

City of Richmond  
General District Court  
Civil Division

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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

804-646-6461  
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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:

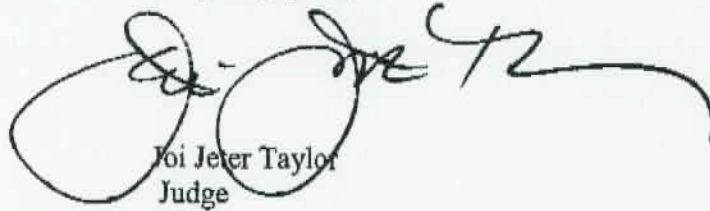
At the conclusion of the plaintiff's petition for mandamus, the court heard argument on the plaintiff's motion for costs and attorney's fees and subsequently took the motion under advisement.

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,



Jai Jeter Taylor  
Judge

\_\_\_\_\_ (C)  
\_\_\_\_\_ (D)  
\_\_\_\_\_ (E)  
\_\_\_\_\_ (F)  
\_\_\_\_\_ (G)