

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

VIRGINIA INFORMATION TECHNOLOGIES)

AGENCY, )

Plaintiff, )

v. )

Case No. CL17-5280

WILLIAM H. TURNER and )

OFFICE OF THE EXECUTIVE SECRETARY, )

Defendants. )

**OPPOSITION TO VIRGINIA PRESS ASSOCIATION'S  
PETITION FOR LEAVE TO INTERVENE AS A PARTY DEFENDANT**

COMES NOW the Executive Secretary to the Supreme Court of Virginia, and his office (the "Executive Secretary"), by counsel, and opposes the Virginia Press Association's ("VPA") Petition for Leave to Intervene. **VPA's petition should be disregarded as a belated attempt by a stranger to disrupt duly noticed and proper proceedings—which this Court has already and substantively decided—for the following reasons:**

1. On June 20, 2018, the Court heard arguments on the Executive Secretary's properly noticed Motion to Dismiss, Pleas in Bar, Motion to Construe, and Motion for Rule to Show Cause and/or Motion for Sanctions Pursuant to Va. Code § 8.01-271.1.

2. In response to the Executive Secretary's Motion to Dismiss, the Court ruled that "FOIA does not apply to the judiciary. It does not apply to the Office of the Executive Secretary. So I'm going to grant your motion." *See Exhibit A*, Hr'g Tr. 27:11–14 (June 20, 2018).

3. The Court granted the Executive Secretary's request for a pre-filing injunction, which, in part, made permanent the order of restraint previously entered by the Court on

February 21, 2018. See **Exhibit B** (Interpleader Order, Feb. 21, 2018); see Exhibit A, Hr'g Tr. 34:25–35:24; 40:21–41:2 (adding a pre-filing injunction to the Court's ruling).

4. The Executive Secretary was unopposed at the June 20 hearing because Dr. Turner, *pro se*, chose not to attend the hearing. The Court acknowledged that Dr. Turner wrote informally to the Clerk's office days before the hearing requesting many things, including a continuance and copy of that hearing's transcript, while expressing his refusal to attend the hearing. However, these communications were not filed with the Court or timely submitted under the *Rules of the Supreme Court of Virginia* ("*Rules of Court*"). Dr. Turner, therefore, waived any and all objections to the substance of the proceedings by failing to appear and/or abide by the *Rules of Court*. Thus, the proceedings were not *ex parte*; rather, despite having notice and an opportunity to be heard, Dr. Turner failed to lodge an effective opposition to the Executive Secretary's claims to the phone records. Dr. Turner was given due process, but his lack of appearance is consistent with his litigation conduct in the many lawsuits he has against the Executive Secretary, all of which reflects his misunderstanding of the legal system and his willful refusal to respect the courts and the *Rules of Court*. This does not render the proceedings *ex parte* as VPA contends; if anything, this underscores the need for the Court to reach the merits of this action to reach the ends of justice.

5. Although Dr. Turner is a *pro se* party, Virginia law recognizes that "[e]ven *pro se* litigants must comply with the rules of court." *Francis v. Francis*, 30 Va. App. 584, 590–91, 518 S.E.2d 842, 846 (1999); see also *J.V. v. Stafford County Sch. Bd.*, No. 0679-15-4, 2016 Va. App. LEXIS 307, at \*4–5 (Ct. App. Nov. 15, 2016) ("At the risk of stating the obvious, the Rules of the Supreme Court are rules and not suggestions; we expect litigants before this Court to abide by them . . ."). The Court in this case properly described Dr. Turner's conduct as one in which

he appears to be taking a "shotgun approach." *See* Exhibit A, Hr'g Tr. 27:24–27:1. Indeed, a review of Dr. Turner's various filings and correspondence with the Court, the Clerk, and the parties to this case reveals that he both (i) fails to grasp the requirements of the *Rules of Court* or the posture of these actions and (ii) willfully refuses to respect the Court or its rules as he defiantly uses the courts to harass the Executive Secretary with vexatious litigation. *See, e.g., Exhibit C* (Letter from Dr. Turner dated June 3, 2018) (threatening the Executive Secretary with unnecessary litigation designed to harass and disrupt the operations of the Executive Secretary and drive up his attorney's fees and costs).

6. Since the entry of the Interpleader Order, Dr. Turner has continued to request phone records from the Executive Secretary. Chief among these requests is a new petition filed in Accomack General District Court on March 22, 2018, in which Dr. Turner sought a petition for mandamus against the Executive Secretary for his refusal to provide phone records that were the subject of this interpleader action. *See Exhibit D* (Petition, *Turner v. Hade*, Accomack General District Court, GV18-0627). This violated the Interpleader Order.

7. In addition, Dr. Turner sent numerous requests for phone records to the Executive Secretary since the entry of the Interpleader Order. *See Exhibit E* (Correspondence from Dr. Turner Seeking Phone Records Since the Interpleader Order). He also filed a request to appeal the Interpleader Order to the Supreme Court of Virginia. *See Exhibit F* (Dr. Turner's Purported Notice of Appeal). Thus, Dr. Turner has **not** abandoned his request for the Executive Secretary's phone records. Far from it.

8. VPA's Petition should be disregarded for numerous reasons. **First, VPA has no standing to seek leave to intervene in this matter.** If a party lacks standing, the Court may not consider the merits of their position. *See Kuznicki v. Mason*, 273 Va. 166, 176, 639 S.E.2d 308,

312–13 (2007). Rule 3:14 of the *Rules of Court* is not meant to allow strangers to intervene; rather, its legislative history "includes a strong adherence to limiting intervention to those parties who are legitimately plaintiffs or defendants . . . because the nature of their claim includes some right that is involved in the litigation." *Hudson v. Jarrett*, 269 Va. 24, 34, 606 S.E.2d 827, 832 (2005). To demonstrate its standing to participate in any lawsuit, a party must "show an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest." *Westlake Props., Inc. v. Westlake Pointe Prop. Owners Ass'n*, 273 Va. 107, 120, 639 S.E.2d 257, 265 (2007). Indeed, "[t]he point of standing is to ensure that the person who asserts a position has a substantial legal right to do so and that his rights will be affected by the disposition of the case." *Cupp v. Bd. of Supervisors of Fairfax Cty.*, 227 Va. 580, 589, 318 S.E.2d 407, 411 (1984).

9. VPA offers no explanation to demonstrate its interest in the phone records other than a general, unsupported conclusion that it "maintains an ongoing, substantial, and concrete interest in the issues that would be adjudicated by this Court should it enter the OES's proposed final order. . . . [T]here is a policy issue – very much under debate – concerning the proper scope of public access under VFOIA to various aspects of the operations of the judicial system." VPA Pet. ¶ 10. VPA has expressed only a sweeping assertion that this Court's ruling may have some unarticulated effect on a general policy debate regarding the judiciary's records. It has expressed no immediate, pecuniary, or substantial interest in the phone records sought by Dr. Turner, and VPA is not an actual adversary of the Executive Secretary to these records. Just because it appears that VPA is now willing to litigate this matter—albeit after all parties have had notice and an opportunity to be heard before the Court issued its final ruling on June 20—VPA cannot confer standing on itself with such remote interests.

10. **Second, VPA's intervention is untimely.** Attempts to intervene too late and late arguments by intervening parties have been rejected by other circuit courts in the Commonwealth. *See, e.g., Aquia Harbour Prop. Owners Ass'n, Inc. v. Stafford Cty. Bd. of Supervisors*, 12 Va. Cir. 114, 116–17 (Stafford County 1987) ("[T]he motion [to intervene] comes too late. It is obvious that [the intervening party] has been aware of the litigation and has followed developments closely. Under such circumstances, he cannot be permitted to stand by for almost twenty-two months, and then, when the controversy has been compromised and settled, to ask leave to intervene over a disagreement with the terms of the settlement."); *see also Residents Involved in Saving the Env't v. Dep't of Env'tl. Quality*, 22 Va. App. 532, 541-42, 471 S.E.2d 796, 801 (1996) (denying a motion to transfer venue noting that an intervening party, who intervened after the 21-day period for venue objections had passed, could not have its late venue objection be granted because doing so would "interrupt[] the flow of the trial").

11. Here, VPA offers no explanation for its untimely opposition to the Court's entry of the proposed Final Order, filed after the June 20 hearing, which has been noticed since May 14, 2018. This matter has been in the public record since December 2017, and at least one of Dr. Turner's lawsuits against the Executive Secretary has been reported in the news. *See* Patrick Wilson, *Bill to Exempt Entire Judiciary from FOIA Heads to Senate Vote This Week*, RICHMOND TIMES-DISPATCH (Feb. 2, 2018).<sup>1</sup> The Accomack County litigation referenced therein contains pleadings that refer to and explain the impact of this interpleader action. VPA would have this Court disregard the work of the Executive Secretary, the Virginia Information Technologies Agency ("VITA"), as well as the Court, which has culminated in two hearings and multiple

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<sup>1</sup> Available at [https://www.richmond.com/news/virginia/government-politics/general-assembly/bill-to-exempt-entire-judiciary-from-foia-heads-to-senate/article\\_b43e7f48-341f-5a46-bcf9-b47186b94310.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/bill-to-exempt-entire-judiciary-from-foia-heads-to-senate/article_b43e7f48-341f-5a46-bcf9-b47186b94310.html) (last accessed July 5, 2018).

pleadings over the last six months. The Executive Secretary has incurred attorney's fees and costs litigating this matter with Dr. Turner, which would be negated by VPA.

12. **Third, VPA's intervention would undermine the purpose of the interpleader statute, leaving VITA subject to multiple claims of liability.** The interpleader action under Va. Code § 8.01-364 exists to "require such parties to interplead their claims" to the subject property in dispute. Interpleader exists, therefore, to protect a neutral third party from being exposed to multiple claims regarding property in its possession. If VPA's narrower grounds—i.e., that the Interpleader Action should be dismissed for Dr. Turner's failure to file a petition—were adopted by the Court, VITA would be back to square one, subject to multiple claims to the phone records in its possession. VITA has already been dismissed from this action and discharged from liability, so VITA would suffer great prejudice with VPA's proposed course. In fact, VITA's counsel attended the June 20 hearing, seeking leave to ensure that the final order reflects the Court's implicit ruling that the Executive Secretary is the custodian of his own records, which serves VITA's interests. VPA's proposed order is silent on VITA's rights.

13. Further, the Executive Secretary's Motion to Construe already addressed the issue of Dr. Turner's failure to file a petition in compliance with the Court's Interpleader Order. Dr. Turner failed to oppose this motion, and the Court granted the motion in rendering its final ruling from the bench. As argued on brief and at the hearing, Dr. Turner's failure to file his petition did not demonstrate that he "abandoned" his claims. Nor was Dr. Turner turned, somehow, into a plaintiff in the driver's seat of this litigation. The Court ordered Dr. Turner to go first with explaining his claims to the records, but his failure to follow this requirement was not allowed to scuttle the underlying action by VITA. Doing so would have deprived the Executive Secretary's ability to have its claims to the phone records adjudicated on the merits. The Court, by its



granting of the Executive Secretary's Motion to Dismiss, agreed, which is consistent with the purpose of the interpleader statute.

14. **Finally, but critically, Dr. Turner has continued to request phone records from the Executive Secretary.** He has even managed to file paperwork with the Richmond Circuit Court Clerk's Office purporting to appeal the Interpleader Order to the Supreme Court of Virginia. The evidence in the record and attached suggests that Dr. Tuner has not abandoned his claim to the Executive Secretary's phone records and continues to assert his rights to these records, making entry of the Executive Secretary's Final Order a necessary action of the Court for resolution of these competing and current claims. *See supra* ¶¶ 6–7.

15. Importantly, although VPA has not, to date, requested a hearing on its Petition, no such hearing should be granted. To allow such a hearing would effectively be a request for this Court to reconsider its June 20, 2018, final rulings. Under the *Rules of Court*, parties to a motion for reconsideration are not entitled to a hearing. *See* Rule 4:15(d). Thus, VPA has no right to a hearing on its Petition without leave of this Court.

16. In summary, the narrow grounds advanced by VPA for the final order in this case would leave VITA, the Executive Secretary, and Dr. Turner without their rights adjudicated on the merits for **no good reason**. Allowing a third party to undo the work of every party to this case would hijack matters that have been fully adjudicated and for which every party has had notice and an opportunity to be heard.

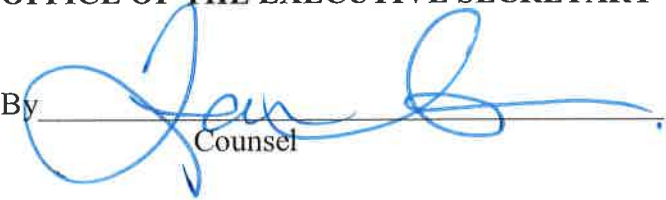
17. **The Court, therefore, should disregard VPA's Petition, which is a late attempt by a stranger with no standing to disrupt and undermine the duly noticed and properly litigated proceedings in this case. Instead, the Court should enter the Executive**

**Secretary's proposed Final Order to memorialize the ruling pronounced from the bench, which would achieve the ends of justice.**

WHEREFORE, the Executive Secretary respectfully requests that this Court enter the Final Order proposed by the Executive Secretary, attached again hereto; disregard VPA's Petition for Leave to Intervene; and award the Executive Secretary all relief as the ends of justice may require.

**Date: July 6, 2018**

**OFFICE OF THE EXECUTIVE SECRETARY**

By  Counsel

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Cullen D. Seltzer, Esq. (VSB No. 35923)  
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*Counsel for the Office of the Executive Secretary*



**CERTIFICATE OF SERVICE**

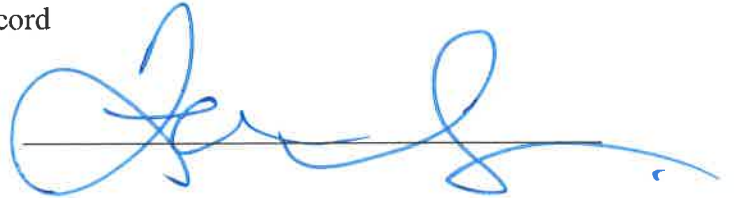
I hereby certify that on July 6, 2018, I served a copy of the foregoing by mail, postage prepaid on the following:

William H. Turner  
Post Office Box 128  
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Onley, VA 23418  
*Pro se*

Craig T. Merritt, Esq.  
David B. Lacy, Esq.  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219  
*Counsel for Virginia Press Association*

I further certify that this same day, I served a courtesy copy of the foregoing by email on the following:

Mark Herring, Attorney General of Virginia  
Cynthia E. Hudson, Chief Deputy Attorney General  
John S. Westrick, Senior Assistant Attorney General\*  
Joshua D. Heslinga, Assistant Attorney General\*  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
*Counsel for Virginia Information Technologies Agency*  
\*Counsel of Record

A handwritten signature in blue ink, appearing to be 'John S. Westrick', written over a horizontal line.



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VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

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VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Plaintiff,

v.

Case No. CL17005280

WILLIAM H. TURNER,  
and  
OFFICE OF THE EXECUTIVE SECRETARY

Defendants.

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HEARING

Before: THE HONORABLE WESTBROOK PARKER, JUDGE

June 20, 2018

Richmond, Virginia

Halasz Reporting & Videoconference  
1011 E. Main Street, Suite 100, Richmond, VA 23219  
(804) 708-0025

REPORTED BY: BARBARA O'HANLAN, CCR

1 argument. It's -- it's a plain meaning argument. The  
2 statute says what it says. It doesn't cover the  
3 Executive Secretary or the judicial agents, the  
4 judges. There's the separation of powers and the  
5 chilling effect of the statute if it were to apply  
6 inside the veil as well as out. And then, of course,  
7 judicial privilege and sovereign immunity.

8 So, I'd be happy to answer any  
9 questions the Court has.

10 THE COURT: I have no questions. I --  
11 I would like to make a statement. And that is, that  
12 we all -- we all know, kind of, what I'm going to say.  
13 And that is, cases involving pro se litigants are very  
14 difficult for all of us to handle because, as you said  
15 at the outset, we all bend over backwards to make sure  
16 that their rights are protected, but in the end we  
17 cannot give them legal advice. And that's why it's  
18 always very difficult when you handle these cases.

19 And so, when -- when I have had these  
20 cases, in the past, I hate to say, almost 30 -- well  
21 over -- over 30 years, I've always looked at the files  
22 to see exactly what pro se litigants are looking for  
23 to see if, in fact, there is a -- a -- a -- a good  
24 reason for them to even be involved. And -- and it's  
25 obvious from this -- this file that there -- there's

1 just a shotgun approach to what's going on.

2 So, as you look through Mr. Turner's  
3 -- or, Dr. Turner's -- "filings" is not the right word  
4 -- but emails, and letters, and things like that, he's  
5 asked for so many different things. But, it all boils  
6 down to this is not a factual issue. He wants a jury  
7 trial for this and he mentions juries all of the time.  
8 This is not a factual issue case; this is all about  
9 the law.

10 And I agree with everything that --  
11 that you said about FOIA, in that FOIA does not apply  
12 to the judiciary. It does not apply to the Office of  
13 Executive Secretary. So, I'm going to grant your  
14 motion.

15 MR. McROBERTS: Thank you, Your Honor.

16 MS. ALEJANDRO: Thank you, Your Honor,  
17 for that ruling. We have an order prepared to that  
18 effect, but perhaps before we, kind of, move into that  
19 mode of -- of making sure that the orders reflect your  
20 ruling today, I wanted to speak to the other motion  
21 that we have filed with this Court, which is, of  
22 course, a motion for rule to show cause. Or,  
23 alternatively, a motion for sanctions under Section  
24 8.01-271.1.

25 As this Court well knows, the

1 me with respect, and then have another possible  
2 non-suit if the circuit court -- in the circuit court  
3 if you try to achieve, referring to, I believe, myself  
4 and my client, and another try in circuit court. So,  
5 he has enumerated all of the steps he plans to take  
6 for every time he thinks that we're committing an  
7 offense under FOIA. It -- it's hard to think of any  
8 other clear indication that he is trying to use the --  
9 the judicial system as a weapon against the Executive  
10 Secretary.

11           The two binders sitting here to my  
12 left are correspondence that we've received just since  
13 being -- appearing as counsel since December of 2017.  
14 That is double-sided information in there documenting  
15 his correspondence to our clients and to us engaging  
16 in the same kind of behavior; seeking information.  
17 Seeking advice, really. Trying to get what he wants.

18           So, we think the time is ripe, Your  
19 Honor, for you to enforce your authority under not  
20 only the code section allowing for sanctions of  
21 Virginia Code 8.01-271.1, but also under the  
22 interpleader action. It gives you the authority to  
23 enforce your order. And we think that gives you  
24 statewide authority to enforce your order.

25           So, what we've proposed in our request

1 for relief is a pre-filing review injunction;  
2 something to help -- I think, to really help the  
3 Court's, the Accomack General District Court in a lot  
4 of ways, to know that he is not to be allowed to file  
5 anything against the Executive Secretary under FOIA  
6 without your permission, without leave of this Court.  
7 I cited to you the Willoughby versus Pagett case, Your  
8 Honor, which is a court -- a case that comes from  
9 Judge Markow here in Richmond in which, as -- as an  
10 example of -- of a pre-filing injunction that has --  
11 that can be awarded. I think there, Judge Markow  
12 required, you know, an application for leave to file  
13 suit in an affidavit sworn by the party there to say  
14 that -- certify that the matters being raised, or that  
15 he wants -- that he or she wanted to raise have not  
16 previously been -- been raised before.

17           Something to put a pause to -- to slow  
18 down Dr. Turner and -- and his shotgun approach, I  
19 think, is absolutely needed. And I think it needs to  
20 be statewide so that there's a clear directive to  
21 other courts that Dr. Turner is not to pursue  
22 petitions for mandating this or injunctions under FOIA  
23 against the Executive Secretary consistent with your  
24 order just now.

25           We've also suggested other ways to

1 MS. ALEJANDRO: That's fine.

2 THE COURT: That's for sure.

3 MS. ALEJANDRO: Certainly.

4 THE COURT: That way I'll have two  
5 notebooks.

6 MS. ALEJANDRO: Your Honor, well, you  
7 know, obviously you're here -- thankfully you're here  
8 because the judges of this Court have recused  
9 themselves. I -- I think if we are going to be coming  
10 back to allow Dr. Turner an opportunity to present his  
11 evidence as to why an order should not be entered to  
12 -- to show cause, we would still welcome you to  
13 preside over that hearing. What I would propose, and  
14 Mr. McRoberts let me know if I'm running afoul, is  
15 that we present an order to you that I think would be  
16 finalized to the merits of today's issues, but reserve  
17 your jurisdiction to address the show cause and  
18 sanctions or the --

19 THE COURT: I think that's fine.

20 MS. ALEJANDRO: -- motion. And then  
21 that way that would put an end to what's going on  
22 here. I think it would include the -- the injunction,  
23 which, again, is consistent with your previous order  
24 of restraint. And then we can take up separately the  
25 matter concerning whether he should be sanctioned



1 separately for his violations.

2 THE COURT: Okay. I agree with that.

3 MS. ALEJANDRO: Let me grab the order  
4 and make sure it's in good order and consistent with  
5 your rulings. I'll pass that up.

6 THE COURT: Okay.

7 MS. ALEJANDRO: Thank you.

8 MR. McROBERTS: While she's doing  
9 that, Your Honor, I believe those are the three  
10 matters that we had noticed for today. I don't  
11 believe we have anything else noticed. And -- and as  
12 you said, I don't believe anything that Dr. Turner has  
13 sent in by fax or whatnot is an official pleading.  
14 And it certainly hasn't been noticed for hearing  
15 today, in any event.

16 But, if you have any questions about  
17 anything else that he might have said in those things,  
18 I'm happy to address them. I think I already  
19 addressed the non-suit.

20 THE COURT: And I would like that --  
21 that -- I think you mentioned the June 3rd letter?

22 MS. ALEJANDRO: Yes.

23 THE COURT: That's very important, in  
24 -- involving all of the -- the last motions and  
25 sanctions. And I -- that needs to be -- I'd like to



**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

<b>VIRGINIA INFORMATION TECHNOLOGIES AGENCY</b>	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Case No. CL17005280</b>
<b>WILLIAM H. TURNER,</b>	)	
<b>and</b>	)	
<b>OFFICE OF THE EXECUTIVE SECRETARY</b>	)	
<b>Defendants.</b>	)	

**INTERPLEADER ORDER**

This matter came before the Court for a hearing on February 21, 2018, on the motion for interpleader relief by the Plaintiff, the Virginia Information Technologies Agency (VITA). It is hereby ORDERED as follows:

The Court FINDS that the elements of interpleader are present. The Defendants, William H. Turner and the Office of the Executive Secretary of the Supreme Court of Virginia (OES), make conflicting claims to certain property held by VITA, namely records of long distance phone calls billed to OES. VITA faces potential liability and vexation due to the conflicting claims, but VITA wishes merely to comply with the law and has no interest in how the conflicting claims of the Defendants are decided.

VITA's Motion for Interpleader is GRANTED. In accordance with § 8.01-364 of the Code of Virginia:

1. Defendants are ORDERED to interplead their claims to such records. Within 21 days of the entry of this Order, Turner shall file in this case a petition asserting any claim he has to production of such records. Within 21 days after Turner's filing, OES shall file pleadings responsive to Turner's petition. VITA is not required to file pleadings responsive to Turner's petition.

2. Defendants are RESTRAINED from instituting or prosecuting any proceeding in any Virginia court affecting the subject matter of the interpleader action, including without limitation *Turner v. Office of the Executive Secretary et al.*, CL17-279, in Accomack County Circuit Court.
3. Within 14 days of the entry of this Order, VITA is DIRECTED to file UNDER SEAL records reflecting OES long distance phone calls made in July 2017, August 2017, and September 2017.
4. Once VITA has filed the records with this Court pursuant to the foregoing paragraph, VITA is DISCHARGED from liability relating to such property and is hereby DISMISSED from this action.

The Clerk is DIRECTED to send a copy of this Order to Turner and to counsel of record.

ENTER: February 21<sup>ST</sup>, 2018

  
\_\_\_\_\_  
The Honorable Westbrook J. Parker

A Copy  
Teste: EDWARD F. JEWETT, CLERK  
BY:  D.C.

WE ASK FOR THIS:

VIRGINIA INFORMATION TECHNOLOGIES AGENCY



By Counsel

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(804) 786-3847

\*Counsel of Record

01338731

SEEN AND OBJECTED TO :

WILLIAM H. TURNER, *pro se*

refused to sign 2/21/18

William H. Turner

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SEEN AND AGREED \_\_\_\_\_ :

OFFICE OF THE EXECUTIVE SECRETARY

By   
Counsel

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06-03-2018

William H. Turner  
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Karl Hade  
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Richmond, VA 23218

Dear Mr. Hade and Sands Anderson PC,

My apologies to you for the non-suit. You brought this onto yourselves with violating the well-known and sacred rule that I am entitled to have a non-suit. Even though I don't need a reason to this entitlement, as Judge Poston explained. But you should not try to introduce new evidence in an appeal. And your incredulous claim that the O.E.S. is not subject to the FOIA will not fly. I was surprised at these efforts to avoid having Mr. Hade testify. I had guessed that you would try to have the venue changed to Mr. Hade's backyard. And I was prepared for this. Thanks to Mr. Heslinga's eloquent opinion that in FOIA matters the venue is the residence of the plaintiff. Now this opinion is "enshrined," in the case law as Ms. Alejandro would say, which reminds me that the person she promised to be in the court to read my words from my laptop did not appear. This is just as well since I do not know how to use a laptop, even if I owned one.

In the interest of saving tax payers' money (aside from allowing some of the Circuit Court Judges to embezzle 1.8 million dollars in the past 8 years) I want to warn you of factors that will get you into trouble:

1. Quashing witnesses.
2. False testimony.
3. Attempting to change venue.



4. Claiming that O.E.S. is not subject to FOIA.

The possible sequence of every FOIA infraction will be as follows:

1. Petition in district court.
2. Non-suit to start over (for good reason only).
3. Another try in the District Court.
4. Appeal to Circuit Court in the event that the judge does not treat me with respect.
5. Possible non-suit in the circuit court if you try to cheat.
6. Another try in the Circuit Court.

I have many blatant FOIA infractions and I can give you a list of them and allow you to answer now, and in order to save trouble and expense I will waive the 5 day rule.

Let me advise you to be a little more friendly to me in the court room. You seem to have high opinion of your no shingle position. Indignation will get you nowhere.

I am not a child pornography suspect and keep in mind that I discouraged cheating in the judiciary and you should appreciate that. Now you spend hundreds of thousands of dollars in order to refrain from counting the unethical phone calls made by a local judge to the O.E.S. You are certainly not going to succeed in law even if you are successful in blocking justice and perhaps after a few years get a promotion (to maybe \$65.00 per hour)!

When I was your age I was a self-made multi-millionaire, had several patents, had set up a permanently endorsed scholarship, published several books, founded the only porcelain foundry in Virginia, served as chairman of Accomack Board of Supervisors, and taught oral surgery and emergency and operating room protocol to MCV graduates at no charge.

So let's be respectful of each other and maybe someday you won't have to prostitute yourselves to the A.G. and contribute something positive to your profession.

Your argument that the Daily Press says that Mr. Hade and the O.E.S. are reasons to dismiss the appeal will get you into big trouble.

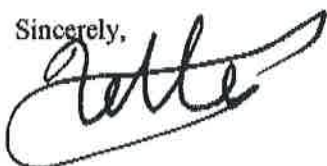
As soon as I get the transcript I will be more definitive. However, I think you said that this case somehow means that that Daily Press vs. Ness said that O.E.S. is not subject to the FOIA. Bad mistake!

So far it appears to me that this case is simply about whether the O.E.S. must respond to a request for a data base or should the Circuit Court respond.

The case doesn't say what I think you claimed in court.

I will probably ask the court for sanctions after I see the transcript.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Turner", written in a cursive style.

William H. Turner/mbc

Cc: Beach-Smith

PETITION FOR INJUNCTION OR MANDAMUS  
FREEDOM OF INFORMATION ACT AND AFFIDAVIT FOR GOOD CAUSE  
OR PROTECTION OF SOCIAL SECURITY NUMBERS ACT

Commonwealth of Virginia Va. Code §§ 2.2-3713, 2.2-3816

Accomack County  
2237 1/2 Front Street Accomack, VA 23301  
CITY OR COUNTY

William H. Turner  
PETITIONER  
V.  
Mr. Karl Hade, et al (see attached)  
RESPONDENT

I, the petitioner, state under oath that:  
 The following rights and privileges under the Virginia Freedom of Information Act were denied to me by the respondent:  
Failure to send the requested records of long distance telephone bills for October 2017

These rights and privileges were denied to me by:  
 the respondent  who denied me these rights and privileges by violating 2.2-3704 in failing to send the requested documents on the following dates: 2/24/2018, 2/25/018, and 3/7/2018  
I have good cause for filing this petition in that documents were not sent and no explanation was given as stated in 2.2-3704

OR  
 The respondent  has engaged, is engaged or is about to engage in acts in violation of the Protection of Social Security Numbers  
Act by \_\_\_\_\_  
(DESCRIBE ACTS)

I ask this court to issue:  
 a writ of mandamus to require the respondent to act as follows:  
 an injunction to enjoin (prohibit) the respondent from acting as follows:  
provide requested documents or state why they cannot be provided by citing the appropriate code  
(DESCRIBE ACTS TO BE REQUESTED OR PROHIBITED)

as directed in 2.2-3704  
03/22/2018  
DATE  
Commonwealth of Virginia, [ ] City of Accomack  
Subscribed and sworn to before me this day by William H. Turner  
3-22-18  
DATE

William H. Turner  
Notary Public  
My commission expires 10-31-19  
Notary Registration No. 100345

STEWART G. KAMBARN  
Notary Public  
Commonwealth Of Virginia  
100345  
My commission expires October 31, 2019

CASE NO. GV18-0627  
William H. Turner  
PETITIONER(S)  
27316 Linkford highway  
ADDRESS LOCATION  
Onley, VA 23418  
Mr. Karl Hade- Office of the Executive Secretary  
RESPONDENT(S)  
100 North ninth Street  
ADDRESS LOCATION  
Richmond, VA 23219

PETITION FOR INJUNCTION OR MANDAMUS  
- FREEDOM OF INFORMATION ACT AND  
AFFIDAVIT FOR GOOD CAUSE  
OR PROTECTION OF SOCIAL SECURITY  
NUMBERS ACT

Pro Se  
ATTORNEY(S) FOR PETITIONER(S)  
ATTORNEY(S) FOR RESPONDENT(S)

Accomack General District Court  
This document received, filed and certified on 3/22/18  
Clerk/Deputy Clerk

DISABILITY  
ACCOMMODATIONS  
for loss of hearing,  
vision, mobility, etc.,  
contact the court ahead  
of time.



HEARING DATE  
AND TIME  
4/12/18  
10:00am

3/22/2018

William H. Turner  
P.O. Box 128  
Onley, VA 23418

Accomack County General District Court  
P.O. Box 276  
Accomac, VA 23301

Attachment to Mandamus

Additional Respondents

1. Ms. Kristi Wright
2. Mr. Edward Macon

Both are of the: Office of the Executive Secretary  
100 North Ninth Street  
Richmond, VA 23219

Witness list

1. Daniel Wolf

Address: VITA  
11751 Meadowville Lane  
Chester, VA 23836



FEB-26-2018 11:00A FROM:

0:18047864542

P.1/1

2/25/2018

William H. Turner  
P.O. Box 128  
Onley, VA 23418

Mr. Karl Hade  
OES  
100 North Ninth Street  
Richmond, VA 23219

RECEIVED  
Supreme Court of Virginia  
FEB 26 2018

Dear Mr. Hade,

Since Mr. Wolf says that you have access to your long distance phone calls please send to me copies of your long distance phone calls for October 2017.

Sincerely,

William H. Turner/rat

March 3, 2018

William H. Turner  
P.O. Box 128  
Onley, VA 23418

Karl Hade  
OES  
100 North Ninth Street  
Richmond, VA 23219

Dear Mr. Hade:


Please send to me copies of your October 2017 long distant telephone billing records.

I have good reason to believe that your office is continuing to make phone calls to Judge Vincent, as well as the circuit court is delaying my appeal.

As you know, you have the same duties as Judge Vincent does to not participate in any secret meetings with me concerning any matter, not only in the District Court but the Circuit Court.

Judge Vincent claims that he was working his "bench book" but there have been no changes since 2015.

Respectfully,

  
William H. Turner/slb

3/11/2018

William H. Turner  
P.O. Box 128  
Onley, VA 23418

Mr. Karl Hade  
OES  
100 North Ninth Street  
Richmond, VA 23219

Dear Mr. Hade,

Please send to me copies of your long distance phone call bills for the year 2017 to the present. I agree with the Supreme Court that these are public records. I am just a Pro Se citizen so who am I to disagree with the highest court in the land. How do you feel about that?

Also please send to me copies of your headers both sending and receiving for all emails that the OES has to or from the Accomac Circuit and District court in 2017 and 2018 to the present.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Turner', with a long horizontal line extending to the right.

William H. Turner/rat

RECEIVED  
Supreme Court of Virginia  
MAR 13 2018



March 25, 2018

William H. Turner  
PO Box 128  
Onley, Virginia 23418

Edward Macon  
Office of Executive Secretary  
100 North Ninth Street  
Richmond, Virginia 23219

Dear Mr. Macon:

You have stated that you have examined the July, August and September 2017 telephone records and "many, if not all of them are exempt." This of course is a false statement that I could easily prove in an ethical proceeding.

Therefore, please send to me a copy of any of them, long distant telephone call records, of OES that

1. Contain the name of a judge or anyone.
2. Contain any part of a sentence, such as a verb, adjective or noun.
3. Send me a copy if the records of any one or more that contain exempt or confidential information that you must redact in order to comply as in 2.23704 B2.

It should take no more than a few minutes for you to examine one of any OES telephone long distant billing records of July 2017.

Of these records and retort it and send the redacted records to me.

If you can't find one of the "many, if not all" records you should say so as requested by  
2.33704 B3.

Respectfully,

William H. Turner/slb

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**From:** Heslinga, Joshua D. <JHeslinga@oag.state.va.us>  
**Sent:** Thursday, March 29, 2018 1:17 PM  
**To:** Alejandro, Faith A.  
**Subject:** FW: Letter from Dr. Turner with sample long distant phone call record attached  
**Attachments:** Email001.jpg

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**From:** Turner Sculpture [<mailto:gallery@turnersculpture.com>]  
**Sent:** Thursday, March 29, 2018 10:17 AM  
**To:** [edward.jewett@richmondgov.com](mailto:edward.jewett@richmondgov.com)  
**Cc:** Edward Macon; Karl Hade; Kristi Wright; Dan Wolf; Francina Chisum; Heslinga, Joshua D.  
**Subject:** Letter from Dr. Turner with sample long distant phone call record attached

03-29-2018

William H. Turner  
P.O. Box 128  
Onley, VA 23418

Honorable Westbrook Parker  
Richmond Circuit Court  
400 North Ninth Street  
Richmond, VA 23219

Dear Judge Parker,

Enclosed is a sample long distant phone call record.

If you could possibly find the time, please look at it for 5 seconds and satisfy yourself if it is exempt or not.

The A.G. has assigned 5 assistants and now added on to his army of attorneys, 3 private lawyers (at the rate of \$320 per hour while his assistants get \$60 per hour) to keep me from simply knowing the number of phone calls that the O.E.S. unethically made to a judge just days before the July 14<sup>th</sup>, hearing with the A.G. and the O.E.S.

You would be doing a great service to the Treasury of Virginia. This stupid litigation has already cost the tax payers about \$300,000.

It is of interest to me and will be to the public that you don't have any idea of the purpose of the FOIA. I will explain. The sole purpose of the FOIA is to allow a citizen to request or see documents of a public body. Your allowing a Richmond venue was wrong and you should correct this.

Since you say that the hearing was non-evidentiary could you let me know when the real hearing will occur?

Your rulings while my case is under appeal are not effective until the matter is decided on by the S.C. I am giving you the chance to correct his before I go public.

I intend to present your conduct to the Judicial Inquiry. You should not be a judge if you cannot correct your rulings.

Since you have denied me due process and the right to petition you cannot rob me of my freedom of speech.

Your conduct will be known to every legislator, every lawyer and every person who reads the Richmond newspaper.

Respectfully,

William H. Turner/mbc

**Turner Sculpture**

**Bus: 757 787 2818**

**x: 757 787 7064**

**[www.turnersculpture.com](http://www.turnersculpture.com)**

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This electronic communication may contain confidential or privileged information for an intended recipient. If you are not the intended recipient or received this email in error, please notify the sender immediately by return email and delete this email without disclosing, duplicating or otherwise transmitting the contents, including all attachments.



March 3, 2018

William H. Turner  
P.O. Box 128  
Onley, VA 23418

Honorable Edward Jewett  
Richmond Circuit Court  
400 North Ninth Street  
Richmond, VA 23219

RE: CL17005280

Dear Mr. Jewett,

This is my notice of appeal of the above case and I move that execution of the judgment be suspended until the appeal is heard in the Supreme Court.

Enclosed is the required \$20.00 fee.

Respectfully,

William H. Turner/slb

A large, stylized handwritten signature in black ink, appearing to read "W. H. Turner". The signature is written over the names of the cc recipients.

Cc: Faith Alejandro, Esq.

Joshua Heslinga, Esq.

