(2) 8/13/09

BDW 3-3-09

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Kaltman)
Plaintiff/Complainant,

Vs.

Law/Fiduciary/~~Chancery~~ No. 2008-11558 ✓
11557 ✓

All America, Harrison)
Defendant/Respondent,

ORDER

This case came to be heard on the 3rd day of August, 2009 on the Plaintiff's / ~~Complainant's~~ / ~~Defendant's~~ / ~~Respondent's~~ motion to Nonsuit.

Upon the matters presented to the Court at the Hearing it is,

ADJUDGED, ORDERED, and DECREED as follows:

These actions are non-suited without objections, there having been no prior non-suits in these actions.

CL08-11557 the end

Entered, this 3rd day of August, 2009.

JUDGE BRUCE D. WHITE

Seen and agreed:

Counsel for Plaintiff / ~~Complainant~~

~~Seen and~~:

Counsel for Defendant / Respondent

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

ALVIN KALTMAN Plaintiff, v. ALL AMERICAN PEST CONTROL, INC., et al., Defendants.	)	Law No.: 2008 11558 (consolidated with 2008 11557)

GWENDOLYN KALTMAN Plaintiff, v. ALL AMERICAN PEST CONTROL, INC., et al., Defendants.	)	Law No.: 2008 11557 (consolidated with 2008 11558)

SUSPENDING ORDER

THIS CAUSE came to be heard this day upon the papers previously filed herein, and upon an Order of Nonsuit entered by this Court on August 3, 2009; and

UPON CONSIDERATION WHEREOF, it is accordingly

ADJUDGED AND ORDERED that the finality of this Court's Order of Nonsuit dated August 3, 2009, is hereby suspended until a ruling had been made on Defendants' Motion to Assess Expert Witness Fees in connection with Va. Code Ann.§ 8.01-380(C).

ENTERED this 18 day of Aug., 2009.

Circuit Court Judge

WE ASK FOR THIS:

David D. Hudgins, Esquire
Robert E. Draim, Esquire
HUDGINS LAW FIRM
515 King Street, Suite 400
Alexandria, VA 22314
(703) 739-3300
(703) 739-3700 (facsimile)
Counsel for Defendants

SEEN AND AGREED:

Gobind Sethi / by Robert Draim with permission

Robert T. Hall, Esquire
Gary B. Mims, Esquire
Gobind Sethi, Esquire
Hall, Sickels, Frei & Mims, P.C.
12120 Sunset Hills Road, Suite 150
Reston, VA 20190
(703) 925-0500
(703) 925-0501 (facsimile)
Counsel for Plaintiffs

JCB
9-25-09

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

ALVIN KALTMAN Plaintiff, v. ALL AMERICAN PEST CONTROL, INC., et al., Defendants.	)	Law No.: 2008 11558 (consolidated with 2008 11557)

GWENDOLYN KALTMAN Plaintiff, v. ALL AMERICAN PEST CONTROL, INC., et al., Defendants.	)	Law No.: 2008 11557 (consolidated with 2008 11558)

copy to 08-11557

Noted

CONSENT ORDER REGARDING DEFENDANTS' MOTION TO ASSESS EXPERT WITNESS FEES

UPON CONSIDERATION of the Motion to Assess Expert Witness Fees filed by defendants All American Pest Control, Inc. and Patric Harrison, referenced in the suspending order of August 18, 2009,

IT APPEARING that the parties have agreed to a compromise disposition of Defendants' motion and that they consent to entry of this Order, it is hereby

ORDERED as follows:

1. Defendants' Motion to Assess Expert Witness Fees is withdrawn as moot; and

2. Plaintiffs shall, within fifteen (15) days of this Order, pay to Defendants the sum of $5,320.00 by check payable to "Hudgins Law Firm, P.C.".

ENTERED this 25th day of September, 2009

Circuit Judge

SEEN AND AGREED:

Robert E. Draim permission to sign given to Gobind Sethi. VSB # 72266

David D. Hudgins, Esquire (VSB No. 20602)
Robert E. Draim, Esquire (VSB No. 18635)
HUDGINS LAW FIRM
515 King Street, Suite 400
Alexandria, VA 22314
(703) 739-3300
(703) 739-3700 (facsimile)
Counsel for Defendants

SEEN AND AGREED:

Robert T. Hall, Esquire (VSB No. 4826)
Gary B. Mims, Esquire (VSB No. 19184)
Gobind S. Sethi, Esquire (VSB No. 72266)
Hall, Sickels, Frei & Mims, P.C.
12120 Sunset Hills Road, Suite 150
Reston, VA 20190
(703) 925-0500
(703) 925-0501 (facsimile)
Counsel for Plaintiffs

Assignments of Error

1. The Circuit Court erred in sustaining the demurrers to the negligence counts (One, Two and Three) because those counts adequately state claims upon which relief can be granted as they allege facts establishing Defendants' duty which was breached and which proximately caused Plaintiffs' injuries.

2. The Circuit Court erred in sustaining the demurrers to the willful and wanton conduct counts (Four and Five) since those counts allege facts which state claims upon which relief can be granted.

3. The Circuit Court erred in sustaining the demurrers to Counts Ten and Eleven because the facts alleged establish Defendants' violations of Code § 3.1-249.52 and Code § 3.1-249.64 and state claims upon which relief can be granted for negligence *per se*.