



FOURTH JUDICIAL CIRCUIT OF VIRGINIA
CIRCUIT COURT OF THE CITY OF NORFOLK

COPY

JERRAULD C. JONES
JUDGE

March 22, 2010

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NORFOLK, VIRGINIA 23510

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CLERK
D.C.

Re: Thomas Floether v. Earls Auto Shipping, Inc., et al.
CL09004570-00

Counsel:

After full consideration of the evidence adduced at the trial of this case, the relevant law, and the arguments of counsel, the Court concludes that the Plaintiff has not presented sufficient evidence to sustain his burden on his loss of use claim. Accordingly, that part of his claim is hereby dismissed.

Further, the Court understands that the parties have settled plaintiff's claim for diminution of the value of the automobile in question occasioned by the acts of the defendant, said amount to be included in the Order to be entered in this matter.

Further, the Court finds that the Defendant has not presented sufficient evidence to sustain its burden on the counterclaim arising out of the contract between the parties. Accordingly, the counterclaim is hereby dismissed.

I respectfully request that you prepare an Order reflecting the Court's ruling in this matter and forward it my attention for entry not later than fourteen (14) days from the date of this letter.

Thank you for your kind attention.

Sincerely,

Jerrauld C. Jones
Judge