

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, pro se,

Plaintiff,

v.

City of Virginia Beach,

Defendant.

Civil Action No. 2:18-CV-69

**CITY OF VIRGINIA BEACH’S BRIEF IN OPPOSITION TO
PLAINTIFF’S MOTION TO ADD PARTIES TO THE AMENDED COMPLAINT**

COMES NOW Defendant City of Virginia Beach (“City”), by counsel, and for its Brief in Opposition to Plaintiff Latasha Holloway’s (“Plaintiff”) Motion to Add Parties to the Amended Complaint (“Plaintiff’s Motion”), states as follows:

Procedural History and Factual Background

Plaintiff, appearing *pro se*, claims that the at-large election system used to elect the members of the Virginia Beach City Council “unlawfully dilut[es] or minimiz[es] ‘minority voting strength,’” and violates certain statutory and constitutional rights. (Compl. at 2, ECF No. 5). Plaintiff has also filed a series of other motions, including three motions for appointment of counsel, the first two of which were denied without prejudice. (Mot. to Appoint Counsel, ECF No. 2; Renewed Mot. to Appoint Counsel, ECF No. 24; Motion to Reconsider Appointment of Counsel, ECF No. 37). Thereafter, the City filed a Motion to Dismiss on April 10, 2018. (Mot to Dismiss, ECF No. 13).

While the City’s Motion to Dismiss was pending, Plaintiff moved for leave to amend her Complaint to “join additional parties defendants, because complete relief cannot be accorded

among those named defendants without joinder” and to “include additional causes of action, or requests for relief, or to name additional parties as defendants to the action, or to cure any deficiency in their causes of action.” (Mot. for Leave, ECF No. 28, pg. 1-2). The City has opposed the filing of the proposed Amended Complaint (Amend. Comp., ECF No. 28, pp 16-27) because it is futile and contrary to the ends of justice. (Opposition to Mot. for Leave, ECF No. 31). The Plaintiff’s Motion for Leave to File an Amended Complaint is still pending.

Since the filing of Plaintiff’s Motion for Leave to File an Amended Complaint, the Plaintiff has filed numerous additional motions: (1) a second Motion for Enlargement of Time, (2) a Motion to Certify Case as a Class, (3) a Motion to Request Preliminary Injunction and (4) a Motion to Reconsider Appointment of Counsel, and (5) Motion to Stay Proceedings, and (6) Motion to Certify Case as a Class (See ECF Nos. 33-37, 41).

Plaintiff now moves this Court “to add parties to its amended complaint pursuant to Fed. R. Civ. Proc. 20(a) to add Georgia F. Allen as a proper plaintiff to this action.” (Motion to Add Party, ECF No. 43). The City opposes this motion as being improper and premature.

Argument

I. Plaintiff’s Motion to Add Parties to the Amended Complaint is Improper and/or Premature Where the Plaintiff’s Motion for Leave to File a Proposed Amended Complaint Has Not Been Granted.

Plaintiff’s present motion seeks to add Georgia F. Allen as a party to the proposed Amended Complaint. (Mot. to Add Party, ECF No. 43). Plaintiff fails to recognize that her Motion for Leave to File an Amended Complaint is subject to the City’s opposition and still pending before this Court. (Mot. for Leave, ECF No. 28, Opposition to Mot. for Leave, ECF

No. 31). Plaintiff's original Complaint still governs this matter.¹ Therefore, Plaintiff's request to add parties to a proposed Amended Complaint that this Court has not granted leave to file is improper, premature and ought to be denied by the Court forthwith.

Conclusion

Defendant City of Virginia Beach respectfully requests this Court deny Plaintiff's Motion to Add a Party to the Amended Complaint as improper and/or premature.

Respectfully Submitted,

CITY OF VIRGINIA BEACH

By: _____/s/_____
Of Counsel

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¹ Plaintiff's original Complaint is also subject to the City's pending Motion to Dismiss for failure to state a claim upon which relief can be granted. (See Motion to Dismiss, ECF No. 13; Memorandum of Law in Support of Motion to Dismiss, ECF Nos. 14; Reply to Plaintiff's Brief in Opposition to the City's Motion to Dismiss, ECF No. 30).

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 2018, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Latasha Holloway is a non-filing user of the CM/ECF system. No other parties require notice.

/s/
Gerald L. Harris

And I hereby further certify that on this same date I have mailed the foregoing document along with a copy of the NEF to the following non-filing user:

Latasha Holloway
3683 Windmill Drive,
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/s/
Gerald L. Harris

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