

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

HELEN MARIE TAYLOR,  
JOHN DOE,  
JOSEPH DOE,  
SALLY DOE,  
CHARLES DOE,  
THOMAS DOE,

Plaintiffs,

v.

Case No. 20-2489-7

RALPH S. NORTHAM,

in his official capacity as Governor of Virginia,  
Serve at the Patrick Henry Building,  
1111 East Broad Street, Richmond, Va. 23218

VIRGINIA SECRETARY OF ADMINISTRATION,

in her official capacity,  
Serve Keyanna Conner  
Patrick Henry Building,

1111 East Broad Street, Richmond, Va. 223218

DIRECTOR, VIRGINIA DEPARTMENT OF GENERAL SERVICES,

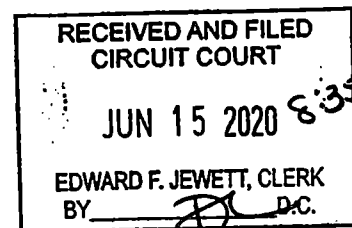
in his official capacity,  
Serve Joe Damico, 1100 Bank Street, Suite 420  
Richmond, Va. 23218

and

DIRECTOR OF VIRGINIA DIVISION OF ENGINEERING & BUILDINGS,

in his official capacity,  
Serve W. Michael Coppa, 1100 Bank St., Suite 420  
Richmond, Va. 23218,

Defendants.



## **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs, by counsel, state the following as their complaint for declaratory and injunctive relief against Defendants:

1. This is a proceeding pursuant to the Declaratory Judgment Act, Va. Code §§8.01-184 *et seq.*, and Va. Code § 8.01-620 to obtain injunctive relief and a judicial declaration that the activities of Defendants in attempting to remove, destroy, damage or alter the statue of Robert E. Lee, which has been designated as a National Historic Landmark and which the General Assembly has guaranteed that the Commonwealth will hold “perpetually sacred to the monumental purpose to which they [*i.e.*, the statue, pedestal and ground on which they are situated] have been devoted,” violate Defendants’ duties under the Constitution of Virginia, applicable laws of the Commonwealth, and the conditions of the gift by which the Commonwealth obtained the statue, the pedestal upon which it rests, and the circle of ground in which the statue and pedestal are situated.

2. This Court has jurisdiction over the matter in controversy pursuant to Va. Code § 17.1-513.

3. Venue in this Court is proper, pursuant to Va. Code § 8.01-261 because the property involved is located in the City of Richmond, where each

Defendant has an official office and regularly conducts official duties, and where each Plaintiff resides.

4. Plaintiffs are owners of property on Monument Avenue in the City of Richmond within a 14-block National Historic Landmark District, which is known as the Monument Avenue Historic District and includes the Lee monument.

5. Defendant Ralph Northam is the Governor of Virginia and is charged under the Constitution of Virginia with the duty to assure that the laws of the Commonwealth and the United States are properly enforced. He has also been charged with the duty, pursuant to Acts of Assembly 1889 chapter 24, to assure that the guarantee of the Commonwealth to hold perpetually sacred for the purpose to which they have been devoted the statue, pedestal and ground on which they rest is honored and secured.

6. The remaining Defendants are appointees of the Governor, acting at the direction of the Governor, who have derivative responsibilities under the law to assure that the Lee statue is preserved and protected in accordance with the terms and conditions of the gift to the Commonwealth, the provisions of Acts of Assembly 1889 chapter 24, and the laws of the Commonwealth. A copy of that 1889 action of the General Assembly is attached as Exhibit A. A copy of the deed conveying the Lee statue to the Commonwealth is attached hereto as Exhibit B.

7. A portion of Monument Avenue in the City of Richmond in which Plaintiffs own property and in which the Lee statue is located has been officially designated under the laws of the United States as a National Historic Landmark District. Plaintiffs enjoy certain defined legal tax benefits as a consequence of their ownership of real estate within that district, which will be adversely affected by any actions of Defendants to remove, damage or alter the Lee statue. 26 USC § 170(h)(4); 26 CFR § 1.48-12; Va. Code § 58.1-339.2.

8. Attempts by Defendants to remove the Lee statue would damage, destroy or significantly alter the statue in violation of the terms of the deed conveying the statue, the 1889 legislative provision, and the laws of the Commonwealth.

9. The stated intentions of Defendants to remove the Lee statue are in conflict with the provisions of the laws of the United States and regulations promulgated by the United States Department of the Interior regarding National Historic Landmarks. 36 CFR §§ 60.14, 60.2, 65.2 and 65.9.

10. Removal of the Lee statue or any significant alteration of it or any of the other monuments within the Monument Avenue Historic District will result in the loss of National Historic Landmark designation of the district, which will have a substantial adverse impact on Plaintiffs, including the loss of favorable tax treatment and reduction in property values. Plaintiffs will also suffer injury as a

result of the loss of a priceless work of art from their neighborhood and the degradation of the internationally recognized avenue on which they reside.

11. The provisions of the 1889 legislation authorizing the Governor of Virginia to accept the gift of the Lee statue, the pedestal and associated land are binding on Defendants.

12. Any actions by Defendants that are not in compliance with the provisions of the 1889 legislation violate the Constitution of Virginia and are *ultra vires* as being beyond lawful executive power.

13. During the last days of May 2020 and the first several days of June 2020, vandals, rioters and other lawbreakers have repeatedly desecrated, damaged and altered the Lee monument and other monuments within the Monument Avenue Historic District while Defendants failed to enforce existing Virginia statutes prohibiting such conduct. This hostile and unlawful actions, which have occurred in large part because of Defendants' failure to carry out their official responsibilities, is being asserted as a reason for removing the Lee statue.

WHEREFORE, Plaintiffs pray for an order and judgment declaring that the actions of Defendants to remove the statue of Robert E. Lee from the ground within the National Historic Landmark District violate the Constitution of Virginia, the legislative provision adopted by the General Assembly on December 19, 1889, the provisions of United States laws and regulations governing the use of property

within a National Historic Landmark District, provisions of the laws of the Commonwealth, and the provisions of the gift of the statue, pedestal and ground on which they rest; for preliminary and permanent injunctive relief prohibiting Defendants from carrying out the activities associated with the removal of the Lee statue; and for such other relief as the Court deems proper in the circumstances.

HELEN MARIE TAYLOR  
JOHN DOE  
JOSEPH DOE  
SALLY DOE  
CHARLES DOE  
THOMAS DOE

By 

Patrick M. McSweeney (VSB No. 5669)  
3358 John Tree Hill Road  
Powhatan, Va. 23139  
PH (804) 937-0895  
FAX (703) 365-9395  
pmcsweeney.esq@gmail.com

Attorney for Plaintiffs

Fred D. Taylor (VSB No. 77987)  
Bush & Taylor, P.C.  
4445 Corporation Lane  
Virginia Beach, Virginia 23462  
PH (757) 926-0078  
FAX (757) 935-5533  
fred@bushtaylor.com

Of Counsel

**VERIFICATION**

  
Helen Marie Taylor

COMMONWEALTH OF VIRGINIA  
CITY OF RICHMOND, to wit:

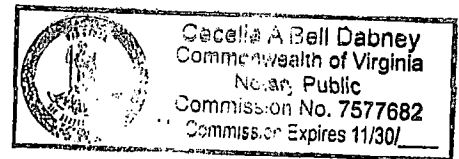
This day personally appeared before me Helen Marie Taylor, and who, under penalty of perjury, made oath that the allegations set forth in the foregoing complaint are, according to the best of her knowledge, information and belief, true and correct.

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 2020.

  
Notary Public

Registration number; 7577682

My commission expires 11/30/21.



# EXHIBIT A



**CHAP. 24.—JOINT RESOLUTION** authorizing the governor, on behalf of the state, to accept the gift of the Lee monument.

Approved December 19, 1889.

Resolved by the senate (the house of delegates concurring), Whereas it has been brought to the notice of the general assembly that the Lee monument association proposes, as the most graceful and appropriate disposition of the equestrian statue of General Robert E. Lee, about being completed in the city of Paris, and of the monu-

ment of which it is to form a part, to present the same to the commonwealth; and whereas this patriotic purpose is highly appreciated and approved by the general assembly.

1. Be it therefore resolved by the general assembly of Virginia, That the governor be, and he is hereby authorized and requested, in the name and in behalf of the commonwealth, to accept, at the hands of the Lee monument association, the gift of the monument or equestrian statue of General Robert E. Lee, including the pedestal and circle of ground upon which said statue is to be erected, and to execute any appropriate conveyance of the same, in token of such acceptance, and of the guarantee of the state that it will hold said statue and pedestal and ground perpetually sacred to the monumental purpose to which they have been devoted.

# EXHIBIT B

367 Lee Monument Assn To } Deed State of Virginia

Whereas the Lee Monument Association has finished the work for which it was organized and whereas it is deemed by all the parties to this instrument to be the most graceful and appropriate supplement to that work the Equestrian Statue of General Robert E Lee about being completed for said association in the City of Paris and the monument of which it is to form a part should be presented to the Commonwealth and whereas the General Assembly of Virginia highly appreciating and approving this patriotic purpose has by special statute approved the 19th day of December 1889 accepted the gift and authorized and requested the Governor in the name and on behalf of the Commonwealth to execute any appropriate conveyance of the same in token of such acceptance and of the guarantee of the State herein [belong?] set out

Now therefore this deed made this the 17th day of March 1890 between the Lee Monument Association party of the first part and Otway S. Allen and Mary McDonald Allen his wife, Roger Gregory and Bettie F. Gregory his wife who was Bettie F. Allen and N.M. Wilson and Martha A. Wilson his wife who was Martha Allen, parties of the second part and the State of Virginia a party of the third part

Witness[to?] That the parties of the first part in consideration of the promises by and with the approval and consent of the parties of the second part who were the original grantors of the Monument Site, signify by their Execution of this Instrument, do grant[,] transfer and convey unto the party of the third part with Special Warranty the following property to wit: That piece or parcel of land lying and being in the County of Henrico just beyond the present western confines of the City of Richmond contained within a circle whose radius is (100) One Hundred feet whose centre is the middle point of the intersection of Monument Avenue and Allen Avenue and whose location and description are more fully and clearly shown upon a plat of The Wm C Allen Addition recorded on the 27th day of April 1889 in plat Book No. 6, page 63 in the Clerks Office of the County Court of Henrico County to which plat reference is hereby [special?]

made the property herein above conveyed, which is the Monument Site being indicated on said plat by the figure and the word "Circle."

Also the pedestal erected and about being completed upon said site and the Equestrian Statue of General Robert E Lee being executed by M. Mercie in the City of Paris and now completed which statue is to be placed upon said pedestal the whole constituting the Monument to General Robert E. Lee, for the erection of which the said Lee Monument Association was organized.

The State of Virginia, party of the third part acting by and through the Governor of the Commonwealth and pursuant to the terms and provisions of the Special Statute herein before mentioned executes this instrument in token of her acceptance of the gift and of her guarantee that she will hold said Statue and pedestal and Circle of ground perpetually sacred to the Monumental purpose to which they have been devoted and that she will faithfully guard it and affectionately protect it.

Witness the following Signatures and Seals P.W. McKinney, President L.M. Assn {Seal} N.M. Wilson {Seal} Martha Allen Wilson {Seal} Roger Gregory {Seal} Bettie F. Gregory {Seal} Otway S. Allen {Seal} Mary McDonald Allen {Seal} P.W. McKinney, Governor {Seal}

Virginia, City of Richmond} To wit: I C. Lee Moore, a Notary Public in the State and for the City aforesaid to certify that P.W. McKinney, President of the Lee Monument Association, whose name as president is signed to the above writing bearing date the 17th day of March 1890 personally appeared before me in my city aforesaid and acknowledged the same to be the act and deed of the said Association and that he executed the same and affixed thereto the common seal of said Association testimony whereof by virtue of his authority

as president and also by the Special Authorization and direction of the Board of Managers of the said Association. Given under my hand this 17th day of March 1890. C. Lee Moore, Notary Public

Virginia, King William County} To wit: I O.M. Winston, a Justice of the peace for the County of King William in the State of Virginia, do certify that Roger Gregory and Bettie F. Gregory his wife whose names are signed to the writing hereto annexed bearing date on the 17th day of March 1890 appeared before me at their residence Elsing Green in the said County of King William and, acknowledged the same to be their act and deed. Given under my hand this 19th day of March A.D. 1890 O.M. Winston, J.P>

City of Richmond, State of Virginia} To wit: I M.L. Spotswood a Notary Public for the City aforesaid in the said State do hereby certify that Otway S. Allen and Mary McDonald Allen his wife whose names are signed to the writing hereto annexed bearing date March 17th 1890 have acknowledged the same before me in my Cify aforesaid. Given under my hand this 21st day of March 1890 M.L. Spotswood, N.P.

State of Virginia, City of Richmond} To wit: I W.S. [Dash...?], a Notary Public for the City aforesaid in the state of Virginia do certify that N.M. Wilson and Martha Allen Wilson his wife whose names are signed to the [within?] writing dated 17th day of March 1890 have acknowledged the same before me in my City aforesaid. Given under my hand this 20th day of March 1890 W.S. [Dash...?]

370 State of Virginia, City of Richmond} To wit: I C. Lee Moore a Notary Public in the State and for the City aforesaid do certify that P.W. McKinney Governor of Virginia whose name as Governor is signed to the above writing bearing date the 17th day of March 1890 personally appeared before me in my City aforesaid and acknowledged the same to be the act and deed of the Governor of Virginia. Given under my hand this 27th day of March 1890. C. Lee Moore, Notary Public.

COVER SHEET FOR FILING CIVIL ACTIONS  
COMMONWEALTH OF VIRGINIA

Case No. \_\_\_\_\_  
(CLERK'S OFFICE USE ONLY)

City of Richmond

Circuit Court

Helen Marie Taylor et al.

v./In re:

Ralph S. Norman et al.

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned  plaintiff  defendant  attorney for  plaintiff  defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- Claim Impleading Third Party Defendant
- Monetary Damages
- No Monetary Damages
- Counterclaim
- Monetary Damages
- No Monetary Damages
- Cross Claim
- Interpleader
- Reinstatement (other than divorce or driving privileges)
- Removal of Case to Federal Court

Business & Contract

- Attachment
- Confessed Judgment
- Contract Action
- Contract Specific Performance
- Detinue
- Garnishment

Property

- Annexation
- Condemnation
- Ejectment
- Encumber/Sell Real Estate
- Enforce Vendor's Lien
- Escheatment
- Establish Boundaries
- Landlord/Tenant
- Unlawful Detainer
- Mechanics Lien
- Partition
- Quiet Title
- Termination of Mineral Rights

Tort

- Asbestos Litigation
- Compromise Settlement
- Intentional Tort
- Medical Malpractice
- Motor Vehicle Tort
- Product Liability
- Wrongful Death
- Other General Tort Liability

ADMINISTRATIVE LAW

- Appeal/Judicial Review of Decision of (select one)
- ABC Board
- Board of Zoning
- Compensation Board
- DMV License Suspension
- Employee Grievance Decision
- Employment Commission
- Local Government
- Marine Resources Commission
- School Board
- Voter Registration
- Other Administrative Appeal

DOMESTIC/FAMILY

- Adoption
- Adoption - Foreign
- Adult Protection
- Annulment
- Annulment - Counterclaim/Responsive Pleading
- Child Abuse and Neglect - Unfounded Complaint
- Civil Contempt
- Divorce (select one)
- Complaint - Contested\*
- Complaint - Uncontested\*
- Counterclaim/Responsive Pleading
- Reinstatement - Custody/Visitation/Support/Equitable Distribution
- Separate Maintenance
- Separate Maintenance Counterclaim

WRITS

- Certiorari
- Habeas Corpus
- Mandamus
- Prohibition
- Quo Warranto

PROBATE/WILLS AND TRUSTS

- Accounting
- Aid and Guidance
- Appointment (select one)
- Guardian/Conservator
- Standby Guardian/Conservator
- Custodian/Successor Custodian (UTMA)
- Trust (select one)
- Impress/Declare/Create
- Reformation
- Will (select one)
- Construe
- Contested

MISCELLANEOUS

- Amend Death Certificate
- Appointment (select one)
- Church Trustee
- Conservator of Peace
- Marriage Celebrant
- Approval of Transfer of Structured Settlement
- Bond Forfeiture Appeal
- Declaratory Judgment
- Declare Death
- Driving Privileges (select one)
- Reinstatement pursuant to § 46.2-427
- Restoration - Habitual Offender or 3<sup>rd</sup> Offense
- Expungement
- Firearms Rights - Restoration
- Forfeiture of Property or Money
- Freedom of Information
- Injunction
- Interdiction
- Interrogatory
- Judgment Lien-Bill to Enforce
- Law Enforcement/Public Official Petition
- Name Change
- Referendum Elections
- Sever Order
- Taxes (select one)
- Correct Erroneous State/Local
- Delinquent
- Vehicle Confiscation
- Voting Rights - Restoration
- Other (please specify)

Damages in the amount of \$ \_\_\_\_\_ are claimed.

06/14/2020

DATE

Patrick M. McSweeney

PRINT NAME

3358 John Tree Hill Road, Powhatan, Va. 23139

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(804) 937-0895

pmcsweeney.esq@gmail.com

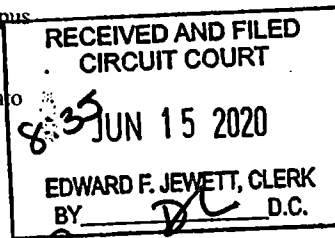
EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

PLAINTIFF

DEFENDANT

ATTORNEY FOR

PLAINTIFF  
 DEFENDANT



VS A# 5669

\*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.



**Civil Action Type Codes  
(Clerk's Office Use Only)**

Accounting .....	ACCT	Ejectment .....	EJET
Adoption .....	ADOP	Encumber/Sell Real Estate .....	RE
Adoption – Foreign .....	FORA	Enforce Vendor's Lien .....	VEND
Adult Protection .....	PROT	Escheatment .....	ESC
Aid and Guidance .....	AID	Establish Boundaries .....	ESTB
Amend Death Certificate .....	ADC	Expungement .....	XPUN
Annexation .....	ANEX	Forfeiture of Property or Money .....	FORF
Annulment .....	ANUL	Freedom of Information .....	FOI
Annulment – Counterclaim/Responsive Pleading ..	ACRP	Garnishment .....	GARN
Appeal/Judicial Review		Injunction .....	INJ
ABC Board .....	ABC	Intentional Tort .....	ITOR
Board of Zoning .....	ZONE	Interdiction .....	INTD
Compensation Board .....	ACOM	Interpleader .....	INTP
DMV License Suspension .....	JR	Interrogatory .....	INTR
Employment Commission .....	EMP	Judgment Lien – Bill to Enforce .....	LIEN
Employment Grievance Decision .....	GRV	Landlord/Tenant .....	LT
Local Government .....	GOVT	Law Enforcement/Public Official Petition .....	LEP
Marine Resources .....	MAR	Mechanics Lien .....	MECH
School Board .....	JR	Medical Malpractice .....	MED
Voter Registration .....	AVOT	Motor Vehicle Tort .....	MV
Other Administrative Appeal .....	AAPL	Name Change .....	NC
Appointment		Other General Tort Liability .....	GTOR
Conservator of Peace .....	COP	Partition .....	PART
Church Trustee .....	AOCT	Permit, Unconstitutional Grant/Denial by Locality	LUC
Custodian/Successor Custodian (UTMA) .....	UTMA	Petition – (Miscellaneous) .....	PET
Guardian/Conservator .....	APPT	Product Liability .....	PROD
Marriage Celebrant .....	ROMC	Quiet Title .....	QT
Standby Guardian/Conservator .....	STND	Referendum Elections .....	ELEC
Approval of Transfer of Structured Settlement .....	SS	Reinstatement (Other than divorce or driving	
Asbestos Litigation .....	AL	privileges) .....	REIN
Attachment .....	ATT	Removal of Case to Federal Court .....	REM
Bond Forfeiture Appeal .....	BFA	Restore Firearms Rights – Felony .....	RFRF
Child Abuse and Neglect – Unfounded Complaint ..	CAN	Restore Firearms Rights – Review .....	RFRR
Civil Contempt .....	CCON	Separate Maintenance .....	SEP
Claim Impleading Third Party Defendant –		Separate Maintenance – Counterclaim/Responsive	
Monetary Damages/No Monetary Damages .....	CTP	Pleading .....	SCRP
Complaint – (Miscellaneous) .....	COM	Sever Order .....	SEVR
Compromise Settlement .....	COMP	Sex Change .....	COS
Condemnation .....	COND	Taxes	
Confessed Judgment .....	CJ	Correct Erroneous State/Local .....	CTAX
Contract Action .....	CNTR	Delinquent .....	DTAX
Contract Specific Performance .....	PERF	Termination of Mineral Rights .....	MIN
Counterclaim – Monetary Damages/No Monetary		Trust – Impress/Declare/Create .....	TRST
Damages .....	CC	Trust – Reformation .....	REFT
Cross Claim .....	CROS	Uniform Foreign Country Money Judgments .....	RFCJ
Declaratory Judgment .....	DECL	Unlawful Detainer .....	UD
Declare Death .....	DDTH	Vehicle Confiscation .....	VEH
Detinue .....	DET	Voting Rights – Restoration .....	VOTE
Divorce		Will Construction .....	CNST
Complaint – Contested/Uncontested .....	DIV	Will Contested .....	WILL
Counterclaim/Responsive Pleading .....	DCRP	Writs	
Reinstatement – Custody/Visitation/Support/		Certiorari .....	WC
Equitable Distribution .....	CVS	Habeas Corpus .....	WHC
Driving Privileges		Mandamus .....	WM
Reinstatement pursuant to § 46.2-427 .....	DRIV	Prohibition .....	WP
Restoration – Habitual Offender or		Quo Warranto .....	WQW
3 <sup>rd</sup> Offense .....	REST	Wrongful Death .....	WD

**Patrick M. McSweeney**  
**Attorney at Law**  
**3358 John Tree Hill Road**  
**Powhatan, Virginia 23139**  
**(804) 937-0895**

June 15, 2020

*By hand*

The Honorable Edward F. Jewett  
Clerk  
Circuit Court for the City of Richmond  
400 North Ninth Street  
John Marshall Courts Building  
Richmond, Virginia 23139

20-2489-7

Dear Mr. Jewett:

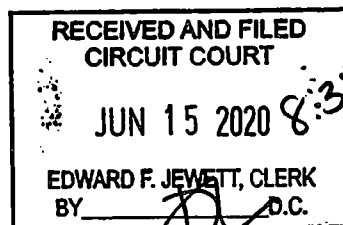
Re: Helen Marie Taylor v. Ralph S. Northam

I have enclosed for filing (1) a civil cover sheet, (2) complaint with two exhibits, (3) a motion to participate anonymously, (4) a sketch order to accompany that motion, (5) a motion to consolidate, (6) a sketch order to accompany that motion, (7) a notice of hearing on June 18, 2020, before Judge Cavado, and (8) a check covering filing fees.

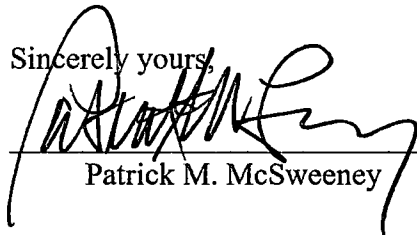
Because plaintiffs are moving to consolidate this action with the pending action in *Gregory v. Northam*, Case No. 20-2441-5, I would appreciate your submitting the motion to consolidate to Judge Cavado, who has already issued a Temporary Injunction Order in *Gregory* and has set a hearing for 10:00 a.m. of Thursday, June 18, 2020, in that case at which we have requested his consideration of the motions I am filing today and for argument by counsel regarding those motions.

Plaintiffs will serve each of the defendants by private process server.

I appreciate your assistance.



Sincerely yours,

  
Patrick M. McSweeney

Enclosures