

Circuit Court  
OF THE  
City Of Richmond

MELVIN R. HUGHES, JR.  
JUDGE

JOHN MARSHALL COURTS BUILDING  
400 NORTH 9TH STREET  
RICHMOND, VIRGINIA 23219-1540

October 1, 2010

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1001 Haxall Point  
P.O. Box 1122  
Richmond, Virginia 23219

Re: CL10-3425  
The KnowCampaign  
v.  
Nancy Rodrigues, et al.

Dear Counsel:

First, the court commends counsel for their industry and advocacy in the presentations on September 28, 2010 on the defendants' demurrer and plaintiff's request for preliminary injunctive relief. I have read all the briefing material provided and considered your statements at the hearing and decide that the demurrer should be overruled and the injunction allowed.

In the interest of time in view of the coming election, I will be brief in explanation. Rather than supportive of the defendants' positions that plaintiff has failed to state a claim and preliminary injunctive relief is not available, Mahan v. National Conservative Political Action Committee, 227 Va. 330, 315 S. E. 2d 829 (1984) seems to support plaintiff's claims for declaratory and injunctive relief and for now, preliminary injunctive relief. Although a case about the unconstitutionality of a statue restricting distribution of a state wide list of

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Hall, Esq.  
Troy, Esq.  
CL10-3425

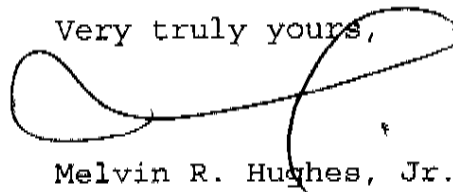
The KnowCampaign v. Nancy Rodriguez, et al

voters, the pleadings and evidence make a case for Mahan reasoning and application to the statute restricting distribution of the state wide voter history list here. While it may be that a plaintiff is not entitled to elevate to constitutional implication any use of the voter history or state wide list, the fact that the statute extends the right of distribution to others and such lists are available from each local registrar (137) to anyone, makes a case of unconstitutional restriction of free speech and impermissible discrimination.

So, today the court has entered preliminary injunction prohibiting and restraining the defendants from not affording plaintiff the voter history list on request, the demurrer is overruled. The order includes the conditions that there be one mailing and no neighbor or peer pressure.

Attached is a copy of the referenced order, which notes exceptions.

Very truly yours,

A handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke and a vertical stroke that crosses the horizontal one.

Melvin R. Hughes, Jr.

slc

**Virginia:**

**In the Circuit Court of the City of Richmond, John Marshall Courts Building**

THE KNOWCAMPAIGN

PLAINTIFF

v.

CL09-5389

NANCY RODRIGUES, SECRETARY  
OF THE STATE BOARD OF ELECTIONS OF VIRGINIA,  
JEAN CUNNINGHAM, CHAIRMAN  
OF THE STATE BOARD OF ELECTIONS OF VIRGINIA,  
and  
HAROLD PYON, VICE-CHAIRMAN  
OF THE STATE BOARD OF ELECTIONS OF VIRGINIA

DEFENDANTS

O R D E R

On September 28, 2010, came the parties,  
plaintiff by representative and by counsel, and defendants  
by counsel, on defendants' demurrer and plaintiff's request  
for preliminary injunction and was argued by counsel.

Upon Consideration Whereof, for the reasons  
stated in the court's letter to counsel dated October 1,  
2010, the demurrer is Overruled. Defendants shall have ten  
days from the date of entry of this order to file  
responsive pleadings.

Upon Further Consideration, for reasons stated in  
the court's aforementioned letter, a preliminary injunction  
is awarded against the defendants, restraining and  
prohibiting the said defendants from not providing to

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CL10-3425

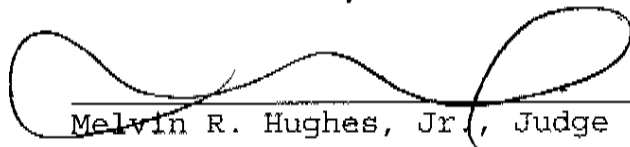
The KnowCampaign v. Nancy Rodrigues, et al.

plaintiff the described voter history list on request. Such ordered disclosure shall be on the condition that there be one mailing and that no neighbor or peer pressure be exerted.

This injunction shall remain in effect until such time as it may be sooner modified, enlarged or dissolved.

Defendants' exceptions are noted.

Enter: 10/1/10



Melvin R. Hughes, Jr., Judge