

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

MICHAEL STOLLENWERK

Plaintiff

v.

CL06-496

CITY OF RICHMOND

and

DOUGLAS WILDER

Defendants

O R D E R

The parties appeared on January 26, 2006 for trial on the complaint and petition and evidence was presented and argument was heard.

The petitioner complains that he submitted an email request to the Mayor to provide certain documents under the Freedom of Information Act on September 27, 2005. This request was followed by other requests to the Mayor's office and by voice mail to the City Attorney's office. He says that the requests were never responded to.

The respondents admit that the request was not answered as the result of, at worst, inadvertence. There is no evidence that the Mayor personally received the request. On January 25, 2006, the City of Richmond responded that there were no documents as those requested.

The court finds that the petitioner has substantially prevailed and under Va. Code § 2.2-3713(D) is entitled to

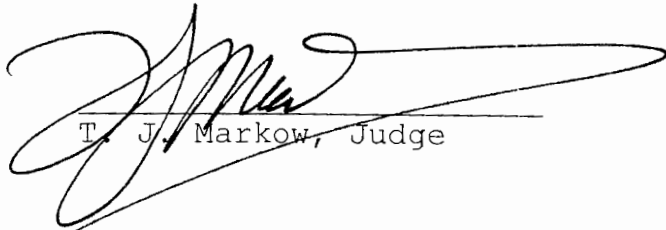
reasonable attorney's fees. The evidence does not support a finding that the respondent's failure to respond was willful and knowing. Injunctive relief is not warranted.

Counsel for the petitioner shall provide respondents' counsel with his bill for attorney's fees on or before February 7, 2006. Respondents' counsel shall cause the bill to be paid and submit to the court a sketch of an order for dismissal or schedule a hearing on the issue of reasonableness during the week of February 20-24, 2006.

Copies of this order are mailed this day to counsel of record.

ENTER

2-1-06

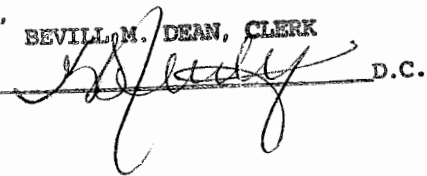


T. J. Markow, Judge

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BY:

 D.C.