City of Richmond
General District Court
Civil Division

THE JOHN MARSHALL COURTS BUILDING
400 NORTH NINTH STREET - SUITE 203
RICHMOND, VA 23219 - 1546

13TH JUDICIAL DISTRICT

JOI JETER TAYLOR, JUDGE
BARBARA J. GADEN, JUDGE
ROBERT A. PUSTILNIK, JUDGE

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SANDRA C. BLOUNT, CLERK
ROBIN J. SMITH, CHIEF DEPUTY

May 8, 2008

Marc Rotenberg, Esq.
President
Electronic Privacy Information Center
1718 Connecticut Avenue, N.W., Ste. 200
Washington, D.C. 20009

Paul Kugelman
Assistant Attorney General III
Office of the Attorney General
Commonwealth of Virginia
900 East Main Street
Richmond, Virginia 23219

   Re: *Electronic Privacy Information Center v. Capt. J. Thomas Martin, et al.*
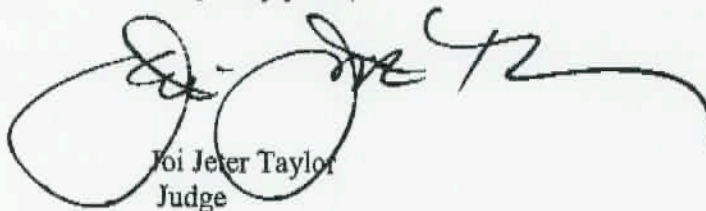   Case No. GV08-019225

Gentlemen:

   At the conclusion of the plaintiff's petition for mandamus, the court heard argument on the plaintiff's motion for costs and attorney's fees and subsequently took the motion under advisement.

   The court finds that the plaintiff in this matter substantially prevailed on the merits of this case and further finds pursuant to Va. Code § 2.2-3713 (D) that the plaintiff is entitled to recover reasonable costs in the amount of $ 496.09. The court further finds that the plaintiff may not recover attorneys' fees in this matter since they were not represented by counsel at any of the hearings. At the outset of this matter, Mr. Rotenberg, an attorney, made it clear that he was not acting in his capacity as an attorney but as a public representative of the plaintiff for purposes of pursuing their claim under

the Virginia Freedom of Information Act. Mr. Rotenberg is not licensed to practice law in the State of Virginia and did not seek pro hac vice status prior to this hearing.

The court shall enter an order consistent with this opinion.

Very truly yours,

Toi Jeter Taylor
Judge