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June 28, 2022

By Overnight Delivery

The Honorable Pamela S. Baskervill
c/o Terri R. Driskill, Court Administrator &
Judicial Assistant to The Honorable Pamela S. Baskervill
Dinwiddie County Circuit Court
14008 Boydton Plank Road
Dinwiddie, VA 23841

Re: *In re: A Court of Mist and Fury*
Circuit Court for the City of Virginia Beach
Case No. CL22-1984

In re: Gender Queer
Circuit Court for the City of Virginia Beach
Case No. CL22-1985

Dear Judge Baskervill:

We are in receipt of your letter dated June 27, 2022, proposing that the Court take up threshold questions before proceeding to the merits. Prior to receiving your letter, counsel for the parties in these matters worked cooperatively to develop a proposed way forward. During a telephonic conference last Friday, June 24, 2022, counsel agreed to the enclosed proposed scheduling orders, which counsel agree would eliminate the need for the July 13 scheduling conference and set forth a procedure for the Court to address all threshold issues that may be dispositive. The enclosed proposed orders for each case are identical.

Please contact us if you have any questions or if we can be of assistance.

Respectfully submitted,



David B. Lacy

Enclosures

cc: (by email w/encls.)
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Kamala H. Lannetti, Esq. (klannett@vbgov.com)

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VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF VIRGINIA BEACH

In re: A Court of Mist and Fury

Case No. CL22-1984

First Scheduling Order

On July 13, 2022, the following persons and entities appeared, by counsel, for a status conference as previously directed by the Court: Petitioner Thomas Altman, Bloomsbury Publishing, Inc., Sarah J. Mass, School Board of the City of Virginia Beach, Barnes & Noble Booksellers, Inc., and American Civil Liberties Union Foundation of Virginia. Having considered the comments of counsel regarding the proper means of proceeding and the appropriate time required for orderly disposition of disputed issues, the Court sets the following schedule for further proceedings in this case.

1. An in-person hearing shall be conducted by the Court at the courthouse located in [*Dinwiddie, VA, or Virginia Beach, VA, depending on the Court's preference*] on August 30, 2022 (the "Dispositive Motion Hearing") from 9:00 a.m. - 1:00 p.m.

- a. Case No. CL22-1984 and Case No. CL 22-1985 (the "Cases") have not been consolidated. However, as the motions in the Cases present overlapping issues of law, the Dispositive Motion Hearing shall address both Case No. CL22-1984 and Case No. CL 22-1985, respectively.
- b. The Dispositive Motion Hearing shall be confined to the presentation of legal argument on dispositive motions which, if granted, would result in dismissal of this case or the resolution of other material preliminary questions of law.
- c. The Dispositive Motion Hearing shall be conducted without the presentation of evidence.

2. Any person or entity that has filed, prior to July 13, 2022, a motion within the scope of Paragraph 1 above (the “Moving Parties”), shall file a brief in support of such motion that does not exceed 25 pages, double spaced. Such briefs must be served on or before 4:00 p.m. on July 26, 2022. Any person or entity that has filed motions in both this case and Case No. CL 22-1985 shall file a single brief that does not exceed 30 pages, double spaced, and shall submit the brief for filing in both this case and Case No. 22-1985.

3. Petitioner must serve his brief in opposition to the motions on or before 4:00 p.m. on August 9, 2022.

4. The Moving Parties may file a brief in reply to the Petitioner’s opposition and must serve the brief on or before 4:00 p.m. on August 16, 2022. Such briefs may not exceed 15 pages, double spaced.

5. Parties authorized by order of this Court to participate as *amicus curiae* shall submit their opening and reply briefs on the same schedule and with the same deadlines as those imposed on the Moving Parties by Paragraphs 2 and 4 above. Unless an *amicus* party has a particularized interest in this case or in Case No. CL22-1985, the Court wishes to minimize duplicative filings, and strongly encourages the submission of a single brief by each *amicus* party, to be filed in both this case and Case No. CL 22-1985. Opening *amicus* briefs shall not exceed 25 pages, double spaced, and *amicus* reply briefs, if any, shall not exceed 15 pages, double spaced.

6. In addition to any other form of service, all briefs served pursuant to this Order shall be served on counsel by email by the deadlines set forth herein.

7. All briefs served pursuant to this Order shall be submitted, within one (1) business day of the date of service, for filing with the Clerk’s Office by mail, overnight delivery or hand delivery.

The Clerk is requested to send certified copies of this Order to all counsel of record.

It is SO ORDERED.

Dated: July __, 2022

Hon. Pamela S. Baskervill
Circuit Court Judge

ENDORSEMENT OF THIS ORDER BY COUNSEL OF RECORD FOR THE PERSONS AND ENTITIES SUBJECT TO THIS ORDER IS WAIVED IN THE DISCRETION OF THE COURT PURSUANT TO RULE 1:13 OF THE SUPREME COURT OF VIRGINIA.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF VIRGINIA BEACH

In re: Gender Queer, A Memoir

Case No. CL22-1985

First Scheduling Order

On July 13, 2022, the following persons and entities appeared, by counsel, for a status conference as previously directed by the Court: Petitioner Thomas Altman, Oni-Lion Forge Publishing Group, LLC, Maia Kobabe, and Barnes & Noble Booksellers, Inc. Having considered the comments of counsel regarding the proper means of proceeding and the appropriate time required for orderly disposition of disputed issues, the Court sets the following schedule for further proceedings in this case.

1. An in-person hearing shall be conducted by the Court at the courthouse located in [*Dinwiddie, VA, or Virginia Beach, VA, depending on the Court's preference*] on August 30, 2022 (the "Dispositive Motion Hearing") from 9:00 a.m. - 1:00 p.m.

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- b. The Dispositive Motion Hearing shall be confined to the presentation of legal argument on dispositive motions which, if granted, would result in dismissal of this case or the resolution of other material preliminary questions of law.
- c. The Dispositive Motion Hearing shall be conducted without the presentation of evidence.

2. Any person or entity that has filed, prior to July 13, 2022, a motion within the scope of Paragraph 1 above (the “Moving Parties”), shall file a brief in support of such motion that does not exceed 25 pages, double spaced. Such briefs must be served on or before 4:00 p.m. on July 26, 2022. Any person or entity that has filed motions in both this case and Case No. CL 22-1984 shall file a single brief that does not exceed 30 pages, double spaced, and shall submit the brief for filing in both this case and Case No. 22-1984.

3. Petitioner must serve his brief in opposition to the motions on or before 4:00 p.m. on August 9, 2022.

4. The Moving Parties may file a brief in reply to the Petitioner’s opposition and must serve the brief on or before 4:00 p.m. on August 16, 2022. Such briefs may not exceed 15 pages, double spaced.

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It is SO ORDERED.

Dated: July __, 2022

Hon. Pamela S. Baskervill
Circuit Court Judge

ENDORSEMENT OF THIS ORDER BY COUNSEL OF RECORD FOR THE PERSONS AND ENTITIES SUBJECT TO THIS ORDER IS WAIVED IN THE DISCRETION OF THE COURT PURSUANT TO RULE 1:13 OF THE SUPREME COURT OF VIRGINIA.