 327 (1993)). Under such circumstances, "[a] collateral challenge to a judgment . . . is allowed because such fraud perverts the judicial processes and prevents the court or non-defrauding party from discovering the fraud through the regular adversarial process." Peet, 16 Va. App. at 327. "Extrinsic fraud, therefore, is fraud that . . . `deprives a person of the opportunity to be heard.'" G.F.M., 35 Va. App. at 660 (quoting Hagy v. Pruitt, 529 S.E.2d 714, 717 (S.C. 2000)). A judgment procured by extrinsic fraud "is void and subject to attack, direct or collateral, at any time." Remley, 270 Va. at 218 (quoting Jones v. Willard, 224 Va. 602, 607 (1983)).

41) Therefore, since Mr Lockhart was prevented from having "a fair submission of the controversy to the court" and he was deprived of an opportunity to be heard, this September 8, 2017 order and its subsequent modification order dated March 9, 2018 **(Exhibit 19 - Order)** as well as the December 8 2017 order can all be attacked in this Court at this time and be declared as void ab initio orders due to extrinsic fraud.

#### DEPRIVATION OF RIGHTS WITH THREATS OF DEADLY POLICE VIOLENCE

42) (Repeat all above paragraphs)

43) Since 2019, using these void ab initio orders and acting under the color of law, FCSB Respondents and the Fairfax Circuit Court and Ms Lockhart have continually conspired and deprived Mr Lockhart and his two children of their statutory and constitutional rights with threats of deadly police violence in violation of Va Code § 19.2-59 and Va Code § 15.2-1704 as well as the 1st, 4th, 5th, 14th Amend US Const.



44) On April 29, 2019 , City Of Fairfax Police Officer Turner-Gilmore came into Mr Lockhart's private neighborhood searching for Mr Lockhart or his two children without a warrant **(Exhibit 20 - Police Complaint)**

45) On April 30, 2019, FCSB Principal Christopher Smith pulled the 9yr old & 11 yr old Lockhart children out of their class in the middle of the day and arranged to have a fully-armed City of Fairfax Police Officer Matthew Kenyon meet alone in a conference room to assault, intimidate, oppress, and permanently traumatize the children because they spent the night at Mr Lockhart's home. The 9yr child could not function after the incident and asked to be sent home. **(Exhibit 21 - Police complaint)**

46) On June 11, 2019, after both the City Council and the Commonwealth's Attorney directed police to stay away from enforcing any Lockhart custody orders, the Deputy Police Chief Daniel Grimm created and distributed a racist sexist retaliatory illegal unconstitutional plan with the school officials to arrest Mr Lockhart and charge him with multiple crimes when he appeared at the school. **(Exhibit 22 - Illegal Police Plan)**

47) On June 19, 2019, 20+ Police Officers, including SWAT unit, appeared at Mr Lockhart's private residence and removed Mr Lockhart's 11 yr old child at gunpoint. They had no search warrant or court order to remove the child. **(Exhibit 23 - Illegal Police Plan)** City of Fairfax Police Officer Albert L. Leightley falsified a search inventory and return form omitting the fact that the child was removed from the residence at gunpoint. Mr Lockhart believes the commander in charge - Martin Nachtman - silently resigned or was fired.

48) On June 2, June 6 & June 8 2023, police officer Respondent Johns continually searched for Mr Lockhart without a warrant and disturbed Mr Lockhart's peace while he was lawfully visiting his children's schools. According to law, Respondent Johns must forfeit her police job forever as a result.

49) On August 18, 2023 10:25AM, Mr Lockhart informed FCSB Respondents of his plans to visit for lunch. At 11:33AM, FCSB Respondent Georgina Aye, principal of Fairfax High School, still relying on the invalid void June 5, 2019 interim order, informed Mr Lockhart "you cannot appear at the school on Monday expecting to see them or have lunch with them." **(Exhibit 24 - Notice)**

50) On Sunday August 20, 2023 at 3:17 PM, Mr Lockhart filed a pleading and emailed it to the FCSB Respondents pointing out school regulation (Regulation 2240.8(VIII)(A)) that he expected the Respondent Aye to comply with when he appeared at school to have lunch with his children. **(Exhibit 25 - Notice)**

51) Regulation 2240.8(VIII)(A) provides "... VIII. RELEASING A STUDENT DURING THE SCHOOL DAY A. ... The principal will refuse to release the student to a custodial parent only if presented with a valid court order that

specifically denies the parent legal custody, prohibits contact with the student, or denies the parent unsupervised visitation as described in Section XI.”

52) On Sunday August 20, 2023 5:56PM, Respondent Aye retaliated by emailing Mr Lockhart a trespass notice banning him from all Fairfax County Public Schools. Due Process and Equal Protection required the Commonwealth’s Attorney (or assistants) to authorize the initiation of criminal trespass charges against Mr Lockhart via this trespass notice, yet FCSB Respondents have provided no evidence that the prosecution was authorized.

53) On Monday August 21, 2023, Respondent Aye saw Mr Lockhart at Fairfax High School and delivered another trespass notice to him. After Mr Lockhart refused to leave the school, Respondent Aye deployed a fully armed police officer who came and just stood across the street from where Mr Lockhart was seated. The officer came outside searching for Mr Lockhart without a warrant and just stood there to intimidate Mr Lockhart.

#### UNAUTHORIZED FALSIFIED TRESPASS NOTICE & FABRICATED PROTECTIVE ORDER

54) (Repeat all paragraphs above)

55) The unauthorized trespass notice stated Mr Lockhart’s conduct (i.e. visiting the school attempting to have lunch with his children) was “**in violation of the protective order.**” (i.e. a crime)

56) The state legislators of the Virginia General Assembly created a set of laws related to protective order proceedings. (Va Code §§ 19.2-152.7:1 through 19.2-152.12) The legislators also created the related crime titled “Violation of protective orders” (Va Code § 18.2-60.4)

57) This trespass notice, which was twice delivered to Mr Lockhart by FCSB Respondent Aye, is the first time anyone has informed Mr Lockhart that they have a protective order directed at him. It is also the first time any FCSB Respondents have formally accused Mr Lockhart of engaging in criminal conduct for attempting to have lunch with his children at school.

58) The truth is Mr Lockhart has committed no crime by attempting to have lunch with his children at school, and he has never been a party to any type of protective order proceeding related to harming anyone. Therefore, just as the June 5, 2019 interim order is a complete nullity, so too is this phantom fabricated protective order.

59) The truth is Respondent Aye is acting under the color of law to deprive Mr Lockhart of his rights with threats of police violence and Mr Lockhart believes Aye engaged in criminal conduct first by reporting a false crime to two police

departments in violation of Va Code § 18.2-461 then harassing Mr Lockhart via email in violation of Va Code § 18.2-152.7:1.

60) Respondent Aye's false report to the police is a well known dangerous Klu Klux Klan tactic that attempts to convert Mr Lockhart's federally protected activities and rights into crimes so that Police officers can have a fabricated reason to "accidentally" or "reasonably" or "justifiably" shoot or kill Mr Lockhart while he is on school property.

61) Mr Lockhart has continually warned state and federal criminal investigators & prosecutors the threats of police violence by FCSB respondents. (**Exhibit 26 - Notice**) Mr Lockhart has also filed multiple complaints of discrimination & retaliation by FCSB respondents with the Department of Education's Office for Civil Rights. It has been assigned OCR 11-23-1585.

### STRICT SCRUTINY REQUIRED

62) (Repeat all above paragraphs)

63) Because of Mr Lockhart's protected class status and because of the fundamental constitutional rights involved at the public schools, strict scrutiny by officers of the Virginia Courts was required from the first day Mrs Lockhart filed her complaint on December 27,2016.

64) The truth is since Day 1 strict scrutiny was never applied to the factual or legal assertions of Mrs Lockhart and her counsel Stephanie Smith of Cooper Ginsberg Gray. They have continuously signed and filed papers in the courts with reckless disregard for the truth and the laws and constitutions of Virginia and the United States. This Court can expect them to continue to make false statements of fact and false statements of law during this case.

65) For example, on December 28, 2016 around 8:30 AM, the trial court, via the same now-disqualified judge Michael Devine, issued an order before Mr Lockhart was served the complaint or any legal documents and Devine deliberately wrote the wrong date on the order to conceal this fraud. (**Exhibit 27 - Order**) No court can acquire jurisdiction over a person that hasn't been served initial notice of a divorce complaint. Smith filed a notice of a motion hearing at 9:08 AM on 12/28/16 falsely certifying that she contacted Mr Lockhart beforehand and falsely certifying that motion was served on Mr Lockhart before the filing. (**Exhibit 28 - Notice or hearing**) An affidavit of service demonstrates Smith lied; the affidavit stated Mr Lockhart was first served the complaint and other papers at 12:04 PM on 12/28/16. (**Exhibit 29 - Affidavit of service**) None of this would happen if the courts consistently applied strict scrutiny.

### EMERGENCY MOTION TO STAY

66) (Repeat all above paragraphs)

67) If this Supreme Court of the United States rules that Mr Lockhart cannot attack these orders at this time and declare them void ab initio, then this Court should stay enforcement of these same orders on several grounds.

68) First, Mrs Lockhart has no chance of succeeding in SCV #230360 or the trial court case if strict scrutiny and equal justice under law is applied. Likewise, FCSB Respondents have no chance of succeeding in SCV #230398 as they have made no lawful defense and so the “writ shall be issued with costs.”

69) Second, there has been and will continue to be irreparable harm to Mr Lockhart and his two minor children unless relief is granted.

70) Third, it is in the public’s interest that Virginia Courts and its officers consistently execute their ministerial duties clearly established in the statutory laws and uphold the fundamental due process and equal protection clauses of the VA & US constitution, especially Mr Lockhart’s federal equal civil right to present evidence in court proceedings per 42 USC 1981.

71) It is in the public’s interest that FCSB respondents execute their ministerial duties and not discriminate and retaliate and deprive Mr Lockhart, a protected class member, of his rights with threats of police violence while he is engaged in protected activities at school. It is in the public interest that FCSB respondents don’t conspire with unethical judges and counsel and others like Mrs Lockhart who have no problem fabricating evidence or fabricating laws when no such evidence or laws exists.

### CONCLUSION

72) Mr Lockhart asserts having lunch or attempting to have lunch with his children at school never was and never will be criminal conduct. Having lunch with his children at school or checking them out for lunch or for any other reason is his fundamental liberty right. Anyone that wishes to deprive Mr Lockhart of these rights must provide him with notice and an opportunity to be heard. ( See Troxel v, Granville, 530 U.S. 57, 65 (2000) & Washington v. Glucksberg, 521 U.S. 702, 721 (1997)) It appears that this Supreme Court of the United States will have to intervene to remind the Virginia Courts and FCSB respondents and Mrs Lockhart of these laws and these constitutional protections.

WHEREFORE, Mr Lockhart requests this Supreme Court of the United States:

- a) Preliminary and Permanent declaration that the 6/5/19, 3/9/18, 12/8/17, 9/8/17 orders from Fairfax Circuit Court CL-2016-17580 are a complete nullity & void ab initio & cannot be appealed in any court.
- b) Alternatively, Preliminary and Permanent Stay of Enforcement of the 6/5/19, 3/9/18, 12/8/17, 9/8/17 orders from Fairfax Circuit Court CL-2016-17580 while Supreme Court of Virginia cases #230398 and #230360 are pending;
- c) Declare every criminal process, charge, or conviction based on the 6/5/19, 3/9/18, or 9/8/17 orders of Fairfax Circuit Court CL-2016-17580 a complete nullity and void ab initio.
- d) Invite the United States' Office of the Solicitor General to submit a status of federal investigations or prosecution or an opinion
- e) Awards him all costs for initiating this action
- f) Reserve his rights for damages and additional claims stemming from the same facts and circumstances.
- g) Any other relief deemed just and appropriate by this court.

**CERTIFICATION**

I, Patrick O. Lockhart, son of Randolph Owen Lockhart and Gloria Lockhart, declare under penalty of perjury that the foregoing is true and correct.

*Patrick O. Lockhart* 9/8/23

PATRICK O. LOCKHART, Petitioner  
P.O. Box 446, Fairfax, VA 22038  
Lockhart@Lockhart.biz

*PL*

**CERTIFICATE OF SERVICE**

I, Patrick O. Lockhart, certify that on or around 9/8/23 a true copy of this pleading was emailed mailed or delivered to the people listed below.

- 1) Counsel for Respondent Karen Renee Stokes Lockhart = Stephanie J. Smith, Esquire COOPER GINSBERG GRAY, PLLC 9302 Lee Highway, Suite 1200, Fairfax, Virginia 22031 Telephone: (703) 934-1480 Facsimile: (703) 934-1479 E-Mail: ssmith@cgglawyers.com Virginia State Bar ID #76471
- 2) SUPREME COURT OF THE UNITED STATES 1 First Street, NE Washington, DC 20543

County/City of FAIRFAX  
Commonwealth/State of VIRGINIA  
The foregoing instrument was acknowledged before me this 8 day of SEPTEMBER 2023 by PATRICK OWEN LOCKHART (name of person seeking acknowledgement)



*Patrick O. Lockhart* 9/8/23

PATRICK O. LOCKHART

Notary Public  
My Commission Expires: 08/31/2027

# Exhibit 1

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

**KAREN R. STOKES,**

**Plaintiffs,**

**v.**

**PATRICK O. LOCKHART,**

**Defendants.**


**Case No. CL-2016-17580**

**ORDER OF DISQUALIFICATION**

It appearing to the Court that all of the Judges of this Circuit having determined that they are so situated in respect to this case as to render it improper, in their opinion, to preside at the trial thereof or to participate therein, it is

ADJUDGED, ORDERED and DECREED that the Judges of this Circuit are disqualified from presiding over any further aspect in this case; and that the Clerk promptly forward a copy of this order, duly certified, to the Chief Justice of the Supreme Court of Virginia as a request for designation of a judge from another circuit to preside over this case, pursuant to provisions of § 17.1-105.B. of the Code of Virginia as Amended.

ENTERED this 3<sup>rd</sup> day of October, 2018.

  
BRUCE D. WHITE, CHIEF JUDGE

A COPY TESTE:  
JOHN T. FREY, CLERK

BY:   
Deputy Clerk

Date: 10/4/2018  
Original retained in the office of  
the Clerk of the Circuit Court of  
Fairfax County, Virginia

Exhibit 2



# Supreme Court of Virginia

To All To Whom These Presents Shall Come — Greetings:

Know Ye, That I, DONALD W. LEMONS,

Chief Justice of the Supreme Court of Virginia, by virtue of authority vested in me by law,  
do hereby designate —

THE HONORABLE THEODORE J. MARKOW, RETIRED JUDGE  
OF THE THIRTEENTH JUDICIAL CIRCUIT  
TO PRESIDE IN THE CIRCUIT COURT OF  
FAIRFAX COUNTY

In the case of

Karen R. Stokes, Sometimes Known as  
Karen R. Stokes Lockhart

v.

Patrick O. Lockhart  
Case Number CL-2016-17580

To be heard on a date set by the Judge, and continuing  
until the matters presented to him in this case  
have been disposed of according to law.

In the place of  
THE JUDGES OF THE NINETEENTH JUDICIAL CIRCUIT  
who are so situated as to render it improper, in their opinion,  
for them to preside at the trial of this case.

It is so Ordered. Given under my hand and seal this 31<sup>st</sup> day of October 2018.



---

Chief Justice of the Supreme Court of Virginia

(SEAL)

Exhibit 3

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

KAREN R. STOKES LOCKHART

Plaintiff,

vs.

PATRICK O. LOCKHART

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CL No. 2016-17580

**MOTION TO RECONSIDER 6/5/19 ORDER**

COMES NOW, PATRICK O. LOCKHART, *Pro Se*, to submit this Motion To Reconsider the order entered on 6/5/19 by Special Judge Theodore J. Markow. In support, Mr Lockhart states the following:

1. The Court directed a process server to violate trespassing laws & the 4th amendment of the constitution in order to post legal notice on the front door of Mr Lockhart's residence. This is improper unlawful, unconstitutional service of process and Mr Lockhart does not accept it.
2. Mr Lockhart has a pending Federal Civil rights Lawsuit against Judge Markow, and this constitutes the Appearance of Impropriety, a violation of the Canons of Judicial Conduct.
3. There is no evidence to support Mr Lockhart conferred with Plaintiff's attorney to set a trial date during the week of 6/5/19.
4. There is no evidence to support the orders of 9/8/19, 12/8/17, 3/9/18, 8/21/18 are valid orders. They are all invalid and void due to Fraud on the Court.
5. The Court cannot change custody/visitation arrangement without a proper pleading.
6. The court violated VA Code § 20-124.3. by changing the custody/ visitation arrangement without considering and all the factors of the Best Interest of the Children.

7. The court violated VA Code § 20-124.2. by not assuring the children have “frequent and continuing contact with both parents...”

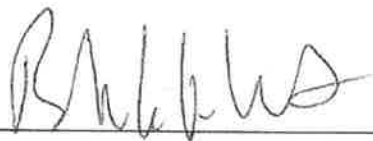
8. This Court cannot use custody/visitation restrictions to punish Mr Lockhart.

9. This Court cannot eliminate all contact with the children without evidence that Mr Lockhart has caused harm to his children. There is no evidence to Support MR Lockhart has harmed his children. This violates the Constitution.

10. This Court cannot fine Mr Lockhart without considering his ability to pay. The Court knows Mr Lockhart is indigent due to Fraud on the Court. Mr Lockhart motion for Spousal Support & Child support is pending.

WHEREFORE, Mr Lockhart requests the Fairfax Circuit Court:

- 1) Reconsider conducting a proper hearing for this matter,
- 2) if relief is denied, suspend enforcement and execution of the order while Appeal is pending, and
- 3) any other relief this Court deems just and appropriate.



PATRICK O. LOCKHART  
P.O. Box 446, Fairfax, VA 22038  
Lockhart@Lockhart.biz

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of this Motion was emailed to Plaintiff at krlockhart@gmail.com and to Stephanie Smith of Cooper Ginsberg Gray, PLLC, Plaintiff’s counsel, at ssmith@cgglawyers.com on June 26, 2019. On 2/2/18 the Court ordered Mr Lockhart to serve Plaintiff’s counsel by email only.



PATRICK O. LOCKHART

Exhibit 4

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Karen Lockhart  
Plaintiff/Complainant

versus

File No. 2016-17580

Patrick Lockhart  
Defendant/Respondent

ORDER

This matter came to be heard on the 9<sup>th</sup> day of July, 2019, on the Plaintiff/Defendant's motion to Recuse

Upon the matter presented to the Court at the hearing, it is hereby

ADJUDGED, ORDERED and DECREED as follows:

Defendant's Motion to Recuse is hereby denied.

The Court will hear Defendant's Motion to Reconsider on August 9, 2019. This shall include Defendant's (2) motions to Reconsider the June 5<sup>th</sup> and June 14<sup>th</sup> orders.


The Court will review entry of the Qualified Domestic Relations Order on August 9, 2019.

Entered this \_\_\_\_\_ day of 7/9, 2019.

This matter continues.

  
JUDGE GRACE BURKE CARROLL

  
Counsel for Plaintiff/Complainant

  
Counsel for Defendant/Respondent

I Object <sup>1</sup> to Judge Markon not recusing himself  
<sup>2</sup> to delaying motion to Reconsider until 8/9/19  
<sup>3</sup> to Not being able to spend time with children as unconstitutional

Exhibit 5

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

KAREN R. STOKES LOCKHART, \*

Plaintiff, \*

v. \* CL No. 2016-17580

PATRICK O. LOCKHART, \*

Defendant. \*

ORDER

THIS CAUSE came to be heard upon Defendant's motion  
to Reconsider 6/5/19 Order and Defendant's  
motion to Reconsider 6/14/19 Order and  
the review of the status of the Qualified  
Domestic Relations Order

and

ARGUMENT

UPON CONSIDERATION of the ~~evidence and testimony~~ presented at the hearing on August 9, 2019; it is therefore

ADJUDGED and ORDERED as follows:

This Court notes Defendant has filed  
a Notice of Appeal for both the 6/5/19  
and 6/14/19 Orders. Accordingly, this  
Court lacks jurisdiction to alter the  
Orders at this time. The Court further

False  
Statement  
of  
Law

No Error



Lockhart v. Lockhart  
Order

defers ~~any~~ entry of Qualified Domestic  
Relations Order pending appeal per  
Defendant's request.

↑  
False  
Statement  
of Fact  
& Law

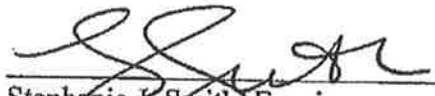
Lockhart v. Lockhart  
Order

AND THIS CAUSE IS CONTINUED to

ENTERED this 5/19/19 day of July, 2019.

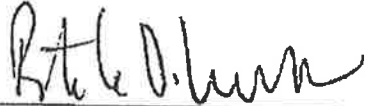
THE HONORABLE THEODORE J. MARKOW

SEEN AND \_\_\_\_\_:

  
Stephanie J. Smith Esquire  
COOPER GINSBERG GRAY, PLLC  
9302 Lee Highway, Suite 1200  
Fairfax, Virginia 22031  
Telephone: (703) 934-1480  
Facsimile: (703) 934-1479  
ssmith@cgglawyers.com  
Virginia State Bar Number 76471  
Counsel for Plaintiff

Object to ① Not restoring visitation  
② Not considering fraud claims  
③ Other objections stated,

SEEN AND objected \_\_\_\_\_:

  
Patrick O. Lockhart  
~~3300 Ginger Tree Court~~ P.O. Box 446  
Fairfax, Virginia 22030 22038  
Telephone: (703) 855-0811  
lockhart@lockhart.biz  
Defendant, Pro Se

A COPY TESTE:  
JOHN T. FREY, CLERK

BY:   
Deputy Clerk

Date: 5/19/19  
Original retained in the office of  
the Clerk of the Circuit Court of  
Fairfax County, Virginia

Exhibit 6

Virginia: In the Circuit Court of Fairfax County

ORDER

*Civil proceeding ≠ Criminal proceeding*

KAREN R. STOKES LOCKHART,

Plaintiff

vs.

CASE NO. 2016-17580

PATRICK O. LOCKHART

RULING ON WRITTEN STATEMENT IN LIEU OF JUNE 14, 2019 TRANSCRIPT

The Court's responses to the "Written Statement of Facts" are as follows:

(1) All proceedings in these matters were recorded by a court reporter accordingly contemporaneous notes were not ~~purposed~~ *made*. **TA**

*No evidence on the record*

(2) Mr. Lockhart precluded a process server from accessing his property for service. He was notified for the June 14, 2019 hearing by email and by posted service. He failed to appear for that hearing.

*False criminal accusation*

*No evidence on the record*

(3) The Objections To Former Husband's "Written Statement in lieu of June 14, 2019 Transcript" is sustained and her Written Statement of Facts is **an** accurate recitation of the facts.

*False statements of Facts & Law*

(4) Mr. Lockhart's federal complaint was dismissed on July 18, 2019.

Copies of this order shall be sent to the parties.

Enter:

*8/30/19*

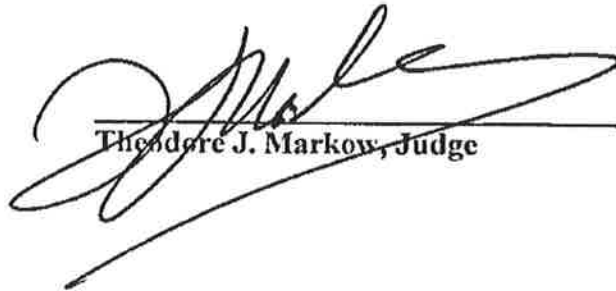
  
Theodore J. Markow, Judge

Exhibit 7

# New Evidence of judicial retaliation & conspiracy by Theodore Markow

Patrick Lockhart <lockhart@lockhart.biz>

Mon, Jul 25, 2022 at 5:24 AM

To: Washington Field <washington.field@ic.fbi.gov>, NOVAPC@ic.fbi.gov, "CRM, CRT (CRT)" <CRT.CRM@usdoj.gov>  
Cc: Amarah@lockhart.biz, antonio@lockhart.biz

FBI

Your FBI Call records should show that I called you on or about 6/15/19 complaining about a judge retaliating against me for filing a lawsuit against him.

I have obtained some new evidence from the email records of the Clerk to support my claim.

TO REVIEW

1) I sued Markow on 6/4/19 and he was served on 6/5/19. I am Black & protected by 42 USC 1981

2) He retaliated by issuing in a series of orders under the color of law, without justification, in violation of due process & equal protection. He conspired with judges Michael Devine & Joanne Alper and others to retaliate against me.

3) Racist retaliatory orders issued:

- 6/5/19 order to illegally ban me from having all contact with my children
- 6/14/19 order with Devine to illegally arrest me after Commonwealth's Attorney denied criminal prosecution.
- 6/21/19 bond order with Alper to illegally set bail at \$250,000 "to get my attention" (see new evidence)
- 10/31/20 correction order issued without a hearing to coverup the false FTA charge and direct the Stat Police to delete the charge from my record. (see new evidence)

3) Since the 6/14/19 order cited no crime, the Magistrate just made one up when I was arrested and book. I was falsely charged with Failure to Appear, and this was the charge for the 250,000 bond.

4) By October 2020, No trial was scheduled or held for the Failure to Appear charges. When I complained to my attorney & the Commonwealth's Attorney they did nothing. The Clerk made up theory of what happened, and Markow issued an order without a hearing that directed the Virginia State Police to remove the FTA charge from my criminal record.

NEW EVIDENCE:

- 1) The 20190620 email from Markow to a clerk directed Judge Alper how to rule at the Arraignment/Bond hearing, and she did just that. See Alper's 6/21 Orders attached
- 2) The 20201021 email from Frey to Markow directed Markow to change the False FTA charge to a Court order Violation charge which violates Double Jeopardy.

--

--

Patrick Lockhart  
P.O. Box 446  
Fairfax, Va 22038

---

## 7 attachments

 **20190620 Email Thread with Callahan & Markow On Alper judicial instructions.pdf**  
396K

 **20190621 CL-16-17580 Alper Arraignment Written Statements Order issued on 9-9-19.pdf**  
436K

 **20190621 MI-2019-765 Arraignment Order issued 8-9-19.pdf**  
351K

 **20190621 250K Contempt Of Court Bond Recognizance stamped criminal w no case number.pdf**  
976K

 **20201021 Email from Frey to Markow on disposing false FTA charge.pdf**  
428K

 **20190619 CFPD served POL with 1 NoJail Summons, 2 False Arrest Warrants 1 Fake Capias.pdf**  
1645K

 **20201031 MI-2019-765 Corrected Order.pdf**  
136K

Exhibit 8



**NOTICE OF DESTRUCTION OF CIVIL EXHIBITS BEING  
HELD IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

**SEPTEMBER 13, 2022**

**Stephanie J. Smith  
9302 Lee Highway, Suite 1200  
Fairfax, VA 22031**

**In Re: KAREN R STOKES LOCKHART VS. PATRICK O LOCKHART  
Case Number: CL-2016-0017580  
Exhibit for: Plaintiff  
Description: Binder  
Final Order Date: November 23, 2020**

*False Statement  
of Fact*

Dear Madam:

Under the authority of Section 8.01-452.1 of the 1950 Code of Virginia, as amended, The Clerk of the Circuit Court plans to destroy all trial exhibits filed in the above referenced case.

If you would like your exhibit(s) returned to you, please notify the court within 30 days from the date of this notice. Any exhibit(s) not retrieved by that date will be destroyed.

To obtain your exhibit(s), please contact the Exhibit Clerk prior to coming to pick them up. This will allow our staff time to locate your exhibit(s) and to prepare a receipt for return of said exhibit(s). The attorney that filed the exhibit(s) can pick them up at the Circuit Court Civil Processing Section located on the 3<sup>rd</sup> floor of the courthouse.

If you have any questions regarding this notice or plan to pick up exhibit(s), please contact the Exhibit Clerk at (703) 246-2500.

Sincerely,

Rachel E. Ferebee  
Deputy Clerk

Exhibit 9

VIRGINIA:

IN THE FAIRFAX CIRCUIT COURT

KAREN R STOKES LOCKHART VS. PATRICK O LOCKHART

Case No. CL-2016-0017580

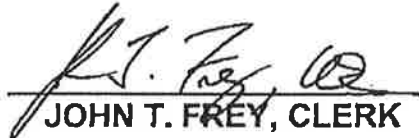
FINAL ORDER

Comes now the Clerk of this Court, under the provisions of Section 8.01-452.1 of the 1950 Code of Virginia, as amended, to destroy all exhibits in civil cases in which final orders were entered and appeal periods have expired; and

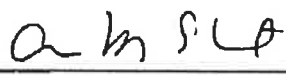
The Clerk has followed procedures as outlined in section 8.01-452.1 of the 1950 Code of Virginia, as amended, by attempting to notify the owner or his/her counsel at their last known address, by first-class mail, of the intention to destroy all trial exhibits and that more than (21) twenty-one days have expired since the receipt of the notice by the owners or their counsel; and

It is hereby ORDERED that all Plaintiff exhibits in the above referenced case be destroyed.

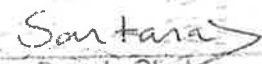
Entered this 14<sup>th</sup> day of November, 2022.

  
JOHN T. FREY, CLERK

EXHIBITS DESTROYED: 11/14/22  
Destruction Date

BY:   
Deputy Clerk

A COPY TESTE:  
JOHN T. FREY, CLERK

BY:   
Deputy Clerk

Date: 12/13/2022  
Original retained in the office of  
the Clerk of the Circuit Court of  
Fairfax County, Virginia

Exhibit 10

# Request for Criminal investigation of Fairfax Circuit Court Clerk John T. Frey and his clerks for false entry & destruction of records

Patrick Lockhart <lockhart@lockhart.biz>

Sun, Aug 13, 2023 at 3:32 PM

To: NOVAPC@ic.fbi.gov, Washington Field <washington.field@ic.fbi.gov>, usavae.usattys@usdoj.gov, Supt@vsp.virginia.gov, VSPBCI@vsp.virginia.gov, jmiyares@oag.state.va.us, Stephen.Descano@fairfaxcounty.gov, Service <service@oag.state.va.us>  
Cc: "amarah@lockhart.biz (amarah@lockhart.biz)" <Amarah@lockhart.biz>, "antonio@lockhart.biz (antonio@lockhart.biz)" <antonio@lockhart.biz>

TO:

EDVA US Attorney Jessica D. Aber  
FBI Washington DC Assistant Director in Charge David Sundberg  
VSP BCI Director Lieutenant Colonel Timothy D. Lyon  
Fairfax County Commonwealth's Attorney Stephen Descano  
VSP Superintendent Colonel Gary T. Settle  
Attorney General Jason S Miyares

I reported this criminal scheme to some of you back in December 2022.

I have received no response, and I assume you have done nothing..

Investigate my complaint and prosecute these people. These are my simple continuing requests to you.

=  
=

Patrick Lockhart  
PO Box 446  
Fairfax, VA 22038

p.s. This email w/o attachments will be mailed to EDVA US Attorney Aber at 2100 Jamieson Ave Alexandria VA 22314.

----- Forwarded message -----

From: **Patrick Lockhart** <lockhart@lockhart.biz>

Date: Thu, Dec 22, 2022 at 2:41 PM

Subject: Request for Criminal investigation of Fairfax Circuit Court Clerk John T. Frey and his clerks for false entry & destruction of records

To: <VSPBCI@vsp.virginia.gov>, Service <service@oag.state.va.us>, <Supt@vsp.virginia.gov>

Cc: <Amarah@lockhart.biz>, <antonio@lockhart.biz>

TO

Virginia State Police Superintendent Colonel Gary T. Settle  
Attorney General Jason S Miyares

THIS IS A CRIMINAL COMPLAINT ABOUT FAIRFAX CIRCUIT COURT CLERK JOHN T. FREY and his clerks  
Court Address: 4110 Chain Bridge Rd, Fairfax, VA 22030

## FACTS

- 1) On 9/13/22, Fairfax Circuit Court deputy clerk Rachel E. Ferebee filed an unsigned notice in CL-2016-17580 indicating the Clerk of the Court planned to destroy all the Plaintiff's exhibits in CL-2016-17580. Ferebee's notice also falsely declared a final order dated 11/23/20 existed. **(See 20220913 file attached)** This Notice was not sent to me.
- 2) On 11/14/22, I appeared at the Fairfax Circuit Court's civil case filing room and asked to see the entire case file after the computer case management system indicated the case was closed. After reading Ferebee's notice for the first time, I immediately informed the supervising filing clerk, Indu S., that no final order dated 11/23/20 existed and Ferebee's Notice was a falsified entry.
- 3) On 11/14/22, in retaliation for my claim that no final order existed, Clerk John T. Frey issued and signed a destruction order in CL-2016-17580 under the Color of Law. Frey falsely titled the order as a "FINAL ORDER" and declared "final orders were entered and appeal periods have expired" and ordered the destruction of all Plaintiff's exhibits. An unknown clerk also signed this order indicating the records were destroyed that same day. **(See 20221114 file attached)** I know of no law that authorizes a Clerk and his deputies to act like a judge and make declarations of finality. Frey and his clerk were acting under the color of law and have deprived me of my right to due process & equal protection.

4) On 12/20/22, a clerk responded to my record request to Frey and confirmed that no final order has been entered in CL-2016-17580 by the designated judge Theodore Markow. Markow was assigned to the case on 10/31/2018 after all the presiding judges were disqualified due to my claims of serious civil rights violations and fraud on the court. Markow has entered no order in this case since 2019.

#### EVIDENCE OF NO FINALITY AND FEDERAL INVOLVEMENT

5) A simple inquiry to all parties/counsel of CL-2016-17580 or to the sole designated judge would have informed Clerk Frey and his deputies that nothing has been finalized in the case. A simple review of the outstanding motions filed in the case would indicate some specific unresolved claims. A simple review of the orders entered by the designated judge could only lead Clerk Frey or his deputies to conclude that all claims of all parties have not been resolved.

6) On 10/5/20, I filed a Notice of Federal Criminal Investigation in CL-2016-17580 which I initiated with the FBI after complaining about a series of continuing racist retaliatory illegal unconstitutional orders issued in the case by the designated judge and others. **(See 20201005 file attached)**

7) On 9/14/22 I filed copies in the Fairfax Circuit Court of two federal lawsuits that stem from the CL-2016-17580 case. Clerk Frey and his deputies were fully aware of the active ongoing federal involvement. **(See 20220930 file attached)**

8) I continue to discover evidential records of joint efforts to violate the law. After ignoring the Commonwealth's Attorney denial of criminal prosecution and after issuing a falsified arrest warrant for me in CL-2016-17580, the designated judge continued to retaliate by directing another judge to set illegally bond at an amount to "get [my] attention" after I was arrested **(See 20190620 file attached)**. Bond was illegally set at \$250,000. To cover up the falsified arrest warrant and its subsequent false charge, Clerk Frey plotted with the designated judge via email to cover up the fraud and without any hearings or notice and under the color of law the judge simply wrote an order directing the Virginia State Police to delete the false charge from my criminal record. **(See 20201021 file attached)**

#### SUMMARY

9) Under the color of Law, Clerk Frey has closed CL-2016-17580 and entered an falsified order making falsified declarations of finality and ordering the destruction of records without authority. His actions are illegal (violating Va Code § 18.2-472 & 42 USC 1981) and unconstitutional (violating due process & equal protection) and motivated by racial discrimination and retaliation

#### AUTHORITIES

§ 18.2-472. False entries or destruction of records by officers. If a clerk of any court or other public officer fraudulently make a false entry, or erase, alter, secrete or destroy any record, including a microphotographic copy, in his keeping and belonging to his office, he shall be guilty of a Class 1 misdemeanor and shall forfeit his office and be forever incapable of holding any office of honor, profit or trust under the Constitution of Virginia.

§ 18.2-107. Theft or destruction of public records by others than officers. If any person steal or fraudulently secrete or destroy a public record or part thereof, including a microphotographic copy thereof, he shall, if the offense be not embraced by § 18.2-472 be guilty of a Class 6 felony.

#### MY REQUEST

- 1) Please initiate a criminal investigation and refer to the AG to prosecute Clerk Frey for violating § 18.2-472 or other crimes.
- 2) Please initiate a criminal investigation and refer to the AG to prosecute all persons involved for violating § 18.2-472 or other crimes.
- 3) Please acknowledge receipt of my complaint and provide me with a case number for my reference.

--

--

Patrick Lockhart  
PO Box 446 Fairfax  
Fairfax, VA 22038

--

--

Patrick

---

**6 attachments**







-  **20220913 CL-2016-17580 Notice Of Destruction.pdf**  
435K
-  **20221114 CL-2016-17580 Order to Destroy Plaintiff Exhibits.pdf**  
471K
-  **20201005 CL-16-17580 Notice of Federal Criminal Investigation.pdf**  
414K
-  **20190620 Email Thread with Callahan & Markow On Alper judicial instructions.pdf**  
396K
-  **20201021 Email from Frey to Markow on disposing false FTA charge.pdf**  
428K
-  **20220930 Email To FXCC Clerk of Complaint-FOIA on Federal Removals.pdf**  
61K

Exhibit 11



# 3rd Request for Investigation & Prosecution for Secreting Records/Obstruction of Justice @ Court Of Appeals Of Virginia

Patrick Lockhart <lockhart@lockhart.biz>

Sat, Aug 12, 2023 at 9:25 PM

To: Richmond@ic.fbi.gov, usavae.usattys@usdoj.gov, Colette.McEachin@richmondgov.com, VSPBCI@vsp.virginia.gov  
Cc: "amarah@lockhart.biz (amarah@lockhart.biz)" <Amarah@lockhart.biz>, "antonio@lockhart.biz (antonio@lockhart.biz)" <antonio@lockhart.biz>

TO:

VSP BCI Director Lieutenant Colonel Timothy D. Lyon  
Richmond Commonwealth's Attorney Colette Wallace McEachin  
FBI Richmond Special Agent in Charge Stanley M. Meador  
EDVA US Attorney Jessica D. Aber

This is my 3rd formal criminal complaint to you about actions and inactions in the Court of Appeals of Virginia (CAV) which is located at 109 North Eighth Street Richmond, VA 23219-2321.

These facts are a little different from those of my first two complaints sent to you on 7/5/23 & 8/7/23. Nevertheless, the malicious conduct resulted in the same intended effect - the manipulated dismissal of my appeals in five CAV cases - 0468-22-4, 1089-22-4, 1570-22-4, 1811-22-4 and 1915-22-4.

I believe the following laws were violated: Va Code §§ 18.2-472, 18.2-460(A), 18.2-172, 18.2-152.7:1, 18.2-168, 18.2-152.4, as well as 18 U.S. Code § 241 & 18 U.S. Code § 242.

## FACTS REGARDING CAV #1915-22-4

1) On December 14, 2022, I filed a Notice of Appeal in CAV for Fairfax Circuit Court CL-2016-17580. CAV assigned it Record No. 1915-22-4.

2) On March 14, 2023, FXCC transmitted the Record on Appeal to CAV. (See File Attached) . Rule 5A:10(e) states "*Notice of Filing. – The clerk of this Court must promptly notify all counsel of the date on which the record is filed in the office of the clerk of this Court.*" I never received a "Record Acknowledgement" notice, and I believe no CAV clerk sent this notice. I previously thought that FXCC did not send their record to CAV. I learned today I was wrong after accessing the FXCC case management system. (See 20230314 File Attached)

**CRIME 1: THE MISSING RECORD ACKNOWLEDGEMENT NOTICE WAS AN ACT OF OBSTRUCTION OF JUSTICE (missing not because it was destroyed or hidden from the record, but because the clerk failed to create it and email it, and post it on the record)**

**CRIME 2: THE RECORD FXCC SENT TO CAV WAS SECRETED FROM THE PARTIES.**

3) On April 19, 2023, an unknown CAV clerk emailed me a dismissal order issued by unknown Judges. The order contained many findings and arguments that neither party made( i.e.separation of powers violation). Most shockingly, this order stated "all prior orders have become final and are no longer subject to appeal." If the CAV clerk issued the record acknowledgement notice, then I would have pointed out all the unresolved matters subject to appeal.

**CRIME 3: DISMISSAL ORDER IS A CORRUPTED FALSIFIED ORDER PROCURED BY EXTRINSIC FRAUD.**

4) The pattern of criminal conduct is clear material and substantial. I have been deprived of my 1st amendment constitutional right to Petition To appellates court Under the color of law.. I have been continuously Denied my equal civil right to benefit from all laws and all proceedings as White people enjoy. 42 USC 1981

5) I and my two minor children have been irreparably harmed as a result. No amount of Money in the world can mend the damage that has occurred and will continue to occur unless you execute your powers to stop these criminals now.

## MY REQUESTS:

- 1) Please promptly initiate a state & federal criminal investigation & prosecution.
- 2) VSP BCI - Please acknowledge receipt of this complaint and provide me with a case number.

--

Patrick Lockhart  
PO Box 446  
Fairfax, VA 22038

p.s. I just filed an abbreviated complaint at [civilrights.justice.gov](http://civilrights.justice.gov). Case# 330879-ZTL

p.s. This email w/o attachments will be mailed to EDVA US Attorney Aber at 2100 Jamieson Ave Alexandria VA 22314.

Exhibit 12

**VIRGINIA :**

**IN THE SUPREME COURT OF VIRGINIA**

**PATRICK O. LOCKHART**

Appellant,

vs.

**KAREN R. STOKES LOCKHART**

Appellee,

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SCV Record No. 230360

CAV Record No. 1915-22-4

FXCC Case No. CL-2016-17580

**EMERGENCY MOTION**

COMES NOW PATRICK O. LOCKHART, Appellant and Black Protected Class member, to move this Court to suspend enforcement of the 9/8/17, 3/9/18, 6/5/19 and other orders of CL-2016-17580 and/or declare them void ab initio while this appeal is pending in state or federal courts. In support, Mr Lockhart states as follows:

**AUTHORITIES**

Va Const Art 1 Sec 11 "...no person shall be deprived of his life, liberty, or property without due process of law..."

5th Amend US Const. "No person shall... ..be deprived of life, liberty, or property, without due process of law..."

14th Amend US Const. "...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

42 U.S. Code § 1981 - "All persons within the jurisdiction of the United States shall have the same right in every State and Territory... to... give evidence..."

"It is universally recognized that "due process of law" requires that a person be given notice and a reasonable opportunity to be heard before an impartial tribunal before any binding decree or order may be entered affecting his right to liberty or property."

John Doe v. Brown, 203 Va. 508 - Va: Supreme Court 1962

"...the defendant must be properly brought before the court, else there will be no jurisdiction over him and a judgment against him will be void."

Shelton v. Sydnor, 126 Va. 625, 630, 102 S.E. 83, 85 (1920).

"No judicial proceeding can deprive a man of his property without giving him an opportunity to be heard in accordance with the provisions of the law, and if a judgment is rendered against him without such opportunity to be heard, it is absolutely void. A void judgment is in legal effect no judgment. By it no rights are divested and from it no rights are obtained. All claims flowing out of it are void. It may be attacked in any proceeding by any person whose rights are affected."

Harris v. Deal, 189 Va. 675 - Va: Supreme Court 1949

" Extrinsic fraud, therefore, is "fraud that ... deprives a person of the opportunity to be heard." "

FE v. GFM, 547 SE 2d 531 - Va: Court of Appeals 2001

"...the judgment of a court, procured by extrinsic fraud, i.e., by conduct which prevents a fair submission of the controversy to the court, is void and subject to attack, direct or collateral, at any time. Rowe v. Coal Corp., 197 Va. 136, 143, 87 S.E.2d 763, 767-68 (1955); O'Neill v. Cole, 194 Va. 50, 56-57, 72 S.E.2d 382, 385-86 (1952); McClung v. Folks, 126 Va. 259, 268-73, 101 S.E. 345, 347-49 (1919); Justis v. Georgia Industrial Co., 109 Va. 366, 369-70, 63 S.E. 1084, 1085 (1909). See also Buchanan v. Buchanan, 170 Va. 458, 464, 197 S.E. 426, 428-29 (1938) (only void judgments subject to collateral attack)."

Jones v. Willard, 299 SE 2d 504 - Va: Supreme Court 1983

"An order is void ab initio, rather than merely voidable, if "the character of the judgment was not such as the court had the power to render, or because the mode of procedure employed by the court was such as it might not lawfully adopt." See Evans v. Smyth-Wythe Airport Comm'n, 255 Va. 69, 73, 495 S.E.2d 825, 828 (1998); Lapidus v. Lapidus, 226 Va. 575, 579, 311 S.E.2d 786, 788 (1984); Watkins v. Watkins, 220 Va. 1051, 1054, 265 S.E.2d 750, 753 (1980); Barnes v. American Fertilizer Co., 144 Va. 692, 706, 130 S.E. 902, 906 (1925); Anthony v. Kasey, 83

Va. 338, 340, 5 S.E. 176, 177 (1887). An order that is void ab initio is a "complete nullity" that may be "impeached directly or collaterally by all persons, anywhere, at any time, or in any manner." Singh v. Mooney, 261 Va. 48, 52, 541 S.E.2d 549, 551 (2001)."

Collins v. Shepherd, 649 SE 2d 672 - Va: Supreme Court 2007

Va Code § 20-121.2. "Validation of absolute divorce granted where no decree from bed and board. Any absolute divorce granted in this Commonwealth under circumstances in which the bill of complaint prayed for a divorce from bed and board with leave to merger the same into an absolute divorce at the end of the statutory period and in which the decree of absolute divorce was entered with no decree from bed and board because the statutory period elapsed prior to the entry of said decree, is hereby validated, provided such divorce proceeding was otherwise conducted according to law."

## FACTS

1) On December 28, 2016, while Mr Lockhart, Appellee and two minor children all lived in the same home, the Fairfax Circuit Court and its judge, Michael Devine, issued its first order of this limited divorce case attempting to deprive Mr Lockhart of his fundamental property and parental rights. Mr Lockhart was not served notice of this first hearing. Mr Lockhart was not served the complaint before this first hearing was held. Mr Lockhart had No Opportunity to be Heard and this first hearing.

2) On September 8 2017, while the Lockharts all lived in the same home, the Fairfax Circuit Court and Devine issued an order depriving Mr Lockhart of his

fundamental constitutional property and parental rights at a custody trial. Devine refused to allow Mr Lockhart to testify and present evidence at the trial.

3) On October 3 , 2018, Devine and all the Fairfax Circuit Court judges were disqualified from the case soon after Mr Lockhart filed a federal civil rights lawsuit asserting his fundamental constitutional rights and asserting numerous Fairfax Circuit Court Judges violated these rights. On October 31,2018, Theodore Markow was designated by this Court to resolve the case.

4) On May 31 2019, the Fairfax Circuit Court and Markow, conducted a contempt proceeding without notice to Mr Lockhart and without giving Mr Lockhart an Opportunity To Be Heard. An order was issued that day depriving Mr Lockhart of his fundamental constitutional due process, equal protection, & privacy rights.

5) On June 4, 2019, Mr Lockhart filed a federal civil rights lawsuit to assert his fundamental constitutional rights and to end Markow's constitutional violations. Markow was served the lawsuit moments before a scheduled 6/5/19 hearing.

6) On June 5 2019, the Fairfax Circuit Court and Markow, a conducted contempt proceeding without notice to Mr Lockhart and without giving Mr Lockhart an Opportunity To Be Heard. An interim injunction order was signed that day by Markow depriving Mr Lockhart of his fundamental constitutional due

process, equal protection & parental rights. This invalid unlawful illegal unconstitutional order banned Mr Lockhart from having all contact with his two children, including by telephone. The order falsely indicates Mr Lockhart waived his right to appear.

7) On June 14 2019, the Fairfax Circuit Court and Markow & the disqualified Devine conducted a criminal hearing within this civil case without notice to Mr Lockhart and without giving Mr Lockhart an Opportunity To Be Heard. The Assistant Commonwealth Attorney Bennett Brasfield was invited to and appeared at the hearing to authorize a unethical request for a criminal contempt charge in a civil case. Brasfield declined criminal prosecution against Mr Lockhart. Markow & the disqualified Devine ignored the prosecutor's decision, and they decided to become prosecutor's themselves. Markow & Devine again retaliated by issuing & signing a falsified arrest warrant for Mr Lockhart at the end of the hearing.

8) These orders dated 12/28/19, 9/8/17, 3/9/18, 5/31/19, 6/5/19, & 6/14/19 were issued with lack of all jurisdiction, without legal justification, without authority, and in violation of 42 USC 1981 as well as the due process or equal protection or privacy clauses of the 4th 5th or 14th Amend US Const or Va Const Art 1 Sec 11.

9) These orders dated 12/28/19, 9/8/17, 3/9/18, 5/31/19, 6/5/19, & 6/14/19 were all issued without notice or opportunity to be heard due to extrinsic fraud of the officers of the Fairfax Circuit Court, and therefore these orders are all void ab initio.

10) These racist discriminatory retaliatory illegal unconstitutional void orders have caused and continue to cause Mr Lockhart and his family harm, including but not limited to irreparable harm to Mr Lockhart's relationship with the two minor children.

11) No material facts are genuinely in dispute.

12) The relevant laws to dispose of the 12/28/19, 9/8/17, 3/9/18, 5/31/19, 6/5/19, & 6/14/19 orders as Void Ab Initio are not in dispute.

13) Virginia Courts and its officers have a ministerial duty to comply with the Virginia Constitution and the US Constitution.

14) This Court has a ministerial duty to declare these orders void ab initio.

15) This Court has a ministerial duty to preliminarily and indefinitely suspend enforcement of these orders while this case is pending appeal in state & federal courts.

16) The 9/8/17, 3/9/18 & 6/5/19 void orders have been fraudulently used during May & June 2023 multiple times to attempt to initiate criminal process against Mr Lockhart. So this motion is being sent to Virginia Attorney General Jason S.



Miyares, Fairfax Commonwealth's Attorney Stephen Descano and Fairfax Chief Magistrate Alyssa Emery as a fresh reminder to warn all their employees and others not to use any order of the case to attempt to criminalize Mr Lockhart or they will be sued. 42 USC 1981.

WHEREFORE, Mr Lockhart requests this Court *pl*

- a) Declare the Orders dated 12/28/18, 9/8/17, 3/9/18, 5/31/19, 6/5/19, & 6/14/19 void ab initio <sup>6</sup>
- b) Preliminarily and indefinitely suspend enforcement of all orders of CL-2016-17580 while pending appeal in state & federal courts.
- c) Promptly set date and time for an emergency hearing by telephone with all Justices to resolve this motion.
- d) Grant summary judgment if Appellee fails to file an Objection.
- e) Declare a Miscarriage of Justice, vacate all orders & dismiss the complaint because any absolute divorce order is invalid with so many violations of laws according to Va Code § 20-121.2.
- f) Any other relief deemed just and appropriate by this court.

### CERTIFICATION

I, Patrick O. Lockhart, declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_/ x  
PATRICK O. LOCKHART, Appellant  
P.O. Box 446, Fairfax, VA 22038 Lockhart@Lockhart.biz

### CERTIFICATE OF SERVICE

I, Patrick O. Lockhart, hereby certify that this Motion, including headings, footnotes and quotations contains 1892 words. I wish to present evidence and an oral argument in support of the motion and wish to do so by telephone. I certify that on or around 6/22/23 a true copy of this motion will be emailed and mailed or delivered to the following:

1) Appellee Karen R Stokes Lockhart (krlockhart@gmail.com) at 9610 Ridge Ave  
Fairfax, VA 22030

2) Appellee's Counsel Stephanie J Smith of COOPER GINSBERG GRAY, PLLC  
at 9302 Lee Highway, Suite 1200 in Fairfax, Virginia 22030 Phone (703) 934-1480  
Facsimile: (703) 934-1479 ssmith@cgglawyers.com VSB # 76471

\_\_\_\_\_/x\_\_\_\_\_.

**PATRICK O. LOCKHART**

Exhibit 13

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 29th day of June, 2023.*

Patrick O. Lockhart,

Appellant,

against

Record No. 230360

Court of Appeals No. 1915-22-4

Karen R. Lockhart,

Appellee.

From the Court of Appeals of Virginia

On June 22, 2023, came the appellant, who is self-represented, and filed an emergency motion to stay, to which the appellee, by counsel, filed an objection.

Upon consideration whereof, the Court denies the motion.

A Copy,

Teste:

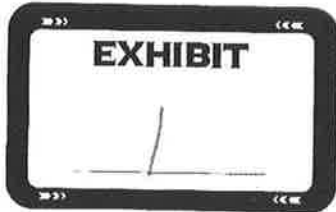
Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

Exhibit 14



VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

KAREN R. STOKES LOCKHART, \*

Plaintiff, \*

v. \*

CL No. 2016-17580

PATRICK O. LOCKHART, \*

Defendant. \*

**INTERIM ORDER REGARDING RULE TO SHOW CAUSE**

THIS CAUSE came to be heard upon the *Verified Petition for Issuance of a Rule to Show Cause* filed by the Plaintiff, KAREN R. STOKES LOCKHART (Ms. Lockhart), averring that the Defendant, PATRICK O. LOCKHART (Mr. Lockhart), has violated provisions of the Custody Order entered by this Court on September 8, 2017, the Final Order of Divorce entered by this Court on December 8, 2017, the Order Modifying Custody entered March 9, 2018, and this Court's Order Regarding Rule to Show Cause entered August 31, 2018; and

UPON CONSIDERATION of the evidence and testimony presented at the hearing on June 5, 2019; it is therefore

*Updated order  
No-contact*

ADJUDGED and ORDERED as follows:

*Defendant is hereby found in contempt for willfully violating the following orders: (i) Sept 8, 2017 Custody Order, (ii) Dec 8, 2017 Final Order of Divorce, (iii) March 9, 2018 Order Modifying Custody, and (iv) Order Regarding Rule to Show Cause dated Aug 31, 2018.*

Lookhart v. Lookhart  
Order Regarding Rule to Show Cause

Accordingly, this Court imposes the following sanctions to secure compliance and to protect the best interests of the children under 20-124.2 and 20-124.3:

(A) Defendant's visitation privileges are hereby suspended effective June 5, 2019. Defendant shall have no contact <sup>with the minor children</sup> personally or by phone pending further order of this Court.

(B) Defendant shall pay to Plaintiff the following amounts on or before Aug 9, 2019 at 9:00 am:

(1) \$3,185.50 for overdue attorneys fees

(2) \$748 for Time share transfer fees

(3) \$7,162.85 for attorneys fees incurred to secure Defendant's compliance herein.

This Court defers matters relating to child support arrears to a later date to be determined. ~~referred~~

Defendant shall ~~be required~~ receive notice of this Order and future proceedings herein by mail.


Lockhart v. Lockhart  
Order Regarding Rule to Show Cause

*This matter shall be reviewed on 8/9/19 @ 9am.*

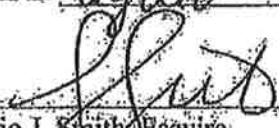
AND THIS CAUSE IS CONTINUED to AUGUST 9, 2019 at 9:00 AM

ENTERED this \_\_\_\_\_ day of 6/5/, 2019.

*This matter continues.*

  
THE HONORABLE THEODORE J. MARKOW


SEEN AND *agreed*

  
Stephanie J. Smith, Esquire  
COOPER (H) SBERG GRAY, PLLC  
9302 Lee Highway, Suite 1200  
Fairfax, Virginia 22031  
Telephone: (703) 934-1480  
Facsimile: (703) 934-1479  
ssmith@cgglawyers.com  
Virginia State Bar Number 76471  
*Counsel for Plaintiff*

SEEN AND *Waived No appearance.* 

Patrick O. Lockhart  
3300 Ginger Tree Court  
Fairfax, Virginia 22030  
Telephone: (703) 855-0811  
lockhart@lockhart.biz  
Defendant, *Pro Se*

A COPY TESTE:  
JOHN T. FREY, CLERK

BY:   
Deputy Clerk

Date: 8/5/19  
Original retained in the office of  
the Clerk of the Circuit Court of  
Fairfax County, Virginia



Exhibit 15

**VIRGINIA :**

**IN THE SUPREME COURT OF VIRGINIA**

**PATRICK O. LOCKHART**

\*

Petitioner,

\*

SCV Record No. 230398

vs.

\*

Fairfax County School Board, et al

\*

Respondents,

\*

*Verified*

**MOTION IN LIMINE &**

**MOTION TO STRIKE EXHIBIT 1 OF**

**FCSB RESPONDENTS' MOTION TO DISMISS**

**MOTION TO DECLARE EXHIBIT 1 VOID AB INITIO**

COMES NOW PATRICK O. LOCKHART, Petitioner and Black Protected Class

member, to move this Court to strike Exhibit 1 of the Fairfax County School Board

(FCSB) Respondents' motion to dismiss and its memorandum of law. In support,

Mr Lockhart states as follows:

**AUTHORITIES**

Va Code § 8.01-274.1. Motion or petition for rule to show cause for violation of court order. Except as otherwise provided by law, any party requesting a rule to show cause for a violation of a court order in any civil action in a court of record shall file with the court a motion or petition, which may be on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. The motion or petition shall include facts identifying with particularity the violation of a specific court order and be sworn to or accompanied by an affidavit setting forth such facts. A rule to show cause entered by the court shall be served on the person alleged to have violated the court order, along with the accompanying motion or petition and any affidavit filed with such motion or petition.

Va Code § 8.01-276 "...Any matter that heretofore could be reached by a demurrer to the evidence may hereafter be subject to a motion to strike the evidence. ..."

Va Code § 8.01-277.1 "Objections to personal jurisdiction or defective process; what constitutes waiver. A. Except as provided in § 8.01-277, a person waives any objection to personal jurisdiction or defective process if he engages in conduct related to adjudicating the merits of the case, including, but not limited to: 1. Filing

a demurrer, plea in bar, answer, counterclaim, cross-claim, or third-party claim; 2. Conducting discovery, except as provided in subsection B; 3. Seeking a ruling on the merits of the case; or 4. Actively participating in proceedings related to determining the merits of the case. ...”

Va Code § 8.01-624. Duration of temporary injunctions to be fixed therein. When any court authorized to award injunctions shall grant a temporary injunction, either with or without notice to the adverse party, such court shall prescribe in the injunction order the time during which such injunction shall be effective and at the expiration of that time such injunction shall stand dissolved unless, before the expiration thereof, it be enlarged. Such injunction may be enlarged or a further injunction granted by the court in which the cause is pending or by the court to whom the bill is addressed in the event the cause be not matured, after reasonable notice to the adverse party, or to his attorney of record of the time and place of moving for the same.

Va Code § 8.01-646. “When writ awarded if no defense made. When the application is made, on proof of notice and service of the copy of the petition as aforesaid, if the defendant fails to appear, or appearing fails to make defense, and the petition states a proper case for the writ, a peremptory writ shall be awarded with costs.”

Va Code § 8.01-647. “Defense; how made. The defendant may file a demurrer or answer on oath to the petition, or both. The court may permit amendments of the pleadings as in other cases.”

42 U.S. Code § 1981 - "(a)Statement of equal rights All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

Va Const. Art III Sec 1 “Departments to be distinct The legislative, executive, and judicial departments shall be separate and distinct, so that none exercise the powers properly belonging to the others, nor any person exercise the power of more than one of them at the same time;...”

ARGUMENTS

MOTION IN LIMINE &  
MOTION TO STRIKE EXHIBIT 1 OF FCSB's MOTION TO DISMISS

1) On or around July 6, 2023, FCSB Respondents, via their counsel Julia B.

Judkins, filed a motion to dismiss and its memorandum of law in this Court. The two pleadings are frivolous and serve no legitimate purpose. The pleadings shockingly contain improper unlawful unconstitutional content that this Court has no authority and no subject matter jurisdiction or active jurisdiction to consider or adjudicate in this mandamus and prohibition case. This motion will focus on Exhibit 1.

2) On Page 3 of the memorandum of law pleading, FCSB Respondents and Judkins offered to present Exhibit 1 as evidence. They proclaimed "This June 5, 2019 Order is valid." and attached a copy of it to the pleading. Mr Lockhart objects to admitting Exhibit 1 as evidence on several grounds.

3) Mr Lockhart asserts Exhibit 1 is facially irrelevant and facially invalid and facially unlawful and facially unconstitutional. With a facial review of Exhibit 1, every competent attorney should know it cannot be used as evidence in any way. For example, Mr Lockhart believes Assistant Commonwealth Attorney Bennett Brasfield (Witness 1) was the first competent attorney to review Exhibit 1 around June 11, 2019. Mr Lockhart believes Brasfield instantly recognized Exhibit 1 as garbage as he denied all criminal prosecution that was requested.

4) FCSB Respondents and Judkins know Exhibit 1 is invalid and irrelevant and unlawful and unconstitutional, yet still they attempt to use Exhibit 1 and label it as some “valid court order” in this case to justify their actions.

5) The two pleadings of FCSB Respondents and Judkins are simply evidence of their malpractice or malfeasance in office as school board members as school administrators and as a licensed attorney. It demonstrates their intentional deliberate reckless disregard of the facts and the laws relevant to this case. It is pretext for unlawful continuing discrimination and unlawful continuing retaliation. This Court must reject their invitation to get caught up in their corruption. This Court has a ministerial duty to prevent Exhibit 1 from being admitted as evidence, strike it from the record, and ultimately declare that Exhibit 1 is void ab initio.

#### Irrelevant Exhibit 1

6) Relevant evidence of this mandamus and prohibition action against FCSB Respondents would have been one of the three valid court orders specified in Regulation 2240.8(III)(A)(1). A review of the title of Exhibit 1 - INTERIM ORDER REGARDING RULE TO SHOW CAUSE - would reveal that it does not qualify as potential evidence to support Regulation 2240.8(III)(A)(1).

7) Regulation 2240.8 provides “... III. DEFINITIONS A. Custodial Parent 1. A person who has legal custody of a child. Fairfax County Public Schools (FCPS)

will assume that a natural parent has legal custody of the child unless FCPS is presented with a valid court order that denies the parent legal custody, terminates parental rights, or awards sole legal custody to the other parent or another individual.”

8) Exhibit 1 is not “a valid court order that denies [Mr Lockhart] legal custody, terminates [Mr Lockhart’s] parental rights, or awards sole legal custody to [the two children’s mother] or another individual.”

9) FCSB Respondents and Judkins did not answer Mr Lockhart’s petition and they did not proffer any evidence that complies with Regulation 2240.8(III)(A)(1) because they know no valid court order that complies with this school law exists.

10) A quick review of the face of Exhibit 1 should have instantly set off red unconstitutional flags and extra loud flashing unlawful alarms in the minds of FCSB Respondents and Judkins when they first saw it. Further inquiry into Exhibit 1, as required by § 8.01-271.1 before filing it in this Court, should have informed them that Exhibit 1 is nothing more than one of a series of illegal unconstitutional orders issued by a the Designated Judge Theodore Markow and other judges without any legal justification or authority and motivated by racial discrimination and retaliation.

11) FCSB Respondents and Judkins deliberately chose to proffer Exhibit 1 and argue that it is valid. They argue that “[Exhibit 1] provides the legal authority to restrict him from having lunch or any other contact with his sons at their schools.” Mr Lockhart disagrees and asserts Exhibit 1 is irrelevant and prohibited as a valid defense in this case. Va Code § 8.01-647 provides “Defense; how made. The defendant may file a demurrer or answer on oath to the petition, or both...” If the Virginia General Assembly wanted to include justification or excuse as defense in a mandamus and prohibition action, then they would have done so in § 8.01-647; they did not. So FCSB Respondents have not filed any proper defense, the only remaining task for this Court is well established by § 8.01-646 - “a peremptory writ shall be awarded with costs”

12) Therefore, this Court has no subject matter jurisdiction or active jurisdiction or authority to consider a justification or excuse defense and Exhibit 1 in this case. Rule 2:402 provides "Evidence that is not relevant is not admissible." Exhibit 1 must be stricken from the record.

#### Unlawful & Unconstitutional Exhibit 1

13) In addition to Exhibit 1 being irrelevant, FCSB Respondents and Judkins know it is also an unlawful and unconstitutional order that is void ab initio.

14) A facial review as well as further proper inquiry into Exhibit 1 by FCSB

Respondents and Judkins should have revealed multiple fatal statutory & constitutional violations that makes Exhibit 1 void ab initio and unenforceable.

15) First, Exhibit 1 is a temporary injunction order with no expiration date.

Exhibit 1 is an interim no-child-contact no-expiration-date order issued at a contempt proceeding that Mr Lockhart did not attend. Exhibit 1 provides no legal justification for this extreme indefinite interference of the statutory &

constitutional rights of Mr Lockhart and his two minor children. FCSB

Respondents and Judkins know that these types of temporary no-expiration-date orders have been prohibited by the Virginia General Assembly since at least 1977 according to Va Code §8.01-624. This law provides that authorized courts “shall prescribe in the injunction order the time during which such injunction shall be effective and at the expiration of that time such injunction shall stand dissolved”.

This law was likely established to prevent the issuance and enforcement of unlawful unconstitutional orders like Exhibit 1.

16) Second, Exhibit 1 states “Waived. No Appearance” on the signature line designated for Mr Lockhart. FCSB Respondents and Judkins know this is an unlawful statement that was handwritten by Markow whose initials appear next to the statement. FCSB Respondents and Judkins know that the process of waiving



personal jurisdiction was defined with precision by the Virginia General Assembly around 2011 in Va Code § 8.01-277.1. This law states “a person waives any objection to personal jurisdiction or defective process if he engages in conduct related to adjudicating the merits of the case...” Since they know the law, and they know the fact that Mr Lockhart did not appear and did not participate at the contempt proceeding, then they know it was not possible for Mr Lockhart to lawfully waive his appearance. They know Markow had no power to do anything in this case much less determine if a waiver occurred. They know Markow was acting under the color of law.

17) Third, FCSB Respondents and Judkins also know that people accused of civil or criminal contempt must be personally served as required by Va Code § 8.01-274.1. This law provides “A rule to show cause entered by the court shall be served on the person alleged to have violated the court order...” FCSB Respondents and Judkins know their inquiry into the case file of Exhibit 1 showed that there was no evidence to support that Mr Lockhart was personally served. The trial court and Markow could not acquire jurisdiction of the subject matter without Notice to Mr Lockhart.

18) "It is universally recognized that "due process of law" requires that a person be given notice and a reasonable opportunity to be heard before an impartial tribunal before any binding decree or order may be entered affecting his right to liberty or property." John Doe v. Brown, 203 Va. 508 - Va: Supreme Court 1962

"...the defendant must be properly brought before the court, else there will be no jurisdiction over him and a judgment against him will be void." Shelton v. Sydnor, 126 Va. 625, 630, 102 S.E. 83, 85 (1920). "No judicial proceeding can deprive a man of his property without giving him an opportunity to be heard in accordance with the provisions of the law, and if a judgment is rendered against him without such opportunity to be heard, it is absolutely void. A void judgment is in legal effect no judgment. By it no rights are divested and from it no rights are obtained. All claims flowing out of it are void. It may be attacked in any proceeding by any person whose rights are affected." Harris v. Deal, 189 Va. 675 - Va: Supreme Court 1949

19) Therefore, by a) unlawfully conducting a hearing without serving Mr Lockhart Notice in violation of § 8.01-274.1 AND by b) issuing an invalid unlawful temporary injunction order with no expiration date in violation of §8.01-624 AND by c) unlawfully stating Mr Lockhart (who was absent and did not participate in the hearing) waived his appearance in violation of § 8.01-277.1, Markow acted without authority and without jurisdiction and engaged in clear material substantial extrinsic fraud that prevented an impartial fair consideration of the subject matter.

20) By failing to comply with these clear material substantial statutory laws, Markow violated the due process and equal protection and non-discrimination clauses of the US & Virginia constitutions. Most reasonable constitutional officials understand these fundamental protections and uphold and defend them, yet FCSB Respondents and Judkins seem to believe these constitutional protections

don't apply to Black parents like Mr Lockhart. They seem to believe only similarly situated white parents can benefit from these fundamental protections.

21) The 5th & 14th Amendment of the US Constitution provides "nor be deprived of life, liberty, or property, without due process of law;" and "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Article 1 Section 11 of the Virginia Constitution provides that "no person shall be deprived of his life, liberty, or property without due process of law; ... and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged...".

22) In summary, FCSB Respondents and Judkins know or should know that Markow knowingly and willfully violated Virginia laws §8.01-624, § 8.01-277.1, § 8.01-274.1 and they know Markow violated the due process and non-discrimination clauses of the Virginia Constitution Article 1 Section 11 during his racist discriminatory retaliatory unauthorized unjustified process of conducting a contempt proceeding and issuing and signing Exhibit 1. They know Markow had no legitimate reason to issue Exhibit 1.

23) FCSB Respondents and Judkins know that filing their motion to dismiss is a clear violation of Va Code § 8.01-647. They know they are engaging in the same racist discriminatory retaliatory illegal unconstitutional conduct as Markow by proffering Exhibit 1 as justification for their actions. They Know just as Markow had Not legitimate reason to issue & sign Exhibit 1, They have no legitimate reason

for filing tier motion to dismiss as justification is irrelevant in a this mandamus prohibition proceeding.

24) Therefore, for all the reasons stated above, Exhibit 1 is invalid, irrelevant and unlawful and unconstitutional. It must not be admitted as evidence. It must be stricken from the record.

#### Reliable Information of Markow's Pattern of Retaliation

25) FCSB Respondents and Judkins know that their inquiry into Exhibit 1 was only the beginning of a series of shocking racist discriminatory retaliatory illegal unconstitutional acts that demonstrate Markow lacks the credibility and integrity and impartiality to be a judge.

26) FCSB Respondents know or should know that two material events occurred less than 5 hours before Exhibit 1 was issued and signed by Markow. They know these events would cause any person to reasonably question the impartiality of Markow to adjudicate any subject matter involving Mr Lockhart.

27) First, FCSB Respondents and Judkins know or should know that on 6/5/19, before the scheduled contempt hearing where Exhibit 1 was issued, Mr Lockhart filed a notice to inform the trial court of his legitimate, federal-protected-activity reason for not participating in the scheduled contempt hearing. (Exhibit A - 6/5/19 Notice of federal lawsuit). Second, FCSB Respondents and Judkins know that on

**VIRGINIA :**

**IN THE SUPREME COURT OF VIRGINIA**

**PATRICK O. LOCKHART**

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Petitioner,

\*

SCV Record No. 230398

vs.

\*

Fairfax County School Board, et al

\*

Respondents,

\*

**LETTER OF SUPPLEMENTAL AUTHORITY**

COMES NOW PATRICK O. LOCKHART, Petitioner and Black Protected Class member, pursuant to Rule 5:6A, to inform the Clerk of this Court of a pertinent and significant authority that has come to his attention. In support, Mr Lockhart states as follows:

**PERTINENT & SIGNIFICANT AUTHORITY**

FCSB Regulation 2240.8 (VII) (A)

“... VIII. RELEASING A STUDENT DURING THE SCHOOL DAY

A. FCPS will release the student upon request to a parent with sole or joint legal custody (in other words, a custodial parent). An award of sole physical custody to one parent will not prevent the parent without physical custody from picking up the child as long as the parent without physical custody retains legal custody of the child. Visitation schedules do not control the principal’s decision to release a child to a custodial parent. A custodial parent may have the child released to him or her at any time, not Regulation 2240.8 Page 6 just at times or on days when the parent has visitation with the child pursuant to a visitation schedule. **The principal will refuse to release the student to a custodial parent only if presented with A VALID COURT ORDER that specifically denies the parent legal custody, prohibits contact with the student, or denies the parent unsupervised visitation as described in Section XI. ...”** (BOLD UNDERLINE CAPS Emphasis added)

**REASON FOR SUPPLEMENTAL AUTHORITY**

1) On August 16, 2023, in response to the motion to dismiss of the Fairfax County School Board Respondents, Mr Lockhart filed a pleading titled “ MOTION IN LIMINE & MOTION TO STRIKE EXHIBIT 1 OF FCSB RESPONDENTS’ MOTION TO DISMISS [&] MOTION TO DECLARE EXHIBIT 1 VOID AB INITIO”

2) On Page 18 paragraph 43, Mr Lockhart asserts Exhibit 1 is void ab initio. Citation of Regulation 2240.8 (VII) (A) after this is proper.

3) Since FCSB Respondents had no valid court order that “denies [Mr Lockhart] legal custody, prohibits contact with [his children], or denies [Mr Lockhart] unsupervised visitation...” when Mr Lockhart appeared on May 25, 2023 at Fairfax High School, the principal had a ministerial duty, per Regulation 2240.8 (VII) (A), to release Mr Lockhart’s child to him for lunch. Instead, with no legal justification, they told him to get out or they’d call the police.

4) FCSB Respondents & their counsel, Julia B. Judkins know this authority exists and they know they have no valid court order. They know they must enforce Regulation 2240.8 (VII) (A).

5) The fact that they failed to cite Regulation 2240.8 (VII) (A) in their pleadings and the fact they continue to threaten deadly police violence (as they did on August 16, 2023 when Mr Lockhart informed them of his plans to attend an open house), demonstrates their continuing deliberate, bad faith, unethical, racist, sexist, discriminatory, retaliatory, harassment, illegal, unconstitutional intent. It demonstrates their continuing actions and inactions under the color of law. It demonstrates their continuing acts of malfeasance in office.

6) The First Day of Fairfax High School is August 21, 2023. There will be about 2400 students and two Black students could have their father killed by police, at the direction of FCSB Respondents, for trying get them for lunch per Regulation 2240.8 (VII) (A). Similarly situated white parents or students would never experience this.

7) The Court has a ministerial duty to sanction FCSB Respondents and Judkins per § 8.01-271.1.

8) The Court has a ministerial duty to issue the writ against FCSB Respondents without further delay.

### **CERTIFICATION**

I, Patrick O. Lockhart, declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
/S .

PATRICK O. LOCKHART, Petitioner

P.O. Box 446, Fairfax, VA 22038

Lockhart@Lockhart.biz

**CERTIFICATE OF SERVICE**

I, Patrick O. Lockhart, certify that on or around 8/20/23 a true copy of this letter was emailed mailed or delivered to the people listed below. It will be filed in the Supreme Court of Virginia the same day.

- 1) Counsel for FCSB Respondents Julia B. Judkins (bjjudkins@fcps.edu)
- 2) Virginia Board of Education (BOE@doe.virginia.gov)
- 3) City Of Fairfax Schools Board Chairman Carolyn Pitches
- 4) City Of Fairfax Schools Board Member Amit Hickman
- 5) City Of Fairfax Schools Board Member Stacy Hall
- 6) City Of Fairfax Schools Board Member Sarah Kelsey
- 7) City Of Fairfax Schools Board Member Rachel McQuillen
- 8) FCPS Board Member Karen Keys-Gamarra
- 9) FCPS Board Member Abrar Omeish
- 10) FCPS Board Chair Rachna Sizemore Heizer
- 11) FCPS Board Member Megan McLaughlin
- 12) FCPS Board Member Elaine Tholen
- 13) FCPS Board Member Melanie K. Meren
- 14) FCPS Board Vice Chair Tamara Derenak Kaufax
- 15) FCPS Board Member Ricardy Anderson
- 16) FCPS Board Member Karen Corbett Sanders
- 17) FCPS Board Member Karl Frisch
- 18) FCPS Board Member Laura Jane Cohen
- 19) FCPS Board Member Stella Pekarsky
- 20) KJMS Principal Tammara Silipigni
- 21) KJMS Acting Principal Heather Bousman-Stanczak
- 22) KJMS Asst Principal John McCaughan
- 23) KJMS Asst Principal Michele Johnson
- 24) FHS Principal Georgina D. Aye
- 25) City of Fairfax Police Officer Johns

/S .

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PATRICK O. LOCKHART

Exhibit 26



## Status of investigation & prosecution of Officers of FXCC & CAV

---

Patrick Lockhart <lockhart@lockhart.biz>

Mon, Aug 14, 2023 at 9:00 AM

To: usavae.usattys@usdoj.gov, Washington Field <washington.field@ic.fbi.gov>, NOVAPC@ic.fbi.gov, Richmond@ic.fbi.gov, "CRM, CRT (CRT)" <CRT.CRM@usdoj.gov>, jmiyares@oag.state.va.us, Colette.McEachin@richmondgov.com, Stephen.Descano@fairfaxcounty.gov, Supt@vsp.virginia.gov, VSPBCI@vsp.virginia.gov  
Cc: "amarah@lockhart.biz (amarah@lockhart.biz)" <Amarah@lockhart.biz>, "antonio@lockhart.biz (antonio@lockhart.biz)" <antonio@lockhart.biz>

TO:

EDVA US Attorney Jessica D. Aber  
FBI Washington DC Assistant Director in Charge David Sundberg  
FBI Richmond Special Agent in Charge Stanley M. Meador  
Virginia Attorney General Jason S Miyares  
Richmond Commonwealth's Attorney Colette Wallace McEachin  
Fairfax Commonwealth's Attorney Stephen Descano  
VSP Superintendent Colonel Gary T. Settle  
VSP BCI Director Lieutenant Colonel Timothy D. Lyon

I reported several criminal incidents by various officers of the Fairfax Circuit Court and the Court of Appeals of Virginia and I asked you to investigate & prosecute these crimes.

I intend to ask the Supreme Court of Virginia & the US Supreme Court to stay all related proceedings as well as stay enforcement of all orders of these cases until your investigation and prosecution is complete.

Please provide a status of your investigation or prosecution before 3pm today. If you have decided not to investigate or prosecute these crimes, please promptly inform me of such a decision.

--  
--

Patrick Lockhart  
PO Box 446  
Fairfax, VA 22038

p.s. This email will be mailed to EDVA US Attorney Aber at 2100 Jamieson Ave Alexandria VA 22314.

Exhibit 27

MSH

IN THE CIRCUIT COURT OF FAIRFAX COUNTY  
CALENDAR CONTROL FORM

Motions

CASE NUMBER(S) 2016-17580

Karen R. Stokes Lockhart versus Patrick O. Lockhart

NAME OF ATTORNEY(S) FOR PLAINTIFF/Commonwealth

Stephanie Smith

[Signature]  
Signature Telephone appearance

Please print name

Telephone #: (703) 934-1480

Is your client currently incarcerated: No  Yes  \*If yes, where \_\_\_\_\_

NAME OF ATTORNEY(S) FOR DEFENDANT none yet

Please print name

Telephone #: ( ) \_\_\_\_\_

Signature Telephone appearance

Is your client currently incarcerated: No  Yes  \*If yes, where \_\_\_\_\_

\*If your client is incarcerated in another jurisdiction, has a transportation order been entered: Yes  No

PARTY REQUESTING ACTION (Please check)

Counsel for Plaintiff/Commonwealth  Counsel for Defendant \_\_\_\_\_ Pro Se Plaintiff/Defendant \_\_\_\_\_

Has this case been continued before? YES  NO  By Whom? \_\_\_\_\_

RELIEF SOUGHT: set date for pendente lite relief

TO BE COMPLETED BY CALENDAR CONTROL JUDGE

GRANTED:  DENIED:  Action Taken: \_\_\_\_\_

To be heard on a Civil Motions Docket

Old Trial Date \_\_\_\_\_ New Trial Date \_\_\_\_\_ Judge Assigned \_\_\_\_\_ Time Estimate \_\_\_\_\_

SET FOR: TRIAL  JURY \_\_\_\_\_ NO JURY  Jury demand by Pltf/CW \_\_\_\_\_ Def \_\_\_\_\_

PURSUANT TO VA CODE § 19.2-243, Speedy Trial is Tolled from: \_\_\_\_\_ to \_\_\_\_\_  
Counsel for the Defendant initials \_\_\_\_\_

MOTIONS 1/12/17 \*If set for a FRIDAY, indicate which Motions Docket.  
\_\_\_\_\_ 9:00 a.m. WJ \_\_\_\_\_ 9:00 a.m. W/OJ  
\_\_\_\_\_ 10:00 a.m. 2-Week Motion \_\_\_\_\_ 10:00 a.m. Regular  
\_\_\_\_\_ 11:30 a.m. 2-Week Motion  11:30 a.m. Regular

Pre-Motions Briefs allowed: Yes  No  If yes, please attach Long Brief Form

INTERPRETER REQUESTED: YES  LANGUAGE \_\_\_\_\_ NONE NEEDED: \_\_\_\_\_

[Signature]  
CALENDAR CONTROL JUDGE

12/28/17  
DATE 16 m

Exhibit 28

VIRGINIA: IN THE CIRCUIT COURT OF FAIRFAX COUNTY  
MOTIONS DOCKET

KAREN R. STOKES LOCKHART

Plaintiff vs. 2016 DEC 28 AM 9:08

Civil Action No. CL 2016-17580

PATRICK O. LOCKHART

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

Previous Chancery No. CH

Defendant

SERVE: Patrick O. Lockhart, [REDACTED]

FRIDAY MOTIONS DAY - PRAECIPE/NOTICE

Moving Party:  Plaintiff  Defendant  Other

Title of Motion: Wife's Motion for Exclusive Use + Possession of Marital Residence  Attached  Previously Filed

DATE TO BE HEARD: January 12, 2017 Time Estimate (combined no more than 30 minutes): 30

Time to be Heard:  9:00 a.m. with a Judge  9:00 a.m. without a Judge  
 10:00 a.m. (Civil Action Cases) Does this motion require 2 weeks notice?  Yes  No  
 11:30 a.m. (DOMESTIC/Family Law Cases) Does this motion require 2 weeks notice?  Yes  No

Case continued from: \_\_\_\_\_ continued to: \_\_\_\_\_  
(Date) (Date)

Moving party will use Court Call telephonic appearance:  Yes  No

Judge \_\_\_\_\_ must hear this motion because (check one reason below):

- The matter is on the docket for presentation of an order reflecting a specific ruling previously made by that Judge.
- This Judge has been assigned to this entire case by the Chief Judge; or,
- The Judge has advised counsel that all future motions, or this specific motion, should be placed on this Judge's Docket; or,
- This matter concerns a demurrer filed in a case where that Judge previously granted a demurrer in favor of demurrant.

PRAECIPE by: Stephanie J. Smith, Esq. COOPER GINSBERG GRAY PLLC  
Printed Attorney Name/ Moving Party Name Firm Name

10201 Fairfax Blvd., Suite 520, Fairfax, VA 22030  
Address

(703) 934-1480 (703) 934-1479 76471 ssmith@cgglawyers.com  
Tel. No. Fax No. VSB No. E-Mail Address (optional)

CERTIFICATIONS

I certify that I have in good faith conferred or attempted to confer with other affected parties in an effort to resolve the subject of the motion without Court action, pursuant to Rule 4:15(b) of the Rules of the Supreme Court of Virginia; and, I have read, and complied with, each of the Instructions for Moving Party on the reverse side of this form.

[Signature]  
Moving Party/Counsel of Record

CERTIFICATE OF SERVICE

I certify on the 28 day of December, 2016, a true copy of the foregoing Praecipe was

mailed  faxed  delivered to all counsel of record pursuant to the provisions of Rule 4:15(e) of the Rules of the Supreme Court of Virginia.

process server for service on Defendant

[Signature]  
Moving Party/Counsel of Record

Exhibit 29

FILED  
CIVIL INTAKE

IN THE FAIRFAX COUNTY CIRCUIT COURT

2016 DEC 30 PM 12:39

Karen R. Stokes Lockhart  
Plaintiff

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

vs.

CIVIL DOCKET NO. 2016-17580

Patrick O. Lockhart  
Defendant.

AFFIDAVIT OF SERVICE

I, Paul K. Duvall, having been duly authorized to make service of the Summons, Complaint  
Praecipe/Notice 01/12/17 and Wife's Motion for Exclusive Use and  
Possession of Marital Residence

In the above styled case, hereby deposes and says:

That my date of birth is: 03/12/1954

That my phone number is: 703-764-0854

That my business address is: 10521 Judicial Drive, Suite 205, Fairfax, VA 22030

That I am not a party to, or otherwise interested in, the subject matter in controversy in

the within cause. That at 12:04 o'clock ~~am~~ p.m. on the 28th day of December

20 16 I served Patrick O. Lockhart at his/her usual place of

abode/employment at [REDACTED]

in the following manner:

By delivering a copy thereof to the party in person:

By delivering a copy of such process and giving information of its purport to \_\_\_\_\_, a member of his family, other than a temporary sojourner or guest, and who is over the age of sixteen years or older, and who was not so found at his usual place of abode.

By posting a copy of such process at the front door of the party's usual place of abode after ascertaining that the aforesaid party resides there.

By delivering a copy thereof to \_\_\_\_\_ of such corporation

Paul K. Duvall

AFFIANT

Private Process Server

TITLE

Subscribed and sworn to before me this 28th day of December

My Commission expires: 1/31/17

Joanne SchAAF Khavari

