

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

FOURTH JUDICIAL CIRCUIT

TONI RAE HARRIS

PLAINTIFF

AT LAW #L99-1455

**COMMUNITY SERVICES BOARD
OF THE CITY OF NORFOLK, VIRGINIA**

DEFENDANT

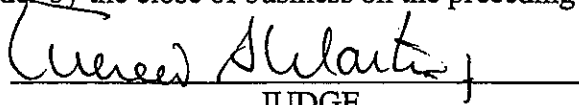
TO:

**SCOTT M. REED
PRESTON & REED
4425 CORPORATION LANE, SUITE 170
VIRGINIA BEACH, VA 23462**

**BERNARD A. PISHKO, CITY ATTORNEY
DANIEL R. HAGEMEISTER, SR. DEPUTY CITY ATTORNEY
810 UNION STREET
908 CITY HALL BUILDING
NORFOLK, VA 23510**

NOTICE

It appearing to the Court that there has been no scheduling order submitted in this matter as required by Local Rule Number Two, you are notified that a scheduling conference has been scheduled by the Court for **September 10, 1999 at 10:30 a.m.**, for entry of a scheduling order. Attendance of counsel is mandatory unless counsel has arranged for entry of a scheduling order by the close of business on the preceding date.



JUDGE

August 16, 1999

cannot, as a matter of law, be deemed to be the acts of her employer. Additionally, such acts cannot, as a matter of law, be deemed to be in furtherance of the employer's goals and interests.

4. The employer, Norfolk Community Services Board, cannot be vicariously liable for the intentional, malicious and deliberately wrongful acts of Defendant McGlone.

WHEREFORE, your Defendant, Norfolk Community Services Board, having stated the factors that support its Demurrer, prays that all relief sought by the Plaintiff be denied, that judgment be entered for the Norfolk Community Services Board, that the Defendant be awarded its costs herein and that this matter be stricken from the docket of this Court.

NORFOLK COMMUNITY SERVICES BOARD

By Daniel R. Hagemeister
Daniel R. Hagemeister
Senior Deputy City Attorney

Bernard A. Pishko
City Attorney
Daniel R. Hagemeister
Senior Deputy City Attorney
810 Union Street
908 City Hall Building
Norfolk, Virginia 23510

Of counsel to Defendant Norfolk
Community Services Board

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of July, 1999, mailed a true copy of the foregoing Demurrer to Scott M. Reed, Esq., Preston & Reed, P.L.C., 4425 Corporation Lane, Suite 170, Virginia Beach, Virginia 23462, counsel for plaintiff.

Daniel R. Hagemeister
Daniel R. Hagemeister
Senior Deputy City Attorney



City of Norfolk

Department of Law

BERNARD A. PISHKO
City Attorney
HAROLD P. JUREN
DANIEL R. HAGEMeister
JOHN Y. RICHARDSON, JR.
ANDRE' A. FOREMAN
MARY L. NEXSEN
MARTHA C. ROLLINS
NATHANIEL BEAMAN IV
MARTHA M. POINDEXTER
CYNTHIA B. HALL
CHARLES S. PRENTACE
JACK E. CLOUD
JOHN M. RYAN, JR.
REBECCA McFERREN KING

July 13, 1999

HAND-DELIVERY

The Honorable Albert Teich, Jr., Clerk
Norfolk Circuit Court
100 St. Paul's Boulevard
Norfolk, Virginia 23510

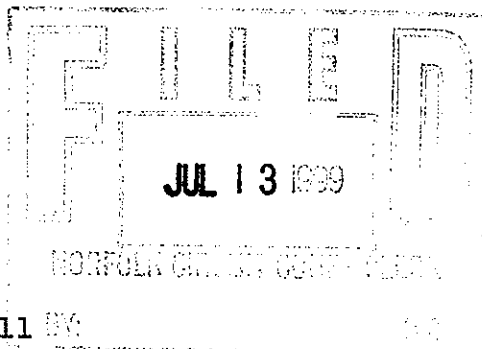
Re: Toni Rae Harris v. the Norfolk Community
Services Board, et al.
At Law No. L99-1455
Our File No. 99-071-DRH-MISC

Dear Mr. Teich:

Enclosed please find the following:

1. Demurrer.
2. Special Plea of Governmental Immunity.

Kindly receive these documents and file them with the other papers in this case.



Very truly yours,

Daniel R. Hagemeister

Daniel R. Hagemeister
Senior Deputy City Attorney

DRH:ll
Enclosures

cc: Scott M. Reed, Esq.
Dr. George W. Pratt, Executive Director, NCSB

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

TONI RAE HARRIS

Plaintiff,

v.

AT LAW NUMBER: L99-1455

COMMUNITY SERVICES BOARD
OF THE CITY OF NORFOLK, VIRGINIA

SERVE: Dr. George Pratt, Executive Director
Community Services Board
248 West Bute Street
Norfolk, Virginia 23502

And

JILL McGLONE,

SERVE:

Defendants.

FILED
COURT CLERK
JUN 22 PM 1:21
NORFOLK, VIRGINIA

MOTION FOR JUDGMENT

NOW COMES your plaintiff, TONI RAE HARRIS , by counsel, and moves for judgment and award of execution against the defendants, COMMUNITY SERVICES BOARD OF THE CITY OF NORFOLK, VIRGINIA and JILL McGLONE, jointly and severally, on the grounds and in the amounts set forth below:

1. The defendant, Community Services Board of the City of Norfolk, Virginia ("the CSB") is an agency of the City of Norfolk, Virginia, having a principal place of business at 248 West Bute Street, Norfolk, Virginia. The Executive Director and chief officer of the CSB is Dr. George Pratt.
2. The defendant Jill McGlone was employed by the CSB at all relevant times.
3. On or about June 26, 1998, and at other times, in the course of performing her employment responsibilities, McGlone obtained information about Plaintiff's medical test results

and medical condition. This information is legally confidential and protected from disclosure, except for certain authorized purposes, pursuant to applicable provisions of Title 32.1 of the Code of Virginia, including specifically but not limited to Code of Virginia § 32.1-36.1, and of the United States Code.

4. At this time and place, McGlone owed Plaintiff the duty to exercise reasonable care to not disclose Plaintiff's confidential medical test results and other information to persons without Plaintiff's consent and otherwise not authorized by law to receive such information.

5. The CSB owed to Plaintiff the duty to exercise reasonable care to prevent the unlawful and improper disclosure of her medical test results and other information.

6 In violation of this duty, and the statutory prohibitions against disclosure, McGlone disclosed Plaintiff's test results and other medical information to persons not authorized for such disclosure. McGlone acted deliberately and with actual malice and ill will towards Plaintiff, intending to cause Plaintiff harm and injury from the disclosure of the information.

7 As McGlone's employer, the CSB is responsible for her actions and conduct.

8 As a direct and proximate result of the defendants' negligent, careless, reckless, and malicious conduct, the plaintiff suffered substantial and permanent injuries requiring periods of recovery and rehabilitation. In addition, the plaintiff has suffered, is suffering and, in the future, will suffer emotional pain and suffering, mental anguish, inconvenience and loss of enjoyment of life.

WHEREFORE, the plaintiff demands judgment against the defendants, jointly and severally, in the amount of Two Hundred Thousand and 00/100 Dollars (\$200,000.00), representing One Hundred Thousand and 00/100 Dollars (\$100,000.00) compensatory damages against both defendants, and One Hundred Thousand and 00/100 Dollars (\$100,000.00) punitive damages against defendant McGlone, with interest from the date of the disclosure, plus her reasonable attorney's fees and costs expended in this action.

addressing mental health, mental retardation and substance abuse issues. It is the responsibility of community services boards to provide services to those who suffer from mental health, mental retardation or substance abuse problems. A community services board is also charged with the responsibility to provide educational and prevention services designed to deal with these problems. These functions constitute essential governmental service and the community services board is entitled to governmental immunity for actions undertaken to provide those services.

3. The employment of Defendant Jill McGlone was undertaken solely to fulfill the Community Services Board's mission to provide these services.


WHEREFORE, your Defendant, Norfolk Community Services Board, having properly submitted its Special Plea of Governmental Immunity, prays that the Special Plea of Governmental Immunity be sustained, that all relief sought by the Plaintiff be denied, that judgment be entered for the Defendant in this matter, that the Defendant recover its costs herein and that this matter be stricken from the docket of this Court.

NORFOLK COMMUNITY SERVICES BOARD

By Daniel R. Hagemeister
Daniel R. Hagemeister
Senior Deputy City Attorney

A TRIAL BY JURY IS DEMANDED.

TONI RAE HARRIS

By 

Of Counsel

Scott M. Reed
(VSB # 18660)
PRESTON & REED, P.L.C.
4425 Corporation Lane, Suite 170
Virginia Beach, VA 23462
(757) 499-4737

MOTION FOR JUDGMENT

___ \$64.00

___ \$124.00

\$184.00

SUBPOENAS

___ @ \$5.00 EACH

INTERROGATORIES

___ @ \$5.00 EACH

GARNISHMENT

___ \$24.00

___ \$34.00

JUDGMENTS

___ @ \$8.00 EACH

CONFESSED JUDGMENT

\$ ___ CLERK'S FEE

APPEALS FROM GENERAL DISTRICT COURT

\$ ___ CLERK'S FEE

MISCELLANEOUS FILES

___ @ \$19.00 EACH

___ FIFA @ \$1.50 EACH

___ LEVY @ \$1.50 EACH

\$ ___ PETITION TO RESTORE DRIVING PRIVILEGES

SERVICES

___ @ \$12.00 EACH

CODES:

___ MV

___ CNTR

___ GAPL

GTOR

___ COMP

___ GARN

___ DRIV

___ OTHER

445

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Toni Rae
HARRIS Plaintiff,

DOCKET NUMBER: L99-1455

Community
Services Board Defendant.
of the City of
Norfolk, Virginia

SCHEDULING ORDER

Pursuant to Local Rule 2 of this court, IT IS ORDERED:

1. Trial shall commence on 3-15-2000, 1998 at 9:30 a.m. A continuance will only be granted by the Court for good cause. Good cause shall NOT normally include, among other reasons, the following: (a) discovery is incomplete, (b) counsel for both parties agree to the continuance, (c) the case has never been continued before, and (d) a party, witness, or attorney is scheduled to be on a vacation or business trip, or have elective medical care.

2. Trial shall be by jury/judge. The estimated length of the trial is 1 day(s).

3. All discovery shall be completed thirty days before the trial date.

"Completed" means that (1) interrogatories and requests for production or admission must be served so that responses thereto will be due on or before the cut-off date, (2) all depositions upon written questions or oral examination, including de bene esse, be completed by the cut-off date, (3) motions to compel shall be heard before the cut-off date or within ten days after the cut-off date if responses are received within five days before the cut-off, and (4) all subpoenas duces tecum must be returnable on or before the discovery cut-off date. Upon motion and for good cause shown the Court may allow a de bene esse deposition to be taken after the cut-off date. The discovery cut-off date may not be extended by agreement of counsel. The party taking a deposition or obtaining material through discovery is responsible for its preservation and delivery to the Court if needed or so ordered.

4. Counsel for plaintiff shall identify all expert witnesses ninety days before the trial date. Counsel for defendant shall identify all expert witnesses sixty days before the trial date. Identification shall set out all information discoverable under Rule 4:1(b)(4)(A)(I) of the Rules of the Supreme Court of Virginia. An expert will not be allowed to testify at trial about any non-

NC

C

446

disclosed opinion.

5. Counsel shall exchange exhibits and a list of witnesses fifteen days before the trial date. A list of exhibits and witnesses shall be filed with the Clerk of Court simultaneously therewith but the exhibits shall not then be filed. Exhibits shall be listed individually; for example, "all medical records" will not suffice. Except in rebuttal, sur-rebuttal, or impeachment, any exhibit not so identified and filed will not be admitted into evidence, and any witness not so identified and filed will not be allowed to testify.

6. Any objections to exhibits (except on relevancy grounds) or depositions to be used at trial, motion in limine, or other pre-trial motion (except those described in paragraph (9) shall be filed ten days before the trial date. Failure to file the objection or motion by this date shall be deemed a waiver of objection. No such objection or motion will be heard the day of trial.

7. Upon request of either counsel or the Court a final pre-trial conference shall be held no later than two days before the trial date.

8. Proposed jury instructions and voir dire shall be filed with the Clerk and given to opposing counsel and the Judge in a pre-assigned case two days before the trial date.

9. Any motion for summary judgment or other dispositive motion shall be filed and argued at least thirty days before the trial date.

10. Upon the taking of a non-suit or settlement of the case, counsel shall notify the Clerk as provided in local rule 2 A (7).

ENTERED 8-30-99

W.F. Reel
JUDGE

Scott M. Reed p.q.

Daniel R. Hagemister p.d.

6/10

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK

TONI RAE HARRIS,
Plaintiff,

v.

AT LAW No.: L99-1455

**COMMUNITY SERVICES
BOARD OF THE
CITY OF NORFOLK,**

AND


JILL McGLONE,
Defendants.

ORDER OF NONSUIT

This action came before the Court upon the Plaintiff's motion to nonsuit this action, pursuant to Code of Virginia § 8.01-380, and was argued by counsel.

For good cause shown, it appearing to the Court that a nonsuit has not previously been entered in this action, it is ORDERED that the action shall be, and hereby is, nonsuited.


DATE: 3/13/00

ENTER: 
Circuit Court Judge




611

I ASK FOR THIS:

 _____, p.q.

Scott M. Reed
(VSB # 18660)
Preston & Reed, P.L.C.
4425 Corporation Lane, Suite 170
Virginia Beach, VA 23462
(757) 499-4737

SEEN:

 p.d.
Daniel R. Hagemester
(VSB # 12420)
Senior Deputy City Attorney
908 City Hall Building
Norfolk, VA 23510
(757) 664-4529

PRESTON

& REED, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW

SCOTT M. REED

ADMITTED TO PRACTICE IN VIRGINIA

PEMBROKE COMMERCIAL BUILDING
4425 CORPORATION LANE, SUITE 170
VIRGINIA BEACH, VA 23462-3101
TELEPHONE (757) 499-4737
FACSIMILE: (757) 499-4642
E-MAIL: sreedlaw@aol.com

March 10, 2000

Daniel R. Hagemester
Senior Deputy City Attorney
908 City Hall Building
Norfolk, VA 23510

Re: Toni Rae Harris v. CSB and McGlone

Dear Dan:

Enclosed please find the Order of Nonsuit. Please endorse the original Order and forward it with the copies to the Court for entry, requesting the Clerk to send counsel copies after entry.

With kind regards, I remain

Very truly yours,



Scott M. Reed

Enclosure

cc: Toni Rae Harris

PRESTON

& REED, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW

SCOTT M. REED

ADMITTED TO PRACTICE IN VIRGINIA

PEMBROKE COMMERCIAL BUILDING
4425 CORPORATION LANE, SUITE 170
VIRGINIA BEACH, VA 23462-3101
TELEPHONE (757) 499-4737
FACSIMILE: (757) 499-4642
E-MAIL: sreedlaw@aol.com

September 9, 1999

Albert Teich, Clerk
Circuit Court of the City of Norfolk
100 St. Paul's Boulevard
Norfolk, VA 23510

Re: Toni Rae Harris v. Norfolk Community Services Board, et. al.
At Law No.: L99-1455


Dear Sir:

Enclosed please find a Copy of the Motion for Judgement in the above referenced law action.
Please prepare a Notice for service on the following individual: Jill McGlone, 1349 East Tanner's
Creek Drive, Norfolk, VA 23513.

When the notice is prepared, please make it available for ASAP Process Service with whom we
have made service arrangements.

With kind regards, I remain

Very truly yours,



Scott M. Reed
SMR/lm
Enclosure

DATE FOR PICK UP
TIME: *Jill*
DATE: *9/13*
AGENCY: *ASAP*

Florida Office
143 Canal Street • New Smyrna Beach, Florida 32168
Telephone: (904) 424-9200 • Facsimile: (904) 423-8099
MEMBER, NATIONAL NETWORK OF ESTATE PLANNING ATTORNEYS

COMMONWEALTH OF VIRGINIA



NORFOLK CIRCUIT COURT - LAW
100 ST. PAUL'S BOULEVARD
NORFOLK VIRGINIA 23510
(757) 664-4387

TO: JILL MCGLONE
1349 EAST TANNER'S CREEK DR
NORFOLK, VA 23513

CASE NO. 710CL99001435-00

NOTICE OF MOTION FOR JUDGMENT

YOU ARE HEREBY NOTIFIED THAT UNLESS WITHIN TWENTY-ONE (21) DAYS AFTER SERVICE OF THIS NOTICE OF MOTION FOR JUDGMENT ON YOU, RESPONSE IS MADE BY FILING IN THE CLERK'S OFFICE OF THE COURT A PLEADING IN WRITING, IN PROPER LEGAL FORM, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

DONE IN THE NAME OF THE COMMONWEALTH OF VIRGINIA ON SEPTEMBER 13, 1999.

CLERK: ALBERT TEICH JR.

BY:

Janice J. O'Hara
CLERK/DEPUTY CLERK

ATTORNEY NAME: SCOTT M REED
499-4737

FILE COPY

Bernard A. Pishko
City Attorney
Daniel R. Hagemeister
Senior Deputy City Attorney
810 Union Street
908 City Hall Building
Norfolk, Virginia 23510

Of counsel to Defendant Norfolk
Community Services Board

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of July, 1999, mailed a true copy of the foregoing Special Plea of Governmental Immunity to Scott M. Reed, Esq., Preston & Reed, P.L.C., 4425 Corporation Lane, Suite 170, Virginia Beach, Virginia 23462, counsel for plaintiff.

Daniel R. Hagemeister
Daniel R. Hagemeister
Senior Deputy City Attorney

PRESTON

& REED, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW

SCOTT M. REED

ADMITTED TO PRACTICE IN VIRGINIA

PEMBROKE COMMERCIAL BUILDING
4425 CORPORATION LANE, SUITE 170
VIRGINIA BEACH, VA 23462-3101
TELEPHONE (757) 499-4737
FACSIMILE: (757) 499-4642
E-MAIL: sreedlaw@aol.com

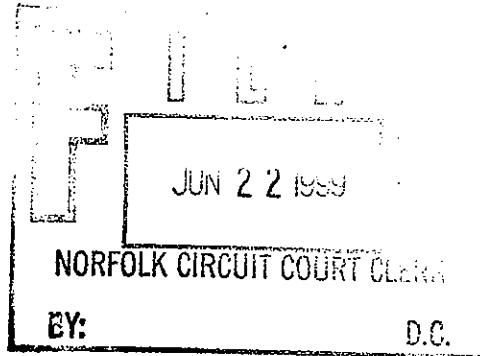
L99-1455

June 21, 1999

Albert Teich, Jr., Clerk
Circuit Court for the City of Norfolk
100 St. Paul's Blvd.
Norfolk, VA 23510

Re: Toni Rae Harris v. CSB and McGlone

Dear Sir:



Enclosed please find the original and one service copy of the Motion for Judgment in the above-referenced law action to be filed in your Court, and my check for your filing fee. Please serve the Community Service Board at the indicated address. I will forward an additional service copy and an address for the remaining defendant in the near future

When the notice is prepared, please make it available to ASAP Process Service, with whom we have made service arrangements.

With kind regards, I remain

Very truly yours,

A handwritten signature in dark ink, appearing to be "S. Reed".

Scott M. Reed

Enclosure

cc: Toni Rae Harris

READY FOR PICK UP
NAME: *Gene*
DATE: 6-25-99
LOCATION: *ASAP*

