



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Courthouse
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Fairfax, Virginia 22030-4009

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LESLIE M. ALDEN
RETIRED JUDGES

November 27, 2012

Anthony O'Connell, Trustee
439 South Vista Del Rio
Green Valley, AZ 85614

What is the issue in "IN RE: Harold A. O'Connell"?

RE: In Re: Harold A O'Connell, CL-2012-13064

Dear Mr. O'Connell:

I have received your letter regarding the Notice of Scheduling Conference you received in case CL 2012 -0013064. This is indeed a valid notice from our court provided so that you would be aware of a Scheduling Conference at which we will, if appropriate, set a trial date and enter a scheduling order in accordance with the Uniform Pretrial Scheduling Order adopted by the Supreme Court of Virginia. No evidence will be taken at that time as this is only a hearing to establish the schedule for the orderly processing of the case.

As for accountability for the notice, it clearly indicates that it is sent by the judges of the circuit court and provides you with a phone number at which you can contact our case management staff with regard to the Scheduling Conference. We would not send out a notice indicating that you can contact the judges directly as such contact is inappropriate.

Your letter also indicates that you do not know what issues are raised in the case but our records indicate that you have responded to the Complaint which sets out the Plaintiff's allegations and prayer for relief so I therefore assume that you are acquainted with the issues which have been raised. As to whether the Plaintiff's allegations are true or merit relief, these issues will not be dealt with at the December 4, 2012 Scheduling Conference but are instead decided in the course of later proceedings or after a trial at which each side has had an opportunity to present evidence in the form of documents or testimony and make arguments as to the proper disposition of the issues.

You also request that our court take certain actions, but please note that Judges take actions based upon pleadings which are properly filed, and even then, only after each interested party has had an opportunity to respond and be heard on the request. Sending a letter to a judge is not filing a pleading in a case as pleadings are properly filed with the Clerk of Court. Additionally, copies of anything sent to the Court for filing must be provided to all other interested parties. As your letter does not indicate copies were sent to the other parties I will provide them with a copy of your letter and this response.

Finally, with regard to your participation in the Scheduling Conference at 8:30 a.m. on December 4, 2012, this is a civil case and it is your choice as to whether you participate in this administrative hearing or any further hearings. If you do not appear, the Court will proceed to establish scheduling without your input. We will, however, send you a copy of any Order that is entered at that hearing.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Dennis J. Smith", with a stylized flourish at the end.

Dennis J. Smith

Cc: Jean Mary O'Connell Nader
Anthony Miner O'Connell
Sheila A. O'Connell
Elizabeth Chichester Morrogh, Esquire