

**Virginia State Corporation Commission  
eFiling CASE Document Cover Sheet**

**Case Number (if already assigned)** CLK-2009-00012

**Case Name (if known)**

**Document Type** LMEM

**Document Description Summary** Suppliment to Memorandum of Law in Opposition to Motion to Dismiss

**Total Number of Pages** 9

**Submission ID** 987

**eFiling Date Stamp** 6/12/2009 5:19:44PM

VIRGINIA:

BEFORE THE STATE CORPORATION COMMISSION  
At Richmond, June 12, 2009

DOUGLAS ROBERT JOHNSON  
Petitioner,

v.

Case No.: CLK-2009-00012

FLUVANNA COUNTY BOARD OF SUPERVISORS,  
LOUISA COUNTY BOARD OF SUPERVISORS,  
and  
JAMES RIVER WATER AUTHORITY,  
Respondents.

**MEMORANDUM OF LAW SUPPLEMENT IN OPPOSITION TO MOTION TO DISMISS**

COMES NOW your Petitioner, Douglas Robert Johnson, pursuant to the Hearing Examiner's Ruling of June 2, 2009, and, for its objection to the motion to dismiss this cause, respectfully says as follows:

**CORRECTION OF TYPOGRAPHICAL ERROR**

On page 2, the word "second" was inadvertently left out. The corrected paragraph is as follows (the underline is the addition):

4. The compliance of the petitions, both the first and second circulation, is the subject of the cases which were before the Circuit Court before the matter came before the SCC.

**NEW INFORMATION**

When the copy of the second petition was filed with the Court in the afternoon on April 15, 2009, a copy was also filed with the Fluvanna Board of Supervisors at the beginning of its meeting. Mr. McCampbell actually handed a copy of all 116 Petition pages to the

County Administrator and has signed a Notarized Affidavit to that effect. A copy is attached as Exhibit A.

When the Fluvanna Board of Supervisors adjourned its March 18, 2009 Public Hearing, one of the reasons was to "review the citizen petitions". The County Administrator produced a written report of that review at the April 15, 2009 Fluvanna Board of Supervisors meeting and the total pages are given as Exhibit B. All 91 pages are available but only the total pages are given here which show 1,822 valid signatures and 316 signatures deemed invalid.

**CONCLUSION**

Petitioner would be pleased to submit any other materials requested and answer any questions.

Wherefore this Petitioner, Douglas Johnson, continues to pray the Commission deny the Motion to Dismiss the Petition and continues to request to be heard.

Respectfully submitted,

DATED: June 12, 2009



Douglas R. Johnson, Pro se

DOUGLAS R. JOHNSON, PRO SE  
571 Long Acre Road  
Palmyra, VA 22963  
(434) 286-6984 fax (206) 600-6984  
pro se

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Memorandum Supplement in Opposition to the Motion to Dismiss, concerning petition to deem certificate of authority void *ab initio* and for injunctive relief, was mailed the 12th day of June, 2009, to:

DEFENDANT FLUVANNA COUNTY BOARD OF SUPERVISORS at:

Frederick W. Payne, Esquire  
Fluvanna County Attorney  
414 East Jefferson Street  
Charlottesville, VA 22902

and

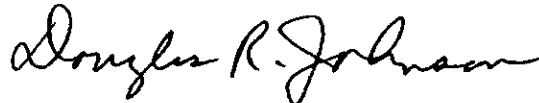
DEFENDANT LOUISA COUNTY BOARD OF SUPERVISORS at:

Gregory Hoffmann, Esquire  
County Attorney for Louisa County  
PO Box 160  
1 Woolfolk Avenue  
Louisa, VA 23093.

and

DEFENDANT JAMES RIVER WATER AUTHORITY at:

Robert L. Hodges, Esquire  
McGuire Woods  
James River Water Authority  
One James Center  
901 East Cary St.  
Richmond, VA 23219-4030



Douglas R. Johnson, Pro se

DOUGLAS R. JOHNSON, PRO SE  
571 Long Acre Road  
Palmyra, VA 22963  
(434) 286-6984 fax (206) 600-6984  
pro se

VIRGINIA:

BEFORE THE STATE CORPORATION COMMISSION  
At Richmond, June 12, 2009

DOUGLAS ROBERT JOHNSON  
Petitioner,

v.

Case No.: CLK-2009-00012

FLUVANNA COUNTY BOARD OF SUPERVISORS,  
LOUISA COUNTY BOARD OF SUPERVISORS,  
and  
JAMES RIVER WATER AUTHORITY,  
Respondents.

# EXHIBIT A

McC Campbell Affidavit

I, Leroy L. McCampbell swear or affirm that during the Fluvanna County Board of Supervisors' Meeting on April 15, 2009 I handed to Mr. Cabell Lawton a copy of petitions containing 2191 signatures requesting a referendum on the question, "Shall Fluvanna County join Louisa County in the formation of a Joint Water Authority".

Leroy L. McCampbell

Subscribed and sworn to (or affirmed) before me on this 11 day of June 2009.

My commission expires on 1-31-2012.

Notary Janet B Riddle

JANET B. RIDDLE  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #137722  
My Commission Expires 1-31-2012

VIRGINIA:

BEFORE THE STATE CORPORATION COMMISSION  
At Richmond, June 12, 2009

DOUGLAS ROBERT JOHNSON  
Petitioner,

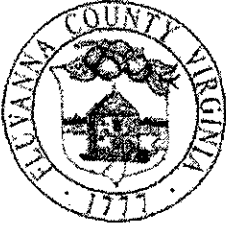
v.

Case No.: CLK-2009-00012

FLUVANNA COUNTY BOARD OF SUPERVISORS,  
LOUISA COUNTY BOARD OF SUPERVISORS,  
and  
JAMES RIVER WATER AUTHORITY,  
Respondents.

# EXHIBIT B

Petition Report



COMMONWEALTH OF VIRGINIA  
 COUNTY OF FLUVANNA  
 Freedom of Information Act  
 Request for Information

Print Form  
 Reset Form  
 Submit by Email

This Request is For:  Copies  Review of Records Date of Request: May 14, 2009  
 Name of Requester: Doug Johnson  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: 434-286-6982 Fax: \_\_\_\_\_ Alternative Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Details of Requested Information:**

Please specify below information about which copies are requested of the specific records which are to be reviewed, including Tax Map and Parcel numbers for land records. Note that FOIA requests are only for existing information.

a copy of the petition listing of acceptable petitioners from the April 15, 2009 BOS meeting, provided to the BOS at their meeting. This list was provided after verifying the petition signatures.

RECEIVED/FILED  
 MAY 14 2009 2:44 PM  
 CLERK OF SUPERIOR COURT  
 PALMYRA, VA  
*Source: Pam...*

By submitting this request I am aware that State Law allows the County of Fluvanna five (5) business days to respond to a request for information. The County of Fluvanna is allowed to charge me for the cost of providing copies, searching records and computer files and the staff time needed to assist me with the review of and safeguarding the records. The first ten (10) pages are free, each page thereafter is \$10 per page. Staff services are \$20.00 per hour. I agree to pay this cost but wish to receive an estimate of the cost first if it will exceed \$\_\_\_\_\_.

Signature \_\_\_\_\_ Date \_\_\_\_\_

OFFICE USE ONLY		
Date Received: 5/14/2009	Received By: Alice Jones	Assigned To: Alice Jones
Actual Cost: \$10.00	Date Paid: 5/14/09	Cash/Check: <input checked="" type="checkbox"/> # 0291
Completed: 5/14/2009	Date Information Sent: 5/14/09	
Remarks: notified Mr. Johnson that the material was ready for pickup within 30 minutes of his phone call.		

County of Fluvanna \* Post Office Box 540 \* Palmyra, VA 22963 \* (434)591-1910 \* Fax (434)591-1911

This form is available on the Fluvanna County website: www.co.fluvanna.va.us

#09CL61

Valid Subtotal: 1822

LastName	FirstName	Suffix	Sheet#	Line#	Comments
Ackenborn	Norman		40	13	
Acree	C Raymond	Jr.	109	3	
Acree	Alan		88	16	
Acree	Daniel		42	12	
Acree	Evelyn		88	21	
Acree	Joshua		84	10	
Acree	Luke		84	26	
Acree	Mary Ann		63	8	
Acree	Mary Elizabeth		63	9	
Adams	Franklin		90	4	
Adams	Herbert	Jr.	12	1	
Adams	Kenneth H.	Jr.	88	4	
Adams	Pat		80	2	
Adams	Robert		80	5	
Adams	Sandra		85	1	
Adams	Sheri		12	14	
Addotta	Joanne		38	13	
Addotta	Vito		59	26	
Akers	James		18	1	
Albert	Margaret		76	19	
Albert	Walter		76	18	
Albright	Charlotte		34	8	

RECEIVED/FILED  
MAY 14 2009 2:44 PM

BY Sandra P...  
Sandra P...

#09CL61

LastName	FirstName	Suffix	Sheet#	Line#	Comments
	Michael		49	1	VOID; Marked Out
??	James		65	9	Last name not provided
Adams	Elizabeth		12	2	last name eligible - no street address
Aird	Linda		10	1	Name not on voter list; x for signature
Altschull	Clifford H.		71	12	Not in registry
Anderson	Chanley		9	7	possible duplicate
Anderson	Sterling		15	1	Not a registered voter
Aolebaci?	Marcie?		35	6	Not a registered voter
Argo	Sharon		56	17	no Argo in voter list
Arrit	Fletcher		10	20	Illegal address not in registry
Baber	Sheri		2	15	Not on voter list
Badler	Muriel		91	7	Notary seal missing
Bassing	Rick		20	3	no street number listed
Batchelor	Mary		97	10	Notary seal missing
Bates	Jamilla		15	8	Duplicate
Bates	Mavis		12	6	Duplicate
Bauserman	John M.		83	14	Not a registered voter
Bearden	Ann		91	5	Duplicate Entry
Belk	Reece		78	4	Notary seal missing
Bell	John S.	III	8	3	Duplicate
Bennett	Georgette		96	9	Not a registered voter
					Notary seal missing

RECEIVED/FILED  
MAY 14 2009 2:44 PM  
Sandra Parish

#09CL61