

VIRGINIA: IN THE CIRCUIT COURT FOR ALBEMARLE COUNTY

EDWARD DICKINSON TAYLOE, II,

*Plaintiff,*

v.

C-VILLE HOLDINGS, LLC

and

LISA PROVENCE

and

JALANE SCHMIDT,

*Defendants.*

Case No. CL19-868

2019 NOV -4 PM 4: 59  
CIRCUIT COURT CLERK'S OFFICE  
ALBEMARLE COUNTY, VA  
JOHN R. ZULLO, CLERK

FILED

**ORDER SUSTAINING DEFENDANT JALANE SCHMIDT'S DEMURRER**

This matter appeared before the Court on Defendant Schmidt's Demurrer, which moved for dismissal on the grounds that the Complaint failed to state a claim for defamation because the publication at issue did not convey a defamatory meaning, was not of and concerning Plaintiff, was protected opinion, was protected rhetorical hyperbole, and immune from suit pursuant to Va. Code § 8.01-223.2. The matter was argued by counsel on October 28, 2019.

The Court finds the Complaint fails to plead sufficient facts which, taken as true for the purposes of demurrer, would indicate that any violation of law occurred or that the claimant is entitled to a legal remedy. The Court finds that Plaintiff has failed to state a claim for defamation upon which relief can be granted, but declines to reach the question of immunity under Va. Code § 8.01-223.2.

Upon consideration of the Parties' arguments, presented orally and in the pleadings, and for good cause shown, the Court hereby **SUSTAINS** Defendant Jalane Schmidt's Demurrer and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim. Because the Court declines to reach the issue of immunity under Va. Code § 8.01-223.2, Defendant's request for attorneys' fees is **OVERRULED**.

IT IS SO ORDERED this 13<sup>th</sup> day of November 2019.

Claude V. Worrell, Jr.  
Claude V. Worrell, Circuit Court Judge

Seen and objected to insofar as the Order sustains the Demurrer:

By: [Signature]  
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*Counsel for Plaintiff Edward Dickinson Tayloe, II*

Seen and objected to insofar as the Order overrules the request for attorney's fees:

By: [Signature]  
Eden B. Heilman (VSB No. 93554)  
Nicole Gloria Tortoriello (VSB No. 91129)  
Jennifer Safstrom (VSB No. 93746)  
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