

**V I R G I N I A :**

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND  
John Marshall Courts Building

WILLIAM C. GREGORY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CL20-2441-5
	)	
GOVERNOR RALPH S. NORTHAM, et al.	)	
	)	
Defendants.	)	

**DEFENDANTS' NOTICE OF APPEARANCE**

COME NOW Defendants Governor Ralph S. Northam and Director of the Department of General Services Joseph F. Damico (together, Defendants), by counsel, and submit the following as their notice of appearance.

**BACKGROUND**

This case involves a decision by the Commonwealth's Chief Executive to relocate a piece of state property—a statue—from one location of Commonwealth ownership and control to another place of Commonwealth ownership and control. The statue is a daily reminder of one of the darkest periods in our Commonwealth's and Nation's history. The statue does not seek to explain or seek reconciliation for that time: it seeks to glorify it. It is a piece of state property freighted with exclusionary meaning to broad swaths of Virginians. The Governor has both the authority and the moral obligation to remove this badge of white supremacy from its place of exaltation, and Attorney General Mark R. Herring intends to defend the Governor's decision and ensure the removal of this divisive relic.

The Commonwealth's ongoing response to a once-in-a-century global pandemic has

faced numerous legal challenges, many of which have involved time-sensitive requests for emergency equitable relief against the Governor. In circuit court cases from Russell County to Gloucester County, opposing counsel has regularly reached out to the Office of the Attorney General to schedule mutually agreeable times to brief and argue motions for temporary injunctions. In this case, however, Plaintiff extended the Commonwealth no such courtesy despite filing suit in a circuit court less than two blocks away from the Office of the Attorney General.<sup>1</sup> Instead, hours after filing a complaint within view of the Barbara Johns Building, Plaintiff sought and received an *ex parte* hearing seeking to enjoin actions that the duly-elected Chief Executive Officer of the Commonwealth of Virginia had announced more than four days before this suit was filed. Defendants were not even aware of this suit until after an *ex parte* order had been issued, and Plaintiffs did not provide formal notice of the complaint and temporary injunction order until June 9, 2020, after both had been released to the media.

The action Plaintiff challenges in this case involves matters of great and urgent importance to the Commonwealth and its people. Accordingly, in addition to noticing the appearances of the attorneys who will be litigating this case, Defendants hereby request that Plaintiff provide them with the transcript of—and any filings from—the proceedings from June 8, 2020, so that Defendants can understand what representations were made to this Court, under oath or otherwise.

### NOTICE

The attorneys listed below note their appearance to oppose the extraordinary relief sought by Plaintiff, which would force a symbol of a society that excluded African-Americans and broadcast a second-class status to all who passed by it to remain in place in 2020:

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<sup>1</sup> Given that counsel for Plaintiff emailed the Solicitor General on June 9, 2020, it seems unlikely that opposing counsel found it impossible to communicate with the Office.

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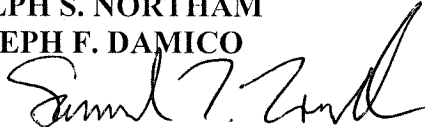
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Respectfully submitted,

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By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2020, a true and accurate copy of the foregoing Notice of Appearance was transmitted by first-class mail and by email to:

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