

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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CLERK OF CIRCUIT COURT
FAIRFAX, VA

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.

SPECIAL PLEA OF SOVEREIGN IMMUNITY AND DEMURRER
OF DEFENDANTS CATHYE BETZEL, Psy.D.,
SHERRY LYNCH CONRAD, CHRISTOPHER FLYNN,
ROBERT MILLER, Ed.D., and SANDRA WARD

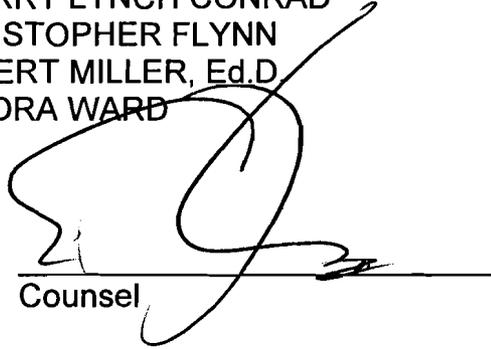
NOW COME Defendants Cathye Betzel, Psy.D., Sherry Lynch Conrad, Christopher Flynn, Robert Miller, Ed.D., and Sandra Ward, by counsel, and pursuant to the Rules of the Supreme Court of Virginia, state as follows for their Special Plea of Sovereign Immunity and Demurrer:

1. These defendants owed no legal duty to plaintiff's decedent with regard to third party criminal acts.
2. These Defendants cannot be held liable by virtue of the public duty doctrine.
3. These Defendants cannot be held liable for simple negligence by virtue of the doctrine of sovereign immunity.

4. The facts alleged in the Complaint, as a matter of law, cannot support a claim of gross negligence against any of these defendants.

WHEREFORE, these Defendants pray that the Court sustain their Special Plea of Sovereign Immunity and Demurrer, dismiss the Complaint with prejudice, and grant such other relief as the Court may deem appropriate.

CATHYE BETZEL, Psy.D.
SHERRY LYNCH CONRAD
CHRISTOPHER FLYNN
ROBERT MILLER, Ed.D.
SANDRA WARD

By: 

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Robert Miller, Ed.D., Maisha Marie Smith
and Sandra Ward*

Certificate of Service

I hereby certify that on this 22nd day of May, 2009, I transmitted a true and correct

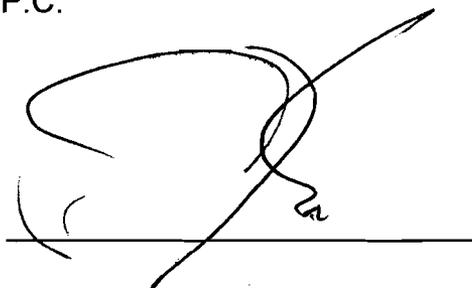
copy of the foregoing to:

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A handwritten signature in black ink, appearing to be "JH Guynn", written over a horizontal line.