THIRTY-FIRST JUDICIAL CIRCUIT OF VIRGINIA
PRINCE WILLIAM COUNTY
CITIES OF MANASSAS AND MANASSAS PARK

CHAMBERS OF
KIMBERLY A. IRVING
JUDGE

CIRCUIT COURT CHAMBERS
9311 LEE AVENUE
MANASSAS, VIRGINIA 20110
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**V I R G I N I A:**

**IN THE CIRCUIT COURT FOR THE 31ST JUDICIAL CIRCUIT**

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| **RYAN SAWYERS** | ) | |
| | ) | |
| Petitioner | ) | |
| | ) | |
| v. | ) | |
| | ) | **CL20-8363-00** |
| **PRINCE WILLIAM COUNTY SCHOOL BOARD** | ) | |
| | ) | |
| Respondent | ) | |
| | ) | |

**Re: *Sawyers v. Prince William County School Board,* Prince William Circuit Court Case Number CL20-8363-00**

Dear Counsel,

This matter came before the Court on a Petition for a Writ of Mandamus filed by Ryan Sawyers, hereinafter Petitioner, against Prince William County School Board, hereinafter Respondent, for violation of Virginia Freedom of Information Act (FOIA). VA. CODE §§ 2.23700 *et seq.* Today the Court rules on the Petition for a Writ of Mandamus and the School Board's corresponding Plea in Bar.

Petitioner filed a FOIA request to the School Board on April 23, 2020 seeking, "All direct messages to and from @SuperPWCS." On June 3, 2020 Respondent declined to turn over the messages.[1] Respondent claimed that the messages were exempt from disclosure pursuant to four different exemptions under FOIA.

[1] The issue of the delay in response by Respondent was not raised by Petitioner and is not considered by the Court. The delay occurred during the Covid-19 pandemic in which all school board offices were either shut down or operating remotely causing a delay in the response to the FOIA request.

The issues before the Court are as follows: (1) Whether the direct messages sent via Twitter from the account of the chief executive officer are "correspondence" as contemplated by the exemption in VA. CODE 2.2-3705.7(2); if so, (2) Whether the "correspondence" exemption applies to communication sent by someone other than the chief executive officer; and (3) If the messages are correspondence, whether the exemption was waived by dissemination of the correspondence to a third party.

After considering the pleadings filed in this case, the evidence presented in trial, a full analysis of the direct messages themselves, and relevant case law, the Court finds that (1) The direct messages sent via Twitter constitute "correspondence" of the chief executive officer; (2) Any messages sent by an agent of the chief executive officer falls under the exemption; and that (3) the correspondence exemption was not waived by dissemination of the correspondence to a third party. Having made those findings, it is unnecessary to determine if the additional exemptions apply, and the Court will not endeavor to do so in this opinion.

For the reasons articulated below, the Court DENIES the Petition for a Writ of Mandamus and SUSTAINS the Plea in Bar.

**Background**

Petitioner originally sent a request to the School Board on April 23, 2020 seeking "ALL direct messages to and from @SuperPWCS". On June 3, 2020 the FOIA officer for Respondent responded to the request, stating that the Twitter account contained 2,060 conversations – comprised of 20,268 messages – and declined to turn over the messages, claiming four different exemptions provided under FOIA to the request for production. The School Board claimed exemptions under VA. CODE § 2.2-3705.7(2) (Correspondence of the District Superintendent), VA. CODE §2.2-3705.4(1) (Scholastic Records), VA. CODE § 2.2-3705.1(1) (Personnel Records), and VA. CODE § 2.2-3711 (Active Administrative Investigation).

After Respondent cited the exemptions, Petitioner filed the Petition for the Writ of Mandamus in this Court. The Petition requested that the Court issue a writ of mandamus ordering Respondent to produce all responsive direct messages to or from the @SuperPWCS Twitter account.

Respondent filed a Demurrer to the Petition which was then set for a virtual hearing on August 25, 2020. At the Court's request, the parties agreed to continue the matter to August 27, 2020. Before the hearing on the 27th, Respondent filed a Plea in Bar to be heard in addition to the previously filed Demurrer.[2] At the hearing on August 27th, the Court heard argument on, and overruled the Demurrer. Then, with the agreement of both parties, the Court simultaneously heard arguments on the Petition and the Plea in Bar. After argument and testimony, the Court ordered Respondent to turn over the requested messages to the Court for review *in camera*[3] and took this matter under advisement.

**Analysis**

## I. Purpose, Background and Burden of FOIA

[2] Respondent also filed an Answer which contained similar arguments to those contained within the Plea in Bar.
[3] The review was suggested by Petitioner and agreed to by Respondent. Transcript of Oral Argument at 117, 126 (August 27, 2020). Neither party requested that the messages reviewed *in camera* be moved into evidence.

The Virginia Freedom of Information Act was created to ensure that "the people of the Commonwealth [have] ready access to public records in the custody of a public body." VA. CODE § 2.2-3700 (B). The Act provides a means for the public to receive access to records of public bodies. Under the Act, "[a]ll public records and meetings shall be presumed open, unless an exemption is properly invoked." *Id.* All "provisions of the [Act]" are to "be liberally construed to promote an increased awareness by all persons of governmental activities.... [a]ny exemption from public access to records or meetings shall be narrowly construed." *Id.*

Whenever individuals believe that they have been "denied the rights and privileges" afforded by FOIA, they may petition the Court to order a public official to release public records under FOIA by filing a Petition for a Writ of Mandamus. VA. CODE § 2.2-3713(A).

It should be noted that, "[a] writ of mandamus is an extraordinary remedial process, which is not awarded as a matter of right but in the exercise of a sound judicial discretion." *Richmond-Greyhound Lines v. Davis*, 200 Va. 147, 151 (1958). For the Court to grant a writ of mandamus, the petitioner must have a clear right to the relief sought. *Stroobants v. Fugate*, 209 Va. 275, 278 (1968); *Lawrence v. Jenkins*, 258 Va. 598, 603 (1999). Therefore, a writ of mandamus is only appropriate if Petitioner was denied a right or privilege established by the Virginia Freedom of Information Act. Under the facts of this case, Petitioner was not.

Petitioner argues that Respondent improperly claimed several FOIA exemptions. Specifically Petitioner argues that: (1) The Twitter direct messages in this matter are not "correspondence of the chief executive officer of a political subdivision"; (2) Twitter messages exported to a separate archive are not work product; and (3) Any exemption that existed has been waived as to 30 Twitter messages that were turned over by the school board through a separate FOIA request. Respondent's Plea in Bar reaffirmed all the exemptions claimed by the School Board's FOIA officer and asked the Court to dismiss the writ.

Under both the Petition for a Writ of Mandamus and the Plea in Bar the burden is on the public body to prove that the exclusion applies by a preponderance of the evidence. VA. CODE § 2.2-3713 (E).

## II. Exemptions under FOIA

Petitioner challenges the validity of three different exemptions Respondent claimed. For the reasons discussed below, the Court finds that Respondent has met its burden of proving by a preponderance of the evidence that the exemption for correspondence of a chief executive officer of a political subdivision found in VA. CODE § 2.2-3705.7(2) applies to this matter.

### A. Chief Executive Officer of Political Subdivision

The first exemption claimed is the exemption granted to the "working papers and correspondence ... of the mayor or chief executive officer of any political subdivision of the Commonwealth". VA. CODE § 2.2-3705.7 (2). The question is whether the Twitter direct messages sent by the @SuperPWCS account are correspondence of the chief executive officer of a political subdivision under VA. CODE § 2.2-3705.7(2).

At the hearing on August 27th, counsel for Petitioner acknowledged that the Superintendent – Dr. Steven Walts – qualifies as the chief executive officer of a political subdivision and thereby can

claim the exemption to his correspondence. Transcript of Oral Argument at 76 (August 27, 2020).

Virginia law clearly holds that school boards are political subdivisions and superintendents are the chief executive officer of that body. *See Bacon v. City of Richmond*, 475 F.3d 633, 640 (4th Cir. 2007) (citing *Board of Sup'rs of Chesterfield County v. Chesterfield County School Board*, 182 Va. 266, 275 (1944)); *Underwood v. Henry County School Board*, 245 Va. 127, 131-32 (1993); *Bristol Virginia School Board v. Quarles*, 235 Va. 108, 119 (1988); *Hill v. Fairfax County School Bd.* 83 Va. Cir. 172, 2011 WL 12663423, at *5 (Fairfax Cir. 2011) *aff'd* 284 Va. 306 (2012) ("As the Court previously ruled, the superintendent of schools is a chief executive officer for purposes of [FOIA]."); *see also* 1982 Va. Op. Att'y Gen. 729 ("for purposes of the Act school boards are political subdivisions and superintendents are their chief executive officers.").

Therefore, under *Hill*, combined with the concession at the hearing before this Court, the Court finds that Dr. Walts qualifies as the chief executive officer of a political subdivision under FOIA. However, two distinct questions remain: (1) Whether direct messages from his Twitter account constitute "correspondence" and (2) Whether the messages sent on behalf of Dr. Walts are covered by the exemption.

**a. Correspondence**

FOIA clearly provides an exemption for all "working papers or correspondence" of the chief executive of a political subdivision. VA. CODE § 2.2-3705.7 (2). The Code section defines "working papers," but does not define "correspondence." When a code section fails to provide a definition, the Court applies the plain or ordinary meaning of the term. *Baker v. Commonwealth*, 284 Va. 572, 576 (2012) (citing *Boynton v. Kilgore*, 271 Va. 220, 227 (2006) ("courts apply the plain meaning ... unless the terms are ambiguous or applying the plain language would lead to an absurd result.")) When interpreting an undefined term in a statute, the "undefined term must be 'given its ordinary meaning, given the context in which it is used.'" *Sansom v. Board of Sup'rs of Madison County*, 257 Va. 589, 594–95 (1999) (citing *Department of Taxation v. Orange–Madison Coop. Farm Serv.*, 220 Va. 655, 658 (1980)). The parties did not argue that the messages could qualify as working papers, so the only issue this Court must decide is whether the messages qualify as correspondence.

i. Definition of Correspondence

Traditionally, correspondence was viewed as the communication between individuals using letters. In recent years, its definition has been expanded to include email communication. *See Correspondence*, AMERICAN HERITAGE DICTIONARY, http://ahdictionary.com/word/search.html?q=correspondence. (last visited September 21, 2020) ("Communication by the exchange of letters, emails, or other forms of written messages...[t]he messages sent or received."). Some online-only dictionaries have utilized a definition that reflects electronic communication in the modern age. *See Correspondence*, BUSINESS DICTIONARY, http://www.businessdictionary.com/definition/correspondence.html. (last visited September 30, 2020) ("Any written or digital communication exchanged by two or more parties.").

This case presents the question of whether that definition should include communication by direct messages. Direct messages are a faster form of communication and can be sent over a variety of platforms. Today, the use of computers as a primary form of communication is practically commonplace. In fact, it is not unusual to see a discovery request for "'all written correspondence between [two individuals], including, but not limited to, emails, texts, social media or other online correspondence.'" *Gobble v. Gobble*, 2019 WL 543336, at 2* (Va. App. Feb. 12, 2019). In the discovery context, "correspondence" was clearly intended to cover all written communication.

Additionally, other jurisdictions in a variety of cases have used a definition of correspondence that reflects the usage of that term in less formal, internet-based contexts. *See e.g.*, *Doe v. Plum Borough School District*, 2:17-cv-0032, 2017 WL 3492542, at 3* (W.D.Pa., Oct. 15, 2017); *People v. Ulloa*, 101 Cal. App. 4th 1000, 1006 (Cal. Ct. App. 2002); *Griffin v. State*, 419 Md. 343, 361 n.13 (2011); *People v. Lenio*, No. 339945, 2019 WL 637814, at 1* (Mich. Ct. App. Feb. 14, 2019).

ii. Content of Direct Messages

After an *in camera* review of all the direct messages involved in this case, this Court has found that most of the communication was between Dr. Walts and Prince William County students. Additionally, there are a number of conversations that involve parents or employees. Lastly, as addressed during the August 27th hearing on this matter, there were some threads that involved communication sent by Diana Gulotta, the Director of Communication for Prince William County Schools – on behalf of Superintendent Walts.

While Petitioner rightfully points out that in these communications there are emojis used which may indicate a less formal writing style, this casual style seems proper for the audience with whom the Superintendent was communicating. Many of the messages sent by the @SuperPWCS account were sent in response to individuals reaching out to Dr. Walts with their questions, problems, and/or concerns. Often the messages involved students trying to resolve issues with their grades or their teachers, and the Superintendent communicated suggestions and assisted where possible. The content of Dr. Walts' written communication is not unlike what one would have expected in letter format years prior.

Diana Gulotta's messages, which were sent on behalf of Dr. Walts, almost universally contained 'form' answers to students or parents regarding where to find information concerning schooling during the Covid-19 pandemic.[4] This too is the type of correspondence that would have traditionally been sent out via a formal letter years earlier.

The content of Dr. Walts' messages are indicative of the way that communication is evolving. In *Beck v. Shelton*, the Virginia Supreme Court spoke about the proliferation and expansion of electronic communication in our culture, stating that:

> Indisputably, the use of computers for textual communication has become commonplace around the world. It can involve communication that is functionally

[4] Most of the messages sent by Diana Gulotta began with the following wording: "This is Diana Gulotta, director of communications services, responding on behalf of Dr. Walts."

> similar to a letter sent by ordinary mail, courier, or facsimile transmission. In this respect, there may be significant delay before the communication is received and additional delay in response. However, computers can be utilized to exchange text in the nature of a discussion, potentially involving multiple participants, in what are euphemistically called "chat rooms" or by "instant messaging." In these forms, computer generated communication is virtually simultaneous.

267 Va. 482, 489 (2004).

*Beck* also cited a 1999 Attorney General Opinion which defined electronic mail as "the electronic transmission of keyboard-entered correspondence over communication networks. An electronic mail system enables the sender to compose and transmit a message to a recipient's electronic mailbox, where the message is stored until the recipient retrieves it. The message may be sent to several recipients at the same time." *Id.* at 491 (citing 1999 Op. Atty. Gen. 12).

Undoubtedly some of the drafters of the FOIA statute did not contemplate that correspondence would cover emoticons, as seen in this case. However, if the Court were to rule that direct messages are not correspondence, such a ruling would lead to a result in which correspondence requires a level of formality that is not as frequently used today. This Court is not prepared to make such a ruling today. Correspondence has certainly expanded and changed over the past decade and now takes many forms.

Therefore, this Court adopts the definition of correspondence from the Supreme Court, the Attorney General, and the American Heritage Dictionary. Direct messaging allows for the sending of an electronic transmission of keyboard-entered correspondence over communication networks. As such, the Court find that direct messages are correspondence for the purposes of FOIA under VA. CODE § 2.2-3705.7 (2). Therefore, any direct messages sent by Dr. Walts will clearly fall under the FOIA exemption for correspondence of the chief executive officer of a political subdivision of the Commonwealth.

**b. Agency**

As previously mentioned, Dr. Walts was not the only one who used his Twitter account, which presents the additional question of whether messages sent on his behalf will also fall under the 'correspondence exemption.' During the August 27th hearing, a witness for Respondent, Ms. Gulotta, testified that as an official part of her job as the Director of Communications, she sent some of the messages on the Twitter account on behalf of Dr. Walts. Transcript of Oral Argument at 49 (August 27, 2020). She stated that Dr. Walts needed assistance to answer some of them because Dr. Walts received so many messages. *Id.* Ms. Gulotta also stated that she had express authorization to act as Dr. Walts' agent and to respond on his behalf. *Id.* On cross-examination, she acknowledged that she did not clear the language of every message with Dr. Walts, and that while she stated her name when responding on his behalf many of the times, she did not state it on every occasion. *Id.* at 51. She also stated that at some points she used her independent discretion to determine how to answer questions presented in some of the messages. *Id.* at 51-52.

Petitioner argued that because the messages were sent by someone other than the Superintendent, that Respondent cannot claim that the messages are subject to the correspondence of the Superintendent exemption under FOIA. It should be noted that the issue is not whether Ms.

Gulotta's correspondence, in her individual capacity is exempt, as it clearly is not; the issue is whether her correspondence is exempt when acting on behalf of Dr. Walts.

While the agent of the chief executive cannot claim the exemption for their own correspondence, this case deals with an agent sending correspondence on behalf of the chief executive, under the name of the chief executive officer. Here the Court can look to basic common law agency principles to analyze this situation. This Court finds that Ms. Gulotta was an agent of Superintendent Walts. In *Davis v. Gordon*, the Supreme Court of Virginia (then known as the Supreme Court of Appeals) noted that there are two different types of agency: (1) a general agent who is delegated "to do all acts connected with a particular trade, business, or employment" and (2) a special agent who is granted "authority…to do a single act." 87 Va. 559, 562 (1891). Here, Dr. Walts gave Ms. Gulotta explicit authority to perform a single act: to provide answers under the Superintendent's name on the Superintendent's Twitter account. Based on Ms. Gulotta's testimony, she was clearly designated to act as the Superintendent's agent for the purpose of responding to messages. This did not give her authority beyond what the statute provides – it did not allow her to send or receive messages as herself and receive an exemption under the law to which she was not entitled. It simply allowed for the Superintendent to answer messages in a more efficient way during a challenging time for the public-school system.[5]

Assuming *arguendo* that Ms. Gulotta acted outside of her authority as an agent and sent messages for the Superintendent without his consent, Dr. Walts assumed those actions as his own via the principal of ratification. If a principal fails to affirmatively disavow an unauthorized act of an agent, then that act is deemed to be affirmed by him. *Kilby v. Pickurel*, 240 Va. 271, 275 (1990); *Bank of Occoquan v. Davis*, 155 Va. 642, 648 (1931); *Winston v. Gordon*, 115 Va. 899, 907 (1914). The principal is then liable for the acts of their agent. *Bank of Occoquan*, 155 Va. at 647-48.

In this case, it is clear from the Court's *in camera* review of the direct messages that Dr. Walts was active and aware of the direct messages on his Twitter account. In many of the instances where Ms. Gulotta answered on his behalf, Dr. Walts himself would follow up with a separate response in the same conversation 'thread.' There is no indication from any of the messages or from testimony at the hearing that Dr. Walts disavowed any of the messages sent on his behalf from his own Twitter account, under his own name. His failure to disavow any of the messages shows that he has ratified those messages as his own. Therefore, any messages sent by Ms. Gulotta were done on behalf of Dr. Walts, as his agent, and this places those messages under the correspondence exemption to FOIA. There was no evidence presented that anyone other than Ms. Gulotta sent any of the direct messages during the relevant time period.

**B. Waiver**

Petitioner has also raised the issue of waiver. To support his argument, Petitioner cites to several Attorney General Opinions and Advisory Opinions from the Virginia Freedom of Information Advisory Council. Those opinions state that the working papers exemption that is held by the chief executive of a public body will not apply "after a document has been disseminated" beyond

[5] During the Court's *in camera* review it was apparent that most of the messages that seemed to be sent by someone other than Dr. Walts were messages sent during the beginning of the COVID-19 pandemic from Diana Gulotta to worried parents or students. The content of the messages was nearly identical and provided links to resources and information about the school system's response to the pandemic.

that office to some third party. Virginia Freedom of Information Act Advisory Council Opinion AO-17-04 (2004); *see also* 1976-77 Op. Atty. Gen. Va. 315 ("Once official records are distributed by the division superintendent, the exemption . . . no longer applies, and the documents are available for public inspection unless exempt under some other provision."). It should be noted that each of the opinions cited by Petitioner involved "working papers" and did not discuss how any potential waiver would apply to correspondence. While working papers and correspondence are placed within the same exemption, they are separate and distinct concepts; any rules that apply to one will not undoubtedly be applied to the other.

Petitioner appears to point to two separation actions that he argues could be "dissemination" and therefore a "waiver": (1) Allowing a total of five individuals access to the Superintendent's account, and; (2) Releasing approximately 30 direct messages to Guy Morgan – another member of the public – in an earlier FOIA request. For the reasons outlined below, this Court finds no waiver occurred in this case.

**a. Other Employees with Access to Twitter Account**

At the August 27, 2020, hearing before this Court, Ms. Gulotta testified that a total of five people had access to Dr. Walts' Twitter account: Dr. Walts, Diana Gulotta, and three other individuals within the Communications Department. Transcript of Oral Argument at 54 (August 27, 2020). There was no testimony that anyone other than Ms. Gulotta sent a direct message on behalf of Dr. Walts, much less sent an unauthorized message. As discussed above, Ms. Gulotta is the Superintendent's agent for the purposes of this FOIA analysis. As such, any communication that Ms. Gulotta sent on Dr. Walts' behalf with his express permission would still fit squarely in the exemption for correspondence from the superintendent. Therefore, it cannot be considered a waiver.

As to the other individuals, there is no evidence that any of the other three Communications Department employees ever viewed or accessed the account. As cited by Petitioner, the Virginia Freedom of Information Advisory Council has noted that access can be equated with dissemination in the context of working papers. *See* Virginia Freedom of Information Act Advisory Council Opinion AO-12-00 (2000). This Advisory Opinion is not helpful here because it discusses working papers, and counsel did not point the Court to any authority that used the same logic in the context of 'correspondence'.

In this opinion the Advisory Council noted that in an instance where the city manager allowed city council members to view a consultant's report, that was previously claimed under the working papers exemption, that this viewing qualified as dissemination and was therefore a waiver of the working papers exemption. *Id.* Even so, in this case, there is no evidence that anyone other than Ms. Gulotta and Dr. Walts actually accessed the account, which distinguishes our facts from the facts presented in the Advisory Council opinion. Petitioner argues that others had the ability to view the direct messages at issue here. At the hearing, Ms. Gulotta testified that three additional employees of the Communications Department "had access" including an intern who "helped" with the account. Tr. 54-55. There was no testimony as to what "had access" or "helped" meant. Ms. Gulotta testified that she would occasionally need to show outside parties specific messages from the account in order to answer questions. *Id.* 55-56. This was done by showing the outside parties printed copies of individual messages and not by granting them access to the account as a whole or allowing them to see any other messages on the account. *Id.* The Court does not find the Advisory Council opinion persuasive in this context and can find no

binding authority to support Petitioner's proposition that allowing subordinates access to the Twitter account, constitutes actual dissemination and is therefore a waiver of FOIA exemptions.

Even further, all the sources cited by the Petitioner on the issue of waiver are merely persuasive and this Court finds the lack of any reference to a waiver in Virginia's FOIA statute telling. Virginia's FOIA statute has been amended numerous times in the past decade alone, and the General Assembly has declined to add a statutory waiver provision into the law. Other states, such as California, have expressly included a waiver provision stating that disclosure of a public record to a member of the public constitutes a waiver of exemptions. *See* CAL. GOVT. CODE § 6254.5 (West 2017). Without such an action by the General Assembly, this Court declines to read that provision into VA. CODE § 2.2–3705.7 or any other section of Virginia's Freedom of Information Act.

### b. 30 Messages Previously Released to Guy Morgan

As to the approximately 30 direct messages that were released to Guy Morgan through a separate FOIA request, this Court is reluctant to find that disclosure to be a waiver of applicable FOIA exemptions. The documents requested by Petitioner are not subject to a mandatory disclosure. VA. CODE § 2.2-3705.7 provides that information falling within the section "is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law." Because this Court has found that the direct messages are exempt from FOIA disclosure as correspondence from the Superintendent, the School Board "had the discretion, but not the duty" to disclose the direct messages to either Mr. Morgan or Petitioner. *See Fitzgerald v. Loudon County Sheriff's Office*, 289 Va. 499, 507 (2015). The School Board can use its discretion in determining which documents should and should not be released. This Court is not prepared to read a waiver provision into the statute without express indication by the legislature that a waiver was so intended.[6]

In sum, without statutory or case law authority establishing that a waiver exists for any of the above-mentioned actions by the School Board and the Superintendent, this Court is not willing to create such a waiver.

## III. Conclusion

For the aforementioned reasons, the Court concludes that the requested communication was protected under VA. CODE § 2.2-3705. This Court finds that this case rises and falls on the 'correspondence' exemption, and as such, the remaining exemptions argued in Respondent's Plea in Bar are moot. Therefore, Petitioner is not entitled to this extraordinary remedy. The Court DENIES the Petition for a Writ of Mandamus and SUSTAINS the Plea in Bar.

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[6] This Court has emphasized that a Writ of Mandamus is an extraordinary remedy – one meant to rectify a harm on Petitioner. This Court notes that with respect to the 30 messages released to Guy Morgan, it was Petitioner himself who introduced those messages at the August 27th hearing. Petitioner clearly is already in possession of those 30 messages. Furthermore, this Court admitted those messages under a protective order as they were replete with student information. Therefore, the Petitioner has suffered no harm that this Court should address by issuing a writ of mandamus.

Entered this 2 day of October, 2020.

The Honorable Kimberly A. Irving
Judge, 31st Judicial Circuit of Virginia