

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTINE SOLEM,

Petitioner,

v.

SARAH TAYLOR,

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA**

Petitioner's Appendix

**Christine Solem,
Pro Se
1836 Polo Grounds Road
Charlottesville, Virginia 22911
(434) 973-6505**

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Charlottesville, Virginia 22911
1838 Polo Grounds Road
Box 26
Christine Sotom

Respondent's Appendix

TO THE SUPREME COURT OF VIRGINIA
ON PETITION FOR WRIT OF HABEAS CORPUS

Respondent

SARAH LAYTON

v.

Petitioner

CHRISTINE SOTOM

SUPREME COURT OF THE UNITED STATES

IN THE

No.

**PETITIONER'S APPENDIX
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VIRGINIA:

In the Supreme Court of Virginia, held at the
Supreme Court Building in the City of Richmond on
Sunday, the 26th day of November, 2024.

CHRISTINE SOLEM, APPELLANT,
against Record No. 240634

Court of Appeals No. 0953-24-2

SARAH TAYLOR, APPELLEE.

UPON A PETITION FOR REHEARING

On consideration of the petition of the appellant to set aside the judgment rendered herein on October 22, 2024, and to grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Helin Kayvan

Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia, held at the Supreme Court building in the City of Richmond on Sunday, the 22nd day of October, 2024.

CHRISTINE SOLEM, APPELLANT,
against Record No. 240634
Court of Appeals No. 0953-24-2

SARAH TAYLOR, APPELLEE.

FROM THE COURT OF APPEALS OF VIRGINIA

Upon review of the record in this case and consideration of the arguments submitted in support of and in opposition to the granting of an appeal, the Court refuses the petition for appeal.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Jerley K. Smith
Deputy Clerk

VIRGINIA:

In the Court of Appeals of Virginia on **Friday**
the 21st day of **June, 2024**

Christine Solem, Appellant,
against Record No. 0953-24-2
Circuit Court No. CL23-1755

Sarah Taylor, Appellee.

From the Circuit Court of Albemarle County
Before Judges AtLee, Callins and Frucci

On June 6, 2024, came the appellant, in proper person, and filed a motion requesting that the Court grant her an extension of time to file the notice of appeal with the trial court.

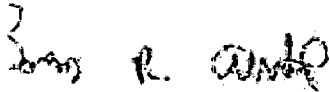
Thereupon, came the appellee, by counsel, and filed a response in opposition thereto. Upon consideration whereof, an extension of time is denied.

A. Copy,

Test:

A Joli Volling, Clerk

By:



Deputy Clerk

VIRGINIA: IN THE CIRCUIT COURT FOR
ALBEMARLE COUNTY

CHRISTINE SOLEM, Petitioner,

v. Case No.: CL23-1755

SARAH TAYLOR, Respondent.

FINAL ORDER

On March 29, 2024, came the Petitioner Christine Solem, *pro se*, and the Respondent Sarah Taylor, by counsel, on Respondent's Demurrer. Plea in Bar on the Grounds of *Res Judicata*, and Plea in Bar filed on January 8, 2024. Upon consideration of the pleadings, briefings, and the arguments presented, it is therefore ORDERED, ADJUDGED, and DECREED that:

- a. The Demurrer is GRANTED because Petitioner does not have standing under Va. Code § 64.2-1614 to ask for the relief she requested, and Paragraph 16 of the Durable General Power of Attorney of Charles W. Taylor, III, attached to the Petition for Judicial Relief, authorizes Sarah Taylor to review the mail of Charles W. Taylor. III;

- b. The Plea in Bar filed on January 8, 2024 is GRANTED because the Advance Medical Directive of Charles W. Taylor, III, authorizes Sarah Taylor to do the acts that Solem challenges in her Petition for Judicial Relief; and
- c. The Plea in Bar on the Grounds of Res Judicata is DENIED because the previous matter was a declaratory judgment action and therefore the Court did not previously rule on the issues in this matter.

FILED IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE
ALBEMARLE CIRCUIT COURT

DATE: 04/08/2024 @15:35:42

JON ZUG, CLERK

Teste: _____

CLERK/DEPUTY CLERK

And it is FURTHER ORDERED, ADJUDGED,
and DECREED that the Petition for Judicial Relief is
hereby dismissed with prejudice.

Petitioner's objection to the Court's ruling is
noted.

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

There being nothing further to be done, the
Clerk is directed to place this matter among the
ended causes.

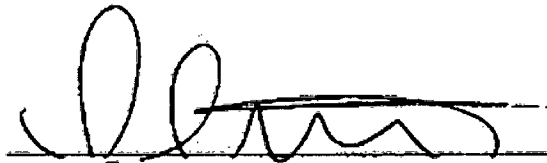
Pursuant to Va. Sup. Ct. R. 1:13, the Court
dispenses with Petitioner's endorsement of this
Order.

And this matter is final.

Entered this 12th day of April, 2024

Charles V. Abney, Jr.
JUDGE

WE ASK FOR THIS with respect to the Court's ruling on the Demurrer and Plea in Bar filed on January 8, 2024, as well as the dismissal of the Petition for Judicial Relief with prejudice, AND OBJECTED TO with respect to the Court's ruling on the Plea in Bar on the Grounds of *Res Judicata* because this action is barred by Rule 1:6. Rules of the Supreme Court of Virginia, and the law of *res judicata* as explained in *Funny Guy, LLC v. Lecego, LLC*, 293 Va. 135, 795 S.E.2d 887 (2017) as well as for the reasons stated in Respondent's Plea in Bar on the Grounds of *Res Judicata*.

A handwritten signature in black ink, appearing to read 'Michael E. Derdeyn', written over a horizontal line.

Michael E. Derdeyn, Esq. (VSB# 40240)
Ashley T. Hart, Esq. (VSB# 89651)
FLORA PETTIT, PC
530 East Main Street
P.O. Box 2057
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Tel: 434-979-1400
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med@fplegal.com
ath@fplegal.com
Counsel for Respondent

VIRGINIA
IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMART
CHRISTINE SOLEM,

Petitioner,

CASE No. CL 23 1755- 00

v.

SARAH TAYLOR
855 Dwyer Road
Virginia Beach, Virginia 23454

Respondent,

PETITION FOR JUDICIAL RELIEF

Comes now the Petitioner, Christine Solem, pursuant to §64.2 1614 A of the Code of Virginia and prays the Court to construe the Power of Attorney held by Respondent (agent) Sarah Taylor for her brother, Charles W. Taylor III, review the agent's conduct and grant appropriate relief. A copy of the Power of Attorney is attached to this Petition.

1. Petitioner is a resident of Albemarle County, who since January of 2011 has known and been good friends with Charles W. Taylor III of Charlottesville, (hereafter sometimes referred to as "Chuck") brother of Sarah Taylor.

2. Approximately 6 years ago Chuck was diagnosed with Alzheimer's disease and was soon thereafter advised by his doctors to stop driving.

3. Since we both frequented the same laundromat in Charlottesville, I began picking him up to do laundry.

4. Chuck also started coming over to my house on Sundays, (we are both single) for dinner and our friendship deepened.

5. By the time COVID hit in 2020 I was also calling Chuck on the phone or he would call me 2 or 3 times a day.

6. In June 2021 Chuck and I decided that he would move in with me. I essentially became his caregiver.

7. I had noticed adverse reactions from Alzheimer's prescription drugs, aricept and memantine the previous year and had reported this to his doctors. however, living with Chuck on a daily basis provided me with the opportunity to observe such adverse reactions more closely.

8. In August of 2021, with agreement and advice from his doctors, I started reducing the drugs

very slowly.

9. Towards the end of November 2021, Respondent/Taylor phoned me concerning the reduction of the drugs and a heated exchange transpired.

10. On December 3, 2021 Respondent moved Chuck to the Arden Courts Memory Care Center in Virginia Beach 3 hours away.

11. I told Chuck when he was taken away that I would write him every day and he replied that that would be nice. I think that I have missed writing him in the past 2 years about 4 times.

12. On April 13, 2022 I made the 3 hour traffic-laden trip to Virginia Beach to visit Chuck.

13. I was let in to see him at first, but then forced to leave after about 5 minutes, Arden Courts staff stated that Respondent/Sarah Taylor held a Power of Attorney for Chuck which gave her the right to stop me from visiting him.

14. I inquired of the Arden Courts staff if Chuck was receiving the letters I sent every day. They

replied, "Oh yes, his sister opens his mail and reads it to him."

15. I replied that this was illegal and sent them a copy of 18 U.S.C., Chapter 33 Postal Service, Sec. 1702. Obstruction of correspondence.

16. On October 31, 2022, his sister "ruled", relying on her Power of Attorney, that I was to have no contact with Chuck. I had been calling him and leaving messages through the staff to wish him a happy Halloween or other holiday.

17. However, one of the staff members from Arden Courts did advise me in February of this year that Chuck was getting his mail and opening it and reading it himself. As of September this year, that staff member is no longer there.

18. When I called this year, October 31st, to attempt to wish Chuck a happy Halloween, I asked if he was getting his mail. I was told that his sister collected it and was in charge of giving it to him. I was told she could do this because she had the Power of Attorney.

19. I made the trip again to Virginia Beach November 9, of this year to talk to the Arden Courts staff with respect to my mail not being delivered to Chuck and his sister's claims with respect to the use of her Power of Attorney, I was not allowed to visit Chuck.

20. Arden Courts staff reported that if I would get a Court ruling on the Power of Attorney matter that they would abide by it.

21. Respondent/Sarah Taylor has stated that if her brother has contact with Petitioner/Solem that it might upset him. If anything this is a health care decision which is not a proper use of an agent's Power of Attorney. Please see the Code of Virginia, Chapter 16, Uniform Power of Attorney Act, Article 1, General Provisions, Applicability, §64.2-1601, (2) states: This Chapter applies to all powers of attorney except: a power to make health care decisions.

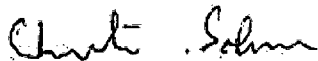
PRAYER FOR JUDICIAL RELIEF

Petitioner has presented above what she believes is agent/ Sarah Taylor's misuse of the Power of Attorney she holds for her brother. Petitioner/Solem will be 80 years old in January. She is old. When you are old your spouse may die, your friends die, you treasure the friends you have left. Humans are social creatures and need their friends to visit, to talk to and connect with as much as possible.

Petitioner/Solem is suffering much stress and anxiety over this situation and would suffer future irreparable harm if she is not allowed to contact her longtime friend, Chuck Taylor,

Wherefore, Petitioner/Solem prays the Court to review the agent/Sarah Taylor's conduct and grant appropriate relief and grant such other and further appropriate relief in this matter.

Respectfully submitted,



Christine Solem, pro se

1836 Polo Grounds Road

Charlottesville, Va. 22911 (434) 973-6505

**DURABLE GENERAL POWER OF ATTORNEY
OF
CHARLES W. TAYLOR, III**

[1] **CHARLES W. TAYLOR, III** [SSN: 227-78-5200], of Charlottesville, Virginia, appoint my sister, **SARAH JEAN TAYLOR**, of Virginia Beach, Virginia, and my friend, **JAMES D. ALLER**, of Charlottesville, Virginia to serve as my co-agents (attorney-in-fact) under this general power of attorney, either of whom may act alone.

I hereby confer upon my agent full and complete authority to exercise on my behalf any and all of the powers set out in the Virginia Power of Attorney Act, Virginia Code §§ 64.2-1625 through 64.2-163 8, including but not limited to the following powers:

[1] to request, receive, possess, sue for, and recover from all persons, corporations, associations or other entities

(i) each and every parcel of realty and

article of personalty that I own or am entitled to possess, and

(ii) each and every sum of money, right, or interest, due and owing, or that may become due and owing, to me on any and every account, claim, contract, or tort; or, in my agent's discretion, to arbitrate or compromise therefor;

[2] to satisfy, or reject and defend against, claims that may be asserted against me, or against any of my property or interests; or, in my agent's discretion, to arbitrate or compromise therefor;

[3] to add to, withdraw from, or close my accounts or deposits in banks or other financial institutions, and to acquire, change, and use all passwords and PIN numbers;

[4] to sign any check, deed, contract, pleading, retirement or disability election, or any other document;

[5] to borrow money in my name on such terms as my agent may deem appropriate, and to execute notes and any documents necessary to give any lender

a security interest in any or all of my real and/or personal property in connection with any loan;

[6] to sell or lease any part or parts of my real or personal estate; or any interest which I may have in any real or personal estate, wherever situated, upon such terms as my agent may deem appropriate, and to make all necessary deeds and conveyances thereof, with all necessary covenants, warranties and assurances, and to sign, seal, acknowledge and deliver the same; and to purchase real or personal property for my use as my agent deems appropriate;

[7] to buy or sell stocks, bonds, Treasury securities, or other investments on my behalf in accordance with the "prudent man" rule;

[8] to enter any safe deposit box that I may be the lessee of, or otherwise entitled to enter, and to remove or add to its contents;

[9] to borrow against or obtain the cash surrender value of any of my life insurance policies, and to transfer the ownership of any policies to the primary beneficiaries named therein;

[10] to create revocable intervivos trusts for my benefit (with my agent or another as trustee), to add assets to existing trusts created by my agent or me, and to revoke trusts created by my agent or me;

[11] to have access to my will, and to make gifts to beneficiaries named therein by way of total or partial satisfaction of bequests, legacies or devises made to such beneficiaries as my will is written at the time of such gifts;

[12] to receive any information from, apply for any benefits from, give any instructions to, and conduct any business with the Social Security Administration ("SSA") and its employees; to serve as my Representative Payee and to designate another person to serve as my Representative Payee; and to receive, hold, pay, disburse, administer, and account for any funds from the SSA;

[13] to represent me before any office of the Internal Revenue Service, or before the Virginia Department of Taxation, in connection with any individual income tax or gift tax matter, for the years 2010 through 2041, to receive confidential information

and to perform any and all such acts that I can perform with respect to said tax matters, including the power to sign tax returns (including, but not limited to U.S. Forms 1040 and 709, Virginia Form 760 and all other forms that may be filed in connection with any of them), and the power to receive and negotiate checks in payment of any federal or state tax refund;

[14] to appoint an ancillary agent for me in any other jurisdiction (and to revoke such appointments), and to grant unto the ancillary agent such of the powers granted herein to my agent as my agent may specifically delegate in writing (with such restrictions or limitations thereon as my agent may deem appropriate);

[15] to initiate any litigation that may be necessary in order to require third parties to recognize the validity of this power of attorney and to seek damages, including punitive damages, for injury to me or my estate because of any nonrecognition; and

[16] to do all such other acts, matters and things in relation to all or any part of, or interest in,

my property, affairs or business of any kind or description in the State of Virginia, or elsewhere, now or at any time in the future, that I could do if acting personally.

Pursuant to Virginia Code § 64.2-1622, my Agent shall have the authority to delegate any or all of the power and authority granted to my Agent under this power of attorney to another individual or person for a fixed period of time or permanently. My Agent may exercise any fiduciary powers that I have the authority to delegate.

This power shall not terminate on disability of the principal, and such disability shall not affect the authority herein granted. This power shall remain in full force as to all third parties until they receive written notice of its revocation.

WITNESS the following signature this 2nd day of July, 2020.

Charles W. Taylor III (SEAL)
CHARLES W. TAYLOR, III

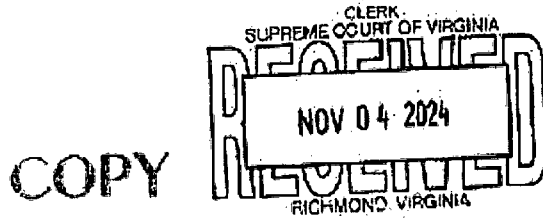
COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing instrument was personally acknowledged before me this 2nd day of July, 2020, by Charles W. Taylor, III.



Michelle C. Minor
Notary Public for the State of Virginia
Notary Registration No.: 7684255

My Commission expires: 6/30/2024



SUPREME COURT OF VIRGINIA

Record No. 240634

Court of Appeals No. 0953-24-2

CHRISTINE SOLEM,

Appellant,

v.

SARAH TAYLOR,

Appellee,

APPELLANT'S PETITION FOR REHEARING

Christine Solem, pro se
1836 Polo Grounds Road
Charlottesville, Virginia 22911
(424) 973-6505

PETITION FOR REHEARING

Comes now the Appellant, Christine Solem. pro se, and petitions this Court for a Rehearing as allowed under Rule 5:20.

Appellant/Solem received a ruling on October 24, 2024 which stated with respect to her Petition for Appeal filed July 19, 2024 that, "Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court refuses the petition for appeal."

However, Appellant/Solem is not in the least convinced that the Court considered their review of the record and argument in this case adequately enough.

On October 15, 2024 Solem spoke in oral argument to a three-judge panel of this Court and asked them to please find time to read the transcript of March 29, 2024 so that they may become fully aware of the confusion and errors perpetrated with respect to that Albemarle Circuit Court hearing in my instant case.

The Albemarle Circuit Court Clerk's office did

not get the Record out to the Court of Appeals until September 3, 2024. The Supreme Court of Virginia Clerk's office had to order the Albemarle Clerk's Office to send the Record to the Supreme Court of Virginia, and the Record was not received in this Court until September 11, 2024. Therefore, the Court of Appeals, when it ruled against Solem on June 21, 2024, did not have the opportunity to review the Albemarle Circuit Court March 29, 2024 hearing transcript as they did not receive the Record until September 3, 2024, and the March 29th transcript was not one of the 10 Exhibits filed with Appellee's June 14, 2024 Opposition to Appellant's Motion for an Extension of Time to File a Notice of Appeal,

Solem claims that she was denied due process in the March 29th hearing as she was notified by the Appellee in a letter to the Clerk of the Albemarle Circuit Court and a Notice of Hearing filed on February 21, 2024 that "Defendant has elected to defer hearing on the January 8 Plea in Bar". This Plea in Bar concerned the Advance Medical Directive. The February 21st Notice of Hearing stated also:

"Please take Notice that on Friday, March 29, 2024 at 2:00 p.m.... Defendant Sarah Taylor will bring

on her Demurrer and Plea in Bar on the grounds of Res Judicata for hearing."

Also, in pertinent part, in a March 18, 2024 letter to the Clerk of the Albemarle Circuit Court, Appellee stated, "Respondent is putting on for hearing on March 29 her Demurrer and Plea in Bar on the grounds of Res Judicata."

Solem's due process claim, with respect to the above,' was presented in her Motion for Respondent to Correct Draft of the Final Order and a separate supporting Brief were included as "Exhibits" E and F, which were 2 of the 10 "Exhibits" attached to Appellee's Opposition to Appellant's Motion For Extension of Time to File 2 Notice of Anneal,

The Transcript of March 29th started out correctly with a reiteration of what was to be heard, page 3-4, Page 4, line 9 states, "Ms. Hart: Your Honor, just today, we're going to have heard the plea in bar on resjudicata grounds and the demurrer."

The first crack in the above stipulation occurred on page 16, line 8 thru page 17, line 2.

"THE COURT. But you know that there is a medical directive, an advance medical directive that allows his sister to make medical decisions on his

behalf while he's in care...

MS. SOLEM: That's not in the demurrer...

THE COURT: No, it's in...

MS. SOLEM: If you read my petition carefully, you can see the - advance medical directive was never raised. It was always the power of attorney.

THE COURT: Not until we get to...

MS. SOLEM: I was always told by the nursing home that it's a power of attorney. It only made an appearance when the lawyers brought it up. I objected to it in the first case, and the judge sustained my objection because it was not on the demurrer.

THE COURT: would you please tell me, then, why this case should go forward if I ever grant your motion...or if I overrule the motion for demurrer and I look at the plea in bar, (Emphasis Solem's) tell me why this case should go forward."

So the Court refers to the plea in bar as the advance medical directive. This is incorrect'. The only plea in bar in this suit is given Notice by Appellee to Solem and Appellee's statement on the March 29th transcript, page 4, line 9 that the plea in bar is on res judicata.

It gets worse--For the next 44 pages, the Court

insisting that the Advance Medical Directive is the plea in bar and is included in Solem's case and Solem objecting that at is not and finally culminating' on page 44, line 6 in complete absurdity as follows:

"MS. SOLEM: Let me get this clear. I've lost on the demurrer,

but I've won on the res judicata, is that correct?

THE COURT: No. You've lost on the plea in bar. You've won on the res judicata part of the plea in bar.

MS. SOLEM: What, I lost on the-

THE COURT: The plea in bar.

MS. SOLEM: I lost on the res judicata part of the plea in bar?

THE COURT: No. You won on the res judicata part of the plea in bar."

Appellant/Solem is dumb-founded—since when did the plea in bar contain parts?

Solem actually did not even begin to comprehend the totality of the situation until she obtained a copy of the March 29, 2024 transcript. Only then was the enormity of the incompetence and even trickery adequately exposed. It is no wonder that the Court, when it received Solem's Motion for Respondent to Correct Draft of The Final Order on

due process grounds on April 12, 2024 that it immediately on the same day signed the Final Order and then "somehow" it never got sent out to either Appellant/Solem or Appellee / Tavlör and became "somehow" Solem's fault.

Please take note that the United States Supreme Court has spoken on due process with respect to pro se litigants.

"Then too pro se litigants are protected with respect to due process." Haines v. Kerner, 404 U.S. 519, 520-21 (1972)

In addition, Appellant/Solem's suit is filed under Code of Virginia §64. 2-1617 Judicial Relief (A)(3) which allows a court to construe a power of attorney or review an agent's conduct and grant appropriate relief. It is mind boggling that Solem's case has not been adjudicated on the merits at this point in time.

The Court grants Appellee's Demurrer as it opines that Solem does not demonstrate sufficient interest in the principal's welfare under (A)(8), and is only about herself. No. 1, any reading of Solem's claims with respect to writing or seeing or phoning or

any contact with Chuck has to do with their social connections with one another, which is very important as people age. Then too, how can I plead his condition or personal response when I cannot phone him, write him, visit him, or have any contact with him whatsoever? We have been good friends since 2011 and lived together at my home from July through December 3rd of 2021. I do write him every day, tho I am never sure he gets it. If this does not demonstrate sufficient interest in the principal's welfare, I don't know what does.

Furthermore, the Court has latched on to the peculiar idea that deciding this case under the advance medical directive would solve all of the matter. Solem has presented currently under §6412-1617. This is not true. Challenges to the advance medical directive are under the Code of Virginia §54.1-2985.1A. and the definition of "health care" and other issues are different than those under the Power of Attorney Act.

Most of all Solem has not been apprised of the fact by Sarah Taylor or the nursing home that she, Solem cannot contact Chuck, phone him, etc. because Chuck's sister holds an advance medical directive for

him.

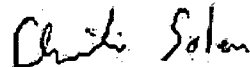
Thus the Judge in the Albemarle Circuit Court on March 29th erred when he failed to rule on the power of attorney which was the reason for Solem's suit in the first place, and instead decided that the advance medical directive was controlling.

The Judge also violated an important Doctrine of law, "Inclusio unius est exclusio alterius". The inclusion of one is the exclusion of the other.

And finally, Appellant/Solem thanks you for looking more closely into this complicated, yet important case. Many more of us, including myself are getting old, and we would like to be able to be assured that our freedoms are protected as much as possible in a situation such as described above.

Appellant/Solem requests that the whole Court hear the matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christine Solem".

Christine Solem, pro se
1836 Polo Grounds Road
Charlottesville, Va. 22911
(434) 973-6505

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of November, 2024 I hand- delivered a true copy of the foregoing Petition for Rehearing in the above referenced case to all opposing Counsel, namely, Michael E. Derdevn and Ashley T. Hart, 530 East Main Street, P.O. Box 2057, Charlottesville, Virginia 22902.

The Petition for Rehearing does not exceed the greater of 10 pages or the word count of 1,750 words.

Christi Eolen

RECEIVED
APR 12 2024 PM 12:33
CIRCUIT CLERK'S OFFICE
ALBEMARLE COUNTY, VA
JON R. ZUG, CLERK

VIRGINIA: IN THE CIRCUIT COURT FOR
ALBEMARLE COUNTY

CHRISTINE SOLE,

Petitioner,

Case No. CL23-1755-00

SARAH TAYLOR,

Respondent.

MOTION FOR RESPONDENT TO
CORRECT DRAFT OF THE FINAL ORDER

Petitioner/Solem received Respondent/Taylor's draft of the Final Order in the above-styled case on April 11, 2024. The Draft is incorrect and should be corrected as follows:

1. In the introductory paragraph of the Final Order, strike the words "and Plea in Bar filed on January 8, 2024."
2. Strike all of section b.

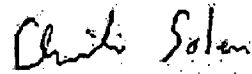
The Plea in Bar filed January 8, 2024 was not to be heard on March 29, 2024. Please see Exhibits A, B, and C.

As such the hearing of that January Plea in Bar is a Due Process violation.--Notice and Opportunity to be heard. The matter started out correctly enough, (please see the transcript of the proceedings of March 29, 2024, page 3, line 14 thru page 4, line 16), but by the end of the hearing there was increased confusion and at the very end abject confusion. See transcript, particularly p. 44, line 6 thru 25.

I didn't understand what was actually happening until I was able to obtain the transcript. It appears that the Court was not aware that the Plea in Bar of January 8, 2024 was not to be heard on March 29th and used the wording "Plea in Bar" loosely or not at all, causing confusion for everyone.

Wherefore, for the above reasons, Petitioner/Solem prays the Court to order Respondent/Taylor to correct the Final Order in the above-styled case as stipulated under No. 1 and No. 2 of this Motion.

Respectfully submitted.



Christine Solem, pro se
1836 Polo Grounds Road
Charlottesville, Va. 22911
(434) 973-6505

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2024 I hand- delivered a true copy of the foregoing Motion for Respondent to Correct Draft of the Final Order in the above referenced case to all opposing Counsel, namely, Michael E. Derdeyn and Ashley T. Hart, 530 East Main Street, P.O. Box 2057, Charlottesville, Ya. 22902.



FLORA PETTIT

Ashley T. Hert
Attorney at Law

Direct: (434) 220-6112
ath@florapettit.com

Phone: (434) 979-1400

Fax: (434) 977-5109

530 East Main Street

P.O. Box 2037

Charlottesville, Virginia 22902

February 21, 2024

Via Hand Delivery

Hon. Som R Zug, Clerk
Albemarle Circuit Court
501 East Jefferson Street
Charlottesville, VA 22902

Re: Christine Solem v. Sarah Taylor, CL23-1755

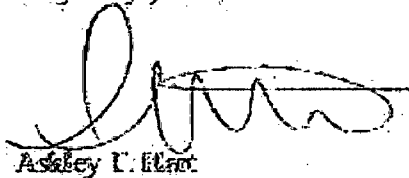
Dear Mr. Zug:

Enclosed please find Respondent's Plea in Bar on the Grounds of Res Judicata and a Notice of Hearing for March 29, 2024 at 2pm. At the January Docket Call, Defendant scheduled her Demurrer to be heard on March 29, 2024, along with a Plea in Bar and Motion for Sanctions that were filed « January 8, 2024. Defendant has elected to defer hearing of the January 8, 2024 Plea in Bar and Motion for Sanctions. The enclosed Notice of Hearing reflects Defendant's

intention for her Demmer and Plea in Bar on the
Grounds of Res Judicata to be heard on March 29,
2024.

Please do not hesitate to contact me with any
questions or concerns. Thanking you, I am

Very truly yours,



Ashley L. Elert

ATE/map Enclosures

cc: (Christine Salem, pro se via U.S. Mail)(w/encl.) Ms. Demise
Lodges (via enaill)(w/encl.)

Exhibit "A"

VIRGINIA: IN THE CIRCUIT COURT FOR
ALBEMARLE COUNTY

CHRISTINE SOLEM,

Plaintiff,

v.

Case No.: CL23-1755

SARAH TAYLOR,


Defendant.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on Friday, March 29, 2024 at 2:00 p.m., or as soon thereafter as counsel may be heard, Defendant Sarah Taylor will bring on her Demurrer and Plea in Bar on the Grounds of *Res Judicata* for hearing.

Respectfully Submitted,

SARAH TAYLOR
By Counsel



Michael E. Derdeyn, Esq. (VSB# 40240)

Ashley T. Hart, Esq. (VSB# 89651)

FLORA PETTIT, PC

530 East Main Street

P.O. Box 2057

Charlottesville, VA 22902

Tel: 434-979-1400

Fax: 434-977-5109

med@fplegal.com

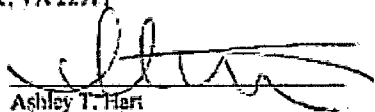
ath@fplegal.com

Counsel for Sarah Taylor

CERTIFICATE OF SERVICE

I hereby certify on this 11th day of February, 2024, that the foregoing was delivered via U.S. Mail, first class, postage pre-paid, to:

Christine Solem, pro se
1836 Polo Grounds Road
Charlottesville, VA 22911


Ashley T. Hart

1836 Polo Grounds Road
Charlottesville, Va. 22911
March 15, 2024

VIA HAND DELIVERY
Hon. Jon R. Zug, Clerk
Albemarle Circuit Court
501 East Jefferson Street
Charlottesville, Va. 22902

Re: Christine Solem v. Sarah Taylor, CL 23-1755

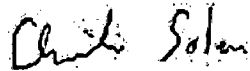
Dear Mr. Zug:

Enclosed please find for filing the following documents;

1. PETITIONER/SOLEM'S CONSENT NOTIFICATION IN RESPONSE TO RESPONDENT SARAH TAYLOR'S RESPONSE TO PETITIONER'S MOTION FOR TAYLOR TO FOLLOW RULE 1;8, AND IN THE ALTERNATIVE, MOTION FOR LEAVE TO DEEM HER PLEA IN BAR ON THE GROUNDS OF RES JUDICATA TIMELY FILED,
2. AMENDED NOTICE OF HEARING
3. PETITIONER/SOLEM'S OPPOSITION AND RESPONSE TO RESPONDENT'S PLEA IN BAR ON THE GROUNDS OF RES JUDICATA

Many thanks for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Solem".

Christine Solem, pro se (434) 973-6505

Enclosures

cc. Via Hand Delivery

Ashley T. Hart

Michael E. Derdeyn

Exhibit "B"

VIRGINIA: IN THE CIRCUIT COURT FOR
ALBEMARLE COUNTY

CHRISTINE SOLEM,
Petitioner,

v.

Case No. CL23-1755

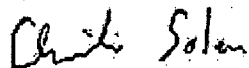
SARAH TAYLOR,
Respondent.

AMENDED NOTICE OF HEARING

PLEASE TAKE NOTICE that on Friday, March 29,
2024 at 2:00 p.m.. or as soon thereafter -as Petitioner
may be heard, Petitioner/Solem will bring on the
following for hearing.

1. Respondent's Demurrer;
2. Respondent's Plea in Bar on the Grounds of
Res Judicata; and
3. Respondent's Motion for Sanctions.

Respectfully Submitted,



Christine Solem, pro se
1836 Polo Grounds Road

Charlottesville, Ya. 22911
(434) 973-6505

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of March, 2024 I hand-delivered a true copy of the foregoing Amended Notice of . Hearing in the above referenced case to Michael E. Derdeyn and Ashley T. Hart, counsel of record at 530 East Market Street, Charlottesville, Virginia.

Chad Folen

pro se

FLORA PETTIT

Ashley T. Hart
Attorney at Law

Direct: (434) 220-6112
ath@florapettit.com

Phone: (434) 979-1406

Fax: (434) 977-5109

530 East Main Street

P.O. Box 2057

Charlottesville, Virginia 22902

March 18, 2024

Via Hand Delivery

Hon. Son R. Zug, Clerk
Albemarle Circuit Court
501 East Jefferson Street
Charlottesville, VA 22902

Re: Christine Solem v. Sarah Taylor, CL23-1755

Dear Mr. Zug:

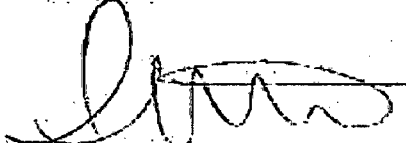
On behalf of Sarah Taylor, enclosed please find
Respondent's Reply to Petitioner's Objection and
Response to Demurrer.

Last week Petitioner Solem filed an Amended
Notice of Leasing, which included Respondent's
Motion for Sanctions. Respondent will not be putting
her Motion for Sanctions on for hearing on March 29.

Rather, Respondent is only putting on for hearing Gm
March 29 her Demurrer and Plea in Bar on the
Grounds of Res Judicata ("Res Judicata Plea"). The
Motion for Sanctions will be unnecessary if this
matter is dismissed om the grounds of Respondent's
Demurrer or Res Judicata Plea.

Please do not hesitate to contact **muse** with any
questions or concerns

Very truly yours,



Ashley L. Elmer

ATE/map Enclosures

cc: (Christine Solem, pro se via U.S. Mail)(w/encl.) Ms. Demise
Lodges (via enaill)(w/encl.)

Exhibit "C"

FILED
DATE 5/6/24 TIME _____
CIRCUIT COURT CLERKS OFFICE
ALBEMARLE COUNTY
No. CLJON-R ZUG, CLERK

DEP. CLERK

VIRGINIA: IN THE CIRCUIT COURT FOR
ALBEMARLE COUNTY

CHRISTINE SOLEM,
Petitioner,

v.

Case No. CL23-1755

SARAH TAYLOR,
Respondent.

BRIEF IN SUPPORT OF PETITIONERS
MOTION FOR RESPONDENT TO CORRECT
DRAFT OF THE FINAL ORDER

Comes now the Petitioner/Christine Solem and presents this Brief in further support of Petitioner's Motion for Respondent to Correct Draft of the Final Order. Petition/Solem states correctly in her Motion that "The Plea in Bar filed January 8, 2024 was not to be heard on March 29, 2024. Please see Exhibits A, B, and C. As such the hearing of that January Plea in

Bar is a Due Process violation. Notice and Opportunity to be heard."

In connection with the above due process violation, the Court also proceeds to commit further violations of due process when it adjudicated the Advance Medical Directive against Solem and ruled that the Directive authorized Respondent/Sarah Taylor to do the acts that Solem challenges in her Petition for Judicial Relief. This is a violation of Due Process for the following reasons!

No. 1. Adjudication of the Advance Medical Directive should not have been adjudicated in this Court on March 29, 2024.

Petitioner/Solem filed a Petition for Judicial Relief as authorized by § 64.2-1614 A of the Code of Virginia to construe a power of attorney or review the agent's conduct and grant appropriate relief, Solem had been told consistently by staff at Arden Courts that orders to the staff from Sarah Taylor, Charles's sister, that Solem have no contact with Charles, not receive my daily mail to him, or visit him, were because she (Sarah) had the authority to make these decisions since she was Charles's agent under the Power of Attorney, Please see Solem's Petition for Judicial

Relief, paragraph numbers 13, 14, 15, 16, 17, 18, 19, and 20,

The Advance Medical Directive was not raised in the pleadings and is not on the suit. Solem argued on March 29, 2024 as best she could at the time, not having received proper notice on this matter.

No. 2. The Court violated venue requirements under the Code of Virginia when it adjudicated the Advance Medical Directive in the Albemarle Circuit Court.

Challenges to the Advance Medical Directive are under the Code of Virginia, §54.1-2985.1.A, Injunction court-ordered health care.

On petition of any person to the circuit court of the county or city in which any patient resides or is located for whom health care will be or is currently being provided, continued, withheld, or withdrawn pursuant to this article, the court may enjoin such action upon finding by a preponderance of the evidence that the action is not lawfully authorized by this article or by other state or federal law.

Also, under the Code of Virginia, § 8.04-261, Category A or preferred venue, it states under 15. In

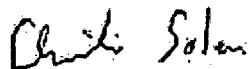
proceedings to award an injunction: c.

To any other act or proceeding, venue shall be in the circuit court of the county or city in which the act is to be done, or being done, or is apprehended to be done or the proceeding is pending.

Petitioner/Solem objects to the fact that the Advance Medical Directive was adjudicated in the Albemarle Circuit Court.

Wherefore, Petitioner/Solem prays the Court to order Respondent/Taylor to correct the draft of the Final Order in the above-styled case as stipulated under No. 1 and No. 2 of Solem's Motion and give any such other relief which may be necessary in this matter including, but not limited to, reconsideration of item "a" on the draft of the Final Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christi Solem".

Christine Solem, pro se 1836 Polo Grounds Road
Charlottesville, Va. 22911
(434) 973-6505

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2024 I hand- delivered a true copy of the foregoing Brief in Support of Petitioner's Motion for Respondent to Correct Draft of the Final Order in the above referenced case to all opposing Counsel, namely, Michael E. Derdeyn and Ashley T. Hart, 530 East Main Street, P.O. Box 2057. Charlottesville, Va. 22902.

Charles Follen

VIRGINIA:
IN THE CIRCUIT COURT FOR THE COUNTY
OF ALBEMARLE

COPY

CHRISTINE SOLEM,

Plaintiff,

- vs - Case No. CL23-001755

SARAH TAYLOR,

Defendant.

PROCEEDINGS BEFORE
THE HONORABLE CLAUDE V. WORRELL,
II, JUDGE

2:12 p.m. to 3:09 p.m.

Friday, March 29, 2024

Charlottesville, Virginia

Proceedings before the Honorable Claude V. Worrell, II, Judge, reported by and before Gwendolyn Sugrue, Notary Public in and for the Commonwealth of Virginia at large, commencing at 2:12 p.m., March 29, 2024, at the Circuit Court for the County of Albemarle Virginia.

APPEARANCES OF COUNSEL:

FLORA PETTIT

530 East Main Street

Charlottesville, Virginia 22902 434.220.6112

BY: ASHLEY T. HART, ESQUIRE

ath@fplegal.com

Counsel for Defendant

* * * * *

(March 29, 2024, 2:12 p.m.):

PROCEEDINGS

THE COURT: So this is Christine Solem and Sarah Taylor. Ms. Hart is here for Ms. Taylor.

Ms. Solem, you're here pro se; is that right?

MS. SOLEM: Yes, sir.

THE COURT: I have a notice of hearing for today and it indicates we have a demurrer and a plea in bar.

MS. SOLEM: Sir, I can hardly hear you. Can you hear me?

THE COURT: Sure. Not a problem.

MS. SOLEM: Maybe it's my ears.

THE COURT: I have a demurrer and a plea in bar from Defendant today. Is that what you're expecting to take up?

MS. SOLEM: Yes, sir. Demurrer and a plea on the grounds of res judicata.

THE COURT: I also have a notice of hearing that indicates that there's a demurrer, a plea in bar, and a motion for sanctions.

MS. SOLEM: Right. That would -- do you want me to answer that? Yeah.

That was from -- there are a lot of briefs been filed. And she had made an amendment to add the plea in bar on the grounds of res judicata.

The first plea in bar was on different grounds. And correct me if I'm wrong, you have dropped that for now, and also the motion for sanctions.

But she wants to hear -- and this is all right with me -- the demurrer, the plea in bar on the grounds of res judicata. And I would touch on the motion for sanctions, too, but I don't have to.

MS. HART: Your Honor, just today, we're going to have heard the plea in bar on res judicata grounds and the demurrer.

THE COURT: Go ahead, then.

MS. SOLEM: I couldn't hear you.

MS. HART: I just told him that we were going to have heard the demurrer and the plea in bar on res judicata.

MS. SOLEM: I'm sorry. It was what? Could you speak a -

THE COURT: We're going to hear the plea in bar and the demurrer. Okay?

MS. SOLEM: Right. And plea in bar on the grounds of res judicata?

THE COURT: Thank you.

Go ahead, Ms. Hart.

MS. HART: So does the Court have a preference as far as hearing the demurrer or the plea in bar first?

THE COURT: No.

MS. HART: I'll go ahead and argue the demurrer first.

We have two reasons why Ms. Solem's petition fails to state a cause of action upon which

relief can be granted. The first is that Ms. Solem doesn't have standing under the statute that she's sued under. And the second is that, based upon the power of attorney that is attached as an exhibit to the complaint and the Power of Attorney Act, both authorize Sarah Taylor to do what Ms. Solem takes issue with.

So this suit has been brought by Ms. Solem under Virginia Code 64.2-1614, which allows the Court to review an agent's conduct under a power of attorney.

I represent Sarah Taylor who has a power of attorney for her brother, Charles Taylor. That statute specifically identifies who has standing to bring suit. There are nine different categories and Ms. Solem meets none of those categories.

MS. SOLEM: Objection.

THE COURT: Let me ask you this --

there's no basis for you to object at this time.

Let me ask you a question. Why isn't she another person that demonstrates -- she's not the caregiver. She's not the principal caregiver. So why isn't she another person who demonstrates a sufficient interest in the principal's welfare?

MS. HART: I think if you look at her petition, itself, the harm that she's alleged in the petition, in particular, her prayer for relief, relates only to harm that she has suffered. There's nothing in there about how any of Ms. Taylor's actions have adversely affected Charles Taylor.

She's even said in her opposition to the demurrer that because she hasn't been able to communicate with him, she doesn't even know his present condition.

So she hasn't pled a sufficient interest based on the allegations in the petition.

THE COURT: All right. Go ahead.

MS. HART: So as the Court stated, the other argument that we've raised is that Ms. Solem is not a present caregiver. Even though she has alleged in her petition that she was essentially a caregiver for a period of time, she no longer serves in that role. And Mr. Taylor has not resided with Ms. Solem since December 2021.

There's no Virginia case law that interprets this language in Section (a)8, a principal's caregiver or another person that demonstrates sufficient interest in the principal's welfare, in Virginia.

But Virginia has adopted the Uniform Power of Attorney Act. And a case out of Nebraska, I think is helpful in looking at applicability here. In that case, the In Re Margie Cook case, Lloyd and Betty Russo were challenging a bank's action in a power of attorney for Margie Cook.

There were a lot of facts alleged as to the Russos' relationship with Margie Cook, but, as a highlight, Mr. Russo had served in the past as a power of attorney, both as a financial and a health-care power of attorney for Ms. Cook. His wife, Betty, had been an alternate in that position. They had known her for over twenty years. They had done things like help move her into assisted living. When she had gotten lost driving from Nebraska to Arizona and found herself in Texas, Mr. Russo came and collected Ms. Cook and brought her home.

I would argue that the facts in Margie Cook, with the connections there, were even more than what we have here. The court in that case found that there was no standing for the Russos to challenge the bank's authority in the Uniform Power of Attorney Act.

The second case that I've cited in my

reply to the demurrer is the Inova versus Bainbridge, which looks at a predecessor to 64.2-1614. In that instance, the court didn't actually look specifically at the language of (a)8, but found that Inova, which was the owner of the long-term-care facility where the principal resided, did not have standing under the statute. So by virtue of finding that it did not have standing, it also found that Inova did not have standing as a caregiver or someone who demonstrated sufficient interest in the principal's welfare.

The other basis that we have argued for our demurrer is that the power of attorney for Charles Taylor and the act, itself, allowed Ms. Taylor to do what she is doing, which is to oversee Charles' communications.

Under 64.2-1624, Subsection 9 of the Power of Attorney Act, agents are authorized to access communications intended for, and communicate on

behalf of the principal, whether by mail, electronic transmission, telephone, or other means.

The power of attorney, itself, is also written very broadly, to incorporate all provisions of the Power of Attorney Act, as shown in the second paragraph of the power of attorney, and that incorporates sections related to things like tangible personal property, personal and family maintenance.

The power of attorney also allows Ms. Taylor to do all such other acts, matters, and things in relation to -- or in any part for any interest in my property, affairs, or business of any kind in the State of Virginia or elsewhere, now or at any time in the future.

Ms. Solem is taking issue here with the fact that Ms. Taylor is reviewing any mail that Ms. Solem sends to Charles, and is also not allowing Ms. Solem to visit Charles in the nursing home where he

resides. Both of those decisions are supported by the language in the Power of Attorney Act and the power of attorney, itself.

In her opposition to the demurrer, Ms. Solem also argues that the Power of Attorney Act relates specifically to matters of business, not personal matters. And that's just simply not supported by the statute, itself, which would include things like clothing, as well as personal and family maintenance. In that statute, it specifically allows the agent to help do things to maintain the standard of living for the principal.

For those reasons, Ms. Taylor would respectfully request that her demurrer be sustained and that this matter be dismissed with prejudice.

As I will go into more on my plea in bar, this should be dismissed with prejudice and without leave to amend because there simply is not a basis

here to bring this suit against Ms. Taylor.

THE COURT: Thanks. Ms. Solem?

MS. SOLEM: We're just addressing the demurrer at this time; is that correct?

THE COURT: Okay. I don't mind if you want to address the plea in bar, too.

MS. SOLEM: Yes. I object, but she hadn't said anything yet -

THE COURT: I know, but I don't mind if we ask Ms. Hart to just rebut your argument with regard to the plea in bar also. It may be more efficient that way.

MS. SOLEM: Yeah. I'm trying to get the whole thing in. I have some other objections which I want to raise.

THE COURT: What objections?

MS. SOLEM: With respect to the demurrer. On a demurrer -- and I'm reading from my brief which I

wrote first, Respondent's Reply -- hang on. My first brief is Objection and Response to Defendant's Demurrer, Plea in Bar, and Motion for Sanctions. In that, I raise the question of the demurrer.

It is well-settled rule that a demurrer to a pleading admits the truth of all matters of fact which are well-pleaded. Every allegation of fact contained in the pleading must, in accordance with the rule, be received as true.

Now, I have had some problem, and I wrote it up in my first brief, about facts being distorted by the other side.

THE COURT: We're just talking about your facts. We're not talking about other facts.

MS. SOLEM: My facts must be accepted as true on a demurrer.

THE COURT: Right.

MS. SOLEM: They have distorted the

facts on demurrer.

THE COURT: What difference does it make whether they -

MS. SOLEM: Because that's not my facts.

THE COURT: That's true. So let's talk about your facts. There's no basis to object, then.

MS. SOLEM: For instance, when she's arguing that I am not a person who demonstrates sufficient interest in the person's, in the principal's --

THE COURT: Would you show me in your complaint where it says that you are, where you allege the fact that you are a person with appropriate interest ?

MS. SOLEM: On my petition?

THE COURT: Yes, ma'am.

MS. SOLEM: Okay. Sure.

This is very interesting because when they repeat it, they leave out words --

THE COURT: Just tell me where you say you are .

MS. SOLEM: It's Paragraph 11 through -- well, maybe 11 would be particularly on that issue, where I state I told Chuck -- that's the person who's in the nursing home -- when he was taken away, that I would write him every day, and he replied that that would be nice. I think I have missed writing him in the past two years -- and I filed this in November -- about four times.

THE COURT: What does that --

MS. SOLEM: If that doesn't show interest in a person's welfare --

THE COURT: What does that have to do with whether or not you're an appropriate caregiver?

MS. SOLEM: He stayed at my home. If you read my whole petition, he stayed --

THE COURT: Ma'am, I've read everything that you have submitted to the Court, everything.

So tell me where the language is or the evidence is in your petition that the Court would find that you sufficiently demonstrate interest in the principal's welfare?

MS. SOLEM: I wrote him every day. I didn't just e-mail. It was a written letter to him.

THE COURT: Understood.

MS. SOLEM: I tried to call him. Then I was stopped from doing that. I cared about him. He lived with me for five months. I was essentially his caregiver until they took him and put him in the nursing home. I have known him since 2011.

If you compare that to the cases that she gave, all those people were interested in, was his money. In the Cook case -- let me give you a copy of

that.

THE COURT: I don't need a copy of it, Ms. Solem. I would like you to go ahead and continue your argument, though.

MS. SOLEM: Okay. This is part of my argument. If you listen to her case and compare it to what I have done with Chuck, about his well-being and so on, it says, in the Cook case, that he did not have standing, or the Russos did not have standing to bring their suit because -- we agree with the county court that the Russos were merely contingent beneficiaries under the trust and had nothing more than an expectancy interest in the Arizona condo. That was what was in the will, with regard to the trust. The Russos therefore lack standing to challenge the sale of the Arizona condo. That's the reason for that case. That has nothing to do with this case.

I have shown a personal interest in

him. They went some places with him, they were friends and all. But then further up that case, the result is supported by case law -- this is in Nebraska - - which provides that a mere expectancy is an insufficiency to entitle a respective heir to bring an action to recover property.

What does that have to do with him in a nursing home? I'm writing him every day. It wasn't e-mail. I wrote him -- four days, and I have not missed a day since November. If that doesn't show caring about a person's welfare -- because when you're in a nursing home and when you're old -- and I'm old. I'm eighty years old. When that happens, social connections are very important.

We loved each other. His sister has kept me from contacting him. How can I describe his welfare when I can't even contact him?

The point is, she's misusing her power of attorney because, under applicability -- I want you each to see this. This is the star in this Court case, the applicability.

In the power of attorney chapter, Paragraph 64.2-1601, applicability, Number 2, a power to make health-care decisions. She says I might upset him if I talk to him. That is a health-care decision. So her power of attorney to do what she's doing say I can't call him, can't visit him -- it wasn't that way in the beginning. It was only the calls. I'll address that in res judicata.

I can't even write him. She's opening his mail. That's a federal offense. I can't contact him.

Now, I would like you both to see this because it's important. It's has never been shown in the Court. They've always knocked into it. The power of attorney is not to apply to a health-care decision.

Look at the other ones. They're kind of interesting, they really are. There are several other reasons. A power, to the extent of a couple [sic] with an interest in the subject of the power, including a power -- I don't know what. But a party to the benefit of a creditor, in connection with a creditor transaction, I don't know what that is. That has to do with money.

Power of attorney has to do with money. It can help with regard to if you're talking -- it says in there if you're talking to the health-care provider and, of course, you've got to pay the money to see the doctor.

THE COURT: But you know that there's a medical directive, an advance medical directive that allows his sister to make medical decisions on his behalf while he's in care -

MS. SOLEM: That's not in the demurrer.

THE COURT: No. It's in -

MS. SOLEM: If you read my petition carefully, you can see the advance medical directive was never raised. It was always the power of attorney.

THE COURT: Not until we get to -

MS. SOLEM: I was always told by the nursing home that it's a power of attorney. It only made an appearance when the lawyers brought it up. I objected to it in the first case, and the judge sustained my objection because it was not on the demurrer.

THE COURT: Would you please tell me, then, why this case should go forward if I even grant your motion -- or if I overrule the motion for demurrer and I look at the plea in bar, tell me why this case should go forward.

MS. SOLEM: Because he's dying. He's my friend and I care about him, and they're killing

him. Because you cannot take a person -- I have a friend who has taken pictures of him. He looks like a zombie.

He's 6-foot-1, he weighs 120 pounds. That's a side effect of the medicine they've got him on. I've talked to other doctors. There are other ways to look at it.

She will not let me contact him and she does not have the right under the power of attorney. Every staff member at the nursing home has said to me, She's got the power of attorney, so she can do it. She can open his mail. And yet, that's a federal offense. And that is not allowed by the power of attorney. The whole chapter, it says it does not apply to medical things.

If she wants to bring up the advance medical directive, bring it up, but it's already been sustained by the first court, in my complaint for declaratory judgment and injunctive relief, that it is

not on the demurrer that they had at that time, and it's not on the demurrer now. It's only the power of attorney. It doesn't apply.

This is what makes it. This is the controlling law in the power of attorney section. So how can she say that she can make a power, under her power of attorney, can keep me from seeing him? He's three hours away. I took the trip down there one time and I can explain to you, in the res judicata, exactly how that happened in the first suit and what's happening now. This question of the power of attorney has never been decided by the courts.

THE COURT: Let me ask you a question. What difference does it make practically if you win and I say that the power of attorney is inapplicable, but the advance medical directive still gives her the authority to limit who he sees --

MS. SOLEM: But that's not the

question in front of the Court.

THE COURT: -- and who he sees, what benefit is it for you to be successful?

Why would the Court rule on something that doesn't matter, that doesn't have --

MS. SOLEM: How can you say --

THE COURT: -- a functional decision?

MS. SOLEM: -- it doesn't matter when you love someone and you can't even find out how he is?

THE COURT: Ms. Solem, because if I agree with you, the decision about whether you can see him or not remains the same. It doesn't solve the problem you are seeking to solve because -

MS. SOLEM: It does if you

THE COURT: -- the advance medical directive still precludes you from seeing your friend.

MS. SOLEM: That is not correct.

THE COURT: It is correct.

MS. SOLEM: Where?

THE COURT: You have a copy of the medical directive; do you not?

MS. SOLEM: It's not on the suit, sir. With all due respect, it's not on the suit. It's not in my petition. They haven't replied that the advance medical directive is over the power of attorney.

The question is, is she using -- we're having a judicial review of the power of attorney and is she using it correctly. And my answer is no, she is not. It has not been adjudicated by the courts. It wasn't adjudicated in the first complaint for declaratory judgment.

And she said -- Judge Higgins heard the case and she said that she couldn't decide on -- she couldn't rule on it, to be fair to both sides -because they were pushing the advance medical directive

in that first suit. And she said she couldn't rule on it because she hadn't been sued in that respect. I don't have the legal jargon exactly correct here. Hang on. It's on the transcript.

THE COURT: Ms. Solem

MS. SOLEM: It's out of order, so I'm having trouble finding it here.

THE COURT: Okay. Would you just tell me, then, why the plea in bar should not be granted?

MS. SOLEM: Pardon me?

THE COURT: The plea in bar, tell me about your position with the plea in bar.

MS. SOLEM: Okay. I can just go through the history of it and then I'll give you my argument.

The first was complaint for declaratory and injunctive relief. I asked that I be able to speak to

him and so on. I have that, the complaint for declaratory judgment relief is in my first brief that I wrote.

I have a copy of that if you want to read it.

THE COURT: I've read the old case file.

MS. SOLEM: Okay. Well then, you realize that the case was only about -- at that time -- see, he was put in in December 2021, December 3rd. He went into this memory-care center in Virginia Beach, which is three hours from here.

His sister and I had had a tiff over the medicine because I had talked to the doctors, which was one thing that was left out in the facts. I had talked to the doctors, and on their advice in health, I was reducing the medicine because it was having serious side effects when he was living with me and I

was his caretaker.

So they took him December 3, 2021.

And I could first talk to him on the phone, because their policy is, in the nursing home, that you call the main nurse, and then they got the charge nurse. Then you spoke to him, speaking on the phone. That, I could do.

Then towards the end of February, I talked to him, always she was listening in. When I found out the policy, how I could call the charge nurse and talk to him, it was very nice because we could talk. The first conversation we had, it was nice that his sister was not listening in to the phone call.

Towards the end of January, I called him one time. And I remember there was a lot of noise in the background. It was on the weekend. He said there's riff-raff here and he was upset. I had said nothing to upset him. I said nothing against the

nursing home, never.

He was upset and he said to me, Please, there's an old man here -- he always referred to himself as an old man -- who wants to go home, please come get me. I said, Charles, I'm three hours away, and then somebody grabbed the phone.

After that -- and I don't know if that's the reason. I'm just supposing. Because I never said anything against the nursing home while I talked to him. I just talked to him, told him what was going on. I wrote him. I sent him the C-ville magazine and so on. I've done that for over two years now. Then his sister said I can't talk to him anymore. I said this is not right. I wrote letters and so on. People need social connections.

At that point, I filed the suit because I said, Can't we talk about this? She didn't want to talk about it, nothing. So I filed my first suit, the complaint

for declaratory injunctive relief, on March 7th. It was only on my ability to phone him, speak in phone calls.

I went down, April 13th, with a friend of mine, to visit him, and I was not allowed in to visit him. That's the first time I knew that I couldn't visit him.

That was not on my suit. It had been filed March 7th. In June, it was first heard in this Court. And the only thing on there -- and you can read through my complaint for declaratory injunctive relief -- was the fact of liberty to phone and call him, and that it was unconstitutional, under the liberty of the United States Constitution. That was my claim, my sole claim.

Judge Higgins, at the end of that case, I could -- she was ruling against me because she said the complaint was not clear as to a declaratory judgment.

It didn't fill in -- it referred to a past action. And it's not a past action; it was continuing. I said, No, it's continuing. So I disagreed with her on that.

That order was signed July 8th and then I appealed it. I'll go back to that later. But in the meantime, at the hearing that we had on that, I said, Well, things have happened since then. I said, I went down April 13th and I wasn't able to visit him. I said, That's not on this complaint, can I amend it. And she didn't let me amend it. So that couldn't be on it.

At that time, I also understood that he was getting his mail, his sister was opening it and reading it to him. I said, This is illegal. And I gave him a copy of the obstruction of -- correspondence, which I have not shown to this Court, but you should see it.

This is US mail and you can't open it.

THE COURT: You know that's not true; right?

MS. SOLEM: Well, you can read the law.

THE COURT: There are any number of secretaries and assistants that are committing a federal offense every day if they're opening mail addressed to somebody else; right?

MS. SOLEM: I understand that. But if you read the law, you can see where there are innuendos there. If it's a business thing and you have a power of attorney, sure you can open the mail and pay the bills and all. That's understandable, but that also talks about personal secrets and so on.

You know, you pay to mail something and you have a right for that person to get it and read it. That's that whole law. It doesn't say just money in there. It says if they open your mail and reads the secrets -- maybe I'm going to tell Chuck about his sister. Isn't that my right to do that? That's what that

covers.

Now, at that time, I said, Well, that's illegal. I gave them a copy of the law and it stopped in the nursing home. They stopped doing that.

At this time, and before Judge Higgins signed the -- July 8th, where she denied my declaratory judgment, nothing else had happened. However, since I couldn't talk to him, the people at the nursing home -you know, there's always a way around a bad law. You can hate me for that, but anyway, they were very kind. And when I'd say, Can I speak to Chuck, they'd say, No, you can't yet. But can I give him a message? They said, yeah, sure. Tell him I love him, or tell him happy Fourth of July or whatever, and they would.

This went on until -- I'll never forget. The same year 2022, Halloween day, I called and I said, May I speak to Chuck? And I said, Could you tell

him -- by then, I knew I couldn't speak to him. I said, Would you tell him Happy Halloween, and the person said, No contact. The sister has said, using her power of attorney, you cannot contact him at all, not even for the other person to tell him happy Halloween or happy birthday.

And that happened after the judge's signing, and I did not know about the mail. And the only thing I knew about was visitation, and she denied me the right to add that to that suit.

Therefore, my second petition is just on those three new factors, opening the mail, because I found out later he was getting it and that he read it. Then that stopped and that person quit being at the nursing home. When I called this past Halloween to wish him a happy Halloween, I said, Don't tell it's me, just you wish him happy Halloween. And I said, Is he getting his mail? And she said, Well, his sister is getting it.

That was this past Halloween.

That's when I decided to file the new petition in November, because there are two new -- this is not the same conduct as the first suit. I have nothing on this suit about phone calls. It's about the mail and it's about visitation and it's about the no contact. It's a different petition.

Now, as far as the judge's order goes, this is interesting. I have a copy of the order which I got, and I got it certified from the clerk's office, Judge Higgins' order. The judge's order states -- and I have it as Exhibit B in my Objection in Response to Defendant's Demurrer, Plea in Bar, and Motion for Sanctions.

Quoting: The complaint does not make a proper claim under the Declaratory Judgment Act, as it seeks relief from an alleged harm that has already occurred -- this is where I disagree with her,

but anyway, that's her opinion -- rather than preventative relief. See Charlottesville Area Fitness Club Operators Association versus Albemarle County Board of Supervisors, 285 Virginia 87.

The demurrer sustained the complaint and it was dismissed with prejudice. I have a certified copy of that.

However, she did not rule on the applicability of the power of attorney. She stated that she didn't feel she could because it wasn't -- she couldn't rule, but there's nothing on her order about the power of attorney.

Now, the Court of Appeals, I appealed it on a -- because I didn't agree with her decision on the declaratory judgment. I appealed it on a -- and I also said she should have ruled on my claim that the power of attorney was not applicable under Virginia law, and she did not.

The Court of Appeals said that she did rule. Here's her order here. You can have that. But it said that she did rule, the circuit court ruled that because Solem had sued Taylor in the latter's individual capacity, rather than her representative capacity, it could not consider the power of attorney. Thus, the circuit court did not fail to rule.

Well, she didn't fail to rule, but she didn't rule on the merits. Also, it's not on the judge's order. Now, this is very interesting. The person that ruled in the Court of Appeals hearing was Humphreys, and he wrote the case of Johnson v. Johnson.

I'm quoting and -- let's see. You have that there. It's on the second page.

THE COURT: You need not quote it. I can read it. Go ahead.

MS. SOLEM: Yeah. It's long. I'll just

say the first sentence.

THE COURT: That the Court speaks only through its order?

MS. SOLEM: -- Johnson, 73 Virginia Appeals 2021. It is well-established that a court speaks only through its written order. Then he names the cases and so on.

Essentially, the lack of a final -- I'm down there further -- order by a circuit court is lack of a final judgment. A written order cannot speak if it's not been entered -- he's entered it, but -- the reasons for this are both obvious and sound. Until a judgment is reduced to writing and certified as accurate by a court, there is a clear risk of lack of notice, ambiguity, and confusion with respect to any such judgment.

Her order has nothing on it about the applicability of power of attorney. Do you want to see -- I think you have the order, but you may -- I can

show you mine.

THE COURT: If you want me to see it,
I'm happy to take it from you.

MS. SOLEM: I believe you all have
included it in some of your -- it's not on there. She's
seen it, I think.

MS. HART: Yes.

MS. SOLEM: So she ruled on the
declaratory judgment, but she -- it's on the second
page, but there was no ruling on the applicability.
That's why I'm bringing this suit, because this is an
important issue. It's not just for me, although it is for
me.

I love the guy and I care about him. And
I think I've shown sufficient interest in the principal's
well-being. Let's get this straight. A power of attorney
-- and I think the law in Virginia is good on this,
because a power of attorney, they recognize this could

be a vehicle for oppression. If you cannot have a judicial review of the way it's being used, that's not good. That's why I've raised this question.

I think I do have standing. I think it's not a question of res judicata because it was not adjudged in the first case. That's why I'm bringing the petition. It can help someone else maybe, not just me. There are other people in this situation, I know that for sure, other people I have talked to. This needs to be adjudicated.

Can a person take a power of attorney and do whatever they want? Now, it's for money reasons and all. You argued that it's personal and all that, but I looked through all of those cases and all of the law on that. That has to do on money, should I spend money on buying this, et cetera.

So are the cases in the -- it's not the same thing. We need a ruling on whether the power of

attorney gives her that power to stop a person from seeing someone else, who obviously cares about them, and they have been together for a number of years. The other cases cited simply don't have that flare. They don't have the reason.

I wrote him a letter this morning and dropped it in the mail. I said, I'm off to Court to argue for us .

If there's any other question I can answer, I'll be happy to.

THE COURT: I don't have any questions.

So Ms. Hart, if you would, draft an order sustaining the demurrer, in that, under the statute, 64.2-1614, Ms. Solem doesn't have standing to ask for the relief that she's requesting.

Part 2 of that is, even if she does have relief, with regard to the mail --

MS. SOLEM: I'm sorry, sir. I can't hear you.

THE COURT: I'll start all over and I'll say this again.

I've asked Ms. Hart to draft an order sustaining the demurrer. I'm giving the reasons why the Court is asking her to do that.

One is that you don't have standing. Your lawsuit says all these things about your friend, Mr. Taylor. And then the reason why you're asking for relief is that you are suffering stress and anxiety over the situation, and that you would continue to suffer future irreparable harm if you aren't allowed to contact your friend.

The relief you're requesting has to do with you; not him. As a result --

MS. SOLEM: Can I speak to that?

THE COURT: No. You had an

opportunity to speak. It's my turn now.

MS. SOLEM: Yeah, but not to that angle. I would like to say something about that, if I could?

THE COURT: You may not.

MS. SOLEM: I object, then. I object to your ruling that I cannot add something to it which might be helpful for your decision.

THE COURT: We'll note your objection. The fact of the matter is that the power of attorney that you complain about, and the acts that she's taken under the power of attorney, at least in as much as it relates to the mail, is covered in Part 16 of Paragraph 16 of the power of attorney, itself. It says that, essentially, that person stands in the shoes of the person -

MS. SOLEM: I can't hear you.

THE COURT: The power of attorney,

itself, grants the possessor of the power of attorney, the designated person the authority to do business and conduct business on behalf of the person granting the power of attorney.

As a result, it includes the ability to open his mail. It includes, then, the ability to do all sorts of things on his behalf, including entering into lawsuits, liability waivers, and other matters.

MS. SOLEM: That's all monetary interest. This is different. And it could -

THE COURT: Madame, it is not different. It is not different. She stands in his shoes for this purpose.

Part 2 of that is, would you please also note that the Court is upholding the plea in bar and granting the plea in bar. Because even if the Court is wrong as it relates to the power-of-attorney issue, the advance medical directive is clear that his sister may

make all the decisions with regard to his care and who he sees, who he talks to on the phone -

MS. SOLEM: Objection. The advance medical directive is not on my petition.

THE COURT: Madame, the reason why there's a plea in bar in this case is because it doesn't matter what your petition says. If the thing that you're asking for a nullity at law, then the Court shouldn't grant it because -

MS. SOLEM: I'm asking for judicial review-

THE COURT: -- the advance medical -

MS. SOLEM: -- power of attorney.

THE COURT: I just gave it to you.

MS. SOLEM: But the advanced medical directive is not a power of attorney.

THE COURT: It isn't, but even -

MS. SOLEM: -- includes

THE COURT: If you would listen to me, you might understand why you're wrong.

MS. SOLEM: If you would listen to me, with all due respect --

THE COURT: As a matter of law, you are incorrect as to your understanding about the position that the advance medical directive has, as it relates to the issues that you have pled in this case.

You have brought us a lawsuit that talks about harm to you, not to Mr. Taylor --

MS. SOLEM: If you would let me address that, I would --

THE COURT: You have already stated on your pleadings. You have said -- and you objected when the Court -- when Ms. Hart started to talk about facts that she thought were important, you wanted me -- and because that's the law -- to accept all the facts

in your pleading as true.

What you pled was that this is harmful
to you, not Mr. Taylor specifically. And I --

MS. SOLEM: I also argued that --

THE COURT: -- the relief that you --

MS. SOLEM: -- two-to-tango situation.
And I said I have the right as a pro se to argue this
because --

THE COURT: Ms. Solem --

MS. SOLEM: -- cannot accept him
directly --

THE COURT: -- two to tango is not a --

MS. SOLEM: You cannot say that he does not benefit
from the social connection which I am giving him.

THE COURT: The problem is, Ms.
Solem, it doesn't matter whether you think so. The
person that has to think so is the person he entrusted
to make these decisions on his behalf, and that person

is his sister. And his sister -

MS. SOLEM: But the controlling law says the power of attorney -

THE COURT: -- has made a determination.

MS. SOLEM: -- does not apply to a health-care decision. That's the controlling law.

THE COURT: Thank you, Ms. Solem.

The power of attorney doesn't have anything to do with her ability, necessarily, to make medical decisions. The advance medical directive, however, does .

MS. SOLEM: The advance medical directive is not on this suit.

THE COURT: Well, it should have been because you have a copy of it. You can't tell the Court half-truths and hope to win, because two to tango isn't a legal theorem that the Court can acknowledge.

MS. SOLEM: I'm trying to explain in more flowery terms.

THE COURT: Ms. Solem, you can't explain more. You're just wrong about the facts.

So if you could, please grant the motion for the reasons stated in the plea in bar, too, that even if the Court is wrong with regard to the power-of-attorney issue, the advance medical directive stands as a matter of course.

MS. SOLEM: Objection. That is not on the petition.

THE COURT: Thank you, Ms. Solem. Your objection has been noted.

MS. SOLEM: So I don't get a review of the -- as I asked for?

THE COURT: No.

MS. SOLEM: Why?

THE COURT: Because your request for

review is legally insufficient. You don't have standing to ask for it because the way the case is pled doesn't allow the Court to make a determination in the way which you want. Just because you want it to be that way, that's not the way the law --

MS. SOLEM: No. I'm following the law. There's a separate section in the law, if you're asking about the advanced medical directive.

THE COURT: Thank you, Ms. Solem.

MS. HART: May I ask a question about your ruling, Your Honor?

THE COURT: Sure.

MS. SOLEM: So the demurrer is sustained for lack of standing. And then, the plea in bar as to the advance medical directive is sustained?

THE COURT: Yes.

MS. HART: Is plea in bar, res judicata, ruled upon by the Court?

THE COURT: So the plea in bar as to res judicata is not reached, largely because the matter in the previous trial had to do with declaratory judgment. This isn't an issue with regard to declaratory judgment or a matter that was previously decided by the Court -

MS. SOLEM: I can't hear you.

THE COURT: -- though the assumption of it was. I don't think that this was an issue that was decided in the Court's dismissal of the previous lawsuit.

As a result on res judicata grounds, the Court denies the motion on that basis.

MS. SOLEM: I'm sorry. I couldn't understand you, sir.

THE COURT: The Court found that the res judicata issue wasn't -- the Court did not sustain the plea in bar on the res judicata grounds.

Just that the advance medical directive precludes the Court from going any further, it answers all of the questions at issue in this particular case. The advance medical directive allows his sister to do these things on his behalf.

MS. SOLEM: But the advance medical directive has a different section of the code which you can challenge it under.

THE COURT: If you wish to challenge the advance medical directive, I would ask that you proceed with caution, given that this would be the third time you attempted to bring a suit -

MS. SOLEM: No. What I'm saying is, the advance medical directive -

THE COURT: -- that wouldn't have legal merit.

MS. SOLEM: -- under Virginia law, has a different section.

THE COURT: You mean it's a different code section?

MS. SOLEM: Yes.

THE COURT: Yes, ma'am. That's true.

MS. SOLEM: I have it in my objection.

THE COURT: That's true. It is a different code section.

So if you would, submit the order -

MS. SOLEM: So why can't I object to that under that section? It's a different section. This section, in judicial review, has to do just with the power of attorney.

THE COURT: Ms. Solem, I'm going to ask you again.

If I agree with you about the power of attorney, in the end, what difference would it make, when the advanced medical directive gives his sister every ability to preclude you, to stop you from writing

him, to making medical decisions, and stop you from visiting him?

What difference does it make whether the power of attorney is right or wrong?

MS. SOLEM: Because if the power of attorney is wrong, which I'm asking the Court, as it is applied to judge, then you would have to go to a different section of the code to challenge the advanced medical directive. That's right here in my brief, the first brief that I wrote.

THE COURT: What you've asked the Court to do is to make a determination as to whether or not --

MS. SOLEM: Well, I can tell you the code section where you would have to go. Hang on. Here we go. It's under -- Solem's petition for judicial relief is a prime example of exclusio alterius, which the exclusion of one is the exclusion of the other. This

doctrine decrees that where a law expressly describes a particular situation to which it shall apply, an irrefutable inference must be drawn that what is omitted or excluded was intended to be omitted or excluded. That's Black's Law Dictionary.

A power of attorney under Virginia law enjoys its own special remedy for judicial relief under the Code of Virginia 64.2-1614 (a) , Numbers 1 through 9. Solem has filed her petition under this code section. The advance medical directive is not included here and is therefore excluded.

Now, if you want to challenge the advance medical directive, you have to go to another section in the code. And I have that here.

THE COURT: Ms. Solem

MS. SOLEM: You have to go to another section -- here it is.

THE COURT: Ms. Solem, you're asking

the Court to make a ruling in a vacuum as it relates to the power of attorney, and the Court refuses to do that.

MS. SOLEM: Here we go. Procedure for -- in absence of advance medical directive and then, procedure -- and so on. Injunction, Court-ordered health care. On petition of any person -- this is Section 54.1-2985.1. On petition of any person to the circuit court of the county or city in which any person resides or is located, for home-health care will be or is currently being provided, continued, withheld, or withdrawn, pursuant to this article, the Court may enjoin such action upon finding, by a preponderance of the evidence, that the action is not lawfully authorized by this article or by other state or federal law.

Here is the advance medical directive.

That's where you challenge advance medical directive.

I'm challenging the petition, and it doesn't include the

advance medical directive.

THE COURT: I understand that. I'm telling you that's a fault of your petition.

MS. SOLEM: Well then, how can you judge that -- it's not the question that I brought.

THE COURT: Ms. Solem, you don't get to operate piecemeal. You don't ask for relief in a vacuum. The whole case needs to be before the Court.

MS. SOLEM: Maybe somebody should change the law here on the applicability of the power of attorney.

THE COURT: I would suggest that the person that is having difficulty with this and the procedure is that you don't understand the way in which Virginia law operates under the circumstances.

Now, if you wish to find out whether I'm right or wrong, as you know, you have a right to appeal this Court's decision. I welcome the

opportunity for you to appeal this matter to the Court of Appeals --

MS. SOLEM: The man is dying, and I can't see him or help him.

THE COURT: I'm sorry that you cannot, but your friend chose his sister to make determinations about his care. He, for whatever reason, did not choose you. Because he chose his sister, his sister is in charge of these things.

MS. SOLEM: How can she prove that I am hurting him? I'm helping him. Social contact -- all the people that committed suicide during covid because they lost social contact, this is an important thing.

THE COURT: Ms. Solem, if your lawsuit was really about that, you wouldn't conclude it with the fact that the fact that you can't see him harmed you, not him. The case would be about him.

It's not; it's about you and what you've lost in your chance to have an association with Mr. Taylor, your friend.

MS. SOLEM: If I could see him and he said, I don't want you to continue with what's happening, fine.

THE COURT: He's given up the right to say that by appointing -

MS. SOLEM: He hasn't given up anything.

THE COURT: He's given it to his sister through his advance medical directive.

MS. SOLEM: But she's misusing her power of attorney. She's misusing those rights.

THE COURT: Thank you, Ms. Solem.

If you could, present the order in ten days?

MS. HART: Sure. Two things. Is it dismissed with prejudice?

THE COURT: Yes.

MS. HART: And waiving endorsement?

THE COURT: Yes.

MS. SOLEM: I can't hear what you're saying.

MS. HART: I just -

THE COURT: So the case is being dismissed with prejudice, which means you can't bring the same lawsuit again. I have also ordered -

MS. SOLEM: I can appeal it.

THE COURT: Without a doubt.

I have also ordered that you don't need to sign the order that Ms. Hart is going to prepare. Ms. Hart will send you a copy and ask the clerk's office to send you a copy of the order, once it's been entered. Okay?

MS. SOLEM: Okay, but I do object to that.

THE COURT: I understand. She'll note the objection for the record.

MS. SOLEM: Let me get this clear. I've lost on the demurrer, but I've won on the res judicata; is that correct?

THE COURT: No. You've lost on the plea in bar. You've won on the res judicata part of the plea in bar.

MS. SOLEM: What? I lost on the --

THE COURT: The plea in bar.

MS. SOLEM: I lost on the res judicata part of the plea in bar?

THE COURT: No. You won on the res judicata part of the plea in bar.

The Court finds that the Court didn't previously rule on this particular issue at the time

that it ruled on the other case. However, the advance medical directive prevents you from receiving the relief that you've requested.

MS. SOLEM: But I won on the res
judicata.

THE COURT: Okay?

MS. SOLEM: Not okay, but I'll take it.

THE COURT: Thank you very much.

Good luck everybody.

MS. HART: Thank you, Your
Honor.

THE COURT: Have a good
afternoon.

(Proceedings adjourned at 3:09
p.m.)

* * * **

COMMONWEALTH OF VIRGINIA AT LARGE,

to wit:

I, Gwendolyn O. Sugrue, Notary Public
in and for the Commonwealth of Virginia at large,
whose commission expires October 31, 2028, do certify
that I was the court reporter at the aforementioned
proceedings, and that the foregoing is a true, correct,
and full transcript of the proceedings herein.

I further certify that I am neither
related to nor otherwise associated with any counsel
or party to the proceeding, nor otherwise interested in
the event thereof.

Given under my hand and notarial seal
at Charlottesville, Virginia this 4th day of April, 2024.

/s/ Gwendolyn O. Sugrue

Gwendolyn O. Sugrue,
Notary Public

Commonwealth of
Virginia at Large

Notary Public Registration
No. 7339814

Job No. VA 6617603

Hearing - Motion on Final Order Draft May 31, 2024

VIRGINIA:

**IN THE CIRCUIT COURT FOR THE COUNTY
OF ALBEMARLE**

COPY

CHRISTINE SOLEM,

Plaintiff,

-vs -

Case No. CL23001755-00

SARAH TAYLOR,

Defendant.

**PROCEEDINGS BEFORE
THE HONORABLE CLAUDE V. WORRELL, II**

1:07 p.m. to 1:18 p.m.

May 31, 2024

Charlottesville, Virginia

Job No. 6673586

REPORTED BY: Julia A. Bammel, RPR, CSR, CCR

Proceedings before the Honorable Claude V. Worrell, II, reported by Julia A. Hammel, RPR, CSR, notary public in and for the Commonwealth of Virginia at large, commencing at 1:07 p.m., May 31, 2024, at the Circuit Court for the County of Albemarle, 501 East Jefferson Street, Charlottesville, Virginia.

APPEARANCES OF COUNSEL:

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BY: ASHLEY T. HART, ESQUIRE
Counsel on behalf of the Defendant

(1:07 p.m., May 31, 2024)

PROCEEDINGS:

THE COURT: We're here on Ms. Solem's motion. What do you want to tell me?

What do you want to tell me?

MS. SOLEM: Yes, sir. Were you speaking to me? I'm sorry?

THE COURT: Yes.

MS. SOLEM: I couldn't hear you.

Yeah. Help. I'm Solem in Solem v. Taylor, and she has made a motion that this hearing be canceled because it's past the time that the judge would be able to have jurisdiction on it, and I never got a copy of the order, and I'm hoping you can do something to help me here.

I filed a motion to correct the draft of

the final order, and that was filed April 12th. That was very close to after the March 29th hearing, and I filed another brief too. And then day before yesterday I got a notice that -- from the other side that I was past the time that you can have jurisdiction because the order was signed April 12th, the same day that I filed my motion for you to correct the draft of the final order.

And it was never sent to me. I didn't get it, and -- help. Is there anything you can do to extend the time in this instance? Because I never got the order, and I did everything else on time, and day before yesterday I found out that this has happened, then.

And, evidently, she was able to get access to the order, and -- but it's supposed to be sent out to me, the final order, and it happened the same day that I filed the motion to correct the draft order,

the draft of the final order.

So I'm hoping that you can do something to help. I'd like to hear my motions that I've put forth with respect to the venue and so on and -- help.

THE COURT: With respect to venue?

MS. SOLEM: Sir?

THE COURT: I'm sorry. You said something with respect to venue.

MS. SOLEM: I can't hear you. It's my ears, I guess.

THE COURT: What motion with regard to venue?

MS. SOLEM: That was in my brief. It was in connection with the motion to correct the final order, and part of that was due process, that I was not notified that the -- that the question about whether or not an advance medical directive applied

was not supposed to be on the March 29th hearing, and I had -in my motion I put on there the examples, Example A, B, and C, which stated that that was not to be on the March 29th hearing, so it was a violation of due process.

And in my brief I extended that and said also, now that I've had time to look at the brief -the transcript, rather, I realized that, also, the advance medical directive is in the wrong venue. It cannot be adjudicated in this court. It has to be adjudicated in the Circuit Court of Virginia Beach. And that was in the brief that I also filed.

THE COURT: I see.

What's your position?

MS. HART: Your Honor, the language under Rule 1 -- 1:1 is clear. It's also mandatory, and it's governed by the date that the judge signs the order. Therefore, I personally think it's

important for litigants, if they're monitoring the entry of the final order or want to do anything after the final order is entered, to make sure that any sort of order extending the Court's jurisdiction is entered before that 21-day period. The Super Fresh case that I cited in my objection to today's hearing was very clear on that. Simply filing a motion does not extend the Court's jurisdiction, and the Court's jurisdiction lapsed on May 3rd, so we are well beyond that time frame.

THE COURT: On which date?

MS. HART: May 3rd.

THE COURT: And what must Ms. Solem have done if she just simply filed the motion? What would have saved her?

MS. HART: I mean, she's come to the court several times to file her motions. She could have asked to see the court's file on it to see whether the

order had been entered. As an attorney, that's something I certainly check on, to see whether an order's been entered. Particularly with mail as it is here in Charlottesville, some things take longer than they should.

And so given that Rule 1:1 is governed by the date that the order is entered rather than the date the order is received by a party, I think it is reasonable and correct for a party to monitor and make sure and follow the date that the order has been entered.

THE COURT: I think that's true. The question is, what, if anything, could have Ms. Solem done once she filed her motion to correct before the order became final to make sure that she was heard before her time lapsed?

MS. HART: Well, she could have --

THE COURT: You said earlier,

simply filing the motion is insufficient.

MS. HART: Correct. She would -- the Court would need to enter an order within the 21-day period extending its jurisdiction beyond the 21 days, basically modifying, vacating, or suspending the final judgment pending the resolution of her motion.

THE COURT: Thank you.

Is there anything else you wish to tell me?

MS. SOLEM: I do, yes. It says on the final order that it should be sent out. Now, I realize the mail may be bad, and I do not have a computer. I believe you said that you looked it up on the computer. I do not have a computer.

I had filed my motion well within the time to correct the final draft, and I don't think it was my burden to check every day to make sure that your order had been entered. Certainly -- or an order, a

final order had been signed, you know. And certainly it wasn't my burden to do it. It was the clerk's office or whatever.

If there's a problem with the mail, that's a good cause shown to extend everything -- to extend the time. I should be able to have this matter heard on my motion that I made to correct the draft of the final order, and yet -- and the question of venue as well. And yet this is being just arbitrarily taken away because I never got a signed final order, which says should be mailed out to me.

Now, whose fault that was, I don't know. I can think of all sorts of bad things, which I don't like to, and I understand that I can appeal to the Court of Appeals to extend the time. But if you can do it and help the situation, it would be really great because these things need to be adjudicated, and to have something like this happen is very discouraging.

I've hired a court reporter here. It's cost me money. I've drawn up all my motions and argued them and so on, and I've filed them correctly, and yet because I don't get the final order -- and it came out exactly the day that I filed my own motion. What would it get down to then? What time I filed it before you signed it, you know? I'm not saying you didn't sign it. You signed it, you know, but I didn't -- it wasn't sent to me, and whose fault that is, I don't know. Is it the mail? It could be.

But I'm hurting here, and if someone can help me, I would really appreciate it. If there's some way you can make a change that you can extend it for good cause shown, the time, I would really appreciate it. If you can't do it, you can't do it, but if you don't try -- if I don't try and ask you, then, you know, I know what the end is.

THE COURT: The Court heard your

motions and made the ruling. The ruling is appropriately reflected in the order that the Court entered on the 12th. From the Court's perspective, if your time has lapsed, your time has lapsed, and I won't do anything to extend it.

It's your responsibility as a pro se litigant to make sure the appropriate motions and requests are made of the Court in a timely fashion, and when you filed your motion, it should have been accompanied with a stay to keep the case open on the Court's docket, and you failed to do that.

MS. SOLEM: Where is that rule, sir?

I don't -

THE COURT: And SO -

MS. SOLEM: I'm not aware of that rule.

THE COURT: Well, you'll have to look.

MS. SOLEM: Well, it's also--

THE COURT: But that said, your motion's dismissed.

MS. SOLEM: But also -

THE COURT: Thank you very much for coming today.

Ms. Hart -

MS. SOLEM: But also, it's -- the order was supposed to have been sent to me, and it has not been, so that's a failure on somebody's part. I'm not pointing fingers because I don't know.

THE COURT: Thank you, Ms. Solem.

Thank you, Ms. Hart. I'll do the order for today. Thank you.

MS. HART: Thank you, Your Honor.

MS. SOLEM: So I'm dead, then, right?

THE COURT: You're still with us,

Ms. Solem. Your case, however, has, from my perspective, been concluded.

MS. SOLEM: Okay. Well, I will -- I'll check with the Court of Appeals. I understand that you can, with good cause shown, have the time extended by the Court of Appeals.

THE COURT: Thank you.

MS. SOLEM: So I'm sorry that someone was so negligent.

THE COURT: Good luck with that.

MS. SOLEM: And it wasn't me.

THE COURT: Thank you.

MS. SOLEM: Can I go now?

THE COURT: Oh, you may.

MS. HART: If I may, Your Honor, just separately. We have a summer associate here. I was wondering if I could introduce her.

THE COURT: Sure. Come back. I'll

introduce you to mine.

MS. HART: Okay.

THE COURT: And we're adjourned
until 2:00, or at least until 2:00.

(Proceedings adjourned at 1:18 p.m.)

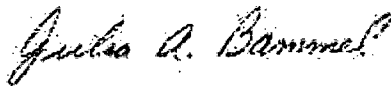
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CERTIFICATE OF COURT REPORTER

I, Julia A. Bammel, a Certified Court Reporter, do hereby certify that I stenographically recorded the proceedings heard in the Circuit Court for the County of Albemarle, Virginia, in the captioned cause, heard by the Honorable Claude V. Worrell, II, Judge of said court, on May 31, 2024.

I further certify that the foregoing transcript of said proceedings constitutes a true, accurate, and complete transcript of said proceedings to the best of my knowledge and ability.

Given under my hand and notarial seal at Charlottesville, Virginia, this 3rd day of June, 2024.



Julia A. Bammel, RPR, CSR, CCR
Notary Public Registration No. 7205414
Commonwealth of Virginia at Large
My commission expires 5/31/2028

