

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

**HARRY W. PRYDE and  
KAREN W. PRYDE, co-administrators of the  
Estate of Julia Kathleen Pryde, deceased,**

**Plaintiffs,**

**v.**

**Civil Action No. 2009-5671**

**JOHN W. THYDEN, administrator of the  
Estate of Seung-Hui Cho, deceased, et al.,**

**Defendants.**

**DEFENDANTS' MEMORANDUM IN SUPPORT  
OF MOTION TO TRANSFER VENUE**

COME NOW Defendants the Commonwealth of Virginia, Robert C. Miller, Christopher Flynn, Cathye Betzel, Sandra Ward, Wendell R. Flinchum, Virginia Polytechnic Institute and State University, Charles W. Steger, James A. Hyatt, Mark G. McNamee, David R. Ford, Lawrence G. Hincker, Ralph M. Byers, James Thomas Brown and Kay K. Heidbreder, by counsel, and respectfully request this Court to transfer venue to the preferred and appropriate venue of Montgomery County, for the reasons set forth more fully as follows:

This is a civil action for money damages for injuries allegedly sustained by plaintiffs as a result of Seung-Hui Cho killing their daughter on April 16, 2007, at Virginia Polytechnic Institute and State University. The Plaintiff essentially alleges Defendants either were negligent or grossly negligent for failing to prevent Cho's killing of their daughter.

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CLERK, CIRCUIT COURT OF  
FAIRFAX COUNTY

Importantly, Plaintiffs' complaint does not assert any basis for venue in Fairfax County. Plaintiffs reside outside the Commonwealth and, as a consequence, cannot assert any basis for venue in Fairfax County. Defendants object to venue in the county of Fairfax. There is good cause to order transfer, and it will not affect justice or prejudice plaintiffs.

"Category A" preferred venue in this case lies "where the action is against one or more officers of the Commonwealth in an official capacity," in "the county or city where any such person has his official office" (Va. Code § 8.01-261(2)). The Defendant Commonwealth officers' official offices are in Montgomery County.

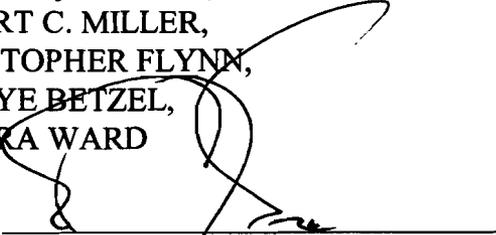
"Category A" preferred venue in this case also lies in "the county or city where the act or omission complained of occurred" (Va. Code § 8.01-261(18)(b)). The subject of this litigation occurred at Virginia Polytechnic Institute and State University in Montgomery County. The acts or omissions complained of in this matter occurred in Montgomery County.

In addition, pursuant to Va. Code § 8.01-265(ii), Montgomery County is the most fair forum given the location of the Defendants and the array of witnesses and evidence related to the incident giving rise to this suit. Moreover, transferring venue will avoid substantial inconvenience.

The venue statutes plainly provide that venue should lie in the jurisdiction having the most reasonable connection to the case. The natural and proper venue for this suit is Montgomery County.

Defendants respectfully request this Court to transfer venue to Montgomery County, the preferred and proper forum, and to grant any other relief deemed appropriate.

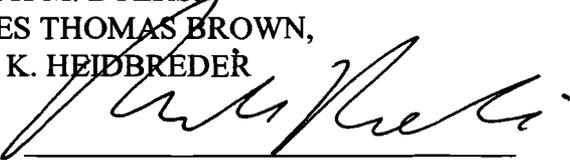
Respectfully submitted,  
ROBERT C. MILLER,  
CHRISTOPHER FLYNN,  
CATHYE BETZEL,  
SANDRA WARD

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**CERTIFICATE OF SERVICE**

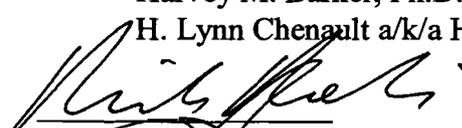
We hereby certify that on this 15th day of May, 2009, a true copy of the foregoing  
was mailed to:

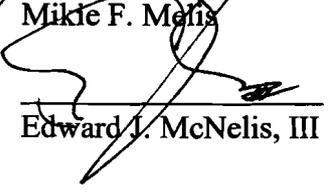
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