

VIRGINIA:

IN THE DISTRICT COURT FOR THE CITY OF CHARLOTTESVILLE

JASON KESSLER

Plaintiff,

Case No:

v.

CITY OF CHARLOTTESVILLE

and

BRIAN WHEELER, in his official capacity
as Director of Communications

Defendants.

COMPLAINT

COMES NOW Plaintiff Jason Kessler, Pro Se, and for his Complaint against Defendants City of Charlottesville and Brian Wheeler, in his official capacity as Communications Director for the City of Charlottesville, states as follows:

INTRODUCTION

1. This is an action under Virginia Freedom of Information Act ("FOIA"), Va. Code Ann. § 2.2-3713(C)(2007), for mandamus relief, seeking the release of public records requested by Jason Kessler from City of Charlottesville and Brian Wheeler.

2. Plaintiff requests an expedited hearing, and asks that a hearing on this matter be set within seven days of this filing, consistent with Va. Code Ann. § 2.2-3712(C) (2007).

Parties

3. Plaintiff Jason Kessler is an adult male resident of the Commonwealth of Virginia.

4. Defendant City of Charlottesville is a political subdivision of the Commonwealth of Virginia.

5. Defendant Brian Wheeler is an adult male resident of the Commonwealth of Virginia. During all relevant times he served as a Communications Director for the City of Charlottesville and their authorized FOIA representative. He is sued in his official capacity only.

Jurisdiction and Venue

6. This Court has personal jurisdiction over this matter pursuant to Va. Code Ann. § 2.2-3713(A)(1).

7. This Court has subject matter jurisdiction over this matter pursuant to Va. Code Ann. § 2.2-3713(A)(1).

8. This Court is the proper Venue for this matter pursuant to Va. Code Ann. § 2.2-3713(A)(1).

Virginia Freedom of Information Act

9. FOIA defines “public records” as “all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.” Virginia Code § 2.2–3701.

10. FOIA provides that “all public records shall be available for inspection and copying upon request” unless “a public body or its officers or employees specifically elect to exercise an exemption provided by [FOIA] or any other statute[.]” Virginia Code § 2.2–3700(B).

11. FOIA provides that “[a]ll public records . . . shall be presumed open, unless an exemption is properly invoked.” Virginia Code § 2.2–3700(B).

12. FOIA provides that its provisions “shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government” and that “[a]ny exemption from public access to records . . . shall be narrowly construed and no record shall be withheld . . . unless specifically made exempt pursuant to [FOIA] or other specific provision of law.” Virginia Code § 2.2–3700(B). FOIA further provides that its provisions “shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.”

13. FOIA provides that “[e]xcept as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth . . . during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with [FOIA] by inspection or by providing copies of the requested records, at the option of the requester. . . .” Virginia Code § 2.2–3704(A).

14. FOIA requires that a public body inform a requester in writing when public records are being entirely withheld and to “identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the

specific Code section that authorizes the withholding of the records.” Virginia Code § 2.2–3704(B)(1).

Facts

15. On August 11, 2017 European-American advocates participated in a civil rights march to the UVA Rotunda in support of a Thomas Jefferson monument and American history.

16. On August 12, 2017, a protest was held in support of American history and a historic Robert E Lee monument in Charlottesville, Virginia, commonly known as “Unite the Right”.

17. On August 11-12, 2017, the following persons served in these respective official capacities for the City of Charlottesville: Maurice Jones, City Manager, Mike Signer, Mayor; Wes Bellamy, Vice-Mayor; Al Thomas, Police Chief.

18. Self-described “Antifa fighters” created the hashtag “#DefendCville” promising to “deliver[] war to the oppressors” protesting at Unite the Right¹. Antifa fighters promised to shut down the protest by “any means necessary”. They called for protests and marches like Unite the Right to be shut down and their political opponents to be “completely neutralized on the streets”.

[EXHIBIT 1]

19. As final policy makers for City of Charlottesville’s law enforcement, Maurice Jones and Al Thomas supervised police response at Unite the Right from a Unified Command Center.

20. Chief Thomas, when advised that fights were occurring at UTR ordered “let them fight, it will make it easier to declare an unlawful assembly.” **[EXHIBIT 2]**

¹ <https://archive.is/HzgRI>

21. On the August 12, 2017 police stood aside and watched as Antifa threw rocks, bottles, tear gas, urine, feces and paint bombs at the Unite the Right protest. Antifa instigated fights by blocking entrance to the venue & attacking attendees with sign posts, clubs, pepper spray, canes, asp batons and other weapons.

22. Maurice Jones and Al Thomas prohibited police intervention, maintaining the stand-down order until violence had escalated to a level sufficient to declare an unlawful assembly and force protesters out of the venue. This occurred before they had been able to exercise their First Amendment rights to peaceful political assembly.

23. A third party report commissioned by the City after August 12 found that “Rather than engage the crowd and prevent fights, the [Charlottesville police department] plan was to declare the event unlawful and disperse the crowd.”

24. Then-Mayor Signer confronted Jones, “Why were people allowed to beat each other in the streets?” Signer alleges that Jones justified this policy citing “concern that he and the police shared about ‘images’ of police using batons, or even weapons, against the violence.”²

25. After Unite the Right, Al Thomas destroyed relevant evidence by deleting text messages and other electronic information and then using personal e-mail to discuss particularized FOIA requests by the Charlottesville’s choice for professional review of the event.

26. On April 25, 2019, Kessler transmitted a written FOIA request for public records to City of Charlottesville and Communication Director Brian Wheeler. Kessler requested the following public records:

² Signer, Michael. *Cry Havoc: Charlottesville and American Democracy Under Siege*. PublicAffairs, 2020. pg 230

“emails and text messages sent and received by Maurice Jones on August 11 and 12, 2017”

City of Charlottesville Failed to Produce Any Public Records in Response to Kessler’s FOIA Request

27. On May 2, 2019, City of Charlottesville responded to Kessler’s FOIA request.

(“response”)

28. Defendant Brian Wheeler is the signatory of that response.

29. Wheeler’s response asserted that, “The City of Charlottesville has no records responsive to that request”.

30. Wheeler and City of Charlottesville did not cite any exemptions. They simply denied that they possessed any responsive documents.

31. Further inquiries about why they did not have the responsive documents were ignored.

32. If former City Manager Maurice Jones is refusing to hand over the public documents for inspection, Va. Code § 42.1-89 directs that “any public official who is the custodian of public records in the possession of a person or agency not authorized by the custodian or by law to possess such public records shall petition the circuit court in the city or county in which the person holding such records resides or in which the materials in issue, or any part thereof, are located for the return of such records.”

33. Through the date of this pleading, City of Charlottesville has not produced any documents to Kessler in response to Kessler's FOIA Request.

Former Charlottesville Mayor Mike Signer Reveals Existence of the Responsive Documents

34. Mike Signer was the Mayor for City of Charlottesville during events related to the Unite the Right protest on August 11 and 12, 2017.

35. Signer published a book relating his experiences working for the Charlottesville government at the time of the Unite the Right protest.

36. Within his book, Signer describes the existence of multiple email and text message exchanges with Maurice Jones on August 11 and 12, 2017.

37. Then-Mayor Signer issued the following communications related to the City of Charlottesville's official response to the Unite the Right protest:

- a. "Councilors were receiving updates via email from Maurice Jones about increasing violence at the park;"³
- b. "At 11:19 a.m., I sent Jones a text saying, 'I need to come up to Wells Fargo. Won't be in your way but I need to be here.' He responded, 'I'm concerned about your safety getting here.'"⁴
- c. "At 11:40 a.m., I responded to Maurice Jones: 'Al works for you. You have barred me from the center. We are not together. I don't know what's happening. We are not unified. We can't say no comment or it has to wait. I'm at city hall.' Jones responded, 'It has to wait. We have to let this play out for a bit before going in front of the cameras;'"⁵ and

³ Signer, Michael. *Cry Havoc: Charlottesville and American Democracy Under Siege*. PublicAffairs, 2020. pg 197

⁴ Signer, Michael. *Cry Havoc: Charlottesville and American Democracy Under Siege*. PublicAffairs, 2020. pg 198

⁵ Signer, Michael. *Cry Havoc: Charlottesville and American Democracy Under Siege*. PublicAffairs, 2020. Pg 198

d. “At 4:09 p.m., I sent Jones a text: ‘We are headed to command center now.

Conclusion of principals and policy group was we needed to be onsite to develop message and framing. Obviously will need to be able to come in.’”⁶

38. Electronic communications described by Mike Signer are responsive to Kessler’s April 25, 2019 FOIA Request and existed at the time of his request.

39. On information and belief, Maurice Jones had many more responsive text messages and emails from August 11 and 12, 2017 which were not mentioned in Mike Signer’s book.

CAUSE OF ACTION
Violation of Virginia Freedom of Information Act
(Public records to be open to inspection; procedure for requesting records and
responding to request; charges)

40. Plaintiff reasserts and adopts by reference paragraphs 1-39.

41. Defendants violated Plaintiff’s rights under the Virginia Freedom of Information Act by failing to either (a) provide Plaintiff with the requested records; or (b) “specifically elect to exercise an exemption.” Va. Code Ann. § 2.2–3700(B). Defendants instead denied the existence of any public records responsive to Plaintiff’s request. **[EXHIBIT 3]**.

42. City of Charlottesville Mayor Mike Signer revealed the existence of responsive records, including the date, time and content of certain transmissions. **[EXHIBIT 4]**.

43. Defendants’ claim that no responsive records existed is demonstrably false.

44. Defendants City of Charlottesville and Brian Wheeler’s failure to provide Plaintiff with records responsive to the FOIA Request violates VA. Code § Ann. 2.2-3704(A) and 2.2-3700 (B).

⁶ Signer, Michael. *Cry Havoc: Charlottesville and American Democracy Under Siege*. PublicAffairs, 2020. pgs 200-201

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray that this Court will:

1. Hold a hearing on this matter within seven days of the date of the filing of this Petition, as required by FOIA. See Virginia Code § 2.2-3713(C).
2. Order Defendants to produce the records responsive to Plaintiff's FOIA Request to this Court for *in camera* review.
3. Issue a writ of mandamus ordering Defendants to produce to Plaintiff all records responsive to the FOIA Request.
4. If Defendants maintain that they have never taken possession of the public documents at issue, order that they recover the documents as prescribed by Va. Code § 42.1-89.
5. Order Defendants to pay Petitioners' costs, including costs and reasonable fees for expert witnesses, if any, and attorneys' fees. See Virginia Code § 2.2-3713(D).
6. Order penalties against Defendants payable to the Literary Fund as described in Virginia Code § 2.2-3714.
7. Grant any such further relief as this Court deems just and proper.

Respectfully submitted,

JASON KESSLER, Plaintiff

/s/ Jason Kessler

EXHIBIT 1

Archive of tweet: <https://archive.is/HzgRI>



EXHIBIT 2

flew through the air. The clouds of pepper spray rose every few minutes. By 11:08 a.m., Maurice Jones and the Regional Policy Group declared a local and regional state of emergency. At 11:13 a.m., COB McIntire was put on lockdown.

Chief Thomas's response to the increasing violence on Market Street was disappointingly passive. Captain Lewis and Chief Thomas' personal assistant Emily Lantz both told us that upon the first signs of open violence on Market Street, Chief Thomas said "let them fight, it will make it easier to declare an unlawful assembly." Thomas did not recall making that statement, though he did confirm that he waited to "see how things played out" before declaring the unlawful assembly. Regardless of what he said, Chief Thomas' slow-footed response to violence put the safety of all at risk and created indelible images of this chaotic event.

3. Unlawful Assembly

At 11:31 a.m., thirty minutes after Captain Shifflett requested authority to declare the event unlawful and CPD officers were ordered to withdraw to Zone 4, Chief Thomas called for the declaration of unlawful assembly. Zone commanders were instructed to announce the unlawful assembly and that all present must disperse or else be arrested. A few moments later, the Command Center clarified that zone commanders should "declare but do not move" from their position near the back of the park, as they needed to wait for the VSP mobile field force to deploy and get into position. The commanders made the announcements from Zone 4, but remained at least half a block away from the melee at 2nd and Market.

At almost the exact moment the unlawful assembly order went out, a smoke grenade was deployed by someone at the southeast corner of the Park. The crowd scattered. Overhead, the VSP helicopter footage showed the smoke tail of the grenade trailing back and forth as demonstrators and counter-protesters picked it up and threw it back at each other. Out of the pure happenstance of that smoke grenade, much of the crowd dissipated—for a moment.



Photo Source: Patrick Morrissey

As CPD made the announcement of an unlawful assembly over their bullhorns, the barricades running down the center of Emancipation Park to form Zone 2 were toppled by Unite The Right demonstrators. Many demonstrators crossed the open area to the western half of the park and waited in the crush of people filing out through the bottlenecked southwest entrance. Other belligerent Alt-Right demonstrators remained at the southeast entrance, continuing to throw objects and hurl insults at their opponents in Market

Street. Sam Dickson, a lawyer who attended the Unite The Right event, told us that he asked to help police officers clear the park by making an announcement to those gathered

EXHIBIT 3



Jason Kessler <themaddimension@gmail.com>

FOIA: Jones Text Messages

19 messages

Jason Kessler <themaddimension@gmail.com>
To: Foia <FOIA@charlottesville.org>

Thu, Apr 25, 2019 at 11:55 PM

Hi,

It's come to my attention that many of the August 12th planning communications were done through text messages.

Therefore I would like to FOIA emails and text messages sent and received by Maurice Jones on August 11 and 12, 2017.

Regards,

Jason Kessler

Jason Kessler <themaddimension@gmail.com>
To: jek318@gmail.com

Fri, Apr 26, 2019 at 7:37 AM

Begin forwarded message:

[Quoted text hidden]

Jason Kessler <themaddimension@gmail.com>
To: Foia <FOIA@charlottesville.org>

Thu, May 2, 2019 at 7:07 AM

Checking on the status of this request that should be due today.

[Quoted text hidden]

FOIA <foia@charlottesville.org>
To: Jason Kessler <themaddimension@gmail.com>

Thu, May 2, 2019 at 3:10 PM

The City of Charlottesville has no records responsive to this request.

EXHIBIT 4

enthusiasm as well. In a week of staggering irrationality, at last I could start setting the record straight.

We settled into our seats in the closed session. Maurice Jones entered carrying a printed outline in his hands. He began by reading a prepared set of talking points explaining, but not critically analyzing, the two dozen questions from my memo, which he'd been given the day before. He had an answer, it seemed, for everything. I watched as Galvin retreated from any interest in demanding imminent accountability.

After his presentation, I pressed Jones hard on the central point: Why had the police not arrested more people? Why were people allowed to beat each other in the streets? He then recounted the concern he and the police shared about "images" of police using batons, or even weapons, against the violence. I gasped audibly before heatedly challenging him. How could our status quo—multiple black eyes for poor performance in the world press and pictures of so many bloody people—possibly be better than those "images," I demanded? Didn't someone have to be held accountable? He did not answer.

I then pressed him on the matter of the synagogue's unmet requests for an officer to be present. Jones said, "We're going to have to look more into that."

He did concede that there had been an utter breakdown in communications. He was unable to describe what the communications office had done over the past two weeks. And he intimated that the communications director I had accused of insubordination would be fired. But there was little more than that in terms of accountability.

He left the room so we could talk among ourselves. I was stunned. Bellamy led by asking whether we felt "that" deserved accountability. I loudly said, "Yes!" Fenwick said no. During the meeting, he had been with Jones all along, telling stories about being in fights when he was young and saying it was no big deal. Galvin was wishy-washy, looking down at the desk, essentially subtracting herself from the accountability equation. Szakos, who had played a major role in hiring Jones for the city manager position in the first place, had always been his strongest defender. Unsurprisingly, she did not support any discipline.

Depressed at where this was going, I asked our city attorney for the range of disciplinary actions available to us. He said it went from termination to a reprimand to other measures, including probation. Szakos piped up: "How about a letter of concern, with an improvement

⁷ Link to view *Cry Havoc* by Michael Signer in its entirety: <https://docdro.id/B63D2pd>

There were bandannas and tattoos, and also pepper spray, lighters, spray cans, and plastic bottles full of urine. There were “medics”—that is, counterprotesters volunteering as medics—ready with containers of milk to wash down the faces of anyone who was pepper-sprayed or tear-gassed. The members of a group called Redneck Revolt, headed by a liberal college professor from North Carolina, were dressed in fatigues and holding AR-15s. They were there, they said, to protect the city.

It was a warm, clear August day. Councilors were receiving updates via email from Maurice Jones about the increasing violence at the park. I called him to again request that I be in the command center. He said, tensely and tersely, that they were about to call an unlawful assembly.

At about 11:00 a.m., with the rally scheduled to begin at noon, I watched video of alt-right members bearing Confederate and neo-fascist flags beating up counterprotesters on Market Street, in open view of hundreds. It was nauseating. There was a degree of premeditation and monstrous bigotry that made it seem worse than even the average street riot, more like *Kristallnacht*. At 11:03 a.m., the ACLU of Virginia put up an alarming tweet: “Clash between protesters and counter protesters. Police say ‘We’ll not intervene until given command to do so.’ #Charlottesville.” This gave the decided impression that the police were refusing to stop the violence.

All hell was clearly about to break loose. The police were supposed to have provided clear lanes of entry for the rally attendees, but that plan had begun to fall apart when some protesters and counterprotesters parked in the same parking garage, mingling and conflicting even as they proceeded to Emancipation Park. Months later, Vegas Tenold, a journalist who had been embedded during the rally with the alt-right leader Matthew Heimbach and his Traditionalist Workers Party, told me the chaos had its roots in the prior night. According to Tenold, the faction calling itself the “hard right”—including the Traditionalist Workers Party, the League of the South, and the Hammerskins—clashed with Richard Spencer and Jason Kessler over their plans to hold the tiki torch march at UVA without a permit, fearing it could lead to arrests. The next morning, those groups decided to march to the rally separately from Spencer and Kessler. Heimbach said he tried to reach the police for advice on an alternative route to the park but could not get through. They parked in the lot on Market Street—where many counterprotesters were also parked—and walked to the rally on their own, mingling and

clashing with counterprotesters along the way.²

That was just the start of the havoc. Around Emancipation Park, waves of hundreds of protesters and counterprotesters surged against and into each other before the rally could even start. Officers stood nearby, many behind barricades, not intervening. People were beaten with flagpoles and kicked in the street. There were screams and pepper spray. The volunteer medics rushed to alleviate the pain of pepper spray by pouring milk on people's faces. Residents came up to the police to scream at them in shock and agony. A shocked nation was glued to their television screens, watching the mayhem unfold.

The event, scheduled for noon, hadn't even begun yet. I was sitting at City Hall, in the same room I had converted into a working office nineteen months earlier. My inbox was being flooded with requests from representatives of the media and citizens who wanted to know what was happening. I had no answers. There was nothing happening at City Hall. I felt utterly cut off from the city's government. At 11:19 a.m., I sent Jones a text saying, "I need to come up at Wells Fargo. Won't be in the way but I need to be here." He responded, "I'm concerned about your safety getting here." Chaos was taking over in the streets, and our government was silent. At 11:40 a.m., I responded to Maurice Jones: "Al works for you. You have barred me from the center. We are not together. I don't know what's happening. We are not unified. We can't say no comment or it has to wait. I'm at city hall." Two minutes later, Jones responded, "It has to wait. We have to let this play out for a bit before going in front of the cameras."

Isolated from the nerve center, I felt unable to do my job as the city's titular leader and public face. I looked down at my desk, said, "Fuck it," and went over to the command center. The officer at the front called up to Jones, and after a pause, looked at me and said, "You can go up to the eighth floor." I knew nothing was on the eighth floor except a conference room. I was infuriated. I called Jones, and we had a tense exchange. I briefly lost my temper: he and the police chief worked for me (as a member of the council), I snapped, not the other way around. Twenty minutes later, he wrote, "Mr. Mayor, we are not disorganized. This is a hyper fluid situation. We need to let this play out. And the media can wait for an hour or so." I responded, "Elected officials like me can't [be] barred from necessary information and how to talk about it. That's disorganized. I'm headed to Zehmer [Hall] now."

a tweet calling it an accident. I received a few angry messages saying that it was not an accident, it was intentional—it was terrorism. I could not wrap my mind around that possibility. Maybe the driver had had a seizure. Maybe he or she was elderly and had hit the accelerator accidentally. But then I was able to watch the video more carefully, and I saw how the driver had aimed at a crowd of counterprotesters, with their signs and banners and T-shirts for progressive causes. He then slammed his car into the crowd, methodically backed up the long street, and drove away, trying to escape.

We would soon learn that there had been one fatality: Heather Heyer, a thirty-two-year-old anti-racist activist who worked at a law firm in town, who had chosen to counterprotest with friends, while, ironically, avoiding the center of the action. She had been mowed to the ground and died at UVA Hospital soon after, before her mother, Susan Bro, could arrive.

Chaos and silence followed. The city still wasn't communicating. People were going crazy on social media, demanding to know what was happening, why we were silent. A colleague from the county looked at me, frantic. "*What are we doing?*" she gasped, in reference to our seeming inability to put up a tweet, send out a press release. "This is crazy!" "I know," I told her. "I can't believe it either." There were hourly meetings, run by Fire Chief Baxter. At the 3:00 p.m. meeting, our lead consultant from the PR firm, Emil Hill, spoke. "There needs to be a press conference," he said. "Today. Not tomorrow. It has to be today. Everyone should be represented there. The public needs to hear from us." We determined it should be the city manager, the police chief, and myself. Heads nodded. At last the public would hear from us.

Hill and I headed over to City Hall to press the request directly with the city manager. There was a sense that we needed to fight for this—that the city was so afraid of stepping out in front of the public that we might delay any statement at all until the next day, leaving a frantic public bereft and rudderless. Rumors were spreading that the dispersed white supremacists were lying in wait, and that they would be back that evening to terrorize the city again. If my position as mayor meant anything, I felt it should be to speak to the public now, when it mattered most, and let them know what had happened, what we were doing about it, and what they could expect next.

At 4:09 p.m., I sent Jones a text: "We are headed to command center

now. Conclusion of principals and policy group was we needed to be onsite to develop message and framing. Obviously will need to be able to come in." He responded, "There is plenty of space in the 8th floor conference room." We got word that Governor McAuliffe was coming to town. He would obviously lead the press conference.

I met with Maurice Jones and Al Thomas in that conference room at about 4:45 p.m. Thomas did not want to be there. He was visibly frustrated to have been required to be at a meeting about a press conference. While we were sitting around the conference table, he looked down at his phone. His face went blank. Tersely, he said, "A helicopter has just gone down. I have to go." We found out later that two Virginia state troopers, Jay Cullen and Berke Bates, were killed in the crash. After Thomas left, we talked about messaging and the structure of the press conference a bit, and Jones left quickly, too.

Jones then sent the city councilors an update telling us that three arrests had been made. *Three arrests?* I thought. How was that even possible, when there had been near-riots in the street, when gangs had been assaulting each other, when hundreds of clear assaults had occurred in view of thousands of officers?

Of course, one of those arrests included James Alex Fields Jr., the young neo-Nazi who had driven his Dodge Challenger around a wooden sawhorse blocking Fourth Street, aimed his car at a group of counterprotesters gathered there, and sped across the Downtown Mall's pedestrian crossing, plowing into the people, tossing bodies in the air, and killing Heather Heyer. He had then backed up back across the Downtown Mall at a furious speed, turning back out onto Market Street, before fleeing under the eye of helicopters overhead. He was arrested on a neighborhood street minutes later.

RICHARD SPENCER, SHIRTLESS, HIS SKIN RED AND SPLOTCHY, PUT up a video from a room somewhere. Defiant and agitated, he bragged about being maced by the police. He crowed about the ACLU taking their side in the court battle earlier in the week. He said, "We are going to make Charlottesville the center of the universe... Your head is going to spin." He taunted me and the city's leadership: "You looked like stupid little provincial tyrants who don't understand the law." He concluded: "This was a propaganda victory, a moral victory. I'm proud of everyone."

That afternoon, I also learned that, in making his first public

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of October, 2020, delivered a true copy of the foregoing to: Charlottesville City Attorney, 605 E Main St Charlottesville, Va 22902 and delivered by e-mail to: Lisa Robertson <robertsonl@charlottesville.org >.

/s/ Jason Kessler

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of October, 2020, delivered a true copy of the foregoing to: Brian Wheeler, 605 E Main St Charlottesville, Va 22902 and delivered by e-mail to: Brian Wheeler <wheelerb@charlottesville.org>.

/s/ Jason Kessler

