

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FAIRFAX COUNTY WATER AUTHORITY,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF FALLS CHURCH,)
)
 Defendant/Third-Party Plaintiff,)
)
 FAIRFAX COUNTY and BOARD OF)
 SUPERVISORS OF FAIRFAX COUNTY, VA.,)
)
 Third-Party-Defendant.)

CL-2008-16114

ORDER

THIS MATTER came before the Court on Fairfax County Water Authority’s (“Fairfax Water”) Demurrer to the City of Falls Church’s (“the City”) Counterclaim and Fairfax County’s and the Board of Supervisors of Fairfax County’s Demurrers to the City’s Third-Party Complaint. Upon consideration of the parties’ legal memoranda and oral arguments, and for the reasons stated from the bench, it is hereby

ORDERED that Fairfax Water’s Demurrer to the City’s Counterclaim is SUSTAINED and the Counterclaim is dismissed with prejudice; and it is further

ORDERED that Fairfax County’s and the Board of Supervisors of Fairfax County’s Demurrers to the City’s Third-Party Complaint are SUSTAINED and the City’s Third-Party Complaint is dismissed with prejudice.

Dated: August 14, 2009



The Honorable R. Terrence Ney

SEEN AND Agreed _____:

Stuart A. Raphael
Stuart A. Raphael (VSB No. 30380)
Jill M. Dennis (VSB No. 43466)
Patricia M. Moody (VSB No. 73229)
HUNTON & WILLIAMS LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102
(703) 714-7400 (telephone)
(703) 714-7410 (facsimile)

Counsel for Fairfax County Water Authority

SEEN AND _____:

Alexander Y. Thomas
Alexander Y. Thomas (VSB No. 36170)
Richard D. Holzheimer (VSB No. 40803)
Brent R. Gary (VSB No. 66592)
REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
(703) 641-4340

Counsel for the City of Falls Church

SEEN AND Agreed _____:

Elizabeth D. Teare
Elizabeth D. Teare (VSB No. 31809)
Cynthia L. Tianti (VSB No. 21962)
Ellen F.M. Posner (VSB No. 22086)
12000 Government Center Parkway
Suite 549
Fairfax, Virginia 22035

Counsel for Fairfax County and Fairfax County Board of Supervisors