



VCU Annual Report pursuant to § 23.1-401.1. Constitutionally protected speech; policies, materials, and reports; report

December 1, 2023

Overview

Virginia Commonwealth University is committed to creating an environment that fosters the exercise of protected speech and other expressive activity on university property while maintaining an atmosphere free of disruption to the mission of the university. It recognizes that the free expression of ideas and open inquiry are essential in fulfilling its academic mission by embracing rigorous open discourse, argumentation, speaking, listening, learning and the exploration of ideas. In support of maintaining such an environment, VCU incorporates and employs several policies and practices that protect free speech and support expressive activity in compliance with Va. Code § 23.1-401.1.

Institutional Policies

These policies and related materials include the following:

- [Free Speech](#) at VCU
- [Reservation and Use of Space Policy](#)
- [Reservation and Use of Space website](#)
- [Reservation and Use of Space FAQs](#)
- [Division of Student Affairs blog post](#)
- [Social Media Guidelines](#) for social media account administrators (references, and links to, the First Amendment)
- [Student Code of Conduct](#)

Reporting Concerns

The university community is able to report concerns through two primary channels:

- Information on reporting concerns is referenced and linked on the [Free Speech](#) website. This information can also be found at: <https://acs.vcu.edu/integrity-and-compliance-office/ethics-and-compliance-program/reporting-concerns/>
- For concerns regarding students, reports can be made through [the VCU Helpline](#) [www.vcuhelpline.com] or direct to the Division of Student Affairs: <https://cm.maxient.com/reportingform.php?VirginiaCommonwealthUniv>



VCU

Certification

This certifies that the institution has developed and communicated the materials outlined herein, and [communication to the students has occurred](#). Additional messaging regarding expressive activity for this reporting period occurred to employees responsible for disciplining students, and this messaging is attached as Appendix A. Communication to all employees regarding expectations related to expressive activity exists through new hire onboarding, annual training, and in formal, university-wide, policies readily available and accessible at <https://vcu.public.doctract.com>.

Complaints:

Please find enclosed the Complaint in the case of *Thien-An-Quang Ta, vs. John Venuti* filed in the Circuit Court for the City of Richmond. The case was ordered to mediation.

Reviewed and Certified by the Chief Ethics and Compliance Officer, Suzanne Milton.



VCU

Appendix A

Dear Division of Student Affairs Staff,

As we get into the fall semester, we wanted to share some important information with you that we shared with students last week. You may have noticed that update in the DSA PSA's last week.

VCU is a very diverse community with a host of differing viewpoints reflecting each of our personal lenses through which we see, and experience, the world. This diversity of viewpoint and opinion is a tremendous asset to our community. Our hope is that our students engage in conversations with others who share similar and dissimilar perspectives. In that regard, the university is committed to fostering a climate that encourages civil and spirited discourse. Each of us has a responsibility to support our students as they strive to engage one another with respect and understanding.

Towards these goals, the Division of Student Affairs sends an email each semester to all students titled "Expressive Activity at VCU," which discusses creating a supportive culture for all our students while balancing First Amendment rights. The email for the fall 2023 semester can be viewed on the [Division of Student Affairs Blog](#).

Below are some important details included in that email:

- VCU is obligated, as a public university, to ensure a strong commitment to the First Amendment and Virginia law. The First Amendment prohibits prior restraint on speech and taking adverse action against individuals or groups, whether affiliated with the university or not, based on the viewpoints of their speech. This freedom of speech also encompasses the rights of those who present differing viewpoints.
- The [Reservation and Use of Space policy](#) clarifies how expressive activities may occur at VCU. A list of [Frequently Asked Questions](#) can assist with inquiries that have been made previously, including but not limited to those pertaining to time, place, manner, costs, and major events.
- With more conversations and interactions happening in the digital environment, the university has received reports of harassment, trolling and doxing on social media. The Dean of Student Advocacy Office can provide guidance about the application of student conduct policies to online activity and resources designed to support students who experience concerning discourse online.
- The Dean of Student Advocacy office is available throughout the year to meet with students who have specific questions or concerns and can be reached at vcudean@vcu.edu or 804-828-8940.



VCU

As a public university, we will uphold the constitutional rights of our community, and hold tight to our core values of decency, respect, diversity, and inclusion. We will foster an environment where all members of our community feel welcome, safe, supported, and able to succeed in the context of our mission.

Thank you for your support of expressive activity on our campus and your willingness to support ourselves and our students in engaging in productive civil discourse with others.

Sincerely,

Division of Student Affairs

COMMONWEALTH OF VIRGINIA



REC'D
2.22.2023
2:25 AM

RICHMOND CITY CIRCUIT COURT
Civil Division
400 NORTH 9TH STREET
RICHMOND VA 23219

Summons

To: JOHN VENTUIT
224 E BROAD STREET
RICHMOND VA 23284

Case No. 760CL23000643-00

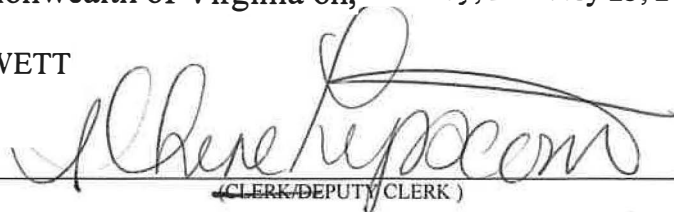
The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, February 23, 2023

Clerk of Court: EDWARD F JEWETT

by


(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: MCLAUGHLIN, HENRY W
804-205-9020

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

400 North Ninth Street
Richmond, Virginia 23219

THIEN-AN-QUANG TA,

Plaintiff,

v.

Case No. CL23

643-5

JOHN VENUTI,

224 E. Broad Street
Richmond, Virginia 23284-2024

Defendant.

COMPLAINT

Thien-An-Quang Ta ("Plaintiff"), by counsel, sets forth the following:

Parties

1. Plaintiff is a natural person who resides in the Commonwealth of Virginia.
2. John Venuti ("Defendant") is a natural person who resides in the Commonwealth of Virginia.

Venue

3. Venue is proper in this Court because this case seeks redress for action that took place in the City of Richmond, Virginia.

Facts

4. At all time relevant to this case Virginia Commonwealth University ("VCU") has been a state agency of the Commonwealth of Virginia.
5. At all times relevant to this case, Virginia Commonwealth University Health Systems Authority ("VCU Health") has been a state agency coordinating all provision of health services of VCU.

6. At all times relevant to this case, Defendant has been Associate Vice-President for VCU and Chief of Police of VCU Health.
7. In the capacities of Defendant averred in paragraph 6 of this complaint, Defendant has acted under color of state law.
8. In all of the actions of Defendant recited in this complaint, Defendant has acted under color of state law.
9. At all times relevant to this case, Defendant has been prohibited by 42 U.S.C. Section 1983 from acting under color of state law to deprive Plaintiff of any of certain rights, including, *inter alia*, any right under the United States Constitution, including the right of free speech guaranteed by the First Amendment of the United States Constitution.
10. At all times relevant to this complaint VCU and VCU Health have encouraged and invited any patient of VCU Health and any health provider under the auspices of VCU Health to express concerns, including complaints regarding any provision of health services to any such patient.
11. In response to such encouragement, Plaintiff provided written concerns, including but not limited to complaint, to VCU Health.
12. Such written concerns by Plaintiff were in all respects legal.
13. Nothing in such written concerns by Plaintiff threatened anyone.
14. Nothing in such written concerns by Plaintiff constituted defamation against anyone.
15. All of such written concerns by Plaintiff constituted exercise by Plaintiff of Plaintiff's free speech rights recited in paragraph 9 of this complaint.
16. All of such written concerns by Plaintiff came within the invitation by VCU Health to patients (including plaintiffs) to express concerns.

17. In response to such written concerns by Plaintiff, in response to such exercise by Plaintiff of his free speech rights, Defendant retaliated against Plaintiff by issuing on June 22, 2022 of a ban against Plaintiff banning Plaintiff from certain areas of VCU. A copy of that ban is attached hereto as “Exhibit A”
18. In exercise of his free speech rights recited in paragraph 9 of this complaint, Plaintiff, by counsel, mailed to Defendant an appeal from Exhibit A. A copy of that appeal is attached to this complaint as “Exhibit B.”
19. On November 22, 2022, Defendant, by counsel, sent to counsel for plaintiff a letter, copy of which is attached to this complaint marked “Exhibit C.’
20. Prior to Exhibit A, Plaintiff was engaged in deliveries to areas of VCU and VCU Health from which he was banned by Exhibit A.
21. Prior to Exhibit C, Plaintiff was engaged in deliveries to an area of VCU Health from which he was banned by Exhibit C.
22. Exhibit A and Exhibit C constituted retaliatory action under color of state law that constituted deprivation of Plaintiff’s free speech rights recited in paragraph 9 of this complaint.
23. In causing Exhibit A and Exhibit C to be sent, Defendant violated 42 U.S.C. Section 1983.
24. Included in Exhibit A and Exhibit C was preclusion of Plaintiff from obtaining dental care from VCU Health.
25. As a result of what is set forth in paragraph 24 of this complaint, Plaintiff was effectively precluded from obtaining needed dental care. Plaintiff’s current dentist was planning to refer Plaintiff to the Periodontics Department of VCU Health. Although VCU Health has

denied him treatment, absent Exhibit A and Exhibit C Plaintiff would have a good prospect (taking into account that dental staff of VCU Health is precluded by 42 U.S.C. section 1983 from acting under color of state law to deprive him through retaliation against his exercise of free speech rights) and a likelihood to reverse the denial of dental care to him by VCU Health. If Defendant had overturned Exhibit A to the extent of allowing Plaintiff access to areas of VCU's Dental Services, it would have been and would be likely that Plaintiff would obtain reversal of the denial of dental care to him by VCU Health.

26. As a proximate result of Defendant's actions recited herein above in depriving Plaintiff of his free speech rights (recited in paragraph 9 of this complaint) Plaintiff has sustained the following damages:

- A. He has lost income from making deliveries to those areas as to which Exhibit A and Exhibit C precluded his presence.
- B. In order to preserve his free speech rights (recited in paragraph 9 of this complaint) Plaintiff was required to make payment to his undersigned counsel for legal services.
- C. He has sustained cost for travel to his legal counsel regarding subsection B of this paragraph of this complaint.
- D. He has lost the interest on his damages recited in subparagraphs (A) (B) and (C) of this paragraph of this complaint.
- E. He has been unable to obtain needed dental care as recited herein above.

27. As a proximate result of Defendant's actions recited herein above in depriving Plaintiff of his free speech rights (recited in paragraph 9 of this complaint), for an indeterminate time in the future, Plaintiff will sustain the following damages:

- A. He will lose income from making deliveries to the area as to which Exhibit C precludes his presence.
- B. He will be unable to obtain needed dental care at VCU Health.
- C. In order to obtain needed dental care, he will be required to pay for such dental care without governmental assistance.
- D. He will lose the interest from his damages recited in subparagraphs (A) and (C) of this paragraph of this complaint.
- E. He will continue to lose interest on his damages recited in paragraph 26 (A) (B) and (C).

Count One: Breach of 42 U.S.C. Section 1983: Seeking Compensatory Damages

28. Because of Defendant's actions set forth herein above, Plaintiff is entitled to entry of a judgment in Plaintiffs favor against Defendant for compensatory damages and reasonable attorney's fees for preparing, filing, and maintaining the complaint in this case.

Count Two: Breach of 42 U.S.C. Section 1983: Seeking Injunctive Relief

29. In addition to the relief recited in Count One of this complaint (paragraph 28 of this complaint) there are grounds for this Court to enter an Order requiring Defendant to reverse Exhibit C so that Plaintiff may obtain protection of his rights guaranteed by the First Amendment of the U.S. Constitution through this Court's enforcement of the provisions of 42 U.S.C. Section 1983.
30. As to this Count of this complaint, Plaintiff cannot obtain adequate relief at law, particularly because of the inability of Plaintiff to obtain needed and affordable dental care, particularly because it is not likely that Plaintiff would otherwise be able to afford such dental care.

Applicable to Count One

31. Plaintiff calls for trial by jury of Count One of this complaint.

Conclusion

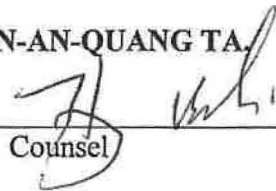
Wherefore, Plaintiff prays that the Court:

- A. Enter an Order requiring Defendant to reverse Exhibit A and Exhibit B and require Defendant to grant the relief requested in Exhibit B.
- B. Enter a judgment in favor of Plaintiff against Defendant for Seventy-Five (\$75,000) Thousand Dollars, plus attorney's fees for the work of Plaintiff's counsel in preparing, filing, and maintaining this case.

Respectfully submitted,

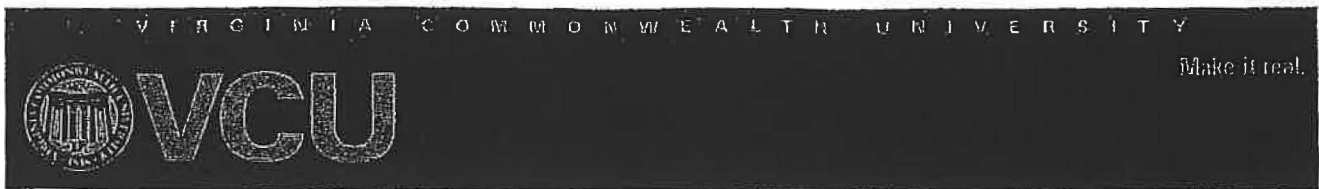
THIEN-AN-QUANG TA.

By


Counsel

Henry W. McLaughlin (VSB 07105)
Eighth and Main Building
707 East Main Street, Suite 1050
Richmond, Virginia 23219
804-205-9020; fax 877-575-0245
henry@mclaughlinlaw.com
Counsel for Thien-An-Quang Ta

Exhibit A



June 22, 2022

BAN NOTICE

**Administration
Campus Police**

Thien-An Quang Ta
P.O. Box 29513
Henrico, VA 23242-0513

SENT BY CERTIFIED MAIL

224 E Broad Street
Box 842024
Richmond, VA 23284-2024

Email anta2369@gmail.com
DOB: 08/18/1978

804 828-1196
Fax: 804 828-1199
VOICE/TDD/EMERGENCY:
804 828-1234
VOICE/TDD/NON-
EMERGENCY
804 828-1196

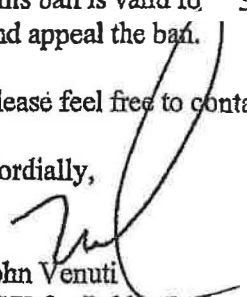
Thien-An Ta:

This letter serves as notification that you, Thien-An Quang Ta, are banned from all VCU Monroe Park and MCV Campus properties, which includes the School of Dentistry. You will be subject to arrest for trespassing if you are found to be on any of these Campus properties, with the only exception to be a confirmed and valid healthcare appointment or emergency visit. You are also prohibited from contacting any and all staff at the School of Dentistry.

This ban is valid for a 3 year period. Attached to this letter, you will find information on your right to contest and appeal the ban.

Please feel free to contact me should you have any questions or concerns.

Cordially,


John Venuti
AVP for Public Safety for VCU and VCU Health/Chief of Police

Copy: Emergency Communications Center (ECC)

Certificate of Service

I certify that a complete copy of the preceding ban notification was served on **Thien-An Ta**

By: [Check one]
• Certified mail, return receipt requested, certificate # **7012 3460 0003 0913 7288**
[Certified number from green card]
• If Personal delivery

Signature of Person Served

Signature of VCU Police officer effecting service

DATE: _____ [PRINT month, day and year]

VCU Police Department Ban Appeal Process

As part of the Ban Notice, the following procedures guide the banned individual's right to contest the ban:
A banned individual may contest the ban with approval of the Chief of Police and/or Associate Vice President for Public Safety, VCU and VCU Health.

Written requests should include:

- 1) Banned individual's contact information
- 2) Ban Notice information, including date of issuance, and location
- 3) Reason for being on university property at time of Ban
- 4) Future need to be on university property
- 5) Any other information banned individual wishes to be considered

The Office of the Chief of Police and/or AVP for Public Safety can be reached by telephone:
(804) 828-1210

And by mail:

224 E. Broad Street
PO Box 842024
Richmond, VA 23284

The AVP and/or Chief of Police will sustain, rescind, or modify the ban after giving the banned individual an opportunity to respond to the ban in writing, in person, or through electronic communication.

After contesting the ban with the AVP for Public Safety/Chief of Police, if the banned individual is unsatisfied with the outcome, the individual may appeal in writing to the Vice President of Administration.

Written appeals should include all of the following:

- 1) Appellant's contact information
- 2) Ban Notice information, including the date and location of issuance
- 3) Reason for being on VCU or VCUHS property at the time the ban was issued
- 4) Future need to be on VCU or VCUHS property

Any other information the appellant wishes to be considered

After the appeal is received, the Vice President for Administration will review the appeal and any records related to the ban to determine whether the ban should be upheld, lifted or modified.

The Vice President will sustain, rescind or modify the ban in a written decision that will be mailed to the address provided by the appellant in their written appeal. If circumstances allow, the decision should be sent within ten (10) business days of receipt of the appeal.

These processes are not applicable to any criminal charge(s), as criminal charges are decided through the appropriate court system.

If a ban is contested and an appeal is filed, the restrictions set forth in the Ban Notice will remain in effect until the appeals process is complete. If a ban is sustained and the banned individual returns to a restricted area, they will be subject to arrest.

Exhibit B

Exhibit B

THE LAW OFFICE OF HENRY McLAUGHLIN, P.C.
HENRY W. McLAUGHLIN, ATTORNEY AT LAW
Eighth and Main Building, 707 East Main Street, Suite 1050, Richmond, Virginia 23219
804-205-9020 Toll Free 877-575-0258 Facsimile 877-575-0245
henry@mclaughlinvalaw.com

October 26, 2022 . .

John Venuti .
Associate Vice President
For Public Safety
For Virginia Commonwealth
VCU Health/Chief of Police\
To Be Sent By Regular Mail on October 27, 2022

Request to Contest Ban on Behalf of Thien-An Quang Ta

Dear Mr. Venuti,

I represent Thien-An Quang Ta. He received a Ban Notice from you, copy of which is attached as "Exhibit A" to this letter.

Pursuant to the VCU Police Department Ban Process (copy included in Exhibit A) on his behalf, I request for him to be allowed to contest the ban.

His name is Thien-An Quang Ta. His contact information is P. O Box 29913, Henrico, Virginia 23242-0913; (804) 357-4628; email anta2369@gmail.com. He can be contacted also through me.

The ban notice is as set forth in Exhibit A to this letter.

When he received the ban, he was not on University Property. He had been receiving dental treatment at VCU Dental Care. In addition he has been a delivery driver for Door Dash Uber Eats, Grub Hub, and Instacart and has been a Spark Driver for Walmart. Attached hereto as "Exhibit B" is an email he sent to me about how those jobs have caused him to come to VCU.

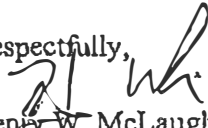
He needs to be able to come back to VCU in order to resume obtaining dental care and to be able to resume deliveries to the VCU area.

As to other information, (a) the ban has the potential of causing unwarranted damage to his reputation; and (b) on his behalf, I submit the ban constituted retaliation against him for his exercise of his First Amendment rights to submit complaints to VCU, even though VCU encourages complaints as a means of possible resolution of issues faced by persons having matters in relation to VCU.


On his behalf, I request that he have an opportunity to respond to the ban in writing towards a resolution of rescission of the ban.

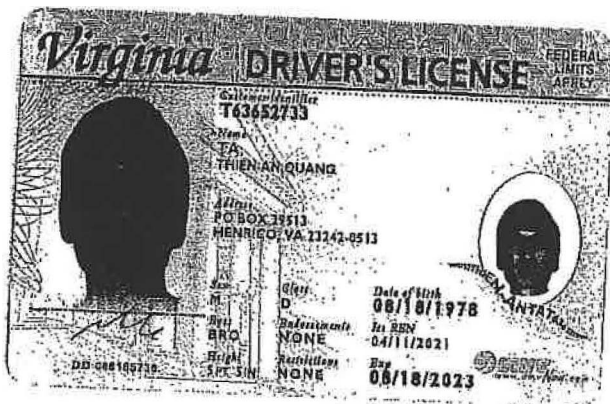
Thank you for your consideration of this request.

Respectfully,


Henry W. McLaughlin
Attorney-at-Law

I authorize this letter


Thien-An Quang Ta





June 22, 2022

BAN NOTICE

**Administration
Campus Police**

Thien-An Quang Ta
P.O. Box 29513
Henrico, VA 23242-0513

SENT BY CERTIFIED MAIL

224 E Broad Street
Box 842024
Richmond, VA 23284-2024

Email anta2369@gmail.com
DOB: 08/18/1978

804 828-1196
Fax: 804 828-1199
VOICE/TDD/EMERGENCY:
804 828-1234
VOICE/TDD/NON-
EMERGENCY
804 828-1196

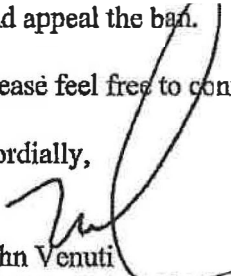
Thien-An Ta:

This letter serves as notification that you, Thien-An Quang Ta, are banned from all VCU Monroe Park and MCV Campus properties, which includes the School of Dentistry. You will be subject to arrest for trespassing if you are found to be on any of these Campus properties, with the only exception to be a confirmed and valid healthcare appointment or emergency visit. **You are also prohibited from contacting any and all staff at the School of Dentistry.**

This ban is valid for a 3 year period. Attached to this letter, you will find information on your right to contest and appeal the ban.

Please feel free to contact me should you have any questions or concerns.

Cordially,


John Venuti
AVP for Public Safety for VCU and VCU Health/Chief of Police

Copy: Emergency Communications Center (ECC)

Certificate of Service

I certify that a complete copy of the preceding ban notification was served on **Thien-An Ta**

By: ☒ [Check one]
• Certified mail, return receipt requested, certificate # **7012 3460 0003 0913 7288**
[Certified number from green card]
• If Personal delivery

Signature of Person Served

Signature of VCU Police officer effecting service

DATE: _____ [PRINT month, day and year]

VCU Police Department Ban Appeal Process

As part of the Ban Notice, the following procedures guide the banned individual's right to contest the ban:
A banned individual may contest the ban with approval of the Chief of Police and/or Associate Vice President for Public Safety, VCU and VCU Health.

Written requests should include:

- 1) Banned individual's contact information
- 2) Ban Notice information, including date of issuance, and location
- 3) Reason for being on university property at time of Ban
- 4) Future need to be on university property
- 5) Any other information banned individual wishes to be considered

The Office of the Chief of Police and/or AVP for Public Safety can be reached by telephone:
(804) 828-1210

And by mail:

224 E. Broad Street
PO Box 842024
Richmond, VA 23284

The AVP and/or Chief of Police will sustain, rescind, or modify the ban after giving the banned individual an opportunity to respond to the ban in writing, in person, or through electronic communication.

After contesting the ban with the AVP for Public Safety/Chief of Police, if the banned individual is unsatisfied with the outcome, the individual may appeal in writing to the Vice President of Administration.

Written appeals should include all of the following:

- 1) Appellant's contact information
- 2) Ban Notice information, including the date and location of issuance
- 3) Reason for being on VCU or VCUHS property at the time the ban was issued
- 4) Future need to be on VCU or VCUHS property

Any other information the appellant wishes to be considered

After the appeal is received, the Vice President for Administration will review the appeal and any records related to the ban to determine whether the ban should be upheld, lifted or modified.

The Vice President will sustain, rescind or modify the ban in a written decision that will be mailed to the address provided by the appellant in their written appeal. If circumstances allow, the decision should be sent within ten (10) business days of receipt of the appeal.

These processes are not applicable to any criminal charge(s), as criminal charges are decided through the appropriate court system.

If a ban is contested and an appeal is filed, the restrictions set forth in the Ban Notice will remain in effect until the appeals process is complete. If a ban is sustained and the banned individual returns to a restricted area, they will be subject to arrest.

Exhibit B

10/26/22, 8:40 PM

The Law Office of Henry McLaughlin, P.C. Mail - Very Important-Deliveries

The Law Office of
Henry McLaughlin, P.C.

Henry McLaughlin III <henry@mclaughlinlaw.com>

Very Important-Deliveries

1 message

Thien-An Ta <anta2369@gmail.com>

Tue, Oct 18, 2022 at 5:56 AM

To: "henry@mclaughlinlaw.com" <henry@mclaughlinlaw.com>

Hi Mr. Henry McLaughlin,

This is Thien-An Ta. I have been doing deliveries to make money. In the past, some of my customers were both VCU students and employees. I have delivered to them at VCU School of Dentistry Building, VCU School of Pharmacy Building, MCV Main Hospital and I even had to go inside, student dorms other VCU buildings in the Monroe Campus that I had to go inside the building.

That is why it is very important for me to appeal this ban because I had to make contacts with VCU students and employees in the past and some of them were from VCU School of Dentistry.

Sincerely yours,

Thien-An Ta

Exhibit C



November 28, 2022

Reference: Thien-An Quang Ta

Letter of Appeal received to the VCU Police Department, to the Associate Vice President of Public Safety/Chief of Police from the Law Office of Henry McLaughlin

**Administration
Campus Police**

224 E. Broad Street
Box 842024
Richmond, VA 23284-2024

804 828-1210
Fax: 804 828-1199
VOICE/TDD/EMERGENCY:
804 828-1234
VOICE/TDD/NON-
EMERGENCY
804 828-1196

To the Attention of: Henry W. McLaughlin, Attorney-at-Law

Mr. Ta is a past patient who repeatedly sent messages and made phone calls to a number of VCU dentistry employees, affiliates or student providers in an attempt to be seen at in the VCU dental clinic.

VCU has declined to see him as a patient based on the nature of his communications, which have been numerous and inappropriate. He demanded to be seen only by male students after VCU notified him that students are assigned based on educational needs and not based on their sex. He has also alleged several facts that are not accurate regarding his treatment while at VCU, which has caused further disruption.

VCU continues to decline to see him as a patient; thus, he has no need to be on the property of VCU's Dental School. Based on the nature of his conduct at VCU, the ban will remain in place, but will be modified to only prohibit him from being on the property of the School of Dentistry (attached).

Respectfully,

John Venuti
Associate Vice President for Public Safety, VCU and VCU Health
Chief of Police

Copy: Jake Belue, University Counsel



November 28, 2022

REVISED BAN NOTICE

(Original Ban Notice issued June 22, 2022)

Thien-An Quang Ta
Email: anta2369@gmail.com

**SENT THROUGH VCU's OFFICE OF
UNIVERSITY COUNSEL**

DOB: 08/18/1978

To the Attention of: Henry W. McLaughlin, Attorney-at-Law

Thien-An Quang Ta:

This letter serves as notification that you, Thien-An Quang Ta, are banned from all property of the VCU School of Dentistry, Lyons Dental Building, 520 North 12th Street, Richmond, VA. You will be subject to arrest for trespassing if you are found to be on the School of Dentistry property. This ban is valid for a 3-year period.

Attached to this letter, you will find information on your right to contest and appeal the ban. Please feel free to contact me should you have any questions or concerns.

Cordially,


John Venuti
AVP for Public Safety for VCU and VCU Health/Chief of Police

Copy: Emergency Communications Center (ECC)

Certificate of Service

I certify that a complete copy of the preceding ban notification was served on Thien-An Quang Ta

By: ☐ Certified mail, return receipt requested, certificate # _____

[PRINT certificate number from green card]

☐ Personal Delivery

Through the Law Office of Henry McLaughlin, P.C.

Signature of Person Served

N/A

Signature of VCU Police officer effecting service

DATE: _____ [PRINT month, day and year]

Administration Campus Police

224 E. Broad Street
Box 842024
Richmond, VA 23284-2024

804 828-1210
Fax: 804 828-1199
VOICE/TDD/EMERGENCY:
804 828-1234
VOICE/TDD/NON-
EMERGENCY
804 828-1196

VCU Police Department Ban Appeal Process

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After contesting the ban with the AVP for Public Safety/Chief of Police, if the banned individual is unsatisfied with the outcome, the individual may appeal in writing to the Vice President of Administration.

Written appeals should include all of the following:

- 1) Appellant's contact information
- 2) Ban Notice information, including the date and location of issuance
- 3) Reason for being on VCU or VCUHS property at the time the ban was issued
- 4) Future need to be on VCU or VCUHS property

Any other information the appellant wishes to be considered

After the appeal is received, the Vice President for Administration will review the appeal and any records related to the ban to determine whether the ban should be upheld, lifted or modified.

The Vice President will sustain, rescind or modify the ban in a written decision that will be mailed to the address provided by the appellant in their written appeal. If circumstances allow, the decision should be sent within ten (10) business days of receipt of the appeal.

These processes are not applicable to any criminal charge(s), as criminal charges are decided through the appropriate court system.

If a ban is contested and an appeal is filed, the restrictions set forth in the Ban Notice will remain in effect until the appeals process is complete. If a ban is sustained and the banned individual returns to a restricted area, they will be subject to arrest.

VIRGINIA:

IN THE CIRCUIT COURT OF NOTTOWAY COUNTY

328 West Courthouse Road
Nottoway, Virginia 23955-3619

**NRPL TRUST 2019-3 c/o
FAY SERVICING, LLC,**

Plaintiff;

v.

Case CL22-00033 I-OO

ROBIN A. COAKER,

Defendant.

ORDER

On February 13, 2023 came the plaintiff, by counsel, and the defendant, in person and by counsel, for the trial of this case, and the Court heard argument of counsel.

In consideration whereof, the Court GRANTS the motion by defendant to dismiss this case without prejudice for lack of subject matter jurisdiction, for the reasons set forth in such motion.

ENTERED this 13th day of February, 2023

Judge. Circuit Court
Nottoway County, Virginia

I ask for this Order:

Seen and objected to:

Counsel for Defendant

Counsel for plaintiff

VIRGINIA:

IN THE CIRCUIT COURT OF NOTTOWAY COUNTY

328 West Courthouse Road

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NRPL TRUST 2019-3 c/o

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ORDER

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ENTERED this 13th day of February, 2023

Judge. Circuit Court
Nottoway County, Virginia

I ask for this Order:

Seen and objected to:

Counsel for Defendant

Counsel for plaintiff

VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR THE CITY OF VIRGINIA BEACH

2425 Nimmo Parkway
Virginia Beach, Virginia 23456-9057

CAMRY, LLC,

Plaintiff,

v.

Case No. GV-23002848-00

KIMBERLY A. CRAWLEY,

Defendant.

**MOTON TO DISMISS WITHOUT PREJUDICE
FOR LACK OF SUBJECT MATTER JURISDICTION**

Kimberly A. Crawley (“Crawley”), by counsel, moves the Court to dismiss this case without prejudice for lack of subject matter jurisdiction, and, in support of such motion, sets forth the following:

1. In *Brian D. Parrish and Teresa D. Parrish v. Federal National Mortgage Association*, 292 Va 44; 787; S.E. 2d 116 (2016) the Virginia Supreme Court held that a defendant or defendants in a post-foreclosure unlawful detainer case seeking eviction from a home, who asserted a challenge to the validity of the foreclosure that would survive demurrer if brought as an affirmative case thereby asserted a *bona fide* challenge to the plaintiffs claim of title and that, in such circumstances, a General District Court would lack subject matter jurisdiction and the General District Court, in such a case, would be required to dismiss the case without prejudice, if the defendant(s) entered into possession of the home legally, and if the plaintiff(s) were never in possession of the home. The Court in Parrish held that, where

a post-foreclosure case is originally filed in General District Court and, if such court finds that the defendant has raised a *bona fide* challenge to the claim of title of the plaintiff, the general district court lacks subject matter jurisdiction and should dismiss the case without prejudice for lack of subject matter jurisdiction.

2. Crawley entered legally into possession of her home ("the home") located at 806 9th Street, Virginia Beach, Virginia 23451.
3. The plaintiff, Camry, LLC ("Camry") has never been in possession of the home.
4. Crawley avers that this Court lacks subject matter jurisdiction in this case because Camry has filed this case on the basis of a disputed foreclosure in which Crawley has filed a rescission lawsuit in the Circuit Court of Virginia Beach, Virginia in Case No. CL23-000738-00. A computer copy in the file of Crawley's legal counsel is attached hereto marked "Exhibit A."
5. Exhibit raises a bona fide challenge to the validity of the disputed foreclosure.

Conclusion

Wherefore, Crawley prays that the Court dismiss this case without prejudice for lack of subject matter jurisdiction.

Respectfully submitted,

KIMBERLY A. CRAWLEY,

By _____
Counsel

Henry W. McLaughlin (VSB No. 07105)
The Law Office of Henry McLaughlin, P.C.
Eighth and Main Building
707 East Main Street, Suite 1050
Richmond, Virginia 23219
(804) 205-9020; fax (877) 575-0245
Counsel for Kimberly A Crawley

CERTIFICATE

I, Henry W. McLaughlin, counsel for Kimberly A. Crawley, certify that on February 11, 2023, I

Mailed a copy of the foregoing to the following:

Camry, LLC, c/ Neal Arganza,
1909 Champion /Circuit
Virginia Beach, Virginia 23456-6798

Henry W. McLaughlin

Exhibit A