

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED  
CLERK OF CIRCUIT COURT  
2009 MAY 15 PM 1:16

GRAFTON WILLIAM PETERSON, )  
Administrator of the Estate of Erin )  
Nicole Peterson, deceased, )

Plaintiff, )

v. )

Case No. CL-2009-5670

JOHN W. THYDEN, Administrator of )  
the Estate of Seung-Hui Cho, deceased, )  
et al. )

Defendants. )

CLERK OF CIRCUIT COURT  
FAIRFAX, VA

**MEMORANDUM IN SUPPORT OF MOTION TO TRANSFER VENUE OF  
DEFENDANTS NEW RIVER VALLEY COMMUNITY SERVICES BOARD, HARVEY  
M. BARKER, Ph.D., AND H. LYNN CHENAULT**

COME NOW, Defendants, New River Valley Community Services Board, Harvey M. Barker, Ph.D., and H. Lynn Chenault, by counsel, and for its memorandum in support of motion to transfer venue, state as follows:

1. The Complaint does not state the residence or domicile of the Plaintiff and, therefore, there are no allegations to support Category A-preferred venue (§ 8.01-261) or Category B-permissible venue (§ 8.01-262).
2. The service addresses in the Complaint for these three Defendants support category B-permissible venue in Montgomery County.
3. The Complaint identifies a number of potential witnesses who are affiliated with Virginia Tech in Blacksburg and/or Montgomery County or who are not residents of Fairfax County. These include an English professor, Lucinda Roy, Nikki Giovanni, and two respected

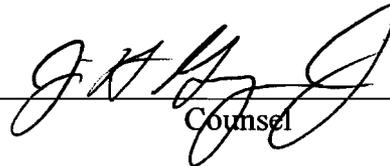
professors in paragraphs 37, 45, 79 and 39 of the Complaint. In addition, Plaintiff names “students” (paragraph 38 of the Complaint), Judicial Affairs (paragraph 50 of the Complaint), Cherly Ruggiero (paragraph 84 of the Complaint), Lisa Norris and Mary Ann Lewis (paragraph 99 of the Complaint), Kathy Godbey (paragraph 114 of the Complaint), Bob Hicok (paragraph 134 of the Complaint), and Carl Bean (paragraph 137 of the Complaint).

4. It would be unfair and inconvenient for these witnesses and all other potential witnesses who reside in the Montgomery County area to be required to travel to Fairfax County Circuit Court for trial.

WHEREFORE, Defendants, New River Valley Community Services Board, Harvey M. Barker, Ph.D., and H. Lynn Chenault respectfully move to transfer venue to the Circuit Court of Montgomery County.

NEW RIVER VALLEY COMMUNITY SERVICES  
BOARD, HARVEY M. BARKER, Ph.D., and  
H. LYNN CHENAULT

By: \_\_\_\_\_



Counsel

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**CERTIFICATE OF SERVICE**

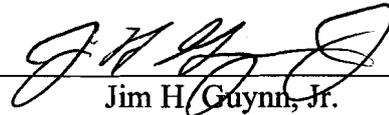
I hereby certify that I have on this 13th day of May, 2009, served the foregoing by mailing a true and correct copy of the same to:

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\_\_\_\_\_  
Jim H. Gaynn, Jr.