

**Virginia State Corporation Commission
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Case Number (if already assigned) clk-2009-00012

Case Name (if known)

Document Type OTHR

Document Description Summary Motion for Summary Judgement to deem certificate of authority void ab initio and for injunctive relief as specified in Petition

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VIRGINIA:

BEFORE THE STATE CORPORATION COMMISSION
At Richmond, June 29, 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.

MOTION FOR SUMMARY JUDGEMENT

COMES NOW your Petitioner, Douglas Robert Johnson, for its Motion for Summary Judgement to deem certificate of authority void *ab initio* and for injunctive relief, respectfully says as follows:

(1) That the Memorandum in Opposition to the Motion to Dismiss, including Supplement, filed by Plaintiff and the Objection to Motion to Dismiss also filed by Plaintiff, are hereby adopted by Plaintiff in their entirety;

(2) That the orderly admission of justice demands that two courts do not have jurisdiction over the same parties and matter at the same time;

(3) That when Respondents Fluvanna Board of Supervisors and Louisa County Board of Supervisors applied for a charter or certificate of incorporation from the State Corporation Commission, jurisdiction of this same matter was clearly with the Fluvanna Circuit Court with the same parties;

(5) That the proper venue to challenge the actions of the Fluvanna Board of Supervisors is with the Fluvanna Circuit Court;

(6) That, should the matter eventually go from the Commission to the Virginia Supreme Court without a hearing on the merits, it will not have a record to make any ruling on the merits;

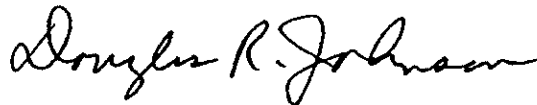
(7) That the voiding of the Charter for the James River Water Authority which was issued by the Commission will not harm any of the Respondents as they would be free to reapply upon completion of the due process of law;

(8) That, clearly, the Circuit Court and the Commission could not have Concurrent Jurisdiction as the result of either would effect proceedings in the other;

(9) That no pleadings made by respondents to date contradict any of the facts on which this motion is based;

Wherefore this plaintiff respectfully moves for Summary Judgement granting the relief of the Petition.

DATED: June 29, 2009



Douglas R. Johnson, Pro se

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Motion to for Summary Judgement, concerning petition to deem certificate of authority void *ab initio* and for injunctive relief, was mailed the 29th 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

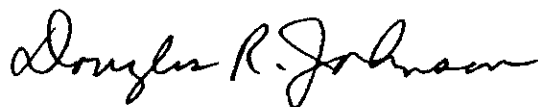
DEFENDANT LOUISA COUNTY BOARD OF SUPERVISORS at:

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
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901 East Cary St.
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