

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

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

MOTION FOR INTERPLEADER

The Virginia Information Technologies Agency (VITA), by counsel, moves that the Court grant interpleader relief, as follows:

William H. Turner seeks production under the Virginia Freedom of Information Act (FOIA) of the monthly, itemized long distance phone call billing information for the Office of the Executive Secretary of the Supreme Court of Virginia (OES). VITA centrally administers telecommunications billing for many state agencies, including OES, so VITA holds such billing information. Turner claims that VITA must produce it to him under FOIA. OES, on the other hand, claims that such information is confidential and that OES is the legal custodian, such that VITA may not release it. VITA believes that OES raises serious issues that create doubt about the release of information that Turner seeks and that need authoritative resolution. VITA wishes merely to ascertain and comply with the law and therefore has brought this action, pursuant to Va. Code § 8.01-364, seeking relief from the Turner's and OES's conflicting claims concerning the long distance phone call billing information in dispute.

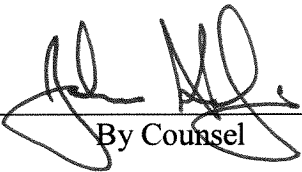
The elements of interpleader are present in this case, in that VITA holds property (the information in dispute) that is the subject of conflicting claims. VITA asks the Court to grant the procedural relief provided for in Va. Code § 8.01-364: ordering the defendants to interplead their

claims, restraining them from instituting or prosecuting any proceeding in any Virginia court affecting the information in dispute, and permitting VITA to tender the information under seal and thereafter discharging VITA from liability.

VITA intends to file a brief in support of this motion once a hearing has been scheduled, in accordance with the Rules of the Supreme Court of Virginia.

Respectfully submitted,

VIRGINIA INFORMATION TECHNOLOGIES AGENCY



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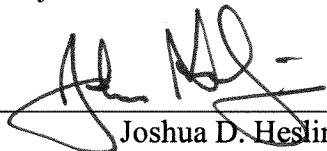
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CERTIFICATE OF SERVICE

I certify that, on December 20, 2017, I am serving a copy of the foregoing by first-class mail, with a courtesy copy sent by email, to the following:

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