

**FAIRFAX CIRCUIT COURT
NOTICE OF SCHEDULING CONFERENCE
LAW TRACK**

IN RE: HAROLD A OCONNELL

Case No. CL-2012-0013064

To: ANTHONY MINER OCONNELL DEFENDANT
439 S VISTA DEL RIO
GREEN VALLEY AR 85614

In an effort to resolve your case quickly and fairly, the court has placed a Scheduling Conference for this case on the docket. At the conference, we will establish a trial date and discovery schedule, and deal with other pre-trial matters. We will also discuss whether a settlement conference is appropriate. *DO NOT SET THIS CASE FOR TERM DAY.*

You are to appear for the Scheduling Conference at **08:30 AM on Tuesday, December 04, 2012**, at the Judicial Center, 4110 Chain Bridge Road in Fairfax. The docket with courtroom assignments will be posted electronically on the monitors located on the 4th and 5th floor of the Judicial Center the morning of the scheduling conference.

Please make **SURE** that all of the following things have been taken care of **BEFORE** the Scheduling Conference:

1. Resolve all demurrers, pleas in bars, motions to quash process and other special pleas. Set them down for argument on a Friday Motions Day.
2. Check service of process on each defendant. If a defendant has not been served, either obtain service or be prepared to explain why service has not been effected.
3. If any defendant is in default, obtain a default judgment against him, if possible, or at least a judicial declaration that he/she is in default.
4. Corporations must be represented by counsel.

If there is a problem with the assigned date, please contact the Case Management staff at (703) 246-2880, AT LEAST TEN DAYS before the scheduled conference.

The Judges of the Fairfax Circuit Court

10/22/2012

FAIRFAX CIRCUIT COURT CASE MANAGEMENT INSTRUCTIONS

I. THE SCHEDULING CONFERENCE

1. Scheduling Conferences will be scheduled on Tuesday or Thursday at 8:30 a.m. in one of three courtrooms on the fourth or fifth floor of the Fairfax County Courthouse. Courtroom assignments will be posted on the bulletin board on the fourth and fifth floors. Counsel and all unrepresented parties are to appear **promptly** at 8:30 or the conference may occur in their absence. **Attorneys who reside more than 50 miles from the Fairfax County Courthouse may call the case management staff at (703) 246-2880 at least 5 days prior to the Scheduling Conference to see if their in person appearance can be excused.**
2. Motions for default judgment, demurrer, pleas in bar and other outstanding dispositive motions should be resolved prior to the Scheduling Conference. If they have not been, a hearing date for them will be set at the scheduling conference.
3. A Judge of the Court will have reviewed each of the files in advance of the Scheduling Conference and will have noted (a) any failures to effect service on all defendants; (b) whether any defendant is in default; and (c) whether any dispositive motions are pending. If service is not complete, the Scheduling Conference will be conducted by a judge in one of the jury rooms.
4. Almost all Scheduling Conferences will commence in one of three designated courtrooms and will be conducted by a law clerk or other Circuit Court staff member.
5. A trial date will be set and a Scheduling Order entered at the Scheduling Conference, unless all defendants have not been served or are in default. The Court will enter the Uniform Scheduling Order pursuant to Rule 1:18 unless the parties present an agreed Scheduling Order,
6. All law clerks and other Circuit Court personnel conducting the Scheduling Conference will set trial dates within twelve months of the initial filing of the Complaint, unless the pre-screening judge has waived this requirement.
7. If an attorney or any party disagrees with any determination made by the pre-screening judge; or if any party asserts that the trial will take four or more days; or is such an unusually complex case that the Court should designate one judge to hear all the matters in the case; or parties seek a continuance of the Scheduling Conference, the matter may be referred to a Judge.
8. The morning of the Scheduling Conference available trial dates will be posted on the two counsel tables. Counsel for the parties in each case should review the available trial dates and should attempt to agree on a trial date within twelve months of the initial filing date.

II PROVISIONS OF THE SCHEDULING CONFERENCE ORDER

1. If requested in discovery, (a) Plaintiff and Counter Plaintiff must designate all expert witnesses to be called by that party no later than 90 days before the trial date established in the Scheduling Conference Order; (b) Defendant and Counter Defendant must cross-designate experts within 60 days of the trial date and (c) rebuttal experts or opinions must be designated no later than 45 days before trial. The designation must include all opinions and the bases therefore which are discoverable pursuant to Rule 4:1(b)(4)(A)(i) of the Supreme Court of Virginia. Pursuant to Supreme Court Rule 1:18, failure to so designate the party's expert witnesses ordinarily will be a bar to the party attempting to elicit any such non-disclosed opinions from the expert at trial. Any objections to the timing or content of an Expert Designation shall be promptly filed with the Clerk of the Court and served on all other parties, or the objections may be deemed waived. The objections should specifically set out all alleged deficiencies in the designation.
2. The requirements of the Scheduling Conference Order are in addition to and not in lieu of the provisions of the Rules of the Supreme Court of Virginia. All parties must timely respond to appropriate discovery requests notwithstanding the fact that the deadline dates set out in the Scheduling Conference Order have not been reached.
3. Counsel must deliver to opposing counsel or any unrepresented party, copies of all exhibits pre-marked (unless previously supplied in discovery) and a list of anticipated trial witnesses at least 15 days before the trial date. Counsel should also then file with the Clerk of this Court a list of the exhibits identified by exhibit number (but not the exhibits) and a list of the witnesses. In so designating an exhibit or witness, counsel is representing that he/she in good faith believes that the exhibit/witness is intended to be offered at trial. Designations not made in good faith are subject to appropriate sanctions. Original exhibits should be tendered to the courtroom clerk at the commencement of trial for final marking for identification consistent with the numbers set out on the exhibit list. No exhibit shall be deemed admitted in evidence unless a party moves for its admission at trial. Specific legal objections to any such exhibits, other than on grounds of relevancy, must be served on all opposing counsel of record and filed with the Clerk of the Court at least 5 days before trial, or they will be deemed waived, absent leave of court for good cause shown.
4. Counsel must exchange proposed jury instruction at least 2 business days in advance of the trial date. At the commencement of trial, counsel shall present to the Court the originals of all agreed upon jury instructions and copies with citations of those instructions to which a party objects.
5. If the time estimate or jury status of a case changes or if a case settles, counsel and unrepresented parties should immediately advise the Civil Docket Clerk in Chambers at (703) 246-4941

The Judges of the Fairfax Circuit Court



Anthony OConnell <anthonymineroconnell@gmail.com>

What is the purpose of your "Notice of Scheduling Conference" stating that I am to appear in Court on December 4, 2012?

1 message

Anthony OConnell <anthonymineroconnell@gmail.com>
To: Elizabeth Chichester Morrogh <bvmorrogh@bklawva.com>

Sun, Nov 4, 2012 at 6:09 PM

Elizabeth Chichester Morrogh;

What is the purpose of your "Notice of Scheduling Conference" stating that I am to appear in Court on December 4, 2012

Anthony O'Connell, Trustee

 **courtdate4dec3p.pdf**
125K



Anthony OConnell <anthonymineroconnell@gmail.com>

What is the purpose of your "Notice of Scheduling Conference" stating that I am to appear in Court on December 4, 2012?

2 messages

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Anthony O'Connell, Trustee

 **courtdate4dec3p.pdf**
125K

Betty Van Morrogh <bvmorrogh@bklawva.com>
To: Anthony OConnell <anthonymineroconnell@gmail.com>

Tue, Nov 6, 2012 at 6:33 AM

Dear Mr. O'Connell,

I did not issue the Notice of Scheduling Conference. It was issued by the Fairfax County Circuit Court, as is customary under their procedures for civil cases.

Regards,

Elizabeth Morrogh

Elizabeth ("Betty Van") Chichester Morrogh
Partner

Blankingship & Keith^{PC}

Blankingship & Keith, PC
4020 University Drive, Suite 300 ■ Fairfax, VA 22030
tel (703) 691-1235
fax (703) 691-3913

[website](#) | [bio](#) | [vCard](#) | [map](#) | [email](#) 

Please be advised that a portion of this firm practices debt collection and we may be attempting to collect a debt. Any information obtained will be used for that purpose. The information contained in this email is information intended only for the use of the individual or entity named above and may be privileged and confidential pursuant to the attorney-client privilege and/or the attorney work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, you should immediately contact the sender by reply email or by telephone at [703-691-1235](tel:703-691-1235), and delete the original message. Thank you. Blankingship & Keith, P.C.

IRS CIRCULAR 230 NOTICE: In order to comply with the requirements mandated by the IRS, we are required to advise you that any Federal tax advice contained in this e-mail message, including attachments to this message, is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code or promoting, marketing, or recommending to another party any transaction or tax-related matter addressed in this e-mail message or attachments.

From: Anthony OConnell [mailto:anthonymineroconnell@gmail.com]

Sent: Sunday, November 04, 2012 8:10 PM

To: Betty Van Morrogh

Subject: What is the purpose of your "Notice of Scheduling Conference" stating that I am to appear in Court on December 4, 2012?

Elizabeth Chichester Morrogh;

What is the purpose of your "Notice of Scheduling Conference" stating that I am to appear in Court on December 4, 2012

Anthony O'Connell, Trustee



Anthony OConnell <anthonymineroconnell@gmail.com>

Court appearance for summons CL-2012-0013064 ?

1 message

Anthony OConnell <anthonymineroconnell@gmail.com>
To: Elizabeth Chichester Morrogh <bvmorrogh@bklawva.com>

Wed, Nov 7, 2012 at 5:56 AM

Dear Elizabeth Chichester Morrogh;

(1) The Summons CL-2012-0013064 of September 4, 2012, says:

"APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS".

(2) The "Notice of scheduling conference law track, IN RE: HAROLD A OCONNELL Case No. CL-2012-0013064", post marked October 23, 2012, says:

"You are to appear for the Scheduling Conference at 08:30 AM on Tuesday, December 04, 2012, at the Judicial Center, 4110 Chain Bridge Road in Fairfax."

Why is this?

Sincerely, Anthony O'Connell, Trustee

2 attachments **courtdate4dec3p.pdf**
130K **summons1p.pdf**
17K



Anthony OConnell <anthonymineroconnell@gmail.com>

Court appearance for summons CL-2012-0013064 ?

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Sincerely, Anthony O'Connell, Trustee

2 attachments **courtdate4dec3p.pdf**
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17K

Betty Van Morrogh <bvmorrogh@bklawva.com>
To: Anthony OConnell <anthonymineroconnell@gmail.com>
Cc: Sarah Hall <shall@bklawva.com>

Wed, Nov 7, 2012 at 6:31 AM

Dear Mr. O'Connell,

In response to your question, I can only tell you generally that the purpose of the scheduling conference is to set a trial date for the case and to enter a "Scheduling Order." I am unable to provide you with any advice or guidance about your rights and responsibilities in connection with the notice from the court. I urge you to find out more about the court procedures on your own, either through the court's website or other sources.

Regards,

Elizabeth ("Betty Van") Chichester Morrogh

Partner



Blankingship & Keith, PC
4020 University Drive, Suite 300 ■ Fairfax, VA 22030
tel (703) 691-1235
fax (703) 691-3913

[website](#) | [bio](#) | [vCard](#) | [map](#) | [email](#) 

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From: Anthony OConnell [mailto:anthonymineroconnell@gmail.com]

Sent: Wednesday, November 07, 2012 7:57 AM

To: Betty Van Morrogh

Subject: Court appearance for summons CL-2012-0013064 ?

[Quoted text hidden]



Anthony OConnell <anthonymineroconnell@gmail.com>

Contact for answers about Court appearance for summons CL-2012-0013064

1 message

Anthony OConnell <anthonymineroconnell@gmail.com>
To: Elizabeth Chichester Morrogh <bvmorrogh@bklawva.com>

Thu, Nov 8, 2012 at 9:03 AM

Dear Elizabeth Chichester Morrogh,

Would you please give me the email address of someone in the Court who would answer questions about this December 4, 2012, court appearance?

Sincerely, Anthony O'Connell, Trustee

2 attachments

 **courtdate4dec3p.pdf**
130K

 **summons1p.pdf**
17K



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17K

Betty Van Morrogh <bvmorrogh@bklawva.com>
To: Anthony OConnell <anthonymineroconnell@gmail.com>

Thu, Nov 8, 2012 at 9:25 AM

Dear Mr. O'Connell,

If I knew of a particular person to whom you could address your questions, I could not provide you with an e-mail address because, to the best of my knowledge, such information is not made available to the public. My recommendation would be to contact Judges' Chambers for the Circuit Court, since the law clerks preside over the scheduling conferences, rather than the judges.

Regards,

Elizabeth ("Betty Van") Chichester Morrogh
Partner



Blankingship & Keith, PC
4020 University Drive, Suite 300 ■ Fairfax, VA 22030
tel-(703)-691-1235
fax-(703)-691-3913

[website](#) | [bio](#) | [vCard](#) | [map](#) | [email](#) 

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From: Anthony OConnell [mailto:anthonymineroconnell@gmail.com]
Sent: Thursday, November 08, 2012 11:03 AM
To: Betty Van Morrogh
Subject: Contact for answers about Court appearance for summons CL-2012-0013064

Dear Elizabeth Chichester Morrogh,

Would you please give me the email address of someone in the Court who would answer questions about this December 4, 2012, court appearance?

Sincerely, Anthony O'Connell, Trustee



Anthony OConnell <anthonymineroconnell@gmail.com>

Your summons CL-20120013064, item 18; How did you arrive at the figure of \$27,738.00?

2 messages

Anthony OConnell <anthonymineroconnell@gmail.com>
To: Elizabeth Chichester Morrogh <bvmorrogh@bklawva.com>

Thu, Nov 8, 2012 at 1:36 PM

Dear Elizabeth Morrogh,

Your summons CL-20120013064, item 18 says:

"18. Since 2009, Anthony has failed to pay the real estate taxes for the Property as required by the Lhd Trust Agreement. Currently, the amount of real estate tax owed, including interest and penalties, is approximately \$27,738.00."

Please show me how you arrived at the figure of \$27,738.00.

Anthony O'Connell, Trustee

Betty Van Morrogh <bvmorrogh@bklawva.com>
To: Anthony OConnell <anthonymineroconnell@gmail.com>

Thu, Nov 8, 2012 at 1:39 PM

Mr. O'Connell:

That amount was reported to us by the collection agency for the Fairfax County Department of Tax Administration.

Elizabeth ("Betty Van") Chichester Morrogh
Partner



Blankingship & Keith, PC
4020 University Drive, Suite 300 ■ Fairfax, VA 22030
tel-(703)-691-1235
fax-(703)-691-3913

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From: Anthony OConnell [mailto:anthonymineroconnell@gmail.com]

Sent: Thursday, November 08, 2012 3:37 PM

To: Betty Van Morrogh

Subject: Your summons CL-20120013064, item 18; How did you arrive at the figure of \$27,738.00?

[Quoted text hidden]



Anthony OConnell <anthonymineroconnell@gmail.com>

Your summons CL-20120013064, items 29-31

1 message

Anthony OConnell <anthonymineroconnell@gmail.com>
To: Elizabeth Chichester Morrogh <bvmorrogh@bklawva.com>

Fri, Nov 9, 2012 at 4:30 AM

Dear Elizabeth Morrogh,

Your summons CL-20120013064, items 29-31 say:

"29. On August 8,2000, an Eleventh Account for the Harold Trust was approved by the Commissioner of Accounts for the Circuit Court of Fairfax County and determined to be a final account.

30. Anthony repeatedly and unsuccessfully challenged the Commissioner's determination and requested, inter alia, that the Court and the Commissioner of Accounts investigate a debt of \$659.97 that he alleged was owed to the Harold Trust by Mrs. O'Connell's estate. In these proceedings, the Commissioner stated, and the court agreed, that there was no evidence to support Anthony's claims that a debt existed and, if so, that it was an asset of the Harold Trust.

31. Anthony's repeated and unsuccessful challenges to the rulings of the Commissioner of Accounts and the Circuit Court in connection with the Eleventh Account, and his persistence in pursuing his unfounded claims to the present day, demonstrate that he is unable to administer the Harold Trust effectively and reliably."

Please send me any evidence of the 11th account being approved by the Court. Thank you.

Sincerely, Anthony O'Connell



Anthony OConnell <anthonymineroconnell@gmail.com>

Your summons CL-20120013064, items 29-31; what is your evidence?

1 message

Anthony OConnell <anthonymineroconnell@gmail.com>
To: Elizabeth Chichester Morrogh <bvmorrogh@bklawva.com>

Sat, Nov 10, 2012 at 11:18 AM

Dear Elizabeth Morrogh,

Your summons CL-20120013064, items 29-31, say:

"29. On August 8,2000, an Eleventh Account for the Harold Trust was approved by the Commissioner of Accounts for the Circuit Court of Fairfax County and determined to be a final account.

30. Anthony repeatedly and unsuccessfully challenged the Commissioner's determination and requested, inter alia, that the Court and the Commissioner of Accounts investigate a debt of \$659.97 that he alleged was owed to the Harold Trust by Mrs. O'Connell's estate. In these proceedings, the Commissioner stated, and the court agreed, that there was no evidence to support Anthony's claims that a debt existed and, if so, that it was an asset of the Harold Trust.

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**FAIRFAX CIRCUIT COURT
NOTICE OF SCHEDULING CONFERENCE
LAW TRACK**

Attachment

IN RE: HAROLD A OCONNELL

Case No. CL-2012-0013064

To: ANTHONY MINER OCONNELL DEFENDANT
439 S VISTA DEL RIO
GREEN VALLEY AR 85614

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The Judges of the Fairfax Circuit Court

10/22/2012

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The Judges of the Fairfax Circuit Court

Attachment

SPS

COMMONWEALTH OF VIRGINIA
CIRCUIT COURT OF FAIRFAX COUNTY
4110 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
703-691-7320
(Press 3, Press 1)

IN RE: Harold A OConnell

CL-2012-0013064

TO: Anthony Miner OConnell
439 S Vista Del Rio
Green Valley 85614
Arizona

SUMMONS – CIVIL ACTION

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 Tuesday, September 04, 2012.

JOHN T. FREY, CLERK

By: *Betty B Whieden*
Deputy Clerk

Plaintiff's Attorney Elizabeth Chichester Morrogh

SERVED: 9-8-12 3:00 PM.
Paul Frye