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APPENDIX A.1

Supreme Court of the United States  
Office of the Clerk  
Washington, D.C. 20543-0001

AUGUST 11, 2025

Mr. JUSTIN JEFFREY SAADEIN-MORALES

\* \* \* \* \*

Re Justin Saaein-Morales v. Westridge Swim & Racquet  
Club, Inc. Application No. 25A152

Dear Mr. SAADEIN-MORALES:

The application for a stay in the above-entitled case has  
been presented to The Chief Justice, who on August 11,  
2025, denied the application.

Sincerely,

SCOTT S. HARRIS, *Clerk*,  
(Signed) By ROBERT MEEK,  
*Assistant Clerk, Emergency Applications Attorney.*

APPENDIX A.2

UNITED STATES COURT OF APPEALS FOR THE  
FOURTH CIRCUIT

No. 24-2160 (L) & No. 25-1229

JUSTIN JEFFREY SAADEIN-MORALES, DEBTOR-APPELLANT

v.

WESTRIDGE SWIM & RACQUET CLUB INC., A  
COMMUNITY ASSOCIATION, CREDITOR-APPELLEE

Appeal from the District Court of the United States for  
the Eastern District of Virginia, at Alexandria. In equity

No. 1:24-cv-01442-LMB-IDD

Filed May 29, 2025

ORDER

Upon consideration of the submissions relative to  
appellant's emergency motion for injunctive relief, the court  
denies the motion.

Entered at the direction of Judge WILKINSON with the  
concurrence of Judge AGEE and Judge QUATTLEBAUM.

For the Court:

(Signed) NWAMAKA ANOWI,

*Clerk,*

*Clerk of the U.S. Circuit Court of  
Appeals for the Fourth Circuit.*

APPENDIX A.3

UNITED STATES COURT OF APPEALS FOR THE  
FOURTH CIRCUIT

No. 24-2160 (L) & No. 25-1229

JUSTIN JEFFREY SAADEIN-MORALES, DEBTOR-APPELLANT

v.

WESTRIDGE SWIM & RACQUET CLUB INC., A  
COMMUNITY ASSOCIATION, CREDITOR-APPELLEE

Appeal from the District Court of the United States for  
the Eastern District of Virginia, at Alexandria. In equity

No. 1:24-cv-01442-LMB-IDD

Filed May 14, 2025

ORDER

Upon consideration of the submissions relative to  
appellant's April 18, 2025, motion entitled "Emergency  
Motion Under the All Writs Act to Preserve Appellate  
Jurisdiction and Prevent Irreparable Harm," the court  
denies the motion.

Entered at the direction of Judge WILKINSON with the  
concurrence of Judge AGEE and Judge QUATTLEBAUM.

For the Court:

(Signed) NWAMAKA ANOWI,  
*Clerk,*

*Clerk of the U.S. Circuit Court of  
Appeals for the Fourth Circuit.*

APPENDIX A.4

UNITED STATES COURT OF APPEALS FOR THE  
FOURTH CIRCUIT

No. 24-2160

JUSTIN JEFFREY SAADEIN-MORALES, DEBTOR-APPELLANT

v.

WESTRIDGE SWIM & RACQUET CLUB INC., A  
COMMUNITY ASSOCIATION, CREDITOR-APPELLEE

Appeal from the District Court of the United States for  
the Eastern District of Virginia, at Alexandria. In equity

No. 1:24-cv-01442-LMB-IDD

Filed December 18, 2024

ORDER

Upon consideration of the submissions relative to  
appellant's motion for injunctive relief pending appeal,  
motion for stay pending appeal and motion to enforce, the  
court denies the motion.

Entered at the direction of Judge WILKINSON with the  
concurrence of Judge AGEE and Judge QUATTLEBAUM.

For the Court:

(Signed) NWAMAKA ANOWI,

*Clerk,*

*Clerk of the U.S. Circuit Court of  
Appeals for the Fourth Circuit.*

## APPENDIX A.5

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

No. 1:24-cv-01442-LMB-IDD

JUSTIN JEFFREY SAADEIN-MORALES, APPELLANT

v.

WESTRIDGE SWIM & RACQUET CLUB INC., A  
COMMUNITY ASSOCIATION, APPELLEEAppeal from the Bankruptcy Court of the United States for  
the Eastern District of Virginia, at Alexandria. In equity

No. 24-11119-BFK

Entered February 26, 2025

## ORDER

Acting pro se, appellant Justin Jeffrey Saadein-Morales filed an Emergency Motion for Contempt and Injunction to Protect Automatic Stay [Dkt. No. 10], in which he appears to be requesting this Court's interference in an ongoing state court contempt proceeding. He alleges the state court proceeding is in violation of the automatic stay that goes into effect when a person files for bankruptcy protection.

As the docket sheet for the Chapter 13 proceeding at issue in this appeal shows, appellant' Before the Court is Justin Jeffrey Saadein-Morales's ("Saadein-Morales" or "appellant") pro se appeal from an August 2, 2024 order of the bankruptcy court that granted Westridge Swim & Racquet Club, Inc. 's ("Westridge" or "appellee") motion to confirm that no stay was in effect as to Saadein-Morales's debt to Westridge, the homeowner's association governing Saadein-Morales's property. [Dkt. No. 1]. For the reasons discussed below, the decision of the bankruptcy court will be affirmed.

## I.

A district court “may affirm, modify, or reverse a bankruptcy court’s judgment, order or decree or remand with instructions for further proceedings.” Fed. R. Bankr. P. 8013. The district court “review[s] the bankruptcy court’s legal conclusions *de novo* and its factual findings for clear error.” *In re Hartford Sands Inc.*, 372 F.3d 637, 639 (4th Cir. 2004); see also Fed. R. Bankr. P. 8013 (“Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous.”). “In cases where the issues present mixed questions of law and fact, the Court will apply the clearly erroneous standard to the factual portion of the inquiry and *de novo* review to the legal conclusions derived from those facts.” *In re Phinney*, 405 B.R. 170, 175 (Bankr. E.D. Va. 2009) (citing *Gilbane Bldg. Co. v. Fed. Reserve Bank*, 80 F.3d 895, 905 (4th Cir. 1996)).

## II.

In its August 2, 2024 order granting Westridge’s motion and determining that no stay was in effect, the bankruptcy court made the following findings of fact. There had been a “long running feud” between Saadein-Morales and Westridge that led to Westridge filing a complaint in the Circuit Court of Prince William County against Saadein-Morales seeking a judicial sale of his property to satisfy unpaid judgment liens that had been entered by state courts in favor of Westridge. See [Dkt. No. 3-1] at 282-83. On February 16, 2024, the Circuit Court of Prince William County entered an order granting summary judgment to Westridge. That order provided for a judicial sale of appellant’s property to satisfy the liens and appointed a Special Commissioner of Sale to handle the sale of the property. The order also required Saadein-Morales to vacate the premises within 60 days. *Id.* at 283. Because Saadein-Morales did not vacate the premises within the required time, on April 30, 2024, the state court issued a Rule to Show Cause requiring Saadein-Morales to show cause why he should not be held in contempt for violating the court’s

February 16, 2024 order. *Id.* He was required to appear in state court on May 10, 2024 at 10:30 a.m., but instead, on May 10, 2024 at 10:29 a.m., Saadein-Morales filed his first Chapter 13 petition. *Id.* Sometime after 10:30 a.m. that day the circuit court, without knowledge of Saadein-Morales having filed the petition, entered an order granting possession of the property to the Special Commissioner of Sale; however, that order was rendered void by the stay that automatically went into effect when the Chapter 13 petition was filed. (One of the extraneous “issues” appellant tries to raise in the instant appeal is the bankruptcy court’s failure to grant his motion for sanctions against appellee for violating the stay in that state court proceeding. In fact, the bankruptcy court recognized that the state court could not have been aware of the stay given the close timing between the proceeding and Saadein-Morales filing the Chapter 13 petition. *Id.* at 283-84.)

The next day, on June 18, 2024, Saadein-Morales filed a new Chapter 13 petition, which triggered a new stay. *Id.* On July 18, 2024, 30 days after Saadein-Morales filed his second Chapter 13 petition, Westridge and the Special Commissioner of Sale filed an Emergency Motion to Confirm No Stay In Effect. *Id.* at 4, 284. That motion was argued before the bankruptcy court on July 25, 2024. *Id.* at 285. Two arguments were raised in the Emergency Motion—that the debtor was not eligible to file a second petition within 180 days of a previous bankruptcy case being dismissed “for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case,” see 11 U.S.C. § 109(g)(1), and that the stay should be annulled for the debtor’s alleged bad faith in filing the case. [Dkt. No. 3-1] at 285.

The bankruptcy court dismissed both arguments raised in the Emergency Motion, concluding that the movants had “failed to demonstrate that the Debtor’s conduct resulting in the dismissal of the previous case was willful.” *Id.* at 286. The bankruptcy court then applied “a simpler and more

direct answer,” which was to apply 11 U.S.C. § 362(c)(3). *Id.* Section 362(c)(3) provides that when a debtor files a second bankruptcy petition within one year of dismissal of a previous petition, the automatic stay expires as to the debtor 30 days from the date the second petition was filed, unless the bankruptcy court determines that the stay should be extended. *Id.* at 286. Appellant did not move for an extension of the automatic stay within that 30-day period and the bankruptcy court did not make any determinations during that period. Based on those facts, the bankruptcy court concluded that it did not have the authority to extend the automatic stay and that the stay automatically expired by operation of law on July 18, 2024. *Id.* The bankruptcy court then determined that “the stay has been terminated as to the Debtor’s continuing right of possession in the Property, which is personal to the Debtor and is not property of the bankruptcy estate. The Movants may need further relief from the stay to complete a sale of the Property.” *Id.* at 287. (Because the entire case was later dismissed and any stay as to the property would have been extinguished at that time, this issue is moot on appeal.) The Court finds that the bankruptcy court’s decision was based on factual findings that were not clearly erroneous and on a correct application of the law.

On August 16, 2024, Saadein-Morales filed the instant Notice of Appeal of the bankruptcy court’s August 2, 2024 order. (In his opening brief, appellant does not challenge any of the bankruptcy court’s factual findings, but it exceeds the notice of appeal by raising seven issues besides the bankruptcy court’s decision to grant Westridge’s motion. These issues are not properly raised because they were not pertinent to the bankruptcy court’s decision and, for some of the issues, they were not even within the bankruptcy court’s jurisdiction to decide. Although these issues are not properly before this Court, they will be briefly addressed below for the benefit of having a complete record.) [Dkt. No. 1). A few weeks later, on August 26, 2024, the bankruptcy court dismissed Saadein-Morales’s second Chapter 13 petition.

[Dkt. No. 24] at 36. That dismissal terminated any stay that may have been in effect. See *In re Knight*, 955 F.2d 47 (9th Cir. 1992) (“The dismissal of the bankruptcy petition terminates the automatic stay of section 362(a).”); *In re Doherty*, 229 B.R. 461,463 (Bankr. E.D. Wash. 1999) (When a case is dismissed, the automatic stay terminates immediately upon the docketing of the dismissal order.”). Saadein-Morales filed a motion for reconsideration of the decision to dismiss the petition, which the bankruptcy court denied on September 19, 2024. [Dkt. No. 24] at 59-60.

Saadein-Morales has not appealed either the dismissal of his second Chapter 13 petition or the denial of his motion for reconsideration of the dismissal. Nevertheless, on November 15, 2024, he filed in this Court an Emergency Motion for Contempt and Injunction to Protect Automatic Stay, arguing that ongoing state court proceedings violated the automatic stay. [Dkt. No. 10]. The emergency motion was summarily denied in an order that advised appellant that “the termination of the entire case extinguishes the stay.” [Dkt. No. 13] at 1. On November 18, 2024, appellant appealed that decision. [Dkt. No. 16]. The Fourth Circuit unanimously dismissed that appeal in a one-page order dated December 18, 2024. [Dkt. No. 25].

### III.

Besides appealing the bankruptcy court’s August 2, 2024 decision, appellant’s brief raises seven other issues, which fall into two categories. The first category relates to state court actions and Westridge’s conduct in those actions before Saadein-Morales filed his first bankruptcy petition. (Appellant argues that the Prince William Circuit Court denied his Seventh Amendment right to a jury trial, that a general district court’s injunction exceeded its jurisdictional limits, and that Westridge violated 15 U.S.C. § 1692g by failing to provide debt validation and by engaging in deceptive debt collection practices. [Dkt. No. 7] at 9-11.) As appellee correctly argues in its brief, any alleged error in a

state court judgment should have been addressed by a timely appeal to the Virginia Court of Appeals, which appellant has not done. [Dkt. No. 24] at 12. Furthermore, any complaint against Westridge for its alleged debt collection practices was not at issue before the bankruptcy court and, therefore, is not properly before this Court.

The second category of issues relates to the bankruptcy court proceedings but not to the single issue appellant noticed for appeal. Specifically, appellant argues that the bankruptcy court erred by failing to address his motion for sanctions against appellee's attorneys for violating the first stay; that appellee's law firm, MercerTrigiani LLP, failed to "register its attorney employees with the Virginia State Bar," which meant they were engaged in the unauthorized practice of law before the bankruptcy court; and that appellee's co-counsel from Buonassissi, Henning, & Lash, PC had a conflict of interest. [Dkt. No. 7] at 9-11. As with the first category of issues, these issues are not properly before this Court because they do not relate to whether the bankruptcy court's decision concerning Westridge's motion was correct. Moreover, on September 23, 2024 a Prince William County General District Court judge rejected the assertion that the MercerTrigiani lawyer was not licensed in Virginia and sanctioned Saadein-Morales because his allegation was "not well-grounded in fact or law." (As appellee observes in its brief, the Virginia State Bar records show that the attorney in question has been licensed to practice Jaw in Virginia since 1989. [Dkt. No. 24] at 11.) [Dkt. No. 24] at 130-31. Finally, the argument that counsel from Buonassissi, Henning, & Lash had a conflict of interest is belied by the record, which shows that the lawyer was involved in multiple capacities on the same side of the litigation, not on opposite sides.

For all these reasons, it is hereby ORDERED that the decision of the United States Bankruptcy Court for the Eastern District of Virginia be and is AFFIRMED.

To appeal this decision, appellant must file a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry of this Order. A notice of appeal is a short statement indicating a desire to appeal, including the date of the order appellant wants to appeal. Appellant need not explain the grounds for appeal until so directed by the United States Court of Appeals for the Fourth Circuit. Failure to file a timely notice of appeal waives appellant's right to appeal this decision.

The Clerk is directed to send a copy of this Order to appellant Justin Jeffrey Saadein-Morales, pro se, and to counsel for the appellee, and to close this civil action.

Entered this 26th day of February 2025.

(Signed) LEONIE M. BRINKEMA,

*Judge,*

*United States District Court.*

APPENDIX A.6

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

No. 1:24-cv-01442-LMB-IDD

JUSTIN JEFFREY SAADEIN-MORALES, APPELLANT

v.

WESTRIDGE SWIM & RACQUET CLUB INC., A  
COMMUNITY ASSOCIATION, APPELLEE

Appeal from the Bankruptcy Court of the United States for  
the Eastern District of Virginia, at Alexandria. In equity

No. 24-11119-BFK

Entered November 15, 2024

ORDER

Acting pro se, appellant Justin Jeffrey Saadein-Morales filed an Emergency Motion for Contempt and Injunction to Protect Automatic Stay [Dkt. No. 10], in which he appears to be requesting this Court's interference in an ongoing state court contempt proceeding. He alleges the state court proceeding is in violation of the automatic stay that goes into effect when a person files for bankruptcy protection.

As the docket sheet for the Chapter 13 proceeding at issue in this appeal shows, appellant's Chapter 13 proceeding was dismissed and the case was closed on August 28, 2024. See Bankr. Case No. 24-11119-BFK [Dkt. No. 80]. Although appellant has appealed that dismissal, the appeal does not reinstate the bankruptcy proceeding.

The cases on which appellant relies for the argument that the automatic stay remains in effect while an appeal of a decision lifting the stay is pending do not apply here where the entire bankruptcy case has been dismissed. Rather, because the automatic stay only arises when there is an active bankruptcy case, the termination of the entire case

extinguishes the stay. See *In re Knight*, 955 F.2d 47 (9th Cir. 1992) (“The dismissal of the bankruptcy petition terminates the automatic stay of section 362(a).”); *In re Doherty*, 229 B.R. 461, 463 (Bankr. E.D. Wash. 1999) (When a case is dismissed, the automatic stay terminates immediately upon the docketing of the dismissal order.”); *Shaw v. Ehrlich*, 294 B.R. 260,274 (W.D. Va. 2003) (“[H]ad the bankruptcy court dismissed the case and refused to convert it, the automatic stay would have terminated.”).

Moreover, many of the cases which appellant cites for his contention that the stay remains in effect do not say what he claims they do. See, e.g., *In re Construction Supervision Services, Inc.*, 753 F.3d 124, 128 (4th Cir. 2014) (not stating that the automatic stay continues during appeal of its termination, despite appellant’s claim to the contrary); *Valley Historic Ltd. Partnership v. Bank of New York*, 486 F.3d 831 ,836 (4th Cir. 2007) (not involving the appeal of a stay termination, despite appellant’s claim to the contrary). Indeed, appellant appears to have fabricated multiple quotations when citing these cases, see [Dkt. No. 10] at 14, perhaps indicating unsupervised and unwise reliance on faulty chatbots. See also *id.* at 16 (falsely claiming that the court in *In re Denby-Peterson*, 941 F.3d 115, 123 (1st Cir. 2019), stated that “knowledge of an appeal transforms continued collection from ordinary violation to conscious disregard of judicial authority”).

The Court also notes the futility of this motion, which was physically filed at 8:54 a.m. on November 15, 2024, the same day of the state court contempt hearing that appellant wanted the Court to declare void. For these reasons, it is hereby

ORDERED that the Emergency Motion be and is DENIED.

To appeal this decision, appellant must file a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry of this Order. A notice of appeal is a short statement indicating a desire to appeal, including the

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date of the order appellant wants to appeal. Appellant need not explain the grounds for appeal until so directed by the United States Court of Appeals for the Fourth Circuit. Failure to file a timely notice of appeal waives appellant's right to appeal this decision.

The Clerk is directed to send a copy of this Order to appellant, pro se, and to counsel for the appellee.

Entered this 15 day of November 2024.

(Signed) LEONIE M. BRINKEMA,

*Judge,*

*United States District Court*

APPENDIX A.7

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

No. 1:24-cv-01442-LMB-IDD

JUSTIN JEFFREY SAADEIN-MORALES, APPELLANT

v.

WESTRIDGE SWIM & RACQUET CLUB INC., A COMMUNITY  
ASSOCIATION, APPELLEE

Appeal from the Bankruptcy Court of the United States for  
the Eastern District of Virginia, at Alexandria. In equity

No. 24-11119-BFK

Entered April 3, 2025

ORDER

On February 26, 2025, the Court affirmed the bankruptcy court's August 2, 2024 decision that granted Westridge Swim & Racquet Club, Inc.'s ("appellee") motion to confirm that no stay was in effect as to appellant Saadein-Morales's ("appellant") debt to appellee, the homeowner's association governing appellant's property. [Dkt. No. 26]. Appellant timely appealed that decision. [Dkt. No. 27]. On March 26, 2025, appellant filed a "Motion for Judicial Notice of Pending Appeals," in which appellant asks the Court to take judicial notice of his appeal. [Dkt. No. 31]. Because this bankruptcy appeal is closed and no motions are pending, (If the Fourth Circuit vacates or reverses this Court's February 26 decision, this appeal will return to the Court for further action consistent with the Fourth Circuit's decision.) it is hereby ORDERED that appellant's Motion [Dkt. No. 31] be and is DENIED.

The Clerk is directed to send a copy of this Order to appellant Justin Jeffrey Saadein-Morales, pro se, and to counsel for the appellee.

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Entered this 3rd day of April 2025.

(Signed) LEONIE M. BRINKEMA,  
*Judge,*  
*United States District Court.*

APPENDIX A.8

UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

No. 24-1119-BFK

IN RE JUSTIN JEFFREY SAADEIN-MORALES, DEBTOR

Entered August 2, 2024

ORDER DETERMINING THAT NO AUTOMATIC STAY  
IS IN EFFECT AS TO THE DEBTOR

This matter comes before the Court on the Motion to Confirm that No Stay is in Effect, filed by Westridge Swim & Racquet Club, Inc. ("Westridge"), and Richard Lash, Special Commissioner of Sale. Docket No. 31. The Court granted an expedited hearing on the Motion. Docket No. 36. The Debtor, Justin Jeffrey Saadein-Morales, filed an Opposition to the Motion. Docket No. 38. The Court heard the parties' arguments on July 25, 2024. For the reasons stated below, the Court will grant the Motion as to the Debtor.

FINDINGS OF FACT

The Court makes the following findings of fact.

A. The State Court Lawsuit.

1. This case is the latest chapter in a long-running feud between the Debtor and Westridge. The Debtor resides in Prince William County, Virginia. Westridge is the homeowners' association for the community.

2. In June 2023, Westridge filed a Complaint against the Debtor and others in the Circuit Court of Prince William County. Docket No. 31, Westridge Mot. Ex. A. The Complaint sought a judicial sale of Mr. Saadein-Morales's property located at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 ("the Property"), to satisfy judgment liens previously

entered in favor of Westridge and against Mr. Saadein-Morales. *Id.*

3. On February 16, 2024, the Circuit Court of Prince William County entered an Order Granting Summary Judgment, requiring the sale of the Property by a Special Commissioner of Sale. *Id.* at Ex. B.

4. Also on February 16, 2024, the Circuit Court entered an Order Appointing Mr. Lash as the Special Commissioner of Sale for the Property. *Id.* at Ex. C. This Order further required the Debtor and others who might have been occupying the Property to vacate the premises within 60 days. *Id.*

5. On April 30, 2024, the Circuit Court issued a Rule to Show Cause for the Debtor to appear on May 10, 2024, at 10:30 a.m., to show cause why he should not be held in contempt of court for his alleged failure to vacate the premises. *Id.* at Ex. D.<sup>1</sup>

#### B. The Debtor's First Bankruptcy Case.

6. On May 10, 2024, at 10:29 a.m., the Debtor filed his first bankruptcy case with this Court, under Chapter 13 of the Bankruptcy Code. Case No. 24-10889-KHK, Docket No. 1 ("the First Bankruptcy Case").

7. That same morning, sometime after 10:30 a.m., the Circuit Court entered an Order granting possession of the Property to the Special Commissioner to enable him to carry out his duties to sell the Property. Docket No. 31, Westridge

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<sup>1</sup> This Court does not sit as an appellate court with respect to final State Court orders. See *Reed v. Goertz*, 598 U.S. 230, 234-35 (2023) (citing *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923)) see also *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983). This is known as the *Rooker-Feldman* doctrine. On the other hand, State Court judgment liens are routinely avoided in bankruptcy cases under Bankruptcy Code Section 522(f), which does not offend the *Rooker-Feldman* doctrine. See *In re Riley*, 2015 WL 1593723, at \*1 (Bankr. D.D.C. Apr. 6, 2015) (rejecting condominium association's position that potentially avoiding liens under Section 522(f) would offend the *Rooker-Feldman* doctrine).

Mot. Ex. E. Although entered without knowledge of the First Bankruptcy Case, the May 10th Order was void because it violated the automatic stay of 11 U.S.C. § 362(a).

8. The Debtor's Schedules, Statements, and Chapter 13 Plan were due in the First Bankruptcy Case on May 24, 2023. Case No. 24-10889-KHK, Docket No. 8. They were not filed with the Petition. The Clerk set a hearing on the missing Schedules for June 13, 2024. *Id.*

9. The Debtor also filed a Motion to Extend Time to file the Creditor Matrix. *Id.* At Docket No. 9. Judge KINDRED entered an Order on May 17, setting this Motion for a hearing on May 23, 2024. *Id.* at Docket No. 16. This Order provided: "The Debtor shall appear at the hearing." *Id.* On May 23rd, Judge Kindred granted the Debtor's Motion. *Id.* at Docket Nos. 24, 47.

10. On May 29, 2024, the Debtor filed a Motion to Extend Time to File Schedules, Lists and Statements. *Id.* at Docket No. 29. This Motion was set for a hearing on June 28, 2024. *Id.* at Docket No. 30.

11. On June 13, the hearing date on the Clerk's Notice for failure to file the Schedules, Judge KINDRED ruled that the case would be dismissed. *Id.* at Docket No. 46. An Order dismissing the case was entered on June 17, 2024. *Id.* at Docket No. 50.

#### C. This Bankruptcy Case.

12. The Debtor filed a second Voluntary Petition under Chapter 13 with this Court the next day, on June 18, 2024. Case No. 24-11119. Docket No. 1.

13. Westridge and the Special Commissioner of Sale filed a Motion to Confirm that No Automatic Stay is in Effect, along with an Emergency Motion to Expedite Hearing. Docket Nos. 31, 32. The Court granted the Motion to Expedite Hearing. Docket No. 36.

14. The Debtor filed an Opposition to the Motion to Confirm that No Automatic Stay is in Effect. Docket No. 38.

15. The Court heard this matter on July 25, 2024.

#### CONCLUSIONS OF LAW

This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the Order of Reference entered by the U.S. District Court for this District on August 15, 1984. This is a core proceeding under 28 U.S.C. § 157(b)(2)(G) (motions to terminate, annul or modify the automatic stay).

The Movants make two arguments in support of their Motion. First, they argue that the Debtor is barred from filing this case under Bankruptcy Code Section 109(g)(1). Docket No. 31, Westridge Mot. pp. 5-6. Second, they argue that the stay should be annulled for the Debtor's alleged bad faith in filing this case. *Id.* at pp. 6-8. There is, however, a simpler and more direct answer: the automatic stay expired in this case on July 18, 2024, due to the operation of Section 362(c)(3) of the Code. There is, therefore, no automatic stay as to the Debtor in this case.

##### I. Section 109(g).

Section 109(g) provides that a debtor is ineligible to file a bankruptcy petition for 180 days after a previous case was dismissed "for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case." 11 U.S.C. § 109(g)(1).

Section 109(g)(1) is not self-executing; rather, the Court must decide in the second or subsequent case that the Debtor's conduct was willful in the previous case.

Judge KINDRED's Order of May 17th required the Debtor to appear on May 23rd. On May 23rd, the Debtor appeared *pro se*, and the Court granted the Debtor's Motion to Extend Time.

Docket Nos. 24, 47. The case was not dismissed as a result of the Debtor's failure to appear in violation of Judge KINDRED's Order. The case was later dismissed on the

Clerk's Notice which *allowed* the Debtor to appear on June 13th, but did not *require* him to appear. Docket Nos. 8, 50.

In any event, the Court finds that the Movants have failed to demonstrate that the Debtor's conduct resulting in the dismissal of the previous case was willful. The case was dismissed for a failure to timely file the Schedules, nothing more.

The Court finds that Section 109(g) is not a basis to dismiss this case.

## II. Section 362(c)(3).

The Court turns to Section 362(c)(3), which provides that if a debtor files a second case within one year, the automatic stay expires as to the Debtor at the end of 30 days unless the Court determines that the stay should be extended. 11 U.S.C. § 362(c)(3). Unlike Section 109(g), Section 362(c)(3) is self-executing – the stay expires without the Court having to make any determinations or enter any Orders. Further, Section 362(c)(3) requires that the hearing on a motion to extend the stay be “completed before the expiration of the 30-day period.”<sup>2</sup>

The Debtor in this case did not move for an extension of the automatic stay within the first 30 days of the case, and the Court did not conduct a hearing during the 30-day period. The Court does not have the authority to extend the automatic stay at this point in the case. The Court, therefore, determines that the automatic stay expired on July 18, 2024, and the automatic stay is not in effect as to the Debtor.

There is a split of authority on whether the stay is terminated under Section 362(c)(3) as to property of the estate, or only as to the debtor. *Compare Rose v. Select Portfolio Servicing, Inc.*, 945 F.3d 226, 230 (5th Cir. 2019)

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<sup>2</sup> The Court can enter a bridge order extending the stay for a defined period of time, but only if a motion to extend the stay is filed within the first 30 days of the case and the hearing on the motion is set for a date within the same 30-day period.

(Section 362(c)(3) terminates the stay only as to the debtor), with *In re Smith*, 910 F.3d 576 (1st Cir. 2018) (Section 362(c)(3) terminates the stay as to the debtor and as to property of the estate). The majority position concludes that Section 362(c)(3) terminates the stay only as to the debtor. Assuming that this Court would adopt the majority position, the stay has been terminated as to the Debtor's continuing right of possession in the Property, which is personal to the Debtor and is not property of the bankruptcy estate. The Movants may need further relief from the stay to complete a sale of the Property.

### III. The Court Will Stay this Order for Fourteen Days.

Orders granting relief from the automatic stay are stayed for 14 days, unless the Court waives the 14-day stay. Bankruptcy Rule 4001(a)(3). This is not an Order granting relief from the automatic stay; rather the Court is determining that there is no automatic stay in place with respect to the Debtor because of the operation of Section 362(c)(3). The Court finds, however, that a 14-day stay should be imposed, consistent with Rule 4001(c)(3).

### CONCLUSION

It is therefore ORDERED:

- A. The Motion to Confirm that No Stay is in Effect is granted. The Court determines pursuant to Section 362(c)(3) that the automatic stay is not in effect as to the Debtor in this case.
- B. The Court will stay this Order for 14 days from the date of its entry.
- C. The Debtor is advised that he has 14 days within which to note an appeal of this Order by filing a Notice of Appeal with the Clerk of the Bankruptcy Court.
- D. The Clerk will mail copies of this Order, or will provide cm-ecf notice of its entry, to the parties below.

Entered on Docket: August 2, 2024.

23a

(Signed) BRIAN F. KENNEY,  
*Judge,*  
*United States Bankruptcy Court.*

APPENDIX A.9

UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

No. 24-1119-BFK

IN RE JUSTIN JEFFREY SAADEIN-MORALES, DEBTOR

Entered August 23, 2024

ORDER DENYING DEBTOR'S  
MOTION FOR STAY PENDING APPEAL

This matter comes before the Court on the Motion to Confirm that No Stay is in Effect, filed by Westridge Swim & Racquet Club, Inc. ("Westridge"), and Richard Lash, Special Commissioner of Sale. Docket No. 31. The Court granted an expedited hearing on the Motion. Docket No. 36. The Debtor, Justin Jeffrey Saadein-Morales, filed an Opposition to the Motion. Docket No. 38. The Court heard the parties' arguments on July 25, 2024. For the reasons stated below, the Court will grant the Motion as to the Debtor.

On August 22, 2024, the Court granted the Chapter 13 Trustee's Motion to Dismiss Case. Docket No. 42. Mengkun Chen, Counsel for Navy Federal Credit Union, Thomas P. Gorman, Chapter 13 Trustee, Thomas Charles Junker, Counsel for Westridge Swim & Racquet Club, Inc., and John Donelan, Counsel for PNC Bank, National Association, appeared for the hearing. The debtor did not appear for the hearing. The Court, therefore, finds that the Debtor's Motion for a Stay Pending Appeal is moot. It is

ORDERED:

1. The Debtor's Motion to Stay Pending Appeal (Docket No. 53) is denied as moot.
2. Pursuant to Federal Bankruptcy Rule 8007(b), the Debtor is entitled to renew his Motion for a Stay Pending Appeal in the District Court.

25a

3. The Clerk shall mail a copy of this order, or give electronic notice of its entry, to the parties listed below.

Entered on Docket: August 23, 2024.

(Signed) BRIAN F. KENNEY,  
*Judge,*  
*United States Bankruptcy Court.*

APPENDIX A.10

UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

No. 24-1119-BFK

IN RE JUSTIN JEFFREY SAADEIN-MORALES, DEBTOR

Entered August 26, 2024

ORDER OF DISMISSAL

THIS MATTER CAME on for hearing on August 22, 2024 upon (1) Trustee's Motion to Dismiss (Dkt. #42) pursuant to 11 U.S.C. §109(e) and 11 U.S.C. §1307(c) and Debtor's Response (Dkt. #52) thereto; and (2) the Objections to Confirmation of the Chapter 13 Plan on behalf of the Trustee (Dkt. #41), Westridge Swim & Raquet Club, Inc. A Community Association (Dkt. #46), PNC Bank, National Association (Dkt. #29), and Navy Federal Credit Union (Dkt. #46). Trustee, counsel for Westridge Swim & Raquet Club, Inc. and PNC Bank, N.A. and Navy Federal Credit Union appeared; Debtor did not appear. It appearing to the Court, for the reasons stated on the record, that adequate cause exists and that it is in the best interest of the creditors and this estate that this proceeding be dismissed, it is

ORDERED that these proceedings under Chapter 13 of the Code be and they hereby are

DISMISSED, and it is further

ORDERED that the dismissal of this case revests the property of the estate in the entity in which such property was vested immediately before the commencement of the case. The Trustee need not file a final report in this case unless property or money is administered.

Entered on Docket: August 26, 2024.

(Signed) BRIAN F. KENNEY,

*Judge,*

27a

*United States Bankruptcy Court.*

APPENDIX A.11

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

No. 25-1087

JUSTIN JEFFREY SAADEIN-MORALES, PLAINTIFF

v.

OFFICE OF THE COUNTY  
ATTORNEY, ET AL., DEFENDANTS

Entered April 18, 2025

ORDER DENYING PLAINTIFF'S MOTION  
FOR TEMPORARY RESTRAINING ORDER

For the reasons stated on the record, Plaintiff's motion for temporary restraining order (ECF No. 21) is DENIED.

SO ORDERED.

RUDOLPH CONTRERAS,

*Judge,*

*United States District Court.*

APPENDIX A.12

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

No. 25-1087

JUSTIN JEFFREY SAADEIN-MORALES, PLAINTIFF

v.

OFFICE OF THE COUNTY  
ATTORNEY, ET AL., DEFENDANTS

Entered July 10, 2025

ORDER TO SHOW CAUSE

Plaintiff filed this civil action on April 10, 2025. Plaintiffs not proceeding in forma pauperis are responsible for effecting service of process. See Fed. R. Civ. P. 4(c). It does not appear from the record that service has been effected. "If a defendant is not served within 90 days after the complaint is filed, the court- on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

The 90-day period having run, it is hereby ORDERED that, on or before August 10, 2025, Plaintiff shall SHOW CAUSE why this case should not be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) and Local Civil Rule 83.23 for failure to prosecute. It is FURTHER ORDERED that, in addition to the mailing address and email address of record, the Clerk shall send this Order of Cause to Plaintiff at the following: \*\*\*

SO ORDERED.

RUDOLPH CONTRERAS,

*Judge,*

*United States District Court.*

## APPENDIX A.13

GENERAL DISTRICT COURT  
FOR PRINCE WILLIAM COUNTY

No. GV22010868-00

WESTRIDGE SWIM & RACQUET CLUB, INC.  
A COMMUNITY ASSOCIATION, PLAINTIFF*v.*JUSTIN SAADEIN-MORALES AND  
OSCAR SAADEIN-MORALES, DEFENDANTS

Entered March 1, 2023

ORDER OF INJUNCTION, ABATEMENT  
AND JUDGMENT

THIS CASE comes before the Court upon the request of Plaintiff Westridge Swim and Racquet Club, Inc., A Community Association ("Association"), by counsel, for an injunction and order of abatement against Defendants Justin Saadein-Morales and Oscar Saadein-Morales ("Defendants") pursuant to Section 55.1-1819E and Section 55-1819F of the Code of Virginia ("Code") and Article VI of the Westridge Declaration of Covenants, Conditions, and Restrictions ("Declaration") and Association Architectural Guideline;

UPON CONSIDERATION of the Warrant in Debt and the supporting affidavit of the Association General Manager;

IT APPEARING to the Court that Defendants reside at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 ("Lot"), which is located within the Association and governed by the Declaration and Architectural Guidelines;

IT FURTHER APPEARING to the Court that after issuing notices of violations to Defendants and conducting hearings that Defendants did not attend, the Association Board of

Directors (“Board”) made determinations and advised Defendants of the following decisions:

- (1) Defendants made landscaping alterations to their Lot in violation of Article VI of the Declaration, which prohibits improvements, alterations, excavations, changes in grade, or other work which alters the exterior of their Lot subject to the Declaration without prior approval of the Architectural Review Board (“ARB”); and that such unapproved landscaping alterations created improper water drainage onto Association common area property and directly caused damages in the amount of \$13,656.80;
- (2) Defendants made exterior modifications on Defendants’ Lot in violation of Article VI of the Declaration, and without prior approval of the ARB, as follows:
  - (a) Construction of a retaining wall on right side of front yard with a mailbox surrounded by beige pebbles;
  - (b) Installation of exposed white pipes across the Lot;
  - (c) Construction of an outdoor patio;
  - (d) Installation of an outdoor canopy with lights; and
- (3) Defendants have failed to bring the following conditions on their Lot into compliance with the Declaration and Architectural Guidelines:
  - (a) Rear foundation of the house painted in two colors;
  - (b) Backyard pergola posts painted in two colors (pergola is a separate structure distinct from the patio referenced in (2)(a) above);
  - (c) Broken perimeter fencing;
  - (d) Dirty rear exterior siding; and
- (4) Defendants failed to complete an approved project for decorative retaining wall within six months in accordance with the ARB’s instructions; and

IT FURTHER APPEARING to the Court that the determinations of the Board are proper, the above-described violations of the Declaration and Architectural Guidelines

remain uncorrected by Defendants, and that, pursuant to Section 55-1819F of the Code, the Court may enter an order enjoining Defendants to bring their Lot into compliance with the Declaration and Architectural Guidelines and abate each violation determined by the Board and described above in this Order.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Defendants are compelled to specifically perform the following at the Lot located at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192, within sixty (60) days of service of the Court's Order:

- (1) Bring the grading on the Lot into compliance with Association rules and regulations including the Architectural Guidelines;
- (2) Remove a retaining wall constructed on right side of front yard, remove the beige pebbles surrounding the Defendants' mailbox and restore both areas to their prior condition;
- (3) Bury or remove all exposed white pipes across the Lot and restore the area to its prior condition;
- (4) Remove an outdoor patio constructed in the backyard of the Lot and restore the area to its prior condition;
- (5) Remove the outdoor canopy and canopy lights in the backyard of the Lot and restore the area to its prior condition;
- (6) Paint the rear house foundation in a single color approved by the ARB;
- (7) Paint or stain the backyard pergola posts in a single color approved by the ARB;
- (8) Clean all dirty exterior siding;
- (9) Repair all broken fencing;
- (10) Remove or complete the partially-completed, ARB-approved project for a decorative retaining wall on the Lot in accordance with Association Architectural Guidelines.

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that if Defendant fails to comply with the Court's Order within sixty (60) days of service of the Court's Order, the Association and its employees, agents and contractors, at its option pursuant to Article VI, Section 2(b) of the Declaration, have the authority to enter onto the Lot and at the expense of the Defendants, perform all repairs. and maintenance for items 1-10 necessary to bring the Lot into compliance; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Association be and is hereby awarded judgment for damages sustained by the Association in the amount of \$13,656.80, and attorneys' fees in the amount of \$17,375.00, plus court costs in the amount of \$74.00 and 6% interest per annum on the judgment award effective the date of this Order as the prevailing party in this litigation in accordance with Section 55-1819A of the Virginia Code.

The appeal bond amount shall be \$13,656.80 pursuant to Va. Code § 16.1-107.

ENTERED this 1st day of March 2023.

(Signed) TURKESSA B. ROLLINS,  
*Judge,*  
*Prince William County,*  
*General District Court.*

## APPENDIX A.14

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY

No. CL23005592-00

WESTRIDGE SWIM & RACQUET CLUB, INC.,  
A COMMUNITY ASSOCIATION, PLAINTIFF*v.*Justin SAADEIN-MORALES  
AND OSCAR SAADEIN-MORALES, ET AL., DEFENDANTS

Entered February 16, 2024

## ORDER GRANTING SUMMARY JUDGMENT

THIS CAUSE came before the Court upon Plaintiff Westridge Swim and Racquet Club, Inc., A Community Association's ("Westridge") Motion for Summary Judgment ("Motion") filed with the Court on February 1, 2024. Upon consideration of the Motion and argument presented to the Court, it is hereby

ADJUDGED, ORDERED AND DECREED that Plaintiff's Motion is GRANTED.

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the property at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 ("Property") will be sold as directed by the Special Commissioner of Sale ("Commissioner") who will be appointed under separate order. The cost of the sale proceedings will be charged against the Property as prescribed by law. Cost of the sale proceedings shall include, but not be limited to, Commissioner's fees and costs, expert fees and costs, real estate commissions, and all other costs of sale.

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that Plaintiff is awarded costs and attorneys' fees incurred in this action pursuant to Sections 55.1-1819

and 55.1-1828 of the Virginia Property Owners' Association Act. This award is without prejudice to Plaintiff to request additional attorneys' fees incurred in the sale of the Property. Plaintiff will present evidence of attorneys' fees and costs to the Court on a later date as directed by the Court.

The matter will remain on the docket for February 20, 2024, for the sole purpose of receiving evidence on attorneys' fees and costs.

ENTERED this 16th day of February 2024.

(Signed) TRACY C. HUDSON,  
*Judge,*  
*Prince William County,*  
*Circuit Court.*

## APPENDIX A.15

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY  
No. CL23005592-00

WESTRIDGE SWIM & RACQUET CLUB, INC.,  
A COMMUNITY ASSOCIATION, PLAINTIFF

v.

Justin SAADEIN-MORALES  
AND OSCAR SAADEIN-MORALES, ET AL., DEFENDANTS

Entered February 16, 2024

ORDER APPOINTING SPECIAL  
COMMISSIONER OF SALE

THIS CAUSE came to be heard on the 16th of February, 2024, and IT APPEARING TO THE COURT that the relief requested by Plaintiff is just, proper and necessary to effectuate the terms of this Court's Order; it is therefore:

ADJUDGED, ORDERED and DECREED as follows:

- 1) Defendants Justin Saadein-Morales and Oscar Saadein-Morales ("Defendants") and all those who are occupying the property at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 (the "Property") shall vacate the premises within sixty (60) days of the date of entry of this Order.
- 2) That neither party shall damage or dissipate the value of the Property in any way and it must be left in good condition and clean upon departure.
- 3) That neither party shall further encumber, nor shall they cause a third party to encumber, the Property.
- 4) RICHARD A. LASH, Esquire, is hereby appointed as Special Commissioner of Sale (hereinafter "Commissioner") to make the sale of the Property, having the sole and came before the Court upon Plaintiff Westridge Swim and Racquet Club, Inc., A Community Association's ("Westridge") Motion

for Summary Judgment (“Motion”) filed with the Court on February 1, 2024. Upon consideration of the Motion and argument presented to the Court, it is hereby

ADJUDGED, ORDERED AND DECREED that Plaintiff’s Motion is GRANTED.

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the property at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 (“Property”) will be sold as directed by the Special Commissioner of Sale (“Commissioner”) who will be appointed under separate order. The cost of the sale proceedings will be charged against the Property as prescribed by law. Cost of the sale proceedings shall include, but not be limited to, Commissioner’s fees and costs, expert fees and costs, real estate commissions, and all other costs of sale. Exclusive authority to solicit offers for purchase privately, publicly, or through the use of a listing with a licensed real estate agency or broker, at his sole selection and choosing; and

5) All offers to purchase received by the Commissioner shall be submitted to this Court for acceptance or rejection, and all listing agreements executed by the Commissioner shall state that all offers to purchase/sales contracts shall be subject to approval by the Circuit Court of Prince William County, Virginia;

6) The subject property is to be sold with RICHARD A. LASH, Special Commissioner of Sale, as seller on behalf of the owners by Special Warranty Deed and the Commissioner has the authority to determine which repairs, if any, need to be made to ready the Property for sale;

7) The parties shall immediately execute any and all documents required to effectuate the sale of the house when presented with such documents and shall fully cooperate with the Commissioner and the realtors to effectuate the sale of the Property;

8) Any furnishings or other items remaining in the Property after sixty (60) days from the date of this Order,

shall be deemed abandoned and the Commissioner may dispose of any abandoned property as he sees fit.

9) All monies and sale proceeds generated by the Commissioner shall be paid directly to Jacqueline C. Smith, Clerk of the Court of Prince William County, Virginia, thereafter to be dispersed by her in accordance with further decrees.

10) The Commissioner shall prepare an accounting of all outstanding encumbrances existing upon the house to be presented to the Court upon the sale, identifying all liens against the Property, detailing the dollar amount, holder and apparent respective priority of each lien; and

11) The Bond of the Special Commissioner of Sale otherwise required by the provisions of Virginia Code § 8.01-96, be and hereby is, dispensed with pursuant to the provisions of Virginia Code§ 8.01-99; and (SR) (TH)

12) The provisions of Virginia Code§ 8.01-109 are applicable in this cause as to the Commission for services of the Commissioner of Sale; and

13) Said Commissioner shall make periodic reports to this Court as to actions taken under this Decree.

*And This Cause Continues.*

ENTERED this 16th day of February 2024.

(Signed) TRACY C. HUDSON,  
*Judge,*  
*Prince William County,*  
*Circuit Court.*

APPENDIX A.16

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY

No. CL23005592-00

WESTRIDGE SWIM & RACQUET CLUB, INC.,  
A COMMUNITY ASSOCIATION, PLAINTIFF

v.

Justin SAADEIN-MORALES  
AND OSCAR SAADEIN-MORALES, ET AL., DEFENDANTS

Entered February 20, 2024

ORDER AWARDING ATTORNEYS'  
FEES AND COSTS

THIS CAUSE came before the Court on February 20, 2024 upon request of Plaintiff Westridge Swim and Racquet Club, Inc., A Community Association ("Westridge") for an award of attorneys' fees and costs pursuant to the Court's Order Granting Summary Judgment dated February 16, 2024. Upon consideration of the evidence and argument presented to the Court by the parties, it is hereby

ADJUDGED, ORDERED AND DECREED that as to Defendants Justin Saadein- Morales and Oscar Saadein- Morales, jointly and severally, Plaintiff is awarded:

- (1) Attorneys' fees and expert witness fee and costs of the title search and appraisal in the amount of \$63,543.00 incurred in pursuing enforcement of the lien of judgment recorded among the Prince William County Circuit Court land records as Instrument No. 202304130017878 on April 13, 2023;
- (2) Court costs in the amount of \$110.00; and
- (3) Interest on the judgment at 6% per annum from the date of this Order as provided in Section 8.01-382 of the Code of Virginia ("Va. Code").

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that this award is without prejudice to Plaintiff to request additional attorneys' fees, expert witness fees, and other expenses incurred in the sale of the Property pursuant to the Order Appointing Special Commissioner of Sale in this case dated February 16, 2024.

The security for suspension of execution of the judgment and award shall be \$63,543.00 pursuant to Va. Code§ 8.01-676.1.

ENTERED this 20th day of February 2024.

(Signed) ANGELA LEMMON HORAN,  
*Chief Judge,*  
*Prince William County,*  
*Circuit Court.*

APPENDIX A.17

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY

No. CL23006736-00

JUSTIN J. SAADEIN-MORALES, PETITIONER

v.

WESTRIDGE SWIM & RACQUET CLUB, INC. A COMMUNITY  
ASSOCIATION, RESPONDENT

Entered February 2, 2024

ORDER

THIS MATTER was heard this day, February 2, 2024, on  
a Rule to Show Cause Summons issued by the Court on ~~or~~  
~~about~~ January 5 ~~14~~, 2024.

IT APPEARING that this Court has jurisdiction to hear  
and determine this matter; that each party entitled to notice  
has been notified; and based upon:

1.       the agreement of the parties; OR
2. x the evidence before this Court that this Order should  
be entered;

It is therefore ADJUDGED, ORDERED, and DECREED  
as follows:

Respondent J. Saadein-Morales is remanded to the  
custody of the court for six (6) months or until Respondent  
pays \$3,462.00 to Westridge, delivered to counsel for  
Westridge, if payment is sooner than 6 mo.

The matter will be set for review on February 16, 2024, at  
10:30 am.

ENTERED this 16th day of February 2024.

(Signed) TRACY C. HUDSON,

*Judge,*

13b

*Prince William County,  
Circuit Court.*

APPENDIX A.18

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY

No. CL23006736-00

JUSTIN J. SAADEIN-MORALES, PETITIONER

v.

WESTRIDGE SWIM & RACQUET CLUB, INC. A COMMUNITY  
ASSOCIATION, RESPONDENT

Entered August 11, 2023

ORDER DENYING PETITION  
FOR WRIT OF ERROR

THIS MATTER comes before this Court upon the Petition for Writ of Error submitted by the Petitioner pro se, Justin Saadein-Morales ("Petitioner"), against Respondent Westridge Swim and Racquet Club, Inc., A Community Association; and

IT APPEARING TO THE COURT that:

Respondent is entitled to attorneys' fees and is awarded \$2,000 in attorney's fees.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Petitioner's Petition for Writ of Error be and hereby is DENIED. The Clerk of Court shall send a copy of the order to all counsel. \$2,000 in attorney's fees are awarded to Respondent, which must be paid by October 31, 2023.

ENTERED this 11th day of August 2023.

(Signed) KIMBERLY A. IRVING,

*Judge,*

*Prince William County,*

*Circuit Court.*

APPENDIX A.19

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY  
No. CL23005592-06

WESTRIDGE SWIM & RACQUET CLUB, INC.,  
A COMMUNITY ASSOCIATION, PLAINTIFF

v.

Justin SAADEIN-MORALES  
AND OSCAR SAADEIN-MORALES, ET AL., DEFENDANTS

Entered April 10, 2025

ORDER

THIS MATTER came before the Court on the Defendants' Emergency Motion; and

IT APPEARING to the Court that the Defendant's has asserted no grounds to justify an Emergency Motion; it is therefore

ADJUDGED, ORDERED AND DECREED that the Defendant's Emergency Motion is

DENIED. The Defendants may file their Motion with the Clerk's Office for a Friday Motions Day with proper notice.

The clerk is directed to mail a copy of this Order to the Plaintiff, Defendant, and any counsel for the parties.

ENTERED this 10th day of April, 2025.

(Signed) TRACY C. HUDSON,  
*Judge,*  
*Prince William County,*  
*Circuit Court.*

APPENDIX A.20

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY  
No. CL23005592-06

WESTRIDGE SWIM & RACQUET CLUB, INC.,  
A COMMUNITY ASSOCIATION, PLAINTIFF

v.

Justin SAADEIN-MORALES  
AND OSCAR SAADEIN-MORALES, ET AL., DEFENDANTS

Entered May 2, 2025

ORDER GRANTING EMERGENCY MOTION FOR A  
PROTECTIVE ORDER ENJOINING DEFENDANTS  
FROM INTERFERING WITH EFFORTS BY SPECIAL  
COMMISSIONER OF SALE TO SELL THE SUBJECT  
PROPERTY AS ORDERED IN FEBRUARY 16, 2024  
ORDER

THIS CAUSE came to be heard on the 2nd of May, 2025, on the Emergency Motion of Plaintiff Westridge Swim and Racquet Club, Inc., a Community Association ("Plaintiff"), by counsel, and the Special Commissioner of Sale, Richard A. Lash ("Commissioner"), for an Order enjoining the Defendants, Justin Saadein-Morales and Oscar Saadein-Morales, ("Defendants") from interfering with the Commissioner's efforts to sell the real property located at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 (the "Property"), the [lack of] opposition of the Defendants, and argument of Counsel, and

IT APPEARING TO THE COURT that the relief requested by the Special Commissioner of Sale is just, proper and necessary to effectuate the terms of this Court's February 16, 2024 Order; it is therefore:

ADJUDGED, ORDERED and DECREED that:

(1) The Defendants be and hereby are ENJOINED from interfering with the Commissioner in his efforts to sell the Property; and

(2) The Defendants be and hereby are PROHIBITED from ~~(a) stopping either on foot or in vehicles within sight of the Property; (b) videotaping, photographing, or otherwise recording persons authorized by the Commissioner to enter and leave the Property including but not limited to prospective buyers, real estate brokers or agents, and (TH) contractors (c) intimidating, threatening or otherwise harassing the Commissioner, & {unreadable} (d) disparaging the Property, the Plaintiff or the Commissioner in any newspaper or on social media which would in any way affect the Commissioner's ability to sell the (RL) property for full value; and,~~

*This Cause Continues.*

ENTERED this 2nd day of May, 2025.

(Signed) TRACY C. HUDSON,

*Judge,*

*Prince William County,*

*Circuit Court.*

APPENDIX A.21

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY  
No. CL23005592-00

WESTRIDGE SWIM & RACQUET CLUB, INC.,  
A COMMUNITY ASSOCIATION, PLAINTIFF

v.

Justin SAADEIN-MORALES  
AND OSCAR SAADEIN-MORALES, ET AL., DEFENDANTS

Entered June 6, 2025

**ORDER AMENDING FEBRUARY 16, 2024 ORDER  
APPOINTING SPECIAL COMMISSIONER OF SALE**

THIS CAUSE came to be heard on the 6th day of June, 2025, on the Motion of the Plaintiff and this Court's Special Commissioner of Sale for this Order amending the Court's February 16, 2024 Order in this case, and argument of Counsel; and

IT APPEARING TO THE COURT that the Defendants Justin Saadein-Morales and Oscar Saadein-Morales ("Defendants") have failed and refused to execute a document required to effectuate the sale of the property at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 (the "Property") after having been presented with such document in contravention of Paragraph "7" of this Court's February 16, 2024 Order; it is therefore:

ADJUDGED, ORDERED and DECREED that Paragraph "7" of this Court's February 16, 2024 Order be and is replaced with the following provision: "This Court's Special Commissioner of Sale shall have the authority to execute any and all documents required to effectuate the sale of the house as seller on behalf of the Defendants without liability to Defendants."

19b

*And This Cause Continues.*

ENTERED this 6th day of June, 2025.

(Signed) TRACY C. HUDSON,

*Judge,*

*Prince William County,*

*Circuit Court.*

APPENDIX A.22

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY  
No. CL23005592-00

WESTRIDGE SWIM & RACQUET CLUB, INC.,  
A COMMUNITY ASSOCIATION, PLAINTIFF

v.

Justin SAADEIN-MORALES  
AND OSCAR SAADEIN-MORALES, ET AL., DEFENDANTS

Entered December 22, 2023

DEFENDANTS' ANSWER AND  
GROUNDS FOR DEFENSE

COME NOW, Justin J. Saadein-Morales and Oscar Saadein-Morales, Defendants herein, Pro Se, and file this Answer and Grounds for Defense to the Complaint filed herein by Plaintiff.

ANSWER

1. The first sentence of ¶1 of the Complaint is incorrect. The second sentence of ¶1 of the Complaint is incorrect. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

2. ¶2 of the Complaint is incorrect. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

3. The first sentence of ¶3 of the Complaint is incorrect. The second sentence of ¶3 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions

of this paragraph of the Complaint, any allegations contained therein are denied.

4. ¶4 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

5. ¶5 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

6. ¶6 of the Complaint is denied.

7. ¶7 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

8. ¶8 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

9. ¶9 of the Complaint is denied.

10. The first sentence of ¶10 of the Complaint is incorrect. The second sentence of ¶10 contains a legal conclusion to which no answer is required. The third sentence of ¶10 contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

11. ¶11 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

12. ¶12 of the Complaint is incorrect. To the extent that the Defendants are required to answer any other provisions

of this paragraph of the Complaint, any allegations contained therein are denied.

13. The first sentence of ¶13 of the Complaint is incorrect. The second sentence of ¶13 contains a legal conclusion to which no answer is required. The third sentence of ¶13 contains a legal conclusion to which no answer is required. The fourth sentence of ¶13 contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

14. ¶14 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

15. ¶15 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

16. ¶16 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

17. ¶17 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

18. ¶18 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.

19. ¶19 of the Complaint is admitted.
20. ¶20 of the Complaint is admitted.
21. ¶18 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.
22. ¶22 of the Complaint is denied.
23. ¶23 of the Complaint contains a legal conclusion to which no answer is required. To the extent that the Defendants are required to answer any other provisions of this paragraph of the Complaint, any allegations contained therein are denied.
24. Defendants hereby deny any allegations contained in the Complaint that require a substantive response *but* are not addressed in the above paragraphs.

#### **GROUNDS FOR DEFENSE**

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted and requests relief which is not permitted as a matter of law.
2. Plaintiff's Complaint claims, recovery of alleged damages and attorneys' fees, and enforcement of lower court judgment are barred by the inability to enforce a void judgment. Under Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.
3. Plaintiff's claims, recovery of alleged damages and attorneys' fees, and enforcement of lower court judgment are barred by failure to expressly notify community association members and non-stock corporation members of Plaintiff's intent to prosecute the case at bar and lower court. Under Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.

4. Plaintiff's claims, recovery of alleged damages and attorneys' fees, and enforcement of lower court judgment are barred by failure to expressly notify Defendants of approved actions taken by Plaintiff, violating Defendant's due process rights. Under Rule 3:11 of the Rules of the Supreme Court of Virginia, a written reply to this paragraph is expressly requested.

5. Defendants did not cause any alleged damages suffered by Plaintiff, *but* instead were caused by Plaintiff's negligence, conduct, actions, or inactions, or were due to other alternative causes or a combination thereof.

6. Under Virginia Supreme Court Rule 3:25, Defendants request this Court establish as procedure post-trial for the submission of Defendants' attorneys' fees, or non-attorney administrative defense fees, and costs under Rule 3:25(d) of the Rules of the Virginia Supreme Court of Virginia.

7. Defendants demand a trial by jury on all counts and issues triable by a jury and reserve the right to raise further defenses as the evidence develops and warrants.

WHEREFORE, Defendants respectfully request that the Complaint be dismissed with prejudice and awarded their reasonable attorneys' fees, non-attorney administrative defense fee, and costs pursuant to Virginia Code§ 8.01-223.2, and otherwise.

DATED this 22nd day of September 2023.

(Signed) JUSTIN J. SAADEIN-MORALES,  
*Pro Se,*  
*Defendant.*

(Signed) OSCAR SAADEIN-MORALES,  
*Pro Se,*  
*Defendant.*

APPENDIX A.23

CIRCUIT COURT FOR  
PRINCE WILLIAM COUNTY

No. CL23006736-00

JUSTIN J. SAADEIN-MORALES, PETITIONER

v.

WESTRIDGE SWIM & RACQUET CLUB, INC. A COMMUNITY  
ASSOCIATION, RESPONDENT

Entered August 3, 2023

ORDER

THIS MATTER came before the Court Petitioner's Motion for Leave of Court to Waive Local Two-Week Rule Waiting Period; and

IT APPEARING, that no grounds have been asserted which justify waiving the rule; it is therefore

ADJUDGED, ORDERED AND DECREED that the Petitioner's Request is denied; and

ADJUDGED, ORDERED AND DECREED that this matter remain on the docket for August 11, 2023 at 10:30 am.

The clerk is directed to send a copy of this Order to all parties.

ENTERED this 3rd day of August 2023.

(Signed) KIMBERLY A. IRVING,  
*Judge,*  
*Prince William County,*  
*Circuit Court.*

APPENDIX A.24

SUPREME COURT OF VIRGINIA

No. 230892

IN RE, PETITIONER

Dismissed May 21, 2024

UPON A PETITION FOR A WRIT OF PROHIBITION

Upon consideration of the petition for a writ of prohibition filed December 6, 2023, the rule to show cause, and the respondents' demurser and motion to dismiss,<sup>1</sup> the Court is of the opinion that the motion should be granted and the petition should be dismissed.

Petitioner seeks a writ of prohibition directed to the judges of the General District Court of Prince William County. Petitioner asks this Court to declare judgments against him in two cases, one obtained by petitioner's property owners' association and one obtained by a zoning administrator, void and to prohibit the respondents from enforcing those judgments. Both judgments resulted from changes petitioner made to his home that violated local zoning laws and the association's rules. As a result of the zoning violation and petitioner's refusal to correct the violation, petitioner was fined and ordered to abate the violation. In the action initiated by the association, petitioner was ordered to bring the property into compliance with the association's rules and

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<sup>1</sup> Petitioner filed a supplemental petition for a writ of prohibition on February 22, 2024. However, as petitioner neither sought nor received leave to amend his petition, the Court will not consider the supplemental petition. See Rule 1:8 ("No amendments may be made to any pleading after it is filed save by leave of court."); Rule 5:7(e) (a petitioner may not raise new claims unless, prior to the expiration of the statute of limitations and the entry of a ruling on the petition, he obtains permission from the Court to do so).

to remove or correct specific conditions that violated the rules. Petitioner's failure to comply with the court's orders have resulted in numerous writs and show cause orders.

A writ of prohibition is an extraordinary remedy employed "to redress the grievance growing out of an encroachment of jurisdiction." *James v. Stokes*, 77 Va. 225, 229 (1883). The writ will issue from a superior court to a subordinate one commanding the lower court "to cease from the prosecution of a suit, upon a suggestion that either the cause originally, or some collateral matter arising therein, does not belong to that jurisdiction, but to the cognizance of some other court." *Id.* The writ "may not be used to correct error already committed." *In Re: Dep't of Corr.*, 222 Va. 454, 461 (1981). The writ "commands the person to whom it is directed not to do something which . . . he is about to do. If the thing be already done, it is manifest the writ of prohibition cannot undo it." *Id.* If the court to which the writ is directed "has jurisdiction of the subject matter of the controversy, jurisdiction of the parties, and the amount in dispute is within the monetary limits of the court's power, a mistaken exercise of that jurisdiction does not justify resort to the remedy of prohibition. In other words, the writ of prohibition does not lie to prevent the lower court from adjudicating erroneously." *Elliott v. Great Atlantic Management Co.*, 236 Va. 334, 338, (1988) (citations omitted). "If the court or judge has jurisdiction to enter any order in the proceeding sought to be prohibited, the writ does not lie." *Grief v. Kegley*, 115 Va. 552, 557 (1913).

The Court holds prohibition does not lie to vacate the judgments against petitioner. *In Re: Dep't of Corr.*, 222 Va. at 461. The Court further holds the writ of prohibition does not lie to prohibit the judges of the general district court from enforcing their orders. The record, including petitioner's exhibits, demonstrates petitioner was charged by the zoning administrator for Prince William County with violating a county zoning ordinance. See Section 32.1000.01 of the Prince William County Code of Ordinances. Pursuant to

Code § 16.1-123.1, general district courts have jurisdiction over violations of a county ordinances. Similarly, general district courts have jurisdiction over actions brought by homeowners' associations to enforce their rules and regulations. *See* Code § 16.1-77 (granting general district court the jurisdiction "to try and decide any cases pursuant to § 55.1-1819 of the Property Owners' Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et seq.)); see also Code § 55.1-1819(E) (permitting the board of directors of a property owners' association to "file or defend legal action in general district or circuit court that seeks relief, including injunctive relief arising from any violation of the declaration or duly adopted rules and regulations" of the association). The writ does not lie to prohibit the general district court from exercising its jurisdiction. *Grief*, 115 Va. at 557.

Upon further consideration whereof, petitioner's motion to take judicial notice and all relief requested in the pleading received February 22, 2024 is denied. Accordingly, the petition is dismissed and the rule is discharged.

A Copy,

Teste:

MURIEL-THERESA PITNEY, *Clerk*,  
(Signed) By MELISSA B. LAYMAN,  
*Deputy Clerk.*

## SUPREME COURT OF VIRGINIA

No. 230892

IN RE, PETITIONER

Filed December 6, 2023

## VERIFIED PETITION FOR WRIT OF PROHIBITION

Petitioner, pro se, and pursuant to Va. Const. art. VI, § 1, Va. Code Ann. § 8.01-644, Va. Code Ann. § 17.1-309, and Rule 5:7 of the Rules of the Supreme Court of Virginia, respectfully petitions this Court for the issuance of a writ of prohibition directed to the Prince William District Court for the 31st Judicial District of Virginia ("District Court"), and in support thereof, provides the memorandum in support filed herewith, and states:

1. Petitioner is Justin J. Saadein-Morales, pro se, a domiciled resident of the Commonwealth of Virginia, whose primary residence is 12720 Knightsbridge Drive, Woodbridge, Virginia 22192-5158, Prince William County.
2. Respondent is the Prince William District Court for the 31st Judicial District of Virginia.
3. On September 8, 2022, in *Lisa Fink-Butler, Zoning Administrator v. Justin Saadein-Morales*, pro se, and *Oscar Saadein-Morales*, pro se, Case Nos. GV22000780 and GV22000781 (31st Dist. 2022), the Prince William District Court awarded summary judgment to the plaintiff Lisa Fink-Butler, Zoning Administrator ("Fink-Butler") and entered an injunction against petitioner and co-defendant Oscar Saadein-Morales.
4. On October 24, 2023, Skoff filed a civil Capias under Va. Code Ann. § 16.1-69.24 and Va. Code Ann. § 18.2-456 and "be imprisoned or fined for failing to appear in court on August 23, 2023, and October 18, 2023, 2023, in accordance with a

Show Cause Summons" in Case Nos. GV22000780 and GV22000781 (31st Dist. 2022).

5. On March 1, 2023, in *Westridge Swim and Racquet Club, Inc., A Community Association v. Saadein-Morales, et al.*, pro se, Case No. GV22010868 (31st Dist. 2023), the Prince William District Court awarded summary judgment to the plaintiff, Westridge Swim and Racquet Club, Inc. A Community Association ("Westridge"), and entered an "ORDER OF INJUNCTION, ABATEMENT, and JUDGMENT" against petitioner and co-defendant Oscar Saadein-Morales, pro se.

6. On November 13, 2023, Scott E. Reid, counsel for Westridge, with an affidavit, filed a Capias Attachment under Va. Code Ann. § 16.1-69.24 (A) to "be imprisoned until the Respondent complies with the Court's order or be fined for failure to obey an order of this court dated March 1, 2023, ordering Respondent to abate covenants violations" in Case No. GV22010868-04 (31st Dist. 2022).

7. On November 29, 2023, petitioner was arrested at his residence by the Prince William County Sheriff's Office, appeared before the Region 5, 31st District Magistrate, Woodbridge Office, 9320 Lee Avenue, Woodbridge, Virginia 20110, charged under the Virginia Crime Code CON-5025-S9 and CON-3283-S9 and remanded to Prince William - Manassas Regional Adult Detention Center, Manassas, Virginia ("Detention Center"), where bond was secured, and petitioner was released from the Detention Center.

8. On December 6, 2023, at 1:00 pm, the Prince William District Court is set to hear Plaintiff Westridge's Motion for Show Cause Summons and Capias Attachment in Case No. GV22010868 (31st Dist. 2023), Plaintiff *Fink-Butler*'s Motion for Show Cause Summons and Capias in Case Nos. GV22000780 and GV22000781 (31st Dist. 2022).

#### GROUND FOR WRIT

9. Pursuant to the rights and obligations conferred by the legislature under Va. Code Ann. § 8.01-620, general jurisdiction to award injunctions lies with the Circuit Court. However, this principle may yield where there is an exceptional need for judicial expediency in avoiding unnecessary litigation on the merits. This is particularly true where the case involves substantial rights of the litigants or matters of public interest and convenience.

10. The petitioner submits that the actions of the Prince William District Court exceed its jurisdiction as delineated by Virginia law and constitution. The issuance of a writ of prohibition is both legally necessary and equitable to prevent further harm to the petitioner and to ensure the proper administration of justice. In support of this petition, the petitioner relies on the legal analysis provided in the attached memorandum.

11. The taking of evidence will not be necessary for the proper disposition of this petition.

#### PRAYER FOR RELIEF

WHEREFORE, the petitioner respectfully prays this Court to issue a writ of prohibition, directing the Prince William District Court for the 31st Judicial District of Virginia to cease all proceedings in the matters at issue and to enter any other relief this Court deems appropriate.

Date: December 6, 2023.

Respectfully Submitted,

(Signed) JUSTIN J. SAADEIN-MORALES,

*Pro Se,*

*Petitioner.*

SUPREME COURT OF VIRGINIA

No. 230892

IN RE, PETITIONER

Filed December 6, 2023

MEMORANDUM OF LAW IN SUPPORT OF VERIFIED  
PETITION FOR WRIT OF PROHIBITION

I. BACKGROUND

This section outlines the key events and legal proceedings leading to the petition for a writ of prohibition. The petitioner's legal challenges originated from two prominent cases within Virginia's legal system: *Fink-Butler v. Saadein-Morales* (Case Nos. GV22000780-00 & GV22000781-00, 31st Dist. 2022) involves zoning disputes between the petitioner, a co-defendant, and a zoning administrator, marking the beginning of the legal confrontations. *Westridge Swim and Racquet Club, Inc. v. Saadein-Morales* (Case No. GV22010868-00, 31st Dist. 2023) centered around the enforcement of community association rules against the petitioner and co-defendant. The escalation of these disputes in the Prince William District Court, including summary judgments and injunctions against the petitioner and the subsequent denial of an attempt to seek redress through a writ of error, underscored procedural complexities. These legal proceedings have significantly impacted the petitioner's property rights, community standing, and personal and financial well-being. The petitioner perceives these events as judicial overreach, leading to the current petition for a writ of prohibition to seek relief and reevaluation of the judicial decisions in these cases. Cases like *Keel v. Keel*, No. 802029, 225 Va. 606, 303 S.E.2d 917 (Va. June 17, 1983), and *Turner v. Commonwealth*, No. 822215, 226 Va. 456, 309 S.E.2d 337 (Va. Dec. 02, 1983), reflect the need for adherence to legal proceedings, due process, and fairness in such scenarios.

## II. ANALYSIS

### A. STANDARDS OF REVIEW

The petitioner argues the grounds for an award include (a) the petitioner's standing, critical to the writ of prohibition and based on a direct and substantial interest in the case outcome, see *Goldman v. Lansdile*, 262 Va. 364, 552 S.E.2d 67 (2001); (b) the scrutiny of the Prince William District Court's orders against Virginia law and judicial precedents; (c) the evaluation of prohibition's application against the standards, see *Elliott v. Great Atlantic Management Co., Inc.*, 236 Va. 334, 374 S.E.2d 27 (1988) and *Grief v. Kegley*, 115 Va. 552, 79 S.E. 1062 (1913); and (d) claims of jurisdictional overreach by the court. See Va. Code Ann. § 16.1-77; see also *Singh v. Mooney*, 261 Va. 48, 541 S.E.2d 549 (2001); see also *Southern Sand & Gravel Co. v. Massaponax Sand and Gravel Corp.*, 145 Va. 317, 332, 133 S.E. 812, 816 (1926).

### B. STANDING

**Direct Involvement and Impact:** A party must demonstrate a significant, direct interest affected by the lawsuit's outcome. See *Goldman*, 262 Va. at 364. The petitioner, as the primary party to the contested actions, undoubtedly has a significant stake in these proceedings.

**Personal Harm and Legal Precedent:** A right of action accrues to a person when they sustain damage or injury. This principle is established in *First Va. Bank-Colonial v. Baker*, 225 Va. 72, 81-82, 301 S.E.2d 8, 13-14 (1983) and further elucidated in *Locke v. Johns-Manville Corp.*, 221 Va. 951, 959, 275 S.E.2d 900, 905 (1981), where this Court held that in action for damage or injury, a right of action accrues not when the wrong is done, *but* when injury or damage occurs as a result of the wrong. Additionally, the petitioner must demonstrate 'an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest.' See *Nicholas v. Lawrence*, 161 Va. 589, 592, 171

S.E. 673, 674 (1933), along with a substantial grievance, such as the denial of personal or property rights or the imposition of a burden or obligation. See *Insurance Association v. Commonwealth*, 201 Va. 249, 253, 110 S.E.2d 223, 226 (1959).

On November 29, 2023, the petitioner was arrested at his residence by the Prince William County Sheriff's Office under a writ of habeas corpus and show cause sworn by a non-stock corporation and a municipality. The ongoing involvement of the petitioner in the *Fink-Butler* and *Westridge* cases has led to legal and financial repercussions, amounting to personal harm. This harm has occurred despite the awareness of the Prince William District Court and the counsels for *Fink-Butler* and *Westridge* of the jurisdictional overreach and the resultant injury and damage to the petitioner and his family.

**Plain Language:** Because statutory interpretation presents a pure question of law, it is subject to de novo review by this Court. See *Ainslie v. Inman*, 265 Va. 347, 352, 577 S.E.2d 246, 248 (2003). When interpreting statutes, this Court "ascertain[s] and give[s] effect to the intention of the legislature." *Chase v. DaimlerChrysler Corp.*, 266 Va. 544, 547, 587 S.E.2d 521, 522 (2003). That intent is usually self-evident from the words used in the statute. *Id.* Consequently, this Court applies the plain language of a statute unless the terms are ambiguous. See *Tiller v. Commonwealth*, 193 Va. 418, 420, 69 S.E.2d 441, 442 (1952), or applying the plain language would lead to an absurd result. See *Cummings v. Fulghum*, 261 Va. 73, 77, 540 S.E.2d 494, 496 (2001). This Court also employs the rules of statutory construction when the plain language of two or more statutes conflicts. See, e.g., *Wertz v. Grubbs*, 245 Va. 67, 70, 425 S.E.2d 500, 501 (1993) (using principles of statutory construction to resolve an apparent conflict between the unambiguous language of two statutes).

#### C. SUBJECT MATTER JURISDICTION

Constitutional Boundaries: The Constitution of Virginia, Article VI, Section 1, supplemented by statutory provisions, outlines the judicial powers in Virginia. The General Assembly, under this constitutional provision, has the authority to set the jurisdictional parameters for various courts. See *Morrison v. Bestler*, 239 Va. 166, 387 S.E.2d 753 (1990).

Prohibition by Statute: Va. Code Ann. § 16.1-77 (2021) unequivocally restricts the capacity of general district courts to issue injunctions, stating, "The general district court shall not have any power to issue injunctions." Furthermore, § 16.1-77(6) confers upon general district courts subject matter jurisdiction to try actions pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), including writs of mandamus or injunctions. This is further illustrated in *Parrish v. Federal Nat. Mortg. Ass'n*, 787 S.E.2d 116. Incidentally, the General Assembly has conferred the issuance of injunctions solely within the purview of circuit courts. See *In re Commonwealth*, 278 Va. 1, 11, 677 S.E.2d 236 (2009); see also Va. Code Ann. § 8.01-620 (1995).

Void *ab initio* Doctrine: A judgment is considered void *ab initio* if a court issues an order without jurisdiction over the subject matter. See *Singh*, 261 Va. at 48. Additionally, a judgment is void if there is an absence of jurisdiction appearing on the face of the record. See *Saunders v. Link*, 114 Va. 285, 76 S.E. 327 (1912); see also *Berry v. Smith*, 148 Va. 424, 139 S.E. 252 (1927); see also *Kiser v. WM Ritter Lumber Co.*, 179 Va. 128, 18 S.E.2d 319 (1942).

Void or Voidable: The distinction between void *ab initio* and voidable actions of the court is crucial. An action is void *ab initio* if the court lacks jurisdiction over the subject matter or parties. See *Evans v. Smyth-Wythe Airport Comm'n*, 255 Va. 69, 73, 495 S.E.2d 825 (1998). Voidable judgments, while flawed, must be corrected by appeal. See *Barnes v. American Fertilizer Co.*, 144 Va. 692, 130 S.E. 902

(1925); see also *Buchanan v. Buchanan*, 170 Va. 458, 197 S.E. 426 (1938); see also *Robertson v. Commonwealth*, 181 Va. 520, 25 S.E.2d 352 (1943).

**Defining Void Judgments:** Black's Law Dictionary defines a void judgment as one that is 'ineffective and unenforceable' due to jurisdictional defects, which reinforces this argument. Judgments void for reasons like fraud or lack of jurisdiction over the subject matter or parties, *Jones v. Willard*, 224 Va. 602, 607, 299 S.E.2d 504 (1983) and *Va. Dept. of Corr. v. Crowley*, 227 Va. 254, 260-61, 316 S.E.2d 439 (1984), are available at any time for an attack.

**Direct and Collateral Attack:** Any proceeding provided by law for the purpose of avoiding or correcting a judgment is a direct attack, which will be successful upon showing error. In contrast, an attempt to do the same thing in any other proceeding is a collateral attack that will be successful only upon showing a want of power. See *Eagle & Co. v. Heller*, 149 Va. 82 (1927).

**Authority to Adjudicate:** If the general district court satisfies itself that the allegations are insufficient, it retains subject matter jurisdiction and may adjudicate the case on its merits. However, if the court determines that the allegations are sufficient, it lacks subject matter jurisdiction over the case, and it must be dismissed without prejudice. See *Parrish v. Federal Nat. Mortg. Ass'n*, 787 S.E.2d 116.

On September 8, 2022, and March 1, 2023, in *Fink-Butler* and *Westridge*, the Prince William District Court exceeded the bounds of its designated authority, directly contradicting the stringent limitations imposed by Va. Code Ann. § 8.01-620 (1995). The judgments are (a) void from the outset due to jurisdictional overreach; (b) legally non-existent; (c) without legal consequence, neither divesting nor conferring any rights; and (d) ripe for a collateral attack by this Court and the petitioner. See *Harris v. Deal*, 189 Va. 675, 686-87, 54 S.E.2d 161, 166 (1949).

#### D. WRIT OF PROHIBITION

**Historical Context:** This Court articulated that prohibition is employed to redress grievances growing out of jurisdictional encroachment in *Elliott v. Great Atlantic Management Co., Inc.*, 236 Va. 334. The historical use of this remedy in Virginia reflects its role in maintaining judicial boundaries and ensuring that inferior courts operate within their statutory limits.

**Purpose:** The office of a writ of prohibition is not to correct the error *but* to prevent the exercise of jurisdiction of the court by the judge to whom it is directed, either where they have no jurisdiction at all or are exceeding their jurisdiction. See *Fidelity & Deposit Co. v. Beale*, 102 Va. 295, 303, 46 S.E. 307; *Rollins v. Bazile*, 205 Va. 613; *Grief v. Kegley*, 115 Va. 552; *County School Board of Tazewell County v. Snead*, 198 Va. 100, 104, 92 S.E.2d 497, 501; *King v. Hening*, 203 Va. 582, 585, 125 S.E.2d 827, 829; Burks Pleading and Practice, 4th Ed., § 200, p. 326.

**Jurisdiction:** A writ of prohibition is an extraordinary remedy employed "to redress the grievance growing out of an encroachment of jurisdiction." *James v. Stokes*, 77 Va. 225, 229 (1883). Prohibition properly issues from a superior court to a subordinate court commanding the lower court "to cease from the prosecution of a suit, upon a suggestion that either the cause originally, or some collateral matter arising therein, does not belong to that jurisdiction, but to the cognizance of some other court." *Id.*

**Direction:** This Court stated in *In re Commonwealth of Virginia*, 677 S.E.2d 236, 243 (Va. 2009), "The writ of prohibition, as its name imports, is one which commands the person to whom it is directed not to do something which ... the court is informed they are about to do." Subsequently, this Court stated *Id.* at 254, "The office of a writ of prohibition is ... to prevent the exercise of jurisdiction of the court by the judge to whom it is directed, either where they have no jurisdiction at all, or are exceeding their jurisdiction." *Rollins*, 205 Va. at 613; see also *Burch v. Hardwicke*, 64 Va. (23 Gratt.) 51, 59 (1873).

This Court stated in *In re Commonwealth of Virginia*, 677 S.E.2d 236, 243 (Va. 2009), "The writ of prohibition, as its name imports, is one which commands the person to whom it is directed not to do something which ... the court is informed they are about to do." Subsequently, this Court stated *Id.* at 254, "The office of a writ of prohibition is ... to prevent the exercise of jurisdiction of the court by the judge to whom it is directed, either where they have no jurisdiction at all or are exceeding their jurisdiction." See *Rollins v. Bazile*, 205 Va. 613; see *Burch v. Hardwicke*, 64 Va. (23 Gratt.) 51, 59 (1873).

Equity: A request for a writ of prohibition is clearly rooted in jurisdictional authority, and it is imperative that all parties, including those representing themselves, receive fair and impartial treatment. See *Commercial Business Systems, Inc. v. BellSouth Services, Inc.*, No. 940121, 249 Va. 39, 453 S.E.2d 261, 1995 WL 11414 (Va. Jan. 13, 1995); see also *Harris v. Kreutzer*, No. 050715, 271 Va. 188, 624 S.E.2d 24, 2006 WL 68765 (Va. Jan. 13, 2006).

In *Fink-Butler* and *Westridge*, the absence of the writ allows the Prince William District Court to retain unlawful jurisdiction, thereby enabling it to execute and impose subsequent unwarranted actions against the petitioner, a situation that challenges the fundamental principle of presumption. See *Dowdy v. Bower*, No. CL95-534, 37 Va. Cir. 432, 1995 WL 17044489 (Va. Cir. Ct. Dec. 18, 1995). Consequently, this Court's intervention is imperative to maintain the procedural integrity upheld in the Commonwealth. See *Bottoms v. Bottoms*, No. 941166, 249 Va. 410, 457 S.E.2d 102, 1995 WL 234222 (Va. Apr. 21, 1995).

Therefore, prohibition is the requisite tool to halt ongoing jurisdictional overreach in *Fink-Butler* and *Westridge*. See *County School Bd. of Tazewell County*, 198 Va. at 100.

### III. CONCLUSION

Considering the detailed analysis presented in this Memorandum of Law, it is evident that the petitioner's case is firmly rooted in the legal principles and precedents of the Commonwealth of Virginia.

The petitioner unequivocally established standing, demonstrating a significant, direct impact from the actions resulting from the legal proceedings in question. In *Fink-Butler* and *Westridge*, the Prince William District Court exceeded its jurisdictional bounds, making its judgments and orders void *ab initio*.

In considering the writ of prohibition, this petition aligns with the principles set out in *Elliott v. Great Atlantic*, 236 Va. at 334 and *Grief*, 115 Va. at 552. The extraordinary remedy of prohibition is not only justified *but* necessary to prevent further judicial actions based on orders that are void *ab initio*.

Respectfully, this Court is requested to grant the writ of prohibition, acknowledging the *Fink-Butler* and *Westridge* judgments as void and halting all related proceedings, including those scheduled for December 6, 2023. This action is crucial to safeguard the Petitioner's legal rights and uphold Virginia's judicial integrity, demonstrating the Court's dedication to justice and the rule of law.

Date: December 6, 2023.

Respectfully Submitted,

(Signed) JUSTIN J. SAADEIN-MORALES,

*Pro Se,*

*Petitioner.*

## APPENDIX A.26

## SUPREME COURT OF VIRGINIA

No. 230892

IN RE, PETITIONER

Dated February 22, 2024

PETITIONER'S APPLICATION FOR  
PEREMPTORY WRIT OF PROHIBITION

To the Honorable Chief Justice and Associate and Senior Justices of the Supreme Court of Virginia:

Petitioner Justin J. Saadein-Morales, under Code § 8.01-646, respectfully prays this Court to award a peremptory writ of prohibition against respondents for failing to make a defense and failure to respond in the case at bar, to-wit:

## I. STATEMENT OF FACTS

1. On December 6, 2023, petitioner filed the case at the bar with this Court and provided a Return/Acceptance of Service on December 12, 2023.

## A. POST-NOTICE DISTRICT COURT ACTIONS

2. On December 14, 2023, in the Prince William General District Court, 31st Judicial District of Virginia ("District Court"), petitioner filed Defendant's Motion to Quash Rule to Show Cause and Show Cause Summons (*Westridge Swim and Racquet Club, Inc. v. Saadein-Morales, et al.*, case no. GV22010868-00, 31st Dist. 2023) and Defendant's Motion to Quash Rule to Show Cause and Show Cause Summons, (*Lisa Fink-Butler, Zoning Administrator v. Saadein-Morales, et al.*, case nos. GV22000780-00 and GV22000781-00, 31st Dist. 2022).

3. On December 15, 2023, the District Court denied the petitioner's filed Defendant's Motion to Quash Rules to Show

Cause and Show Cause Summons in the abovementioned cases.

**B. CIRCUIT COURT ACTIONS RELATED TO DISTRICT COURT JUDGMENT**

4. On February 2, 2024, petitioner was arrested at the Prince William Circuit Court, 31st Judicial Circuit of Virginia ("Circuit Court") and remanded to the Prince William-Manassas Regional Adult Detention Center, for the second time, under a second capias and show cause sworn by a non-stock corporation, Westridge Swim and Racquet Club, Inc., A Community Association ("Westridge"). *Saadein-Morales v. Westridge Swim and Racquet Club, Inc., A Community Association*, case no. CL23006736-00, 31st Cir. Ct. 2023).

5. On February 16, 2024, in the Circuit Court, upon a case for which this prohibition is sought, Westridge was awarded summary judgment against petitioner (*Westridge Swim and Racquet Club, Inc., A Community Association, Plaintiff, v. Saadein-Morales, et al.*, case no. CL23005592-00, 31st Cir. Ct. 2023), to enforce lien attached to petitioner's primary residence. *Saadein-Morales et al.*, case no. GV22010868-00, 31st Dist. 2023.

6. On February 20, 2024, upon a case for which this prohibition is sought, was awarded attorneys' fees and costs against petitioner. *Saadein-Morales, et al.*, case no. CL23005592-00, 31st Cir. Ct. 2023.

7. As of February 22, 2024, in the case at bar, petitioner received no correspondence from respondents or counsel; no subsequent filings or actions recorded in Appellate Case Management System (ACMS-SCV) for the Supreme Court of Virginia; and respondents continue to assign rights and adjudicate actions in *Saadein-Morales et al.*, case no. GV22010868-00, 31st Dist. 2023, and *Saadein-Morales, et al.*, case nos. GV22000780-00 and GV22000781-00, 31st Dist. 2022.

## C. HISTORY OF CASE NO. CL23006736-00, 31ST CIR. CT. 2023

8. On July 24, 2023, petitioner challenged the District Court's judgment, *Saadein-Morales et al.*, case no. GV22010868-00, 31st Dist. 2023, via a Petition for Writ of Error and Praeclipe for Judgment on Petition for Writ of Error and Motion for Leave of Court to Waive Two-Week Rule filed with the Clerk of the Circuit Court.<sup>1</sup> (See Exhibit A.) Scott E. Reid, VSB No. 95413 with MercerTrigiani LLP (partner David S. Mercer VSB No. 13323), is counsel in all District Court and Circuit Court cases concerning Westridge.

9. On August 3, 2023, the Circuit Court entered an Order denying petitioner's Motion for Leave of Court to Waive Two-Week Rule. (See Exhibit B.)

10. On August 7, 2023, Westridge transmitted an Opposition to Petition for Writ of Error to the petitioner by electronic mail. (See Exhibit C.)

11. On August 9, 2023, with the Clerk of the Circuit Court, petitioner filed Petitioner's Motion to Strike the Respondent's Untimely Opposition to the Petitioner's Writ of Error.<sup>2</sup> (See Exhibit D.)

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<sup>1</sup> ¶ 5 The General District Court of Prince William County lacked jurisdiction to issue the injunction above. As per Va. Code Ann. § 16.1-77, "However, the general district court shall not have any power to issue injunctions." Thus, the injunction against Petitioner is beyond the lower court's jurisdiction.

<sup>2</sup> ¶ 1 Untimely Filing: Under Va. S. Ct. R. 4:15(c); A¶ 2 Lack of Jurisdiction: Virginia State Bar legal ethics opinion (LEO) 0194; B¶ 1 Powers of the Circuit Court: See *Johnson v. Commonwealth*, No. 060363, 273 Va. 315, 641 S.E. 2d 480, 2007 WL 624354 (Va. Mar. 02, 2007); B¶ 2 Common Law Remedy: *Commonwealth v. Brown*, No. 090557, 279 Va. 235, 687 S.E. 2d 742, 2010 WL 143792 (Va. Jan. 15, 2010); C¶ 1 Limited Jurisdiction: Code Ann. § 16.1- 77; C¶ 2 Application of Law: See *Taylor v. Commonwealth*, No. 2236-09-1, 58 Va. App. 435, 710 S.E. 2d 518, 2011 WL 2535074 (Va. App. June 28, 2011); D¶ 1 Right to Seek a Writ of Error: See *White v. Commonwealth*, No. 030476, 267 Va. 96, 591 S.E. 2d 662, 2004 WL 111567 (Va. Jan. 16, 2004); D¶ 2 Authority to Review: See

12. On August 9, 2023, with the Clerk of the Circuit Court, petitioner filed a draft Order Granting the Petitioner's Motion to Strike the Respondent's Untimely Opposition to the Petitioner's Writ of Error. (See Exhibit E.)

13. On August 11, 2023, the Circuit Court refused to exercise its jurisdiction, noting writs of error apply only to criminal proceedings, and entered an Order Denying Petition for Writ of Error, awarding Westridge \$2,000.00 in attorneys' fees and costs. (See Exhibit F.)

14. On November 7, 2023, with the Clerk of the Circuit Court, Westridge filed a Motion for Show Cause for Violation of the Order of the Court. (See Exhibit G.)

15. On November 28, 2023, petitioner submitted an objection to scheduling motions to Circuit Court chambers.<sup>3</sup> (See Exhibit H.)

16. On November 30, 2023, the Circuit Court found petitioner in contempt of the August 11, 2023, order and awarded Westridge \$1,462.00 in attorneys' fees and costs. (See Exhibit I.)

17. On February 2, 2024, the Circuit Court found petitioner in contempt and ordered petitioner to prison for six months and payment of \$3,462.00 directly to counsel for Westridge. (See Exhibit J.)

18. On February 16, 2024, the Circuit Court purged the interlocutory order from February 2, 2024. Petitioner respectfully directs this Court to Casamo Court Reporting & Videography, 1010 Cameron Street, Alexandria, VA 22314, for a transcript copy.

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*Robert and Bertha Robinson Family, LLC v. Allen*, No. 161640, 295 Va. 130, 810 S.E. 2d 48, 2018 WL 1099741 (Va. Mar. 01, 2018).

<sup>3</sup> ¶ 2 "highly objectionable and entirely improper to suggest the exchange of arguments via email with chambers." ¶ 3 "failure to file a leave of absence for a non-motion's day hearing and their inability to bifurcate from their apparent conflict of interest is not only negligent but borders on unethical."

## D. HISTORY OF CASE NO. CL23005592-00, 31ST CIR. CT. 2023

19. On June 13, 2023, with the Clerk of the Circuit Court, Westridge filed a complaint against petitioner and petitioner's spouse to enforce the District Court's judgment, *Saadein-Morales et al.*, case no. GV22010868-00, 31st Dist. 2023.

20. On July 5, 2023, with the Clerk of the Circuit Court, petitioner filed Demurrer.<sup>4</sup> (See Exhibit K.)

21. On September 22, 2023, with the Clerk of the Circuit Court, petitioner filed Defendants' Answer and Grounds for Defense.<sup>5</sup> (See Exhibit L.)

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<sup>4</sup> ¶ 1 Failure to Properly Docket Judgment Lien: See *Bankers' Loan & Inv. Co. v. Blair*, 99 Va. 606, 39 S.E. 231, 86 Am. St. Rep. 914, 3 Va. Sup. Ct. Rep. 412 (Va. July 04, 1901); ¶ 2 Fails to State a Claim: Code § 8.01-465; ¶ 2 Does not Reach a Debtor's Security Interest: See *Miller v. Kemp*, 157 Va. 178, 160 S.E. 203, 84 A.L.R. 980 (Va. Sep. 17, 1931) (quoting *Floyd v. Harding*, 69 Va. 401, 28 Gratt. 401, 1877 WL 6213 (Va. Apr. 19, 1877)); see also *Savings & Loan Corp. v. Bear*, 155 Va. 312, 154 S.E. 587, 75 A.L.R. 980 (Va. Sep. 12, 1930); see also *Straley v. Esser*, 117 Va. 135, 83 S.E. 1075 (Va. Jan. 12, 1915); see also *Coldiron v. Asheville Shoe Co.*, 93 Va. 364, 25 S.E. 238 (Va. July 09, 1896); see also *Augusta Nat. Bank v. Beard's Extr.*, 100 Va. 687, 42 S.E. 694 (Va. Nov. 20, 1902); ¶ 3 Judgment Lien over \$25,000 Requirement: See *Ewart v. Saunders*, 66 Va. 203, 25 Gratt. 203, 1874 WL 5615 (Va. June 24, 1874); ¶ 4 Failed to Provide Notice of Action: See *Richmond Metropolitan Authority v. McDevitt Street Bovis, Inc.*, No. 980081, 256 Va. 553, 507 S.E. 2d 344, 1998 WL 774505 (Va. Nov. 06, 1998), *Dunn Const. Co. v. Cloney*, No. 081741, 278 Va. 260, 682 S.E. 2d 943, 2009 WL 2972920 (Va. Sep. 18, 2009), and *Filak v. George*, No. 031407, 267 Va. 612, 594 S.E. 2d 610, 2004 WL 869556 (Va. Apr. 23, 2004).

<sup>5</sup> Grounds for Defense ¶ 2 "enforcement of lower court judgment are barred by the inability to enforce a void judgment ... written reply to this paragraph is expressly requested;" ¶ 4 "enforcement of lower court judgment are barred by failure to expressly notify Defendants of approved actions taken by Plaintiff ... written reply to this paragraph is expressly requested;" ¶ 7 "demand a trial by jury on all counts and issues triable by a jury."

22. On November 17, 2023, with the Clerk of the Circuit Court, petitioner filed Defendant's Motion to Dismiss Plaintiff Westridge Swim and Racquet Club, Inc.'s Complaint.<sup>6</sup> (See Exhibit M.)

23. On November 28, 2023, with the Clerk of the Circuit Court, Westridge filed Plaintiff's Memorandum in Opposition to the Defendants' Motion to Dismiss. (See Exhibit N.)

24. On November 28, 2023, Westridge transmitted by electronic mail an Amended Motion to Overrule Request for Rule 3:11 Reply, or, In the Alternative, Motion to File Response Out of Time and Plaintiff's Memorandum in Opposition to Defendants' Motion to Dismiss to petitioner. (See Exhibit O.)

25. On December 1, 2023, with the Clerk of the Circuit Court, petitioner filed Defendant's Motion to Withdraw Defendant's Motion to Dismiss Plaintiff Westridge Swim and Racquet Club, Inc.'s Complaint.<sup>7</sup> (See Exhibit P.)

26. On December 1, 2023, the Circuit Court granted and entered the order Plaintiff's Amended Motion to Overrule

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<sup>6</sup> ¶ 3 Westridge Failed to Respond: Va. Sup. Ct. R. 3:11.2 and Va. Sup. Ct. R. 1:4(e); ¶ 4 Westridge failed to respond within 21 days of September 22, 2023; ¶ 5 Westridge failed to notify association members and defendants; ¶ 8 “enforcement of a lien is not permissible if the judgment, exclusive of interest and costs:” Code § 8.01-463; Exhibit C ¶ 4 “Your threat to file a motion to dismiss is not a good-faith action. You have not raised a new matter and you are well aware that your assertion of any “void” judgment lacks merit.”

<sup>7</sup> ¶ 4 “Under Va. Code Ann. §8.01-463, if the amount of the judgment does not exceed \$25,000, exclusive of interest and costs, no bill to enforce the lien, pursuant to *Id.*, thereof shall be entertained if the real estate is the judgment debtor’s primary residence;” ¶ 6 “Absent subject matter jurisdiction, “the court cannot proceed at all in any cause.” *Ex Parte McCardle*, 74 U. S. (7 Wall.) 506,514, 19 L.Ed. 264 (1869). Once a court determines that it lacks subject matter jurisdiction, “the only function remaining to the court is that of announcing the fact and dismissing the cause.” *Id.*”

Request for Rule 3:11 Reply, failed to take active jurisdiction, and denied, as moot, Plaintiff's Motion in the Alternative to File Response Out of Time. See *Shelton v. Sydnor*, 126 Va. 625, 102 S.E. 83 (1920); see also *Heflinger v. Heflinger*, 136 Va. 289, 118 S.E. 316 (1923); see also *Owusu v. Commonwealth*, 11 Va. App. 671, 401 S.E.2d 431 (1991); see also *Haynesworth v. Commonwealth*, 59 Va. App. 197, 717 S.E.2d 817 (2011); see also *Ruderman v. Pritchard*, 76 Va. App. 295, 881 S.E.2d 665 (2022). (See Exhibit Q.)

27. On December 1, 2023, the Circuit Court entered the Order Denying the Defendant's Motion to Dismiss the Plaintiff's Complaint. (See Exhibit R.)

28. On January 31, 2024, with the Clerk of the Circuit Court, Westridge filed Plaintiff's Motion for Summary Judgment. (See Exhibit S.)

29. On February 16, 2024, in the Circuit Court, Westridge was awarded summary judgment against petitioner. (See Exhibit T.)

## II. RESPECTIVE POSITIONS OF THE PARTIES

30. Petitioner: Petitioner continues to be adversely affected by the District Court's decision by enforcing a judgment in the Circuit Court. Despite the passage of time, no relief has been provided. Moreover, subsequent decisions by other lower courts have further compounded the adverse impact on petitioner through additional attorneys' fees and restricting petitioner's freedom. This pattern of rulings highlights the urgent need for this Court to address this critical issue and provide a definitive resolution.

31. Respondents: On December 28, 2023, in the case at the bar, the respondents' attorney transmitted correspondence to petitioner, noting the respondents' response date of January 2, 2024. (See Exhibit U.)

32. The respondents failed to file a response to petitioner's arguments. The silence underscores the lack of a persuasive

counter-position and suggests no substantive defense exists against the errors of the lower court's decisions.

33. Considering respondents' failure to respond and the clear, ongoing harm to petitioner, this Court is respectfully urged to grant the Petition and redress the lower courts' errors.

### III. ARGUMENT

34. The record, in the case at bar, states a proper case argued by petitioner for the writ (see Exhibit V); contains proof of notice to respondents (see Exhibit W); contains service of the copy of the petition above to respondents (see Exhibit W); is devoid of any proof that respondents served notice of their reply to petitioner prior to this application (see Exhibit X); and is devoid of any evidence that respondents made a defense to the petition in appearance or absence (see Exhibit X.)

35. This Court may raise the issue of subject matter jurisdiction *sua sponte* or *ex mero motu*, for orders "entered without subject matter jurisdiction are void and may be challenged 'directly or collaterally by all persons, anywhere, at any time, or in any manner.'" *Id.* (quoting *Singh v. Mooney*, 261 Va. 48, 52, 541 S.E.2d 549 (2001)). *Choi v. Choi*, 78 Va. App. 110, 113, 890 S.E.2d 616, 617 (2023).

#### A. ASSIGNMENTS OF ERROR

36. On September 8, 2022, and March 1, 2023, in *Fink-Butler* and *Westridge*, the District Court erred and exceeded the bounds of its designated authority, directly contradicting the stringent limitations imposed by Code § 8.01-620.

37. On November 30, 2023, the jurisdiction of the litigation's subject matter was absent on the face of the record in the Order entered. *Westridge Swim and Racquet Club, Inc., A Community Association*, case no. CL23006736-00, 31st Cir. Ct. 2023. See *Sydnor*, 126 Va. at 625; see also

*Heflinger*, 136 Va. at 289; see also *Commonwealth*, 11 Va. App. at 671; see also *Commonwealth*, 59 Va. App. at 197; see also *Pritchard*, 76 Va. App. at 295. (See Exhibit I.)

38. On December 15, 2023, in *Saadein-Morales et al.*, case no. GV22010868-00, 31st Dist. 2023, the District Court erred by denying petitioner's filed Defendant's Motion to Quash Rule to Show Cause and Show Cause Summons (see Exhibit Y) and failed to affirm subject matter jurisdiction on the face of the record in the Order entered against petitioner, awarding attorneys' fees in the amount of \$18,000.00, plus court costs of \$24.00, in accordance with Virginia Code §55.1-1819 (A)," contravening Codes § 8.01-277, § 1-212, and § 8.01-274.1.<sup>8</sup> See *Sydnor*, 126 Va. at 625; see also *Heflinger*, 136 Va. at 289; see also *Commonwealth*, 11 Va. App. At 671; see also *Commonwealth*, 59 Va. App. at 197; see also *Pritchard*, 76 Va. App. at 295. (See Exhibit Z.)

39. On December 15, 2023, in *Saadein-Morales et al.*, case nos. GV22000780-00 and GV22000781-00, 31st Dist. 2022,

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<sup>8</sup> ¶ 7 Defect in the Issuance: Code § 8.01-277. A party is empowered to contest defects in issuing a rule to show cause; ¶ 8 Courts of Record: Code § 1-212. Motions, pleadings, petitions, or summons statutorily required to be filed with a "court of record" but improperly filed with a general district are void *ab initio*; ¶ 9 Court Order Violations: Code § 8.01-274.1. Rule to show cause issued by a general district court from a petition for show cause summons, and subsequently a capias attachment, statutorily deviates from *Id.*; ¶ 10 Plain Meaning: Courts look at the statute's words and apply their plain meaning. See *Jackson v. Fidelity and Deposit Co. of Maryland*, No. 041308, 269 Va. 303, 608 S.E.2d 901, 2005 WL 486768 (Va. Mar. 03, 2005). The inquiry ends if there is no ambiguity or absurdity in the application. See *Chase v. DaimlerChrysler Corp.*, No. 022575, 266 Va. 544, 587 S.E.2d 521, 2003 WL 22462295 (Va. Oct. 31, 2003); ¶ 11 Jurisdiction: An action is considered void *ab initio* if issued without jurisdiction over the subject matter. See *Singh v. Mooney*, No. 000636, 261 Va. 48, 541 S.E.2d 549, 2001 WL 37868 (Va. Jan. 12, 2001); Ground for Motion ¶ 12 "Prince William General District Court is not a "court of record," thus, this Court, misled by the plaintiff, lacked jurisdiction to issue a rule to show cause for violation of a court order and lacked jurisdiction to issue a capias as an attachment to the show cause summons."

the District Court erred by denying petitioner's filed Defendant's Motion to Quash Rule to Show Cause and Show Cause Summons (See Exhibit AA) and failed to affirm subject matter jurisdiction on the face of the record in the Order entered against petitioner, awarding fines for \$100 per day, contravening Codes § 8.01-277, § 1-212, and § 8.01-274.1.<sup>9</sup> See *Sydnor*, 126 Va. at 625; see also *Heflinger*, 136 Va. at 289; see also Commonwealth, 11 Va. App. at 671; see also *Commonwealth*, 59 Va. App. at 197; see also *Pritchard*, 76 Va. App. at 295. (See Exhibit AB.)

40. On August 11, 2023, January 5, 2024 (see Exhibit AD), February 2, 2024, and February 16, 2024, the Circuit Court erred and exceeded its authority by retaining subject matter jurisdiction in awarding rights where it refused to take jurisdiction on August 11, 2023. "Although a court cannot confer jurisdiction upon itself, it does have the power to determine whether it has jurisdiction. *Gibson v. Gibson*, 5 Va.App. 426, 433, 364 S.E.2d 518, 522 (1988) (emphasis

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<sup>9</sup> ¶ 7 Defect in the Issuance: Code § 8.01-277. A party is empowered to contest defects in issuing a rule to show cause; ¶ 8 Courts of Record: Code § 1-212. Motions, pleadings, petitions, or summons statutorily required to be filed with a "court of record" but improperly filed with a general district are void *ab initio*; ¶ 9 Court Order Violations: Code § 8.01-274.1. Rule to show cause issued by a general district court from a petition for show cause summons, and subsequently a writ of attachment, statutorily deviates from *Id.*; ¶ 10 Plain Meaning: Courts look at the statute's words and apply their plain meaning. See *Jackson v. Fidelity and Deposit Co. of Maryland*, No. 041308, 269 Va. 303, 608 S.E.2d 901, 2005 WL 486768 (Va. Mar. 03, 2005). The inquiry ends if there is no ambiguity or absurdity in the application. See *Chase v. DaimlerChrysler Corp.*, No. 022575, 266 Va. 544, 587 S.E.2d 521, 2003 WL 22462295 (Va. Oct. 31, 2003); ¶ 11 Jurisdiction: An action is considered void *ab initio* if issued without jurisdiction over the subject matter. See *Singh v. Mooney*, No. 000636, 261 Va. 48, 541 S.E.2d 549, 2001 WL 37868 (Va. Jan. 12, 2001); Ground for Motion ¶ 12 "Prince William General District Court is not a "court of record;" thus, this Court, misled by the plaintiff, lacked jurisdiction to issue a rule to show cause for violation of a court order and lacked jurisdiction to issue a writ of attachment to the show cause summons."

added)." *Smith v. Commonwealth*, 56 Va. App. 351, 357, 693 S.E.2d 765, 768 (2010), aff'd, 281 Va. 464, 706 S.E.2d 889 (2011). (See Exhibit F and Exhibit I.)

41. Under *Tesla, Inc. v. Virginia Auto. Dealers Ass'n*, 68 Va. App. 509, 512–15, 809 S.E.2d 695, 696–98 (2018), petitioner would be unsuccessful in the Court of Appeals of Virginia as the Circuit Court's orders in *Westridge Swim and Racquet Club, Inc., A Community Association*, case no. CL23006736, 31st Cir. Ct. 2023), are interlocutory and void *ab initio*, and interlocutory decrees or orders are not appealable. See *Thrasher v. Lustig*, 204 Va. 399, 403, 131 S.E.2d 286, 289 (1963). 625; see also *Heflinger*, 136 Va. at 289; see also *Commonwealth*, 11 Va. App. at 671; see also *Commonwealth*, 59 Va. App. at 197; see also *Pritchard*, 76 Va. App. at 295. (See Exhibit Q.)

43. On December 1, 2023, in *Saadein-Morales, et al.*, case no. CL23005592-00, 31st Cir. Ct. 2023, the jurisdiction of the litigation's subject matter was absent on the face of the record in the entered Order. See *Sydnor*, 126 Va. at 625; see also *Heflinger*, 136 Va. at 289; see also *Commonwealth*, 11 Va. App. at 671; see also *Commonwealth*, 59 Va. App. at 197; see also *Pritchard*, 76 Va. App. at 295. (See Exhibit R.)

44. On February 16, 2024, in *Saadein-Morales, et al.*, case no. CL23005592-00, 31st Cir. Ct. 2023, the jurisdiction of the litigation's subject matter is absent on the face of the record in the entered Order Appointing Special Commissioner of Sale. See *Sydnor*, 126 Va. at 625; see also *Heflinger*, 136 Va. at 289; see also *Commonwealth*, 11 Va. App. at 671; see also *Commonwealth*, 59 Va. App. at 197; see also *Pritchard*, 76 Va. App. at 295. (See Exhibit AC.)

#### IV. PRAYER FOR RELIEF

WHEREFORE, petitioner respectfully prays this Court to:

a. Grant petitioner's application and award a peremptory writ of prohibition to halt the upcoming enforcement proceedings in *Saadein-Morales et al.*, case no. GV22010868-

00, 31st Dist. 2023, *Saadein-Morales, et. al.*, case nos. GV22000780-00 and GV22000781-00, 31st Dist. 2022, *Westridge Swim and Racquet Club, Inc., A Community Association*, case no. CL23006736, 31st Cir. Ct. 2023, and *Saadein-Morales, et al.*, case no. CL23005592-00, 31st Cir. Ct. 2023.

b. Affirm by *ex mero motu* the want of jurisdiction by the limited jurisdiction trial court in *Saadein-Morales et al.*, case no. GV22010868-00, 31st Dist. 2023, and *Saadein-Morales, et. al.*, case nos. GV22000780-00 and GV22000781-00, 31st Dist. 2022, and affirm the judgments are (a) void from the outset due to jurisdictional overreach; (b) legally non-existent; (c) without legal consequence, neither divesting nor conferring any rights; and (d) ripe for a collateral attack by this Court and petitioner.

c. Affirm by *ex mero motu* the want of jurisdiction by the trial court in *Westridge Swim and Racquet Club, Inc., A Community Association*, case no. CL23006736-00, 31st Cir. Ct. 2023, and in *Saadein-Morales, et al.*, case no. CL23005592-00, 31st Cir. Ct. 2023, and affirm the judgments are (a) void from the outset due to jurisdictional overreach; (b) legally non-existent; (c) without legal consequence, neither divesting nor conferring any rights; and (d) ripe for a collateral attack by this Court and petitioner.

d. Provide relief to prevent continued jurisdictional overreach and protect the petitioner's rights.

## V. CONCLUSION

Petitioner's experiences reflect a disturbing disregard for jurisdictional boundaries and the equitable treatment of litigants, necessitating this Court's immediate and decisive intervention. Issuing a peremptory writ of prohibition is warranted and essential to uphold the integrity of Virginia's judicial system. This Application, petitioner's last resort within the Commonwealth's judiciary, highlights the critical

need for this Court's intervention to avert further constitutional rights infringements. Absent relief, petitioner is forced to seek an emergency injunction from the United States District Court for the Eastern District of Virginia, underscoring the Application's urgency and merit.

February 22, 2024

Respectfully Submitted,

(Signed) JUSTIN J. SAADEIN-MORALES,

*Pro Se,*

*Petitioner.*

\* \* \* \* \*

## SUPREME COURT OF VIRGINIA

No. 230892

IN RE, PETITIONER

Filed April 15, 2024

PETITIONER'S APPLICATION FOR  
MOTION TO TAKE JUDICIAL NOTICE

To the Honorable Chief Justice and Associate and Senior Justices of the Supreme Court of Virginia:

The petitioner, Justin J. Saadein-Morales, acting pro se, respectfully requests this Honorable Court, under Virginia Supreme Court Rule 2:201 and the authority of Va. Code Ann. § 8.01-646, to take judicial notice of adjudicative facts from Fairfax Circuit Court Case No. 2024-05476 (*Saadein-Morales v. Westridge Swim and Racquet Club, A Community Association*, Verified Emergency Petition for Preliminary Injunction and Bill of Review). (See Exhibit A.)

This motion is vital for the fair resolution of the disputes affecting the petitioner's property and personal rights.

## I. FACTUAL AND PROCEDURAL BACKGROUND

The petitioner is embroiled in a complex legal dispute over his primary residence. This dispute stems from what the petitioner believes to be significant procedural and substantive errors in a judgment against him. The actions taken under this judgment, particularly an ejectment action, threaten his home and livelihood, highlighting severe misapplications of legal standards.

## II. GROUNDS FOR APPLICATION

The petitioner submits this application under the following grounds:

Public Record: The facts requested for judicial notice are derived from the proceedings of the Fairfax Circuit Court, which are public records and thus *not* subject to reasonable dispute.

General Knowledge and Verifiability: The facts related to the procedural and substantive issues in the Fairfax Circuit Court case can be readily determined from these public records and are known to legal professionals within the jurisdiction.

Relevance: These facts are directly relevant to the current case before this Court, as they form the basis of the ongoing dispute and affect the interpretation and application of the laws in question.

Efficiency and Fairness: Granting judicial notice will promote judicial efficiency by obviating the need for proof of well-documented facts and will ensure fairness in handling the petitioner's case by allowing the Court to consider all relevant materials.

### III. LEGAL BASIS FOR JUDICIAL NOTICE

Under Va. R. Sup. Ct. 2:201, facts *not* subject to reasonable dispute because they are generally known or readily determinable from reliable sources may be judicially noticed. The proceedings and findings in Fairfax Circuit Court Case No. 2024-05476 are recorded and public, forming the basis for the petitioner's request.

### IV. PREVIOUS FILINGS, REQUESTS, AND STATEMENTS

Initial Filing (December 6, 2023): The petitioner requested a writ of prohibition to halt all related legal proceedings in the Prince William District Court due to fundamental flaws in the handling of his case.

Subsequent Filing (February 22, 2024): The petitioner sought a broader prohibition against enforcement

proceedings and an affirmation that the judgments were void due to jurisdictional overreach and procedural errors.

Va. R. Sup. Ct. 5:4 Statement: The petitioner states opposing counsel is notified of motion; however, petitioner notes this motion is not upon appeal as referenced in (a)(1).

#### V. PRAYER FOR RELIEF

WHEREFORE, the petitioner, Justin J. Saadein-Morales, asks this Court to:

Take judicial notice of the facts and proceedings in Fairfax Circuit Court Case No. 2024-05476 (*Saadein-Morales v. Westridge Swim and Racquet Club, A Community Association*, Verified Emergency Petition for Preliminary Injunction and Bill of Review).

Issue a peremptory writ to halt enforcement proceedings related to flawed judgments.

Declare the contested judgments void from the outset due to jurisdictional overreach under Va. Code Ann. § 8.01-623.

Grant any further relief deemed just and appropriate to prevent irreversible damage to the petitioner's rights and property.

#### VI. CONCLUSION

This case presents significant procedural and substantive justice concerns that have dire consequences for the petitioner's life and property. The petitioner implores this Court to recognize the urgency and gravity of his situation and provide timely and equitable relief to uphold the principles of justice and fairness inherent in Virginia's judicial system.

April 15, 2024.

Respectfully Submitted,

(Signed) JUSTIN J. SAADEIN-MORALES,

*Pro Se,  
Petitioner.*

EXHIBIT A

CIRCUIT COURT FOR FAIRFAX COUNTY

No. 2024-05476

JUSTIN J. SAADEIN-MORALES, PETITIONER

v.

WESTRIDGE SWIM & RACQUET CLUB, INC., A COMMUNITY  
ASSOCIATION, AND BUONASSISI, HENNING & LASH, P.C.,  
RESPONDENTS

Filed April 15, 2024

VERIFIED EMERGENCY PETITION FOR  
PRELIMINARY INJUNCTION AND BILL OF REVIEW

COMES NOW, Justin J. Saadein-Morales, pro se, and invoking Va. Code Ann. §§ 8.01-623 and 8.01-620 respectfully requests this Court grant two preliminary injunctions to enjoin a pending ejectment action and issue two bills of review to substantiate legal errors evident in the processes leading to the issuance of injunctive orders against him.

In support thereof, the Petitioner provides this memorandum and states:

PARTIES, JURISDICTION, AND VENUE

A. PARTIES

1. Petitioner: Justin J. Saadein-Morales, a Virginia resident, is at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192, in Prince William County.
2. Respondent Westridge Swim and Racquet Club, Inc.: A non-stock corporation and community association organized

under Virginia law, with its principal place of business at 12764 Quarterhorse Lane, Woodbridge, Virginia 22192, in Prince William County.

3. Respondent Buonassissi, Henning & Lash, P.C.: A law firm organized under Virginia law, with its principal place of business at 12355 Sunrise Valley Drive, Suite 650, Reston, Virginia 20191, in Fairfax County.

#### B. JURISDICTION AND VENUE

4. This Court has jurisdiction as the respondents conduct business in Virginia, and the events giving rise to this action occurred within this jurisdiction.

5. Venue is proper in this Court under Va. Code Ann. § 8.01-261 as a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

#### FACTS AND PROCEEDINGS

6. On March 1, 2023, in *Westridge Swim and Racquet Club, Inc., A Community Association v. Saadein-Morales, et al.*, Case No. GV22010868-00 (31st Dist. 2023), the Prince William General District Court, 31st Judicial District of Virginia (“31st District Court”), awarded summary judgment to respondent Westridge and entered a void and interlocutory Order of Injunction, Abatement, and Judgment against the petitioner and the petitioner’s spouse. (See Exhibit A1.)

7. On June 13, 2023, with the Clerk of the 31st Circuit Court, the respondent filed a Judgment Bill to enforce a complaint against the petitioner and petitioner’s spouse to enforce an inferior court’s void judgment, Saadein-Morales et al., case no. GV22010868-00 (31st Dist. 2023).

8. On January 31, 2024, with the Clerk of the 31st Circuit Court, the judgment debtor, through MercerTrigiani LLP (“debt collector”), filed Plaintiff’s Motion for Summary Judgment.

9. On February 16, 2024, the 31st Circuit Court entered an interlocutory and void Order Granting Summary Judgment against the petitioner, directing that "the property at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 ("Property") ... be sold as directed by the Special Commissioner of Sale ("Commissioner")." (See Exhibit B1.)

10. On February 16, 2024, the 31st Circuit Court entered an interlocutory Order Appointing a Special Commissioner of Sale:

a. invoking judgment creditor's ejectment action in ¶ 1 of Exhibit B1, "[d]efendants Justin Saadein-Morales and Oscar Saadein-Morales ("Defendants") and all those who are occupying the property at 12720 Knightsbridge Drive, Woodbridge, Virginia 22192 (the "Property") shall vacate the premises within sixty (60) days of the date of entry of this Order;"

b. appointing an attorney as commissioner to execute a decree for account therein in ¶ 4 of Exhibit B1, "RICHARD A. LASH, Esquire, is hereby appointed as Special Commissioner of Sale (hereinafter "Commissioner") to make the sale of the Property, having the sole exclusive authority to solicit offers for purchase privately, publicly, or through the use of a listing with a licensed real estate agency or broker, at the petitioner's sole selection and choosing;"

c. and ordering the Special Commissioner of Sale to return the accounting of all transactions to the 31st Circuit Court upon sale of the petitioner's property in ¶ 10 of Exhibit B1, "[t]he Commissioner shall prepare an accounting of all outstanding encumbrances existing upon the house to be presented to the Court upon the sale, identifying all liens against the Property, detailing the dollar amount, holder and apparent respective priority of each lien."

11. On February 20, 2024, the 31st Circuit Court entered an interlocutory and void Order Awarding Attorneys' Fees and Costs (see Exhibit B1), outlined in ¶ 1 of Exhibit B1, "[a]ttorneys' fees and expert witness fee and costs of the title

search and appraisal in the amount of \$63,543.00, incurred in pursuing enforcement of the lien of judgment recorded among the Prince William County Circuit Court land records as Instrument No. 202304130017878 on April 13, 2023."

12. On April 11, 2024, the petitioner received electronic mail correspondence from the respondent Lash, alleging status as a debt collector under 15 U.S.C. §1692, the Fair Debt Collection Practices Act, and demanding the remittance of the outstanding balance directly to the law firm. (See Exhibit C1.)

#### **GROUNDS FOR PRELIMINARY INJUNCTION AND BILL OF REVIEW**

13. The petitioner alleges significant procedural and substantive legal errors, including improper application of judicial power, misallocation of attorney's fees, unlawful ejectment processes, and the commissioning of sale under potentially void orders. These errors imperatively demand a preliminary injunction and a comprehensive bill of review to rectify and uphold justice as mandated by Virginia law.

#### **JURY DEMAND**

Under Rule 3:21 of the Rules of the Supreme Court of Virginia, the petitioner demands a trial by jury on all counts and issues triable by a jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, the petitioner prays for:

1. A preliminary injunction restraining the respondents, their agents, and all affiliated persons from proceeding with the ejectment.
2. A declaratory judgment identifying the orders and judgments against the petitioner as null and void *ab initio*.

3. A decree vacating the adverse judgments and restoring the petitioner to full possession of the petitioner's property.
4. Award of costs and reasonable attorney's fees incurred in this action.
5. Any further relief this Court deems just and proper.

Respectfully Submitted,

(Signed) JUSTIN J. SAADEIN-MORALES,

*Pro Se,*

*Petitioner.*

\* \* \* \* \*

CIRCUIT COURT FOR FAIRFAX COUNTY

No. 2024-05476

JUSTIN J. SAADEIN-MORALES, PETITIONER

v.

WESTRIDGE SWIM & RACQUET CLUB, INC., A COMMUNITY  
ASSOCIATION, AND BUONASSISSI, HENNING & LASH, P.C.,  
RESPONDENTS

Filed April 15, 2024

MEMORANDUM OF LAW IN SUPPORT OF VERIFIED  
EMERGENCY PETITION FOR PRELIMINARY  
INJUNCTION AND BILL OF REVIEW

I. BACKGROUND

Justin J. Saadein-Morales, the petitioner, finds himself embroiled in a complex legal battle concerning the petitioner's primary residence, stemming from actions taken by respondent Westridge, the judgment creditor, and respondent Buonassissi, Henning & Lash, P.C. ("Lash"), the appointed special commissioner. This dispute originates from a court judgment that the petitioner challenges as

fundamentally flawed, filled with procedural and substantive legal errors that have significantly impacted the petitioner's property and personal rights.

The heart of the legal contention is an ejectment action initiated under this contested judgment, aiming to dispossess the petitioner of the petitioner's home. This judicial sale, intended to satisfy the allegedly void judgment awarded to Westridge, has been marred by what the petitioner perceives as severe misapplications of legal standards and due process violations.

Specifically, the appointment of respondent Lash as the special commissioner, who is tasked with managing this sale, has introduced additional complexities. The petitioner asserts that Lash's conflict of interest in conducting the sale grossly deviates from established legal protocols and statutory mandates, particularly Virginia Code Ann. § 8.01-623, which authorizes an injunction against any decree subject to a bill of review when substantive legal errors are evident.

This backdrop sets the stage for the petitioner's current legal challenges, highlighting the urgent need for judicial intervention to rectify the alleged missteps and ensure that the petitioner's ejectment from the petitioner's property is halted until a thorough review of the void judgment and the subsequent judicial sale process can be conducted. The petitioner argues for applying Virginia Code Ann. § 8.01-623 to secure an injunction, emphasizing the necessity to uphold the petitioner's legal rights and prevent the irreversible consequence of losing the petitioner's home based on a flawed judicial process.

## II. ANALYSIS

### A. LEGAL FOUNDATIONS OF STANDING

The petitioner asserts the petitioner's legal standing based on direct and personal impact, as required for challenging

the actions of respondents Westridge and Lash. *First Virginia Bank-Colonial v. Baker* underscores that standing requires showing an immediate and personalized injury, here represented by the potential loss of the petitioner's home, making this matter actionable. See *First Virginia Bank-Colonial v. Baker*, No. 801487, 225 Va. 72, 301 S.E.2d 8 (Va. Mar. 11, 1983). Further supporting this requirement, *Goldman v. Landslide* emphasizes that only those directly affected by a dispute have the standing to bring a case, thereby ensuring that the litigants have a substantial stake in the outcome. This case highlights the need for a tangible connection to the issue. See *Goldman v. Landslide*, No. 001947, 262 Va. 364, 552 S.E.2d 67, 2001 WL 1077472 (Va. Sep. 14, 2001). Moreover, *Morrison v. Bestler* clarifies that the injury must be specific and concrete, directly resulting from the respondents' actions. This criterion ensures a verifiable link between the conduct complained of and the petitioner's grievances, validating the necessity for court intervention. See *Morrison v. Bestler*, No. 880177, 239 Va. 166, 387 S.E.2d 753, 1990 WL 1963 (Va. Jan. 12, 1990). These cases firmly establish the petitioner's legal standing to seek relief in this court.

## B. PRINCIPLES OF STATUTORY INTERPRETATION

Statutory interpretation, particularly concerning laws that govern judicial sales and debt collection, necessitates a careful and intent-focused approach to prevent unjust or impractical outcomes. The Virginia Supreme Court in *Cummings v. Fulghum* highlighted the importance of adhering closely to the legislature's intent, ensuring that legal interpretations align with broader legal and social frameworks, essential for maintaining the integrity of judicial processes. See *Cummings v. Fulghum*, No. 000115, 261 Va. 73, 540 S.E.2d 494, 2001 WL 37809 (Va. Jan. 12, 2001). Similarly, *Parrish v. Federal National Mortgage Association* supports this principle by demonstrating the judiciary's role in ensuring statutory applications protect

individuals' rights, particularly in property transactions. See *Parrish v. Federal National Mortgage Association*, No. 150454, 292 Va. 44, 787 S.E.2d 116, 2016 WL 3361732 (Va. June 16, 2016). Moreover, *Tiller v. Commonwealth* instructs that statutes should not be interpreted in ways that produce absurd results, especially when such interpretations could jeopardize fundamental rights related to home and property. This guideline is further echoed by *Sidya v. World Telecom Exchange Communications, LLC*, which emphasizes the necessity of applying statutory law to respect the letter and spirit of the legislature's intent. See *Sidya v. World Telecom Exchange Communications, LLC*, No. 201007, 301 Va. 31, 870 S.E.2d 199, 2022 WL 868893 (Va. Mar. 24, 2022). Additionally, *French v. Phipps* illustrates how historical context and legislative clarity are crucial in ensuring statutes serve their intended purposes without undermining legal rights. See *French v. Phipps*, 171 Va. 133, 198 S.E. 458 (Va. Sep. 09, 1938).

### C. LEGAL PRINCIPLES OF EJECTMENT

**Ejectment and Proof of Title.** In ejectment cases, the plaintiff must demonstrate a clear and substantial possessory title, as possession provides *prima facie* evidence of rightful ownership. This requirement is critical for respondents to establish the title's superiority over any claims. See *Brown v. Haley* and *Harris v. Deal* emphasize showing clear legal title to prevail in ejectment actions. See *Brown v. Haley*, No. 840346, 233 Va. 210, 355 S.E.2d 563 (Va. Apr. 24, 1987); *Harris v. i*, 189 Va. 675, 54 S.E.2d 161 (Va. June 20, 1949). Additionally, *Southwest Virginia Mineral Co. v. Chase* reiterates that mere possession is often insufficient to establish legal title, thereby necessitating the demonstration of an unequivocal title in the face of disputes. See *Southwest Virginia Mineral Co. v. Chase*, 95 Va. 50, 27 S.E. 826 (1897).

**Judicial Procedures in Ejectment.** The procedural aspects of ejectment have been streamlined under current Virginia

law, facilitating the plaintiff's task of proving a right to possession from a specific date after their title accrued. This simplification is outlined in Va. Code Ann. § 8.01-135 and Va. Code Ann. § 8.01-139 (1977), which reduce the burden on plaintiffs to establish possession, thereby focusing legal arguments on the proof of title at the lawsuit's commencement. See Va. Code Ann. § 8.01-135 (1977); see Va. Code Ann. § 8.01-139 (1977). For the petitioner, this streamlined process is beneficial as it aids in clearly establishing the right to possession, which is crucial for reclaiming the petitioner's property and ensuring justice. Moreover, *Nicholas v. Lawrence* further clarifies the need for precise documentation and proof in property disputes, ensuring that legal standards are rigorously upheld. See *Nicholas v. Lawrence*, 161 Va. 589, 171 S.E. 673 (Va. Nov. 16, 1933).

In the context of ejectment proceedings, the respondents have failed to present a clear and substantial title necessary to warrant the ejectment of the petitioner from the petitioner's property. Virginia law mandates that a plaintiff in an ejectment case must demonstrate undeniable possessory title, a condition not met by the respondents as highlighted by precedents such as *Brown v. Haley*, No. 840346, 233 Va. 210, 355 S.E.2d 563 (Va. Apr. 24, 1987) and *Harris v. Deal*, 189 Va. 675, 54 S.E.2d 161 (Va. June 20, 1949), which underscore the necessity of presenting a clear legal title to prevail in such actions. Furthermore, the doctrine established in *Southwest Virginia Mineral Co. v. Chase*, 95 Va. 50, 27 S.E. 826 (1897), stresses that mere possession is insufficient to claim legal title, thus emphasizing the requirement for respondents to unequivocally prove title ownership before seeking to displace the petitioner. Despite these stringent criteria, there is no evidence to suggest that respondents have fulfilled these obligations to a degree that justifies the extreme measure of ejectment, leaving their actions unsupported by the necessary legal documentation and substantiation.

#### D. PETITIONER'S RIGHTS AND JUDICIAL REMEDIES

Rights and Remedies in Judicial Actions. Petitioners, like Mr. Saadein-Morales, may seek equitable remedies in ejectment and other property disputes, showcasing the legal system's capacity to offer comprehensive defenses and remedies. This flexibility is particularly critical in cases where legal title or claims to property are contested. As established by Va. Code Ann. § 8.01-148 (1977), this adaptability allows petitioners comprehensive access to all potential defenses, affirming their rights to a fair judicial process and enhancing their ability to challenge improper judicial actions effectively. Furthermore, Va. Code Ann. § 8.01-623 (1977) reinforces these rights, allowing petitioners to seek injunctions against decrees when substantive legal errors are evident, thus providing a mechanism for immediate relief in critical situations.

Implications of Verdicts in Ejectment Actions. The outcome of ejectment actions is heavily contingent on the plaintiff's ability to substantiate their legal claim to the property. Failure to convincingly demonstrate legal ownership should result in a verdict favoring the petitioner, as mandated by Va. Code Ann. § 8.01-150 (1977). This statute underscores the importance of thorough substantiation in property disputes, ensuring that verdicts are founded on concrete demonstrations of legal rights and title to the property involved. Va. Code Ann. § 8.01-330 (1977) supports this by dictating the procedures for recovering possession, emphasizing that judicial decisions must be based on clear evidence of title or right of possession. For the petitioner, any lack of proof by the opposing party directly bolsters the petitioner's claim and should lead to a favorable judicial decision.

Petitioner underscores the essential role of equitable remedies available to petitioners in property disputes, particularly when legal titles or claims are contested. The Virginia Code Ann. §§ 8.01-148 and 8.01-623 (1977) collectively ensure that petitioners have access to

comprehensive defenses and can seek injunctions against decrees with substantive legal errors, thus providing a crucial mechanism for immediate relief. This adaptability is fundamental in ejectment actions, where the outcome hinges on the plaintiff's ability to prove legal ownership. According to Va. Code Ann. § 8.01-150 (1977), failure by the opposing party to substantiate their claim should, by law, result in a verdict favoring the petitioner. This statute, along with Va. Code Ann. § 8.01-330 (1977), demands that verdict in property disputes be grounded in unequivocal demonstrations of legal rights and possession. For the petitioner, the lack of such proof from the respondents supports the petitioner's legal stance and mandates a favorable resolution to the petitioner's ejectment case under Virginia law.

#### E. DUE PROCESS AND PROPERTY RIGHTS

Due process under the Fifth Amendment is essential when property interests are at stake, mandating proper notice and the opportunity to be heard to protect these rights. The foundational case of *Mullane v. Central Hanover Bank & Trust Co.* establishes that notifications must be "reasonably calculated, under all the circumstances, to apprise interested parties of the action and allow them to present objections." This ensures that all parties potentially affected by a legal action have the opportunity to prepare and present their case, thus safeguarding the procedural fairness at the heart of due process *Mullane v. Central Hanover Bank & Trust Co.*, No. 378, 339 U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (U.S.N.Y. Apr. 24, 1950).

Furthermore, *Fuentes v. Shevin* underscores the importance of procedural due process in property disputes, emphasizing that judicial processes must be conducted fairly and transparently to protect the interests of the parties involved. This principle is critical for the petitioner, whose property rights and personal liberties are directly impacted by the disputed judicial actions. See *Fuentes v. Shevin*, No.

70-5039, 407 U.S. 67, 92 S. Ct. 1983, 32 L. Ed. 2d 556, 10 UCC Rep. Serv. 913 (U. S. Fla. June 12, 1972). Additionally, the case of *Matthews v. Eldridge* further elaborates on the requirement for adequate procedural safeguards to ensure that government actions depriving an individual of property rights are *not* arbitrary *but* offer a meaningful opportunity for challenge. See *Matthews v. Eldridge*, 424 U. S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (U.S. 1976).

The petitioner, Mr. Saadein-Morales, asserts that the petitioner's due process rights under the Fifth Amendment have been compromised in handling the petitioner's property dispute. He highlights the essential requirements for proper notice and the opportunity to be heard, underscoring the necessity for judicial actions impacting property rights to be transparent and fair. Further bolstering the petitioner's argument, he emphasizes the need for adequate procedural safeguards to prevent arbitrary deprivation of property. Mr. Saadein-Morales contends that failing to adhere to these constitutional guarantees in the petitioner's case justifies a thorough judicial review to correct the procedural missteps, ensuring that the petitioner's legal rights are fully protected and upheld.

#### F. CONSTITUTIONAL AND STATUTORY LIMITS ON JUDICIAL POWER

Separation of Powers and Jurisdictional Authority. The Constitution of Virginia, in Article III, Section 1, mandates a clear separation of powers among the legislative, executive, and judicial branches, ensuring that no branch oversteps its bounds or exercises powers that properly belong to another. This essential separation dictates that courts only possess subject matter jurisdiction as explicitly granted by the constitution or statute, reinforcing the framework within which the petitioner seeks redress. *In re: Commonwealth of Virginia* serves as a cornerstone case that illustrates the practical application of these principles, ensuring that judicial actions are confined within constitutional

boundaries. See *In re: Commonwealth of Virginia*, 278 Va. 1, 677 S.E.2d 236, 2009 WL 1566819 (Va. June 04, 2009). This legal boundary is crucial for the petitioner as it ensures that the petitioner's case is handled within the appropriate judicial parameters, preventing any branch from exceeding its authority. Additional reinforcement comes from *Nicholas v. Lawrence*, which further defines the scope of judicial authority under Virginia law. See *Nicholas v. Lawrence*, 161 Va. at 589 (1933).

**Statutory Prohibitions and Exceptions.** Specific statutes, such as Va. Code Ann. § 16.1-77 (2021), outline the jurisdictional limitations of courts, notably prohibiting general district courts from issuing injunctions, which are reserved for circuit courts as per Va. Code Ann. § 8.01-620 (1995). This delineation of authority is fundamental for the petitioner, ensuring that the petitioner's legal challenges are addressed in the correct judicial forum and that the proceedings adhere to the prescribed legal standards. The significance of adhering to these statutory boundaries is exemplified in *Parrish v. Federal National Mortgage Association*, which highlights how the courts' understanding of their jurisdictional limits impacts legal proceedings. See *Parrish v. Federal National Mortgage Association*, No. 150454, 292 Va. 44, 787 S.E.2d 116, 2016 WL 3361732 (Va. June 16, 2016). Additionally, *Chase v. DaimlerChrysler Corp.* emphasizes the importance of courts observing statutory guidelines to maintain judicial integrity and fairness in their rulings. See *Chase v. DaimlerChrysler Corp.*, No. 022575, 266 Va. 544, 587 S.E.2d 521, 2003 WL 22462295 (Va. Oct. 31, 2003).

The petitioner argues for strict adherence to the constitutional and statutory boundaries governing Virginia's judicial powers, particularly the separation of powers that prevents any branch from overstepping its authority. This adherence is vital to ensure that judicial actions are confined within explicitly granted limits, as established in notable cases like *In re: Commonwealth of Virginia* and reinforced by

statutory restrictions such as Va. Code Ann. § 16.1-77 and § 8.01-620. These laws mandate that judicial proceedings adhere to designated jurisdictional confines. This is crucial for ensuring Mr. Saadein-Morales' case is processed correctly, upholding judicial integrity, and ensuring compliance with legal standards. Through this argument, he seeks to safeguard the petitioner's rights and the procedural fairness of the petitioner's ongoing legal challenges.

#### G. LEGAL ARGUMENT FOR VOID JUDGMENTS AND REMEDIAL ACTIONS

**Nature of Void and Voidable Judgments.** A judgment is considered void *ab initio* if a court lacks jurisdiction over the subject matter or the parties involved, making it unenforceable from the outset. This legal distinction is pivotal for the petitioner, as it directly influences the validity of the judgments affecting the petitioner's property rights. *Jones v. Willard* articulates that those voidable judgments, which may be corrected on appeal, do *not* require appellate review and can be directly challenged, providing a more straightforward pathway for addressing the petitioner's grievances. See *Jones v. Willard*, 224 Va. at 602, 299 S.E.2d 504, 1983).

**Mechanisms for Challenging Judicial Errors.** Due to jurisdictional errors, the petitioner can challenge these decisions for void judgments. *Eagle, Star, and British Dominions Ins. Co. v. Heller* underscores the necessity of identifying and rectifying jurisdictional errors to maintain the integrity of judicial proceedings. See *Eagle, Star, and British Dominions Ins. Co. v. Heller*, 149 Va. 82, 140 S.E. 314, 57 A.L.R. 490, 1927). This framework allows the petitioner to contest the validity of the judicial actions taken against him, aiming to overturn improperly grounded decisions. Further supporting this approach, *Locke v. Johns-Manville Corp.* emphasizes the importance of courts recognizing their jurisdictional limits to prevent the enforcement of invalid judgments (*Locke v. Johns-Manville*

*Corp.*, 221 Va. 951, 275 S.E.2d 900, 1981). Additionally, *Virginia Iron, Coal & Coke Co. v. Keystone Coal & Iron Co.* illustrates the necessity for judicial accuracy in establishing jurisdiction to avoid issuing void judgment. See *Virginia Iron, Coal & Coke Co. v. Keystone Coal & Iron Co.*, 101 Va. 723, 45 S.E. 291, 1903).

The petitioner's challenge to the general district court's judgments as void *ab initio* highlights the necessity for judicial adherence to jurisdictional boundaries. These judgments, purportedly issued without appropriate jurisdiction, are inherently unenforceable and devoid of legal weight. The distinction between void and voidable judgments is pivotal; void judgments can be contested at any time in any court where their enforcement is sought, providing the petitioner a direct avenue to challenge and nullify the judgments affecting the petitioner's property rights. This approach underscores the necessity for judicial precision and the proactive correction of jurisdictional errors to shield individuals from unjust legal consequences. This framework not only allows for the challenging and overturning of these void judgments *but* also bolsters the integrity and fairness of judicial processes, ensuring that the rights of all individuals are safeguarded under the law.

#### H. ROLES AND RESPONSIBILITIES IN JUDICIAL SALES

Commissioner's Judicial Capacity. Special Commissioners, such as those appointed in the petitioner's case, operate quasi-judicial, strictly mandated to adhere to judicial decrees. Their role in managing auction processes and the disbursement of funds is articulated in *French v. Pobst*, which emphasizes their function as court agents and not as independent operators. See *French v. Pobst*, 203 Va. 704, 127 S.E.2d 137 (Va. Aug. 31, 1962). This framework is essential for maintaining procedural integrity and ensuring compliance with judicial directives, thus safeguarding the petitioner's interests throughout the transaction process. Additionally, *Virginia Iron, Coal & Coke Co. v. Crane's Nest*

*Coal & Coke Co.* provides further insight into the limitations and expectations placed on commissioners, underscoring the necessity of their strict adherence to legal guidelines. See *Virginia Iron, Coal & Coke Co. v. Crane's Nest Coal & Coke Co.*, 102 Va. 405, 46 S.E. 393 (Va. Feb. 04, 1904).

Court as Principal in Judicial Sales. Despite delegating certain responsibilities to special commissioners, the court retains its principal role in judicial sales, ensuring that all transactions remain under its direct oversight. This hierarchical structure is crucial for preserving the legal and procedural frameworks of the sale and serving as a safeguard for the petitioner. It guarantees that the judicial authority presides over and controls every aspect of the transaction, ensuring that all actions align with legal standards. *Parrish v. Federal National Mortgage Association* further clarifies the court's dominant role in overseeing these transactions, highlighting the importance of judicial oversight in upholding fairness and legality. See *Parrish v. Federal National Mortgage Association*, 292 Va. at 44 (2016). *Sidya v. World Telecom Exchange Communications, LLC* also supports this concept, illustrating how courts ensure that financial transactions within judicial sales are executed within the confines of the law. See *Sidya v. World Telecom Exchange Communications, LLC*, 301 Va. at 31, 870 (2022).

The court's oversight and the commissioner's adherence to judicial decrees ensure that the petitioner's property is sold within the law's strict confines, safeguarding the petitioner's interests against procedural missteps or overreach. This is crucial for the petitioner, especially given the significant impact of the sale on the petitioner's life and financial stability. The structure provides a vital check against potential abuses or deviations that could compromise the fairness and legality of the sale, emphasizing the judiciary's role in upholding justice and equity in such transactions. This framework not only preserves the integrity of the judicial process but also ensures that the petitioner's case is

treated rigorously and adheres to the legal standards it warrants.

## I. LEGAL BOUNDARIES IN DEBT COLLECTION

Authority and Scope of Special Commissioner. The demand for payment issued to the petitioner under the Fair Debt Collection Practices Act (15 U.S.C. § 1692, 2010) by the respondent on April 11, 2024, significantly exceeds the legally defined scope of the special commissioner's role. The commissioner, appointed to oversee real estate transactions, is not authorized to engage in debt collection activities. This is established in *French v. Phipps*, which delineates the limited scope of actions permissible by such commissioners. See *French v. Phipps*, 171 Va. at 133 (1938), additionally, *Eagle, Star, and British Dominions Ins. Co. v. Heller* reinforces the need for adherence to defined legal roles, emphasizing that deviation from judicial decrees can lead to significant legal repercussions. See *Eagle, Star, and British Dominions Ins. Co. v. Heller*, 149 Va. at 82 (1927). This overreach not only places undue pressure on the petitioner but also violates the judicial decree defining the commissioner's role, necessitating legal correction to prevent abuse of authority and protect the petitioner's rights.

Conflict of Interest and 15 U.S.C. § 1692g Violations. The inappropriate expansion of debt collection responsibilities to the respondent breaches the Fair Debt Collection Practices Act, leading to potential conflicts of interest and legal liabilities. This situation demands urgent judicial intervention to rectify the overreach and ensure adherence to 15 U.S.C. § 1692g, safeguarding the petitioner's rights against unlawful debt collection practices. *Spear v. Omary* further illuminates the importance of maintaining clear boundaries in roles to prevent conflicts of interest and uphold legal integrity (*Spear v. Omary*, No. 180224, 297 Va. 251, 825 S.E.2d 288, 2019). The alignment of the commissioner's actions with federal and state laws is crucial

to maintaining the integrity of the judicial process and protecting the petitioner from unjust legal pressures.

For the petitioner, Mr. Saadein-Morales, the special commissioner's foray into debt collection activities beyond their role of managing real estate transactions, infringes on the petitioner's rights under the Fair Debt Collection Practices Act. This deviation introduces potential conflicts of interest and legal liabilities, compromising the petitioner's security and legal standing. The situation underscores the urgent need for judicial oversight and corrective action to realign the commissioner's actions with legal norms. Such interventions are crucial to maintain the integrity of the judicial process, protect the petitioner from undue legal pressures, and uphold the established boundaries designed to shield individuals from such overreaches. Enforcing these legal limits is essential to preserve trust in the judicial system and protect the rights of individuals like Mr. Saadein-Morales from unlawful encroachments.

#### J. LEGAL FRAMEWORK FOR ATTORNEY'S FEES AND COSTS

**Allocation of Legal Expenses.** The interlocutory Order Awarding Attorney's Fees and Costs issued by the Prince William Circuit Court on February 20, 2024, raises significant concerns by allocating \$63,543.00 for attorneys' fees, expert witness fees, and title search and appraisal costs. This allocation marks a substantial deviation from established legal precedents that traditionally separate such expenses from the "principal sum awarded," thus preventing them from accruing interest. The guidelines outlined in *Op. Atty. Gen., Opinion No. 04-028* (Aug. 2, 2004) (2004 WL 2047763) specifically address this separation, indicating that incorporating these costs into the principal sum unfairly increases the financial burden on the petitioner (*Op. Atty. Gen., Opinion No. 04-028*, 2004 WL 2047763), furthermore, *Virginia Ass'n of Ins. Agents v. Commonwealth* demonstrates the implications of misapplying statutory guidelines on cost allocation, reinforcing the need for strict

adherence to established financial practices in legal proceedings. See *Virginia Ass'n of Ins. Agents v. Commonwealth*, 201 Va. 249, 110 S.E.2d 223 (Va. Sep. 03, 1959).

Interest Application Errors. The issue is compounded by the court's decision to apply interest from the date of the jury verdict rather than from the judgment entry date. This practice contradicts established legal norms. *Sidya v. World Telecom Exchange Communications, LLC* highlights the correct application of interest, underscoring that interest should only accrue from the judgment date to prevent undue financial penalties. See *Sidya v. World Telecom Exchange Communications, LLC*, 301 Va. at 31 (2022). This procedural error undermines the consistency of judicial practices and unfairly escalates the financial liabilities imposed on the petitioner. Additionally, the principles delineated in *Tiller v. Commonwealth* provide further insight into the careful balance required to apply interest to ensure fairness and equity in judicial cost assessments. See *Tiller v. Commonwealth*, 193 Va. 418, 69 S.E.2d 441 (Va. Mar. 10, 1952).

The imposition of \$63,543.00 in attorney's fees, expert witness fees, and other costs on the petitioner by the Prince William Circuit Court creates an undue financial burden by deviating from legal precedents that typically prevent such costs from accruing interest. This allocation, coupled with the decision to apply interest from the date of the jury verdict rather than the judgment entry date, represents a significant procedural oversight that contradicts established legal norms. For Mr. Saadein-Morales, this increases the petitioner's financial liabilities unexpectedly and raises serious concerns about the fairness and consistency of judicial practices in the petitioner's case. These issues highlight the urgent need for a judicial review to rectify these discrepancies, ensuring strict adherence to legal standards to prevent unjust cost escalations and protect the petitioner from crippling financial demands. Such adherence is crucial

for maintaining the integrity of the legal process and ensuring equitable treatment in assessing legal costs.

#### K. ENSURING INTEGRITY IN JUDICIAL SALES

Judicial Oversight and Sale Integrity. The judiciary's commitment to maintaining the stability and fairness of judicial sales is evident through rigorous scrutiny and oversight, as demonstrated in cases like *Payne v. Payne* and *Page v. Com.* These cases mandate meticulous judicial oversight to ensure fairness and legal compliance. See *Payne v. Payne*, 1942, 19 S.E.2d 690, 179 Va. 562; see *Page v. Com.*, 1940, 11 S.E.2d 621, 176 Va. 351. For the petitioner, such rigorous oversight means that any procedural discrepancies or errors, like those potentially experienced in the petitioner's case, must be promptly addressed and rectified. This not only reinforces public trust but also upholds fairness in legal proceedings. Further supporting the need for thorough oversight, *Harrington v. Woodfin* illustrates the court's proactive role in correcting errors to prevent miscarriages of justice. See *Harrington v. Woodfin*, 193 Va. 320, 68 S.E.2d 882 (Va. Jan. 21, 1952).

Procedural Missteps and Legal Integrity. In the petitioner's case, the interlocutory Order Appointing a Special Commissioner of Sale signifies a critical oversight by not aligning with established protocols for special commissioners. Such discrepancies underscore the need for stringent adherence to procedural rules to maintain the stability and fairness of judicial sales, as highlighted by *Southwest Virginia Mineral Co. v. Chase*. This misalignment requires immediate correction to preserve the integrity of the sale and protect the petitioner's legal and procedural rights. See *Southwest Virginia Mineral Co. v. Chase*, 1897, 95 Va. at 50 (1897). Additionally, *Virginia Iron, Coal & Coke Co. v. Keystone Coal & Iron Co.* underscores the importance of adhering to procedural norms to ensure fair and equitable handling of property disputes. See *Virginia Iron, Coal & Coke Co. v. Keystone Coal & Iron Co.*, 101 Va. at 723 (1903).

This case further reinforces that deviations from standard procedures can lead to significant consequences for all parties involved.

The rigorous judicial oversight mandated in the process of judicial sales directly impacts the petitioner, Mr. Saadein-Morales, by ensuring that all aspects of the sale of the petitioner's property are conducted with utmost fairness and legal compliance. This stringent scrutiny is crucial, particularly when procedural discrepancies or errors arise, like those experienced in the petitioner's case. Prompt correction of these errors is essential to reinforce public trust and to uphold the integrity of the legal proceedings affecting the petitioner's rights. In the specific instance of the petitioner, appointing a Special Commissioner of Sale without adherence to established protocols signifies a significant oversight that threatens the stability and fairness of the judicial sale. Such procedural missteps demand immediate attention to rectify any deviations and ensure the sale is conducted in a manner that protects the legal and procedural rights of all parties involved, particularly the petitioner. This approach is vital to preventing any miscarriage of justice and ensuring that the judicial system remains a bastion of integrity and fairness, especially in cases involving significant personal and property rights.

### III. CONCLUSION

This case encapsulates more than a mere property dispute; it highlights significant deficiencies within the judicial process that have profound implications for individual rights.

Throughout this document, substantial legal precedents and statutes have been cited to demonstrate that the actions taken against the petitioner undermine the petitioner's personal and financial well-being and breach the foundational legal protections. These include due process

violations outlined in *Mullane v. Central Hanover Bank & Trust Co.* and improper handling of judicial sales stipulated by state laws.

Considering these considerations, this Court is implored to review the petitioner's claims with the gravity they warrant. The petitioner respectfully requests a preliminary injunction to halt the impending sale of the petitioner's property, a declaratory judgment to nullify the flawed proceedings, and appropriate remedies to rectify the injustices he has endured. By granting these measures, the Court will not only deliver much-needed relief to Mr. Saadein-Morales *but* also affirm its commitment to upholding justice and the rule of law.

This case poignantly reminds us of the judiciary's pivotal role in safeguarding citizen rights against procedural improprieties and legal misjudgments. A ruling in favor of the petitioner would reinforce the principles of fairness and judicial accountability, ensuring that the judiciary remains a bulwark against infringing individual rights. Such a decision would resonate far beyond the confines of this case, underscoring the judiciary's unwavering dedication to justice and its corrective power in rectifying judicial oversights.

Date: April 15, 2024.

Respectfully Submitted,

(Signed) JUSTIN J. SAADEIN-MORALES,

*Pro Se,*

*Petitioner.*

## APPENDIX A.28

U.S. Const. art. I, § 8, cl. 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

## APPENDIX A.29

U.S. Const. art. I, § 9, cl. 3: No Bill of Attainder or ex post facto Law shall be passed.

## APPENDIX A.30

U.S. Const. art. I, § 10, cl. 1: No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

## APPENDIX A.31

U.S. Const. art. III, § 1: The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

## APPENDIX A.32

U.S. Const. art. VI, cl. 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the

supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

#### APPENDIX A.33

U.S. Const. amend. V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### APPENDIX A.34

U.S. Const. amend. VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

#### APPENDIX A.35

U.S. Const. amend. VII: In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## APPENDIX A.36

U.S. Const. amend. X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## APPENDIX A.37

U.S. Const. amend. XIV, § 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## APPENDIX A.38

11 U.S.C. § 101(12): The term “debt” means liability on a claim. The term “debt relief agency” means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include (A) any person who is an officer, director, employee, or agent of a person who provides such assistance or of the bankruptcy petition preparer; (B) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; (C) a creditor of such assisted person, to the extent that the creditor is assisting such assisted person to restructure any debt owed by such assisted person to the creditor; (D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate

or subsidiary of such depository institution or credit union; or (E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.

#### APPENDIX A.39

11 U.S.C. § 362(a): Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of (1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title; (2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title; (3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate; (4) any act to create, perfect, or enforce any lien against property of the estate; (5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title; (6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title; (7) the setoff of any debt owing to the debtor that arose before the commencement of the case under this title against any claim against the debtor; and (8) the commencement or continuation of a proceeding before the United States Tax Court concerning a tax liability of a debtor that is a corporation for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is

an individual for a taxable period ending before the date of the order for relief under this title.

#### APPENDIX A.40

11 U.S.C. § 362(c)(3): if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b) (A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case; (B) on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and (C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary) (i) as to all creditors, if (I) more than 1 previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was pending within the preceding 1-year period; (II) a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to (aa)file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney); (bb) provide adequate protection as ordered by the court; or (cc) perform the terms of a plan confirmed by the court; or

(III)there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded (aa)if a case under chapter 7, with a discharge; or (bb)if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; and (ii)as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor.

#### APPENDIX A.41

11 U.S.C. § 362(d): On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay (1) for cause, including the lack of adequate protection of an interest in property of such party in interest; (2) with respect to a stay of an act against property under subsection (a) of this section, if (A) the debtor does not have an equity in such property; and (B) such property is not necessary to an effective reorganization; (3) with respect to a stay of an act against single asset real estate under subsection (a), by a creditor whose claim is secured by an interest in such real estate, unless, not later than the date that is 90 days after the entry of the order for relief (or such later date as the court may determine for cause by order entered within that 90-day period) or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later (A) the debtor has filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or (B) the debtor has commenced monthly payments that (i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before, on, or after the

date of the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and (ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or (4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either (A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or (B) multiple bankruptcy filings affecting such real property. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.

#### APPENDIX A.42

11 U.S.C. § 541(a): The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all the following property, wherever located and by whomever held: (1) Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case. (2) All interests of the debtor and the debtor's spouse in community property as of the commencement of the case that is (A) under the sole, equal, or joint

management and control of the debtor; or (B) liable for an allowable claim against the debtor, or for both an allowable claim against the debtor and an allowable claim against the debtor's spouse, to the extent that such interest is so liable. (3) Any interest in property that the trustee recovers under section 329(b), 363(n), 543, 550, 553, or 723 of this title. (4) Any interest in property preserved for the benefit of or ordered transferred to the estate under section 510(c) or 551 of this title. (5) Any interest in property that would have been property of the estate if such interest had been an interest of the debtor on the date of the filing of the petition, and that the debtor acquires or becomes entitled to acquire within 180 days after such date (A) by bequest, devise, or inheritance; (B) as a result of a property settlement agreement with the debtor's spouse, or of an interlocutory or final divorce decree; or (C) as a beneficiary of a life insurance policy or of a death benefit plan. (6) Proceeds, product, offspring, rents, or profits of or from property of the estate, except such as are earnings from services performed by an individual debtor after the commencement of the case. (7) Any interest in property that the estate acquires after the commencement of the case.

#### APPENDIX A.43

15 U.S.C. § 1692g(b): Disputed debts. If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector. Collection activities and communications that do not otherwise violate this subchapter may continue during the 30-day period referred to in subsection (a) unless the consumer has notified

the debt collector in writing that the debt, or any portion of the debt, is disputed or that the consumer requests the name and address of the original creditor. Any collection activities and communication during the 30-day period may not overshadow or be inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor.

#### APPENDIX A.44

28 U.S.C. § 1334(a): Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

#### APPENDIX A.45

28 U.S.C. § 1334(e)(1): The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction (1) of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate.

#### APPENDIX A.46

28 U.S.C. § 1651(a): The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

#### APPENDIX A.47

Fed. R. Civ. P. 56(a): Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a

matter of law. The court should state on the record the reasons for granting or denying the motion.

#### APPENDIX A.48

Fed. R. Evid. 901(a): In general. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

#### APPENDIX A.49

Va. Code Ann. § 8.01-620 (1995): General jurisdiction of circuit court to award injunctions. Every circuit court shall have jurisdiction to award injunctions, including cases involving violations of the Uniform Statewide Building Code, whether the judgment or proceeding enjoined be in or out of the circuit, or the party against whose proceedings the injunction be asked resides in or out of the circuit.

#### APPENDIX A.50

Va. Code Ann. § 16.1-77 (2021): Civil jurisdiction of general district courts; amending amount of claim. Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within the limits of the territory it serves, civil jurisdiction as follows: (1) Exclusive original jurisdiction of (i) any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, when the amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees, and (ii) any action for injury to person, regardless of theory, and any action for wrongful death as provided for in Article 5 (§ 8.01-50 et seq.) of Chapter 3 of

Title 8.01 when the amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$50,000, exclusive of interest and any attorney fees. However, the jurisdictional limit shall not apply with respect to distress warrants under the provisions of § 8.01-130.4, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143. While a matter is pending in a general district court, upon motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court. (2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$25,000 exclusive of interest and any attorney fees. (3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-claim in an unlawful detainer action

that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease. (4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code. (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff. (6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions. (7) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners' Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et seq.). (8) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court

granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016. For purposes of this section, the territory served by a county general district court expressly authorized by statute to be established in a city includes the general district court courtroom.

#### APPENDIX A.51

Va. Code Ann. § 16.1-77 (2025): Civil jurisdiction of general district courts; amending amount of claim. Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within the limits of the territory it serves, civil jurisdiction as follows: (1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine, or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any action for injury to person, regardless of theory, and any action for wrongful death as provided for in Article 5 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 when the amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$50,000, exclusive of interest and any attorney fees. However, the jurisdictional limit shall not apply with respect to distress warrants under the provisions of § 8.01-130.4, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143. While a matter is pending in a general district court, upon motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good

cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court. (2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$50,000, exclusive of interest and any attorney fees. (3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease. (4) Except where otherwise specifically provided, all jurisdiction, power, and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code. (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the

stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff. (6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions. (7) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners' Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et seq.). (8) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016. For purposes of this section, the territory served by a county general district court expressly authorized by statute to be established in a city includes the general district court courtroom.