

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FAIRFAX COUNTY WATER AUTHORITY,)
)
Plaintiff,)
)
v.)
)
CITY OF FALLS CHURCH,) CL-2008-16114
)
Defendant.)

ORDER

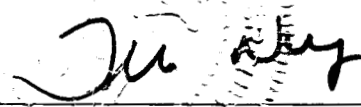
THIS ACTION came before the Court for consideration of whether the trial in this matter, scheduled for September 14, 2009, should be stayed pending the Board of Supervisors' consideration of the Halstead Developer's proffer condition amendment; and

IT APPEARING TO THE COURT, having considered the parties' legal memoranda and oral arguments, and for the reasons stated from the bench, that the trial should not be stayed; it is, therefore,


ORDERED that:

1. THE TRIAL ON COUNTS I, II, AND IV IS STAYED PENDING THE BOARD OF SUPERVISORS' CONSIDERATION OF THE PENDING PROFFER CONDITION AMENDMENT APPLICATION BY THE HALSTEAD DEVELOPER.
2. THE TRIAL ON COUNT V SHALL PROCEED BEGINNING SEPTEMBER 14, 2009, AT 10:00 A.M.
3. THE CITY SHALL NOTIFY THE SPECIAL COURT OF THIS COURT'S DETERMINATION CONCERNING THE STAY AND SHALL ASK THE SPECIAL COURT TO STAY ITS PROCEEDINGS. IF THE SPECIAL COURT DOES NOT STAY ITS PROCEEDINGS, THE PARTIES SHALL NOTIFY THIS COURT IMMEDIATELY.
4. A TENTATIVE TRIAL DATE IS SCHEDULED FOR FEBRUARY 1, 2010 ON COUNTS I, II, AND IV.
5. FAIRFAX WATER SHALL FILE ITS BRIEF IN OPPOSITION TO THE CITY'S MOTION TO STRIKE THE OPINIONS OF PLAINTIFF'S EXPERT CHARL WOODCOCK, AND ANY CROSS-MOTION TO STRIKE THE OPINIONS OF DEFENDANT'S EXPERT GLEN WATKIN.

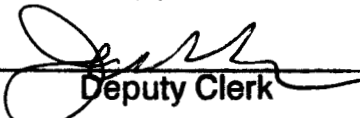
Dated: August 27, 2009


The Honorable R. Terrence Ney

SEEN AND OBJECTED TO FOR ALL REASONS
STATED ON BRIEF AND IN ARGUMENT

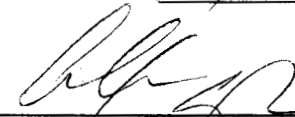

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A COPY TESTE:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

Counsel for Fairfax County Water Authority

SEEN AND Objected to for those limited reasons stated in argument.


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CONT'D

ON SEPTEMBER 3, 2009, AND THE CITY SHALL FILE ITS BRIEF IN
OPPOSITION TO FAIRFAX WATER'S CROSS-MOTION ON SEPTEMBER 8,
2009.

6. THE PARTIES' COUNSEL ARE AUTHORIZED TO NOTIFY ANY WITNESSES
THEY HAVE SUBPOENAED TO TESTIFY ON COUNTS I, II, OR IV ON SEPT. 14,
2009, THAT THEY ARE RELEASED.