

ANDERSON LAW

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*Additional Office Locations By Appointment:
Chesapeake – Hampton - Richmond - Vienna*

January 13, 2021

Clerk of the Circuit Court
119 Courthouse Lane
Clintwood, VA 24228


Re: Rose v. Northam

Dear Clerk:

Attached, please find a Petition for Writ of Mandamus that I ask you to file in your Court. As this is a time sensitive matter, I am requesting expedited review and handling of this matter.

Additionally, I am requesting the Clerk to modify the event code from Injunction to Mandamus. VJEF did not have an event code for a Writ of Mandamus.

Sincerely,


Timothy Anderson

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Case No. _____
(CLERK'S OFFICE USE ONLY)

Dickenson

Circuit Court

Andrew Rose
PLAINTIFF(S)

v./In re:

Ralph Northam
DEFENDANT(S)

I, the undersigned [] plaintiff [] defendant [] attorney for [] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

- Subsequent Actions
[] Claim Impleading Third Party Defendant
[] Monetary Damages
[] No Monetary Damages
[] Counterclaim
[] Monetary Damages
[] No Monetary Damages
[] Cross Claim
[] Interpleader
[] Reinstatement (other than divorce or driving privileges)
[] Removal of Case to Federal Court

Business & Contract

- [] Attachment
[] Confessed Judgment
[] Contract Action
[] Contract Specific Performance
[] Detinue
[] Garnishment

Property

- [] Annexation
[] Condemnation
[] Ejectment
[] Encumber/Sell Real Estate
[] Enforce Vendor's Lien
[] Escheatment
[] Establish Boundaries
[] Landlord/Tenant
[] Unlawful Detainer
[] Mechanics Lien
[] Partition
[] Quiet Title
[] Termination of Mineral Rights

Tort

- [] Asbestos Litigation
[] Compromise Settlement
[] Intentional Tort
[] Medical Malpractice
[] Motor Vehicle Tort
[] Product Liability
[] Wrongful Death
[] Other General Tort Liability

ADMINISTRATIVE LAW

- [] Appeal/Judicial Review of Decision of (select one)
[] ABC Board
[] Board of Zoning
[] Compensation Board
[] DMV License Suspension
[] Employee Grievance Decision
[] Employment Commission
[] Local Government
[] Marine Resources Commission
[] School Board
[] Voter Registration
[] Other Administrative Appeal

DOMESTIC/FAMILY

- [] Adoption
[] Adoption - Foreign
[] Adult Protection
[] Annulment
[] Annulment - Counterclaim/Responsive Pleading
[] Child Abuse and Neglect - Unfounded Complaint
[] Civil Contempt
[] Divorce (select one)
[] Complaint - Contested*
[] Complaint - Uncontested*
[] Counterclaim/Responsive Pleading
[] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[] Separate Maintenance
[] Separate Maintenance Counterclaim

WRITS

- [] Certiorari
[] Habeas Corpus
[X] Mandamus
[] Prohibition
[] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [] Accounting
[] Aid and Guidance
[] Appointment (select one)
[] Guardian/Conservator
[] Standby Guardian/Conservator
[] Custodian/Successor Custodian (UTMA)
[] Trust (select one)
[] Impress/Declare/Create
[] Reformation
[] Will (select one)
[] Construe
[] Contested

MISCELLANEOUS

- [] Amend Death Certificate
[] Appointment (select one)
[] Church Trustee
[] Conservator of Peace
[] Marriage Celebrant
[] Approval of Transfer of Structured Settlement
[] Bond Forfeiture Appeal
[] Declaratory Judgment
[] Declare Death
[] Driving Privileges (select one)
[] Reinstatement pursuant to § 46.2-427
[] Restoration - Habitual Offender or 3rd Offense
[] Expungement
[] Firearms Rights - Restoration
[] Forfeiture of Property or Money
[] Freedom of Information
[] Injunction
[] Interdiction
[] Interrogatory
[] Judgment Lien-Bill to Enforce
[] Law Enforcement/Public Official Petition
[] Name Change
[] Referendum Elections
[] Sever Order
[] Taxes (select one)
[] Correct Erroneous State/Local
[] Delinquent
[] Vehicle Confiscation
[] Voting Rights - Restoration
[] Other (please specify)

[] Damages in the amount of \$ _____ are claimed.

01/13/2021

DATE

[] PLAINTIFF

[] DEFENDANT

[X] ATTORNEY FOR

[X] PLAINTIFF
[] DEFENDANT

Timothy Anderson

PRINT NAME

2492 N. Landing Rd 104

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

Virginia Beach VA 23456

timanderson@virginialawoffice.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT OF DICKENSON COUNTY

Andrew Rose

Petitioner

Case No. EF-7757

v.

The Honorable Ralph Northam,
Governor of Virginia

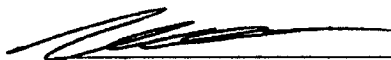
Respondent

NOTICE OF ERRATA

Please take notice, that the Petitioner wishes to Correct all references in the Petition for Mandamus indicating Senator Chaffin to Senator Chafin. All parts of the petition are otherwise correct.

Respectfully Submitted,

Andrew Rose




Counsel

Timothy Anderson
Anderson & Associates PC
2492 N. Landing Rd 104
Virginia Beach VA 23456
757-301-3636
Counsel for the Plaintiff

CERTIFICATE OF SERVICE:

I hereby certify that a true and correct copy of this Notice of Errata was sent to the Office of the Attorney General via email at service@oag.state.va.us on this 13th day of January 2021.



Timothy Anderson

VIRGINIA: IN THE CIRCUIT COURT OF DICKENSON COUNTY

Andrew Rose

Petitioner

Case No.

v.

The Honorable Ralph Northam,
Governor of Virginia

Respondent

**PETITION FOR APPLICATION OF WRIT
OF MANDAMUS**

Comes now, the Petitioner by counsel and moves this Court for a Writ of Mandamus to be issued against the Respondent for the reasons state below:

1. The Petitioner is a resident of Clintwood, Virginia which is located in the 38th Senatorial District in Virginia.
 2. Ralph Northam is the duly elected Governor of Virginia.
 3. On January 1, 2021, Ben Chaffin, the duly elected state Senator for the 38th Senatorial District of Virginia died creating a vacancy as defined by 24.2-216 of the Code of Virginia.
 4. Senator Chaffin was a Republican.
 5. Governor Northam is a Democrat.
 6. When Delegate Joe Lindsey, a Democrat, became a judge on November 9, 2020, the Respondent initially set a special election on December 1, 2020, which later changed to January 5, 2021 which was before the start of the General Assembly Session.
- Exhibit A.

7. When Delegate Jennifer Foy, a Democrat, resigned from the House of Delegates on December 8, 2020, the Governor set a special election on January 5, 2021 which was before the start of the General Assembly Session. Exhibit B.
8. On January 12, 2021 the Respondent set a special election to fill the vacancy for the vacancy of Senator Chaffin on March 23, 2021. Exhibit C.
9. The Virginia General Assembly begins its 2021 session on January 13, 2021 and is expected to last 30 days.
10. As a result of the death of Senator Chaffin, the 38th Senatorial District will not have representation during the entire session as the Respondent is setting a date to fill the vacancy on March 23, 2021.
11. 24.2-216 of the Code of Virginia mandates the governor “shall issue a writ of election” to fill the vacancy and pursuant to 24.2-683 of the Code of Virginia, the election shall be published in certain places for at least 10 days before the election.
12. After 11 days of delay (January 1, 2021 – January 12, 2021), the Governor set a date for a Special Election on March 23, 2021 to fill the vacancy of Senator Chaffin.
13. The actions of the Governor were designed specifically to divest the 38th Senatorial District from representation in the General Assembly and has been done with political motivation and in bad faith with an expectation that the replacement of Senator Chaffin would be a Republican.
14. The Petitioner suffers irreparable harm, for which no other remedy at law exists, caused by the Governor to divest the Petitioner of representation in the Virginia Senate during the 2021 General Assembly session in the 38th Senatorial District when

constituents in primarily Democrat districts have seen expedited elections to ensure representation of Democrat Districts in the 2021 General Assembly.

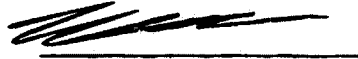
15. The actions of the Governor are in direct violation of 24.2-216 of the Code of Virginia and constitute political maladministration in violation Article 1 Section 3 of the Virginia Constitution.

16. Following either the precedence of the Del. Lindsey or the Del. Foy timelines set in 2020, the Governor should be ordered to set a special election within 21-29 days of January 1, 2021, or as soon as practical thereafter.

Wherefore, the Petitioner prays for this Court to Order the Respondent to immediately file a Writ for Special Election and for the election to occur within 10 days of the Writ.


Respectfully Submitted,

Andrew Rose



Counsel

Verified to be true and accurate:



Andrew Rose

Timothy Anderson
Anderson & Associates PC
2492 N. Landing Rd 104
Virginia Beach VA 23456
757-301-3636
Counsel for the Plaintiff

CERTIFICATE OF SERVICE:

I hereby certify that a true and correct copy of this Petition was sent to the Office of the Attorney General via email at service@oag.state.va.us on this 13th day of January 2021.



Timothy Anderson



COMMONWEALTH of VIRGINIA
Executive Department

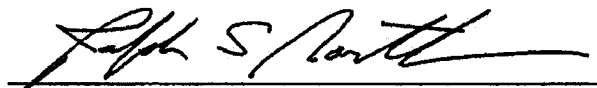
TO THE SECRETARIES OF THE ELECTORAL BOARDS AND GENERAL REGISTRARS
OF THE CITIES OF NORFOLK AND VIRGINIA BEACH

WHEREAS, a vacancy has occurred in the House of Delegates from the Ninetieth District, composed of parts of the City of Norfolk and the City of Virginia Beach, occasioned by the resignation of The Honorable Joseph C. Lindsey.

NOW THEREFORE, in the name of the Commonwealth, and pursuant to the authority vested in me by Article IV, Section 7 of the Constitution of Virginia and §§ 24.2-216 and 24.2-510 of the *Code of Virginia*, you are hereby required to cause an election to be held in this district on January 5, 2021, for a member of the House of Delegates to fill the vacancy. The last day for filing as a candidate for such office in said election shall be December 7, 2020 at 5:00 pm.



Given under my hand and under the Lesser Seal of the Commonwealth at Richmond, this 1st day of December in the year Two Thousand and Twenty and in the 245th year of the Commonwealth.


Governor of Virginia


Secretary of the Commonwealth

A

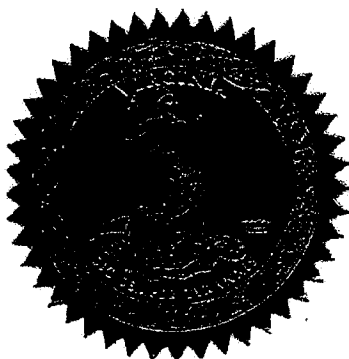


COMMONWEALTH of VIRGINIA
Executive Department

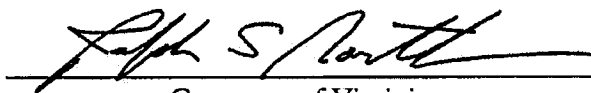
TO THE SECRETARIES OF THE ELECTORAL BOARDS AND GENERAL REGISTRARS
OF THE COUNTIES OF PRINCE WILLIAM AND STAFFORD

WHEREAS, a vacancy will occur in the House of Delegates from the Second District, composed of parts of the County of Prince William and the County of Stafford, occasioned by the resignation of The Honorable Jennifer D. Carroll Foy, effective December 12, 2020.

NOW THEREFORE, in the name of the Commonwealth, and pursuant to the authority vested in me by Article IV, Section 7 of the Constitution of Virginia and §§ 24.2-216 and 24.2-510 of the *Code of Virginia*, you are hereby required to cause an election to be held in this district on January 5, 2021, for a member of the House of Delegates to fill the vacancy. The last day for filing as a candidate for such office in said election shall be December 14, 2020 at 5:00 pm.



Given under my hand and under the Lesser Seal of the Commonwealth at Richmond, this 8th day of December in the year Two Thousand and Twenty and in the 245th year of the Commonwealth.


Governor of Virginia


Secretary of the Commonwealth

B



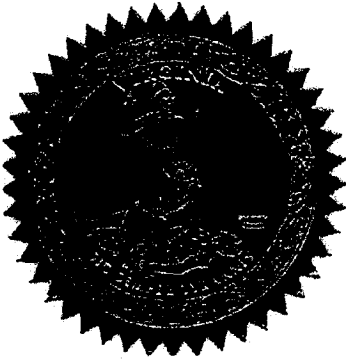
COMMONWEALTH of VIRGINIA

Executive Department

TO THE SECRETARIES OF THE ELECTORAL BOARDS AND GENERAL REGISTRARS OF THE CITIES OF NORTON AND RADFORD AND THE COUNTIES OF BLAND, BUCHANAN, DICKENSON, MONTGOMERY, PULASKI, RUSSELL, SMYTH, TAZEWELL, AND WISE.

WHEREAS, a vacancy has occurred in the Senate of Virginia from the Thirty-Eighth District, composed of the Cities of Norton and Radford, the Counties of Bland, Buchanan, Dickenson, Pulaski, Russell, and Tazewell, and parts of the Counties of Montgomery, Smyth, and Wise occasioned by the death of The Honorable A. Benton Chafin, Jr.

NOW THEREFORE, in the name of the Commonwealth, and pursuant to the authority vested in me by Article IV, Section 7 of the Constitution of Virginia and §§ 24.2-216 and 24.2-510 of the *Code of Virginia*, you are hereby required to cause an election to be held in this district on March 23, 2021, for a member of the Senate of Virginia to fill the vacancy. The last day for filing as a candidate for such office in said election shall be January 22, 2021 at 5:00 pm.



Given under my hand and under the Lesser Seal of the Commonwealth at Richmond, this 12th day of January in the year Two Thousand and Twenty-One and in the 245th year of the Commonwealth.

A handwritten signature in cursive script, reading "Ralph S. North".

Governor of Virginia

A handwritten signature in cursive script, reading "Kelly Thomass".

Secretary of the Commonwealth

C