

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Monday the 13th day of July, 2009.*

City of Falls Church,

Petitioner,

against

County of Fairfax, et al.,

Respondents.

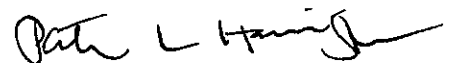
On May 6, 2009 came the petitioner, by counsel, and filed a petition for the convening of a special court.

Thereupon came the respondents and the Fairfax County Water Authority, by counsel, and filed a joint motion to dismiss the petition, to which the petitioner filed a reply.

Upon consideration whereof, the Court denies the relief requested by the respondents and the Fairfax County Water Authority in the joint motion to dismiss. This denial is without prejudice to the parties' right to assert any issue before the special court.

A Copy,

Teste:



Clerk

Supreme Court of Virginia

To All To Whom These Presents Shall Come — Greetings:

Know Ye, That I, LEROY ROUNTREE HASSELL, SR.,

Chief Justice of the Supreme Court of Virginia, by virtue of authority vested in me by law,
do hereby designate —

The Honorable Pamela S. Baskervill
Judge of the Eleventh Judicial Circuit

and

The Honorable Everett A. Martin, Jr.
Judge of the Fourth Judicial Circuit

to preside in the Circuit Court of the City of Hampton

with

The Honorable Wilford Taylor, Jr.
Judge of the Eighth Judicial Circuit, designated Chief Judge


as members of a three-judge court, authorized by section 15.2-2135 of the Code of Virginia
1950, in the case of --

City of Falls Church

v.

Fairfax County, et al.

It is so Ordered. Given under my hand and seal this 13th day of July 2009.



Chief Justice of the Supreme Court of Virginia (Seal)