

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

Latasha Holloway, et al.,

Plaintiffs,

v.

City of Virginia Beach, et al.,

Defendants.

Case No. 2:18-cv-0069

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants¹ respectfully provide the Court notice of an important development in *Branch v. City of Virginia Beach*, CL24-322 (Va. Cir. Ct.) (the “*Branch* case”), which is relevant to the pending motion for relief from the judgment filed by the plaintiffs (the “*Holloway* Plaintiffs”), ECF No. 322. On June 2, 2025, the court in the *Branch* case denied the City’s motion to join the *Holloway* Plaintiffs as parties in that suit. The order is attached as Exhibit A.

That order is highly relevant to the outstanding motion for relief from the judgment, which rested on the *Holloway* Plaintiffs’ stated concern that they might be joined as defendants in the *Branch* case. *See, e.g.*, ECF No. 322 at 10–12; ECF No. 329 at 5–6. That is no longer a possibility. Consequently, the *Holloway* Plaintiffs’ assertions related to joinder are moot.

¹ Defendants are the City of Virginia Beach, the Virginia Beach City Council, the City Manager, the City Registrar of Elections, and the members of the Virginia Beach City Council, all in their official capacities (collectively, the “City”).

DATE: June 3, 2025

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of the filing to all parties of record.

/s/ Katherine L. McKnight

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EXHIBIT A

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June 2, 2025

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**Re: Linwood Branch, et al. v. City of Virginia Beach, et al.
Case No.: CL24-322**

Dear Counsel:

Please let this letter serve as a ruling regarding the City Defendants' Motion to Join Necessary Parties, filed on April 3, 2025, for CL24-322, *Linwood Branch, et al. v. City of Virginia Beach, et al.*

The City Defendants' Motion to Join Necessary Parties requested the joinder of Ms. Latasha Holloway and Ms. Georgia Allen (collectively, the "*Holloway* plaintiffs") and the Commonwealth of Virginia as necessary parties. This Court participated in a Webex conference call with counsel for the parties, the *Holloway* plaintiffs, and the

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Commonwealth on May 5, 2025. After hearing the presentation of the facts by the parties, it was decided that, for purposes of expediency, this Court would rule upon the Motion to Join by letter opinion following the filings of all briefs supporting and opposing such Motion to Join.

Conclusion

The City Defendant's Motion to Join Necessary Parties is denied due to its untimely nature. See *Emrich v. Emrich*, 9 Va. App. 288, 293–94 (Va. Ct. App. 1989). To the extent this Court could exercise its discretion to consider the merits of the Motion to Join, this Court finds that the Commonwealth is not protected by sovereign immunity as its joinder is not sought to hold it liable as a defendant; however, neither the Commonwealth nor the *Holloway* plaintiffs are necessary parties and this Court declines to exercise its discretion to join them as parties.

Sincerely,



Randall D. Smith
Designated Judge

RDS/mdb/nlc