

IN THE COMMONWEALTH OF VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Receipt No. 811182
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Case No. CL-2018-0016227
**Verified Complaint for
Declaratory Judgement
and Equitable Relief under
VA Code §8.01-184 et seq.**

Isidoro Rodriguez
2671 Avenir Place, Apt. 2227
Vienna, Virginia 22180

Plaintiff *Pro per*,

vs.

The General Assembly of the
Commonwealth of Virginia
General Assembly Building
910 Capitol Street
Richmond, VA 23219

The Office of the Governor of the
Commonwealth of Virginia
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, VA 23219

The Office of the Attorney General
for the Commonwealth of Virginia
900 East Main Street
Richmond, Virginia 23219

The Virginia Supreme Court
100 North Ninth Street, Fifth Floor
Richmond, VA 23219

Virginia State Bar and
Virginia State Bar Disciplinary Board
Eighth & Main Building
707 East Main Street, Suite 1500
Richmond, VA 23219-2800

Defendants.

Plaintiff Isidoro Rodriguez (“Rodriguez”) files this Verified Complaint for Declaratory

Judgement with evidence in Exhibits A through K, Exhibit L Memorandum of Law, and Exhibit L Affidavit, to seek under VA Code §§ 8.01-184 *et seq.*, a “binding adjudication of rights” under the common law,¹ the Constitution of the Commonwealth of Virginia (“VA Const.”) Art. I §§ 5, 9, 11 & 15, Art. VI §§ 1, 5 & 7, and Art. XII § 1 VA Const., and the *Void Ad Initio Doctrine*, and represent unto this Honorable Court as follows:

In summary, rather than take action to investigate and correct government attorneys and judges acts outside the scope of employment and judicial authority/jurisdiction by the promulgation of unconstitutional court rules and the issuance of *Void Ab Initio Orders* (Plaintiff’s Exhibit I) (*See also* presentations to NOVA members of the General Assembly, <https://t.co/sLv7pz3zD5> and <https://www.youtube.com/watch?v=VAkEficA5sQ>), and their surreal self-proclaimed grant of “impunity” for violation of the VA Const. and common law (*See* Inter-American Commission on Human Rights (IACHR) (P-926-16), and the United Nations Committee on Human Rights Complaints at <http://www.isidororodriguez.com>):

- (i) The General Assembly of the Commonwealth of Virginia colluded to act outside the **'the sphere of legitimate legislative activity,'** *Tenney v. Brandhove*, 341 U.S. 367 at 376 (1951) in violation of Art. I § 1, 5 & 9 VA Const. prohibitions on **ex post facto** legislation, by enacting VA Code § 54.1-3935 (2017) (Plaintiff’s Ex. J1 and J2) to retroactively adopt in 2017 unconstitutional Supreme Court of Virginia Rule Part 6, § IV, 13-6 to “[c]onform the statutory procedure for the disciplining of attorneys” to the court rules;
- (ii) The General Assembly of the Commonwealth of Virginia colluded to act outside the **'the sphere of legitimate legislative activity,'** *Tenney v. Brandhove*, 341 U.S. 367 at 376 (1951) to violate the mandate of separation of power under Art. VI § 1, 5 & 7 VA Const., and the citizen's power to amend Under Art. XII § 1 VA Const.,

¹ VA Code § 1-200, states “The common law of England, insofar as it is not repugnant to the principles of the Bill of Rights and Constitution of this Commonwealth, shall continue in full force within the same, and be the rule of decision, except as altered by the General Assembly. VA. Code § 1-10; 2005.

by changing the *decentralize statewide attorney disciplinary system* that was established in the Commonwealth since 1932 under VA Code § 54.1-3935 (2009) (Plaintiff's Ex. A), by retroactively delegating legislative authority to adopt in 2017 Court Rule Part 6, § IV, 13-6, issued in "**clear absence of all jurisdiction.**" *Bradley v. Fisher*, 13 Wall. 335, 80 U. S. 351. Pp. 435 U. S. 355-357; *Johnston v. Moorman*, 80 Va. 131, 142 (1885); *Stump v. Sparkman*, 435 U.S. 349 (1978): (a) to establish under the Supreme Court of Virginia's control a *centralized statewide attorney disciplinary system*; (b) to permit the Supreme Court of Virginia to use court rules to establish the VSBDB as a lower court with judicial authority to discipline attorneys; and, (c) to adopt the Supreme Court of Virginia's appointment of VSBDB members as judges via the Court rules;² and,

- (iii) The Defendants in violation of the mandate of separation of power, the mandate of access to an impartial court, and the mandate to a common law trial by jury for acts outside the scope of employment, legislative authority, and judicial authority, have colluded to deprive Rodriguez of *due process* under Art. I § 11 & 15 VA Const. and the *Void Ab Initio Order Doctrine*.

PARTIES, VENUE, AND JURISDICTION

1. Rodriguez is a 72-year-old citizen of Virginia, a Vietnam Veteran domiciled in and resident of Fairfax County, and was from 1982 thru 2006 an active member in good standing of the Defendant Virginia State Bar (VSB No. 21573).

2. The venue is in the Fairfax County Circuit Court under VA Code § 8.01-184, § 8.01-185, and § 8.01-261.1. The matter in controversy seeks equitable relief under the common law by a Declaratory Judgment under VA Code § 8.01-184 *et seq.* to deny immunity for acts outside of the scope of employment and legislative/judicial authority in violation of the VA Const.

² In *Marbury v. Madison*, 1 Cranch 137, 140 (1803), the U.S. Supreme Court held that, "[c]ourts are constituted by authority and they cannot beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not just *voidable*, but simply *void*, and this even prior to reversal." Thus, the *Void Ab Initio Order Doctrine*, mandates that an entity that has neither constitutional authority, nor legal power, nor jurisdiction to render any order, said order is *void ab initio* as a complete nullity from its issuance, and may be impeached directly or collaterally at any time, or in any manner. See, *Collins v. Shepherd*, 274 Va. 390, 402 (2007); *Singh v. Mooney*, 261 Va. 48, 51-52(2001); *Barnes v. Am. Fertilizer Co.*, 144 Va. 692, 705 (1925); *Rook v. Rook*, 233 Va. 92, 95(1987).

3. Defendant General Assembly of Virginia (“General Assembly”), Defendant Office of the Governor, Defendant Attorney General of Virginia and Defendant Supreme Court of Virginia (“Court”) are constitutional entities. Defendant Virginia State Bar (“VSB”) and Virginia State Bar Disciplinary Board (“VSBDB”) are entities created by Court Rules. Under the common law and VA Code § 8.01-184, all the Defendants are accountable to a declaratory judgment for acts outside the scope of employment, “sphere of legitimate legislative activity,” and judicial authority in "clear absence of all jurisdiction" in violation of Art. I § 5 & 9, Art. VI § 1, 5 & § 7, and Art. XII § 1 VA Const.

4. Jurisdiction of the Circuit Court is based upon the self-executing provisions of the Virginia Constitution, and that the request for declaratory judgment presents a justiciable controversy under VA Code § 8.01-184. See *DiGiacinto v. Rector & Visitors of George Mason Univ.*, 281 Va. 127, 137, 704 S.E.2d 365, 371 (2011).

5. Jurisdiction is in the Circuit Court due to the allegations that the citizen's exclusive power under Art. XII § 1 of the Commonwealth of Virginia (“VA Const.”) to amend Art. VI §§ 1, 5 & 7 VA Const., has been violated in 2017 by General Assembly’s ***ex-post facto*** unconstitutional delegation of legislative authority changing the ***decentralize statewide attorney disciplinary system*** established since 1932 under VA Code § 54.1-3935 (2009) to retroactively “conform the statutory procedure for the disciplining of attorneys” to Court Rule Part 6, § IV, 13-6 issued sometime after 1998 by VA Code § 54.1-3935 (2017) (Plaintiff’s Exhibit C and J).

6. Jurisdiction is in Circuit Court under VA Code § 18.2-500, for equitable relief from a business conspiracy to violate *Void Ab Initio Order Doctrine*.

7. Jurisdiction is in Circuit Court under VA Code § 8.01-186, § 8.01-187, § 8.01-188, § 18.2-481, § 18.2-482, § 18.2-500, § 19.2-191(2), § 19.2-206(A)(I), and § 19.2-211, to empanel a Special Grand Jury and to provide appropriate specialized personnel to investigate and report on the Class 2 felony under VA Code §§ 18.2-481 and 482, to resist, “the execution of the laws under color of authority,” (Plaintiff’s Ex. K, May 18, 2017 request to Commonwealth Attorney Raymond F. Morrogh and Colonel Edwin C. Roessler, Jr., for investigation, indictment and prosecution of various felonies).

STANDING

8. Rodriguez has placed into evidence and alleged facts sufficient to demonstrate standing under the common law to seek a declaratory judgment and equitable relief which is a threshold issue and a question of law (Plaintiff’s Exhibits A through K, Memorandum of Law and Affidavit). See Virginia Marine Res. Comm’n v. Clark, 281 Va. 679, 686-87, 709 S.E.2d 150, 154-55 (2011).

9. Standing concerns the characteristics of the individual who filed suit and interest in the subject matter. Westlake Props. v. Westlake Pointe Prop. Owners Assn, 273 Va. 107, 120 (2007). These requirements of standing apply to applications for a declaratory judgment. See Moreau v. Fuller, 276 Va. 127, 134-35, 661 S.E.2d 841, 845 (2008). For standing, the record of the systematic denial of access to an impartial court and common law trial by a jury of the violations of the VA Const and VA Code (Plaintiff’s Ex. F and G) must be viewed as true. See *id.* Thus, Rodriguez has a “legal interest” that is subject to a Declaratory Judgment under VA Code § 8.01-186, § 8.01-187 & § 8.01-187-188, and the common law. See Radin v. Crestar Bank, 249 Va.

440, 442, 457 S.E.2d 65, 66 (1995); *See also Friends of the Rappahannock v. Caroline City. Bd. of Supervisors*, 286 Va. 38, 50, 743 S.E.2d 132, 138 (2013).

STATEMENT OF FACTUAL ALLEGATIONS

10. The Citizens of Virginia ratified Art. I § 5 VA Const. to mandate separation of power between the General Assembly, the Court and the Executive Branch of government.

11. The Citizens of Virginia ratified Art. VI §§ 1,³ & 7⁴ VA Const. to authorize **only** the General Assembly to enact legislation to give judicial authority, to establish lower courts to the Court, and to appoint lower court judges. These constitutional powers/restrictions which the citizens ratified can neither be delegated nor circumvented.

12. The Citizens of Virginia ratified Art. VI, § 5⁵ VA Const. prohibited the Court from promulgating court rules that would conflict with statutory rights.

13. The Citizens of Virginia ratified Art. XII § 1 VA Const. to give only to themselves the power to amend these constitutional restrictions on the General Assembly and the prohibitions on the judicial authority and jurisdiction of the Court.

14. Therefore, under Art. 1, 5, and 7 VA Const., and the controlling precedent of *Fisher's Case*, 6 Leigh (33 Va.) 619 (1835) and *Legal Club of Lynchburg v. A.H. Light*, 13249, 430, 119 S.E. 55 (1923), only the General Assembly has the exclusive legislative powers to establish by

³ **Article VI, § 1 VA Const.**, states in relevant part that **judicial power** shall be vested in courts of original or appellate jurisdiction "**as the General Assembly may from time to time establish.**" (Emphasis added)

⁴ **Article VI, § 7 VA Const.**, states in relevant part that justices of the Court, and, "**all other courts of record shall be chosen by . . . the General Assembly.**" . . . (Emphasis added)

⁵ **Article VI, § 1 VA Const.**, states in relevant part that **judicial power** shall be vested in courts of original or appellate jurisdiction "**as the General Assembly may from time to time establish.**" (Emphasis added)

statute a ***statewide attorney disciplinary system*** by making suspension or revocation of an attorneys license in a particular circuit court effective in all other courts of Virginia.

15. Based upon that holding in *Legal Club of Lynchburg v. A.H. Light*, 13249, 430, 119 S.E. 55 (1923), the General Assembly enacted in 1932 the Acts of Assembly p. 139 (“1932 Act”) (codified as VA Code § 54.1-3935 (1950), to establish a ***statewide decentralized attorney disciplinary system*** to give judicial authority and jurisdiction to discipline attorneys only to each County Circuit Court established/appointed by the General Assembly.

16. Consistent with prohibition in Art. VI § 5 VA Const., the 1932 Act delegated only limited authority to the Court to prescribe, adopt, promulgate and amend rules of unprofessional conduct, **but specifically prohibited the Court from “promulgating rules or regulations prescribing a code of ethics governing the professional conduct of attorneys which are inconsistent with any statute” i.e. VA Code § 54.1-3935 (1950).** See VA Code § 54.1-3915 (1988) (Plaintiff’s Exhibit A and B7)

17. For more than eighty-nine (89) years, from 1932 until 2017, the General Assembly did not amend the 1932 Act’s ***decentralized statewide attorney disciplinary system***, see VA Code 54.1-3935 (1932 thru 2009) (Plaintiff’s Exhibit A1, B1, B3, B6), to enact legislation to giving the Court authority to issue court rules to create the VSBDB as a lower court to discipline attorneys or its members as judges judicial power.

18. A review of the legislative history to the 1998 amendment to VA Code § 54.1-3935 (1998) (Plaintiff’s Exhibit B2) confirms that the entire General Assembly rejected any change and only **accepted and ratified the Senate bill which did not delegate any expanded new**

rulemaking power to the Court.

19. The legislative history to the 1998 amendment confirms the entire General Assembly **specifically rejected** the House bill (Plaintiff's Exhibit B3) proposal to delegate **expanded rulemaking power to the Court**, thereby rebuffing Court's rules: (a) creating a *centralized attorney disciplinary system* under the control of the Court; (b) giving judicial power to discipline attorneys to the VSBDB as a "lower court;" and, (c) permitting the Court and Defendant Virginia State Bar ("VSB") to appoint VSBDB members as "lower court" judges.

20. However, in defiance of the General Assembly's rejection of the House proposal, in 1998 the Court put into effect Rule Part 6, § IV (Plaintiff's Ex. C) to establish a *centralized statewide attorney disciplinary system* under the Court's control, created the VSBDB as a "lower court" with judicial power to discipline attorneys, and appointed VSBDB members as "judges."

21. In 2004, in violation of VA Code §§ 18.2-499 a business conspiracy was commenced by Washington D.C. Lobbyist/former U.S. Attorney General Eric Holder and the Managing Partner of Rodriguez's dissolve client, to injure Rodriguez's international law business, reputation, profession, statutory property rights by their filing two fraudulent VSBDB complaints against Rodriguez for litigating to enforce his Choate Virginia Attorney's Lien on the client's claim to a 50% share to \$18 Billion USD of treasure trove and for Rodriguez litigating to enforce his rights as a father right pursuant to the Hague Convention, VA Code, and Joint Custody Agreement (<http://www.liamsdad.org/others/isidoro.shtml>).

22. On November 27, 2006, based only on unconstitutional Court Rule Part 6, § IV (Plaintiff's Ex. C) giving the VSBDB judicial authority and jurisdiction to discipline an attorney,

the VSBDB issued a *Void Ab Initio Order* disbaring Rodriguez for litigating to enforce statutory rights (Plaintiff's Ex. D) (http://www.vsb.org/docs/Final_Order_Rodr_11-28-06.pdf).

23. To challenge the unconstitutional Court's rule and the VSBDB *void ad initio order*, Rodriguez filed two administrative claims under the common law and Virginia Tort Claims Act VA Code § 8.01-195 by Certified Mail respectively on June 8, 2005, and November 8, 2007, No. 7004-1350-0001-7098-4500, and No. 7004-0750-0000-8170-5576. (Plaintiff's Ex. E)

24. In response, in violation of Art. I §§ 5, 11 & 15 VA Const., Art. VI §§ 1, 5, & 7 VA Const., the 5th, 7th, and 14th Amend. U.S. Const., and the common law,⁶ Defendant Attorney General of Virginia abused and misstated the doctrine of sovereign immunity under the common law (Plaintiff's Ex. H3) so to block any meaningful adjudication by access to an impartial court and common law jury trial by summary judgment dismissal of Rodriguez's challenges to the Court's unconstitutional court rules and VSBDB *void ad initio order*, *Isidoro Rodriguez v. Hon. Leroy Rountree Hassell, Sr., et al.*, No. 081146 (2008); Fairfax Cir Ct. No CL-2007-1796) (surreal *void order* issued in defiance of the common law to declare absolute immunity from unaccountability for violation of the VA Const. and VA Code). (Plaintiff's Ex. F and G)

25. Subsequently, Rodriguez was deprived of *due process* by the summary disbaring from Federal practice based on the refusal to review the Court's unconstitutional court rules and the VSBDB *void ad initio order* (Plaintiff's Ex. G1, list of *void ab initio orders*) (See Plaintiff's Ex. G2, relevant parts of the United States Tax Court *void* disbarment order use of legal sophistry

⁶ Consistent with the common law, which the laws of Virginia are grounded, the General Assembly enacted the English Rule in Va. Code §8.01-195.3(3), to hold that a judge or government attorney had no immunity from suit for acts outside of his judicial capacity or jurisdiction.

to disregard the prohibitions under Art. VI §§ 1, 5 & & VA Const., VA Code, and the *Void Ab Initio Order Doctrine*).

26. Based upon this evidence of willful violations of the common law and VA Const./VA Code to systematically deny Rodriguez of access to an impartial court and a common law trial by jury to challenge the Court's rule and the VSBDB *void ab initio order*, Rodriguez's filed a federal action under the common law and federal civil rights statutes,⁷ *Isidoro Rodriguez v. John/Jane Doe of the VSBDB et al.*, (2013) EDVA No. 3:12-cv-00663. (Plaintiff's Ex. H1 and H2)

27. In response, in 2011 Defendant Office of Attorney General violated the common law, VA Const/VA Code, and the 5th, 7th, and 14th Amend. U.S. Const. by misuse of sovereign immunity to file a motion for summary judgment and monetary sanctions (Plaintiff's Ex. H3).

28. in violation of the *Void Ab Initio Order Doctrine*, VA Const., and VA Code, the Hon. Dist. Judge John A. Gibney used *stare decisis/res judicata* to issue an **unpublished void order** (<https://casetext.com/case/rodriguez-v-doe-5>), in 2013 to enjoin and prior restrain Rodriguez from filing future federal litigation challenging the Court's unconstitutional court rules and the VSBDB *void ab initio order* (aff'd <https://www.gpo.gov/fdsys/pkg/USCOURTS-ca4-13-01638/pdf/USCOURTS-ca4-13-01638-0.pdf>).

29. In response to this surreal federal court's *void order* issued in defiance of the common law granting *impunity* for the violations of Art. I §§ 11 & 15, and Art. VI §§ 1, 5, & 7 VA Const.,

⁷ The language of Section 1983 makes no mention of immunity. The Supreme Court held in *Pierson v. Ray*, 386 U.S. 547, 555 (1967), that under this federal statute enacted in 1871 Congress intended to incorporate the existing common law immunities under the state constitution for lawful acts within the scope of employment, legislative and judicial authority. See Robert Craig Waters, "Liability of Judicial Officers under Section 1983" 79 *Yale L. J.* (December 1969), pp. 326-27 and nn. 29-30).

and the 5th, 7th, & 14th Amend. U.S. Const., Rodriguez petitioned for redress the General Assembly (Plaintiff's Exhibit D and I), the Inter-American Commission on Human Rights (IACHR) (P-926-16), and the United Nations Committee on Human Rights (*see* <http://www.isidororodriguez.com>).

30. Subsequently, in 2017, the General Assembly, Defendant Office of the Governor and Defendant Office of the Attorney General colluded with the Court, VSB, and VSBDB to “resist the execution of the laws under color of authority” by enacting in violation of Art. I §§ 5 & 9 VA Const., an **ex-post facto** change to the *decentralize statewide attorney disciplinary system* established under VA Code § 54.1-3935 (2009) by unconstitutionally retroactively delegating legislative authority in violation of Art. VI §§ 1, 5, & 7 VA Const. to “conform the statutory procedure for the disciplining of attorneys” to Court Rule Part 6, § IV, 13-6 issued sometime after 1998 (Plaintiff's Exhibit C).

CAUSES OF ACTION

Count One Constitutional Violations

31. Rodriguez incorporates herein and re-aver the allegations outlined in preceding paragraphs 1 through 30.

32. The **ex-post facto** unconstitutional retroactive delegation of legislative authority to the Court under VA Code § 54.1-3935 (2017) (Plaintiff's Exhibit B) is in direct violation of the citizens' mandate of separation of power under Art. I § 5 VA Const. and citizens prohibitions under Art. I § 9, VI §§ 1, 5, & 7, and XII § 1 VA Const., thereby creating a cause of action for Rodriguez against Defendants under the common law, VA Code § 8.01-184, and § 8.01-191.

33. The Court's Rule Part 6, § IV, 13-6 promulgated sometime in 1998 was a direct violation of the citizen's prohibitions under Art. I § 5, VI §§ 1, 5, & 7 VA Const., the retraction under VA Code § 54.1-3915, and the established *decentralized attorney disciplinary system* under VA Code § 54.1-3935 (1950) (Plaintiff's Exhibit A), by unconstitutionally creating under the Court's control a *centralized attorney disciplinary system*, by unconstitutionally creating the VSBDB with judicial authority as a court to discipline attorneys, and by unconstitutionally appointing VSBDB members as "judges," thereby creating a cause of action for Rodriguez against Defendants under the common law, VA Code § 8.01-184, and § 8.01-191.

34. The VSBDB *Void Ab Initio Order* (Plaintiff's Ex. D), is an unconstitutional violation of *due process* and the prohibitions under Art. I § 5, 11, & 15, VI §§ 1, 5, & 7 VA Const. and VA Code § 54.1-3915 & 3935 (1950), thereby creating a cause of action for Rodriguez against Defendants under the common law, VA Code § 8.01-184, and § 8.01-191.

35. The Defendant Office of the Governor, Defendant Attorney General of Virginia and General Assembly collusion to enact the *ex-post facto* amendment VA Code § 54.1-3935 (2017) (Plaintiff's Exhibit J) to unconstitutionally retroactively delegate legislative rule-making authority to the Court, VSB, and VSBDB is a violation of the citizens mandate of separation of power and prohibitions under Art. I § 5 & 9, VI §§ 1, 5, & 7, and XII § 1 VA Const., thereby creating a cause of action for Rodriguez against Defendants under the common law, VA Code § 8.01-184, and § 8.01-191.

Count Two
Ultra Vires

36. Rodriguez incorporates herein and re-aver the allegations outlined in preceding

paragraphs 1 through 35.

37. Defendants in violation of VA Code §§ 18.2-481 & 482 have committed a Class 2 felony to “[resist] the execution of the laws under color of authority” and a business conspiracy to injure Rodriguez, which acts are grossly negligent, reckless, willful, wanton and done in an intentional manner acts outside the scope of employment, outside the “sphere of legitimate legislative activity,” and outside judicial authority in “clear absence of all jurisdiction,” in violation of the mandate of separation of power and the prohibitions under Art. I § 5 & 9, VI §§ 1, 5, & 7, and XII § 1 VA Const., and are subject to Declaratory Judgement and other relief under the common law, VA Code § 8.01-184, § 8.01-186, § 8.01-187, § 8.01-188, and § 8.01-191.

38. Defendants are not immune under the common law from accountability for acts outside the scope of their lawful authority by intentional, willful misconduct or gross negligence.⁸

Wherefore Rodriguez seeks the following relief:

1. That the Circuit Court determine and declare that under the common law and VA Code § 8.01-184, & § 8.01-191, that VA Code § 54.1-3935 (2017) is *void* and of no effect as an *ex-post facto* change to VA Code § 54.1-3935 (1950) (Plaintiff’s Exhibit A), enacted in violation of Art. I

⁸ At common law the doctrine of sovereign immunity does not apply for: (A) **acts outside the scope of employment**, *Burnam v. West*, 681 F. Supp. 1169, 1172 (E.D. Va. 1988); *Tomlin v. McKenzie*, 251 Va. 478, 468 S.E.2d 882 (1996); *Fox v. Deese*, 234 Va. 412, 422-25, 362 S.E.2d 699, 706 (1987); *Messina v. Burden*, 228 Va. 301, 321 S.E.2d 657 (1984); *Crabbe v. School Bd.*, 209 Va. 356, 164 S.E.2d 639 (1968); *Sayers v. Bullar*, 180 Va. 222, 22 S.E.2d 9 (1942); *Deeds v. DiMercurio*, 30 Va. Cir. 532 (Albemarle County, 1991); (B) **grossly negligent conduct**, *McLenagan v. Karnes*, 27 F.3d 1002 (4th Cir. 1994); *Glasco v. Ballard*, 249 Va. 61, 452 S.E.2d 854 (1995); *Meagher v. Johnson*, 239 Va. 380, 389 S.E.2d 310 (1990); *Messina v. Burden*, 228 Va. 301, 310, 321 S.E.2d 657, 662 (1984); *Frazier v. City of Norfolk*, 234 Va. 388, 362 S.E.2d 688 (1987); *Bowers v. Commonwealth*, 225 Va. 245, 253, 302 S.E.2d 511 (1983); *James v. Jane*, 221 Va. 43, 53 (1980); (c) **intentional torts**, *Tomlin v. McKenzie*, 251 Va. 478, 468 S.E.2d (1996); *Fox v. Deese*, 234 Va. 412, 362 S.E.2d 699 (1987); *Elder v. Holland*, 208 Va. 15, 155 S.E.2d 369 (1967); *Agyeman v. Pierce*, 26 Va. Cir. 140 (Richmond 1991.); or (4) **acts characterized as bad faith**, *Tomlin v. McKenzie*, 251 Va. 478, 468 S.E.2d 882 (1996); *Schnupp v. Smith*, 249 Va. 353, 457 S.E.2d 42 (1995) (immunity lost by showing of malice in a slander action); *Harlow v. Clatterbuck*, 230 Va. 490, 339 S.E.2d 181 (1986).

§ 5 & 9, VI §§ 1, 5, & 7, and XII § 1 VA Const. and VA Code § 54.1-3915 & 3935 (1950) to retroactively delegate legislative power by adopting unconstitutional Court Rule Part 6, § IV, 13-6 issued sometime in 1998.

2. That the Circuit Court determine and declare under the common law that the VSBDB *void ad initio order* is a violation of Art. I § 5, VI §§ 1, 5, & 7 VA Const. and VA Code § 54.1-3915 & 3935 (1950) and therefore is *void* and of no effect.

3. That the Circuit Court based upon the above empanel a Special Grand Jury in accordance with the common law, VA Code § 8.01-186, § 8.01-187, § 8.01-188 and § 8.01-191, to investigate and provide relief for the Class 2 felony in violation of VA Code §§ 18.2-481 & 482 to “[resist] the execution of the laws under color of authority” and business conspiracy damaging Rodriguez business, reputation, profession, and property rights.

4. That the Circuit Court declare and order based upon the *Void Ab Initio Order Doctrine* that the VSBDB disbarment of Rodriguez is *void ad initio* and order Rodriguez be reinstatement in good standing to the VSB and Court.

5. That the Court order recovery from all Defendants Rodriguez’s costs and fees expended herein, and grant such other, and further relief as the nature of the case may require.

Respectfully Submitted,

Isidoro Rodríguez
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