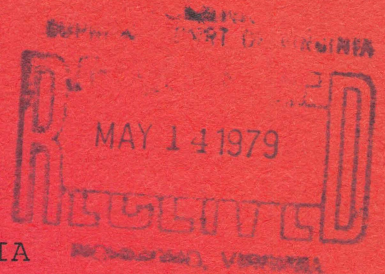


221VA644



IN THE SUPREME COURT OF VIRGINIA  
AT RICHMOND

Record Nos. 781669 and 790015

RAMON ILIFF,

Appellant

vs.

WARREN F. RICHARDS

and

GLENN STARK,

Appellees

APPENDIX ON APPEAL

Kaletah N. Carroll  
Counsel for Appellant  
4015 Chain Bridge Road  
P.O. Box 434  
Fairfax, Virginia 22030



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MOTION FOR JUDGMENT

COMES NOW the plaintiff, Warren F. Richards, by counsel, and moves this Honorable Court for judgment against the defendants, jointly and severally, in the amount hereinafter set forth, and in support thereof states as follows:

1. On or about August 26, 1976, at approximately 11:45 a.m., plaintiff was a passenger in a vehicle operated by Glen Stark, and proceeding West on Lee Highway (Route 29-211-50) in the City of Fairfax, Virginia, at or near Fairfax Circle, at the intersection with Roanoke Drive.

2. At the same time, the defendant Ramon Iliff, was proceeding East on Lee Highway and negligently and carelessly attempted a left turn across the westbound lanes of Lee Highway without properly yielding the right-of-way, in violation of the Rules of the Road and statutes of Virginia, and causing his vehicle to proceed directly into the path of the vehicle in which plaintiff was a passenger.

3. At the same time defendant Glen Stark was proceeding with excessive speed and not maintaining a proper lookout, in violation of the Rules of the Road and Statutes of Virginia, and causing his vehicle to collide with that of the co-defendant.

4. As a direct and proximate result of the individual and/or concurring negligence of the defendants and the collision thereby resulting, the plaintiff was caused to suffer extensive property damage, and sustained severe, painful and permanent injury

to his body including, but not limited to his lower right extremity, neck and back, was caused to suffer in the past and will suffer in the future great pain, agony, suffering and mental anguish, has expended in the past and will expend in the future sums of money for medical care and treatment, has lost substantial time from his employment and has been prevented in the past and will be prevented in the future from engaging in his normal activities, all to his damage.

WHEREFORE, for the grounds above assigned, the plaintiff respectfully moves this Honorable Court for judgment against the defendants, jointly and severally, in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) plus interest from the date of the accident.

WARREN F. RICHARDS  
By Counsel

Filed August 3, 1978.

PROOF OF SERVICE

\*\*\*\*\*

Executed on the 10th day of August 10:45 A.M. 1978, in the County of Fairfax, Virginia, by calling at the usual place of abode 11017 Oakton Rd., Oakton, Va., of Ramon Iliff and not finding him there, or any other person upon whom service could be made, I left a true copy of the above-mentioned papers, attached to each other, POSTED at the front door of his usual place of abode.

\*\*\*\*\*

Filed August 11, 1978.

PROOF OF SERVICE

\*\*\*\*\*

Executed on the 21st day of Aug. 1978 in the County of Prince William, Virginia, by calling at the usual place of abode of Glen Stark and not finding him there or any other person upon whom service could be made, I left a true copy of the within mentioned papers attached to each other, posted at the front door of his usual place of abode.

\*\*\*\*\*

Filed August 14, 1978.

ANSWER, GROUNDS OF DEFENSE AND CROSSCLAIM  
OF DEFENDANT RAMON ILIFF

COMES NOW the Defendant, Ramon Iliff, by counsel, to respond as follows to the plaintiff's motion for judgment.

1. Defendant Iliff will admit as true allegation number one (1) save for reference to how the Stark vehicle was proceeding. The Defendant will deny this point.

2. Defendant Iliff denies allegation number two (2) as written.

3. Defendant Iliff will not respond here to allegation three (3) because it involves the actions of a co-defendant.

4. Defendant Iliff lacks sufficient information either to admit or to deny allegation four (4) and, therefore, demands strict proof thereof.

GROUNDS OF DEFENSE

The plaintiff's injuries are a result of his own negligence concurring with that of both of the Defendants or Defendant Stark alone.

WHEREFORE, this Defendant respectfully requests the Court to dismiss the plaintiff's motion for judgment as against Ramon Iliff.

CROSSCLAIM

COMES NOW the Defendant/Cross-plaintiff, Ramon Iliff, by counsel, and moves this honorable court for judgment against Glenn Stark in the event judgment is rendered on behalf of the

plaintiff against Defendant Iliff and for damages suffered by cross-plaintiff Iliff suffered as a result of Stark's negligence from the August 26, 1976, accident.

1. On or about August 26, 1976, at approximately 11:45 a.m., cross-defendant Stark was operating a motor vehicle at or near Fairfax Circle and the intersection of Roanoke Street and Route 50-29-211 in the City of Fairfax. Cross-defendant Stark was proceeding west from the circle on Route 50 at the time of the accident.

2. At roughly the same time as noted in number one above the cross-plaintiff had proceeded East on Route 50 to the intersection of Roanoke Street just before Fairfax Circle and stopped to make a left turn on Roanoke Street. At the time of the accident cross-plaintiff was completing his left turn on to Roanoke Street when he was hit by the cross-defendant's vehicle.

3. At the time of the accident cross-defendant Stark was negligently operating his motor vehicle by driving at excessive speed and by not maintaining a proper lookout, in violation of the Rules of the Road and Statutes of Virginia.

4. Said negligence directly and proximately caused cross-defendant's vehicle to ram that driven by the cross-plaintiff causing the plaintiff's vehicle to be totally destroyed along with its contents of painting supplies. The plaintiff also was personally injured as a result of this accident: severe bruising of his left forehead and temple areas, left hip, arm, and ankle; the next morning the plaintiff developed soreness of the lower spine which



is still noticeable on bending over; shortly thereafter the cross-plaintiff developed spells of a severe burning sensation in the area of his kidneys which persists to the present and will in the future. Also as a result of this accident without a vehicle to conduct his painting services, the cross-plaintiff, self-employed, was unable to work for a period of three and one-half months. The defendant has suffered in the past and will suffer in the future great pain, agony, suffering, and mental anguish for his personal injuries previously noted. Such pain and suffering will prevent him in the future as it has in the past from engaging in normal activities, all to his damage.

5. If the plaintiff herein is awarded judgment against this Defendant/Cross-plaintiff, Ramon Iliff, for personal injuries and other damages such as lost wages as asked for in the motion for judgment, such injuries and loss will have been caused by the negligence of Defendant Stark and not by reason of any negligence on the part of Defendant Iliff.

WHEREFORE, for the grounds above stated, the cross-plaintiff respectfully moves the Court (1) for judgment against the cross-defendant in the amount of One Hundred Thousand Dollars (\$100,000) plus interest from the date of this accident and (2) in the event that judgment is entered against Defendant Iliff in favor of plaintiff Richards for personal injuries and other damages as claimed in his motion for judgment, the cross-plaintiff motions the Court to grant judgment against cross-defendant Stark for any amount which may be awarded against Defendant Iliff.

Filed August 23, 1978.

RAMON ILIFF

/s/ Joshua N. Fletcher  
By Counsel

MOTION FOR VOLUNTARY NON-SUIT

The Plaintiff, WARREN F. RICHARDS, by counsel, moves the Court for entry of a voluntary non-suit of the defendant, GLENN STARK, upon the grounds that:

1. Subsequent to initial investigation of the accident in suit and the filing of the Motion for Judgment herein, plaintiff and his counsel have obtained information indicating to them that the defendant Stark was not negligent in a manner proximately causing, or contributing to cause, the accident and injuries to plaintiff.

2. Because plaintiff believes that the sole proximate cause of the accident was the negligence of the defendant Iliff, he desires to non-suit the defendant Glenn Stark.

WARREN F. RICHARDS,

By Counsel

BOOTHE, PRICHARD & DUDLEY  
4085 University Drive  
Fairfax, Virginia 22030

By

\_\_\_\_\_  
Thomas L. Appler  
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Adelard L. Brault, Esq., counsel for defendant Iliff, by hand delivery, this 24 day of August, 1978, 10533 Main Street, Fairfax, Virginia 22030.

/s/  
\_\_\_\_\_  
Thomas L. Appler

Filed August 24, 1978.

ORDER

The 24th day of August, 1978, came the plaintiff, by counsel, and moved the Court to non-suit the above cause of action as to defendant Glenn Stark; and there being no objection, as evidenced by endorsement of this Order by counsel for the parties, it is by the Court

ORDERED that defendant Glenn Stark be non-suited and dismissed from this case without prejudice.

Entered this 24th day of August, 1978.

/s/ James C. Cacharis  
Judge

SEEN:

/s/ Thomas L. Appler  
Thomas L. Appler  
BOOTHE, PRICHARD and DUDLEY  
Counsel for Plaintiff

/s/ Adelard L. Brault  
Adelard L. Brault  
BRAULT, LEWIS, GESCHICKTER & PALMER  
Counsel for Defendant  
Glenn Stark

MOTION TO AMEND CROSS-CLAIM

Comes now Ramon Iliff, by Counsel, and moves this Honorable Court for leave to amend the Cross-Claim heretofore filed herein by Ramon Iliff as is set forth in the Amended Cross-Claim attached hereto.

1. The original Cross-Claim was filed by the Insurance Carrier's attorney and not by Ramon Iliff's own private attorney.

2. The preamble of the Cross-Claim filed herein is ambiguous and Ramon Iliff wishes to clarify that he is seeking a Judgment for his damages as a result of the negligence of Glenn Stark and that such claim on his part is in no way contingent.

WHEREFORE, Ramon Iliff moves this Honorable Court for leave to amend the Cross-Claim heretofore filed herein.

AMENDED CROSS-CLAIM

Comes now Ramon Iliff, by Counsel, and moves this Honorable Court for Judgment against Glenn Stark for damages suffered by Ramon Iliff as the result of Glenn Stark's negligence as set forth herein:

1. On or about August 26, 1976, at approximately 11:45 A.M., Glenn Stark was operating a motor vehicle at or near Fairfax Circle and the intersection of Roanoke Street and Route 50-29-211 in the City of Fairfax. Glenn Stark was proceeding west from the circle on Route 50 at the time of the accident.

2. At roughly the same time as noted in number one above Ramon Iliff had proceeded East on Route 50 to the intersection of

Roanoke Street just before Fairfax Circle and stopped to make a left turn on Roanoke Street. At the time of the accident Ramon Iliff was completing his left turn on to Roanoke Street when he was hit by the vehicle operated by Glenn Stark.

3. At the time of the accident Glenn Stark was negligently operating his motor vehicle by driving at excessive speed and by not maintaining a proper lookout which he owed Ramon Iliff a duty to do and he was otherwise negligent.

4. Said negligence directly and proximately caused Glenn Stark's vehicle to ram Ramon Iliff's vehicle causing Ramon Iliff severe personal injury and totally destroyed Iliff's vehicle and its contents which were Iliff's painting supplies. As a direct and proximate result of the said negligence of Glenn Stark, Ramon Iliff was severely damaged in that he sustained severe injury to his head, left hip, arm, ankle, neck, back and kidneys; he was caused great pain and suffering in the past and will be caused to suffer great pain and suffering in the future and will incur medical costs in the future; he lost time from his work; lost the said painting supplies and his automobile; and he will be prevented from fully engaging in his occupation in the future and from engaging in normal activities.

WHEREFORE, Ramon Iliff respectfully moves the Court for Judgment against Glenn Stark in the amount of One Hundred Thousand Dollars (\$100,000) plus interest from the date of this accident.

/s/  
\_\_\_\_\_  
Ramon Iliff, By Counsel

Filed August 25, 1978.



MOTION

Comes now defendant Glenn Stark, by counsel, and moves the Court to quash service of the Motion to Amend the Cross-Claim of defendant Ramon Iliff and to dismiss said Cross-Claim, and for grounds therefor states as follows:

1. The Plaintiff, by counsel, filed a Motion for a Voluntary Non-Suit of the plaintiff's claim against defendant Glenn Stark on August 24, 1978; and an Order was entered by the Court on August 24, 1978, non-suiting plaintiff's cause of action as to defendant Glenn Stark.

2. The Answer, Grounds of Defense and Cross-Claim of defendant Ramon Iliff against defendant Glenn Stark was filed on August 23, 1978; however, same has never been served on defendant Glenn Stark as required pursuant to the provisions of Rule 3:9 of the Rules of the Supreme Court of Virginia.

3. The Motion to Amend the Cross-Claim, together with the Amended Cross-Claim, as the Court's file will reflect, was filed on August 25, 1978, and thereafter served on defendant Glenn Stark, all of which occurred subsequent to the entry of the Order of the Court entered on August 24, 1978, non-suiting said defendant Glenn Stark.

4. Since Glenn Stark is not a party to this suit, there is no provision in the Rules for the filing of a Cross-Claim by defendant Ramon Iliff against said Glenn Stark.

Filed September 12, 1978.

/s/  
\_\_\_\_\_  
Glenn Stark  
By Counsel

STATEMENT OF INCIDENTS OF CASE IN ACCORDANCE WITH RULE 5:9(c)

This cause was instituted by a Motion for Judgment against two defendants, Glenn Stark and Ramon Iliff, filed on August 3, 1978 by Warren F. Richards, Plaintiff. Process was issued on August 7, 1978, and service of process of the Motion for Judgment was served on Defendant Ramon Iliff in Fairfax County, Virginia, on August 10, 1978, and on Glenn Stark on August 21, 1978, in Prince William County, Virginia, at the address listed for him on the Motion for Judgment. On August 23, 1978, Defendant Ramon Iliff, by his Counsel, Joshua N. Fletcher, filed an Answer and Grounds of Defense and Cross-Claim against Defendant Glenn Stark, all within the 21 days granted to Defendant Iliff by Rule 3:5 and 3:9 of the Supreme Court Rules, however the Cross-Claim was not served on Defendant Stark. On August 24, 1978 the Plaintiff, Warren R. Richards, by his Counsel, moved the Court for entry of a Voluntary Non-Suit and certified he had delivered a copy to Adelard L. Brault on August 24, 1978, whom he erroneously certified was counsel for the Defendant Iliff. The record is clear that Adelard L. Brault was counsel for Defendant Glenn Stark, not Ramon Iliff. Adelard L. Brault did not represent both defendants. No notice for the Motion for Non-Suit was ever served on Ramon Iliff nor his counsel, Joshua N. Fletcher. Adelard L. Brault signed the consent order for a Voluntary Non-Suit on August 24, 1978, representing only Glenn Stark. At the time Adelard L. Brault signed the Order, a Cross-Claim had been filed for Defendant Ramon Iliff

by his counsel Joshua N. Fletcher. Ramon Iliff's attorney, Joshua N. Fletcher, was never given notice of the Motion for Non-Suit nor was Ramon Iliff personally given Notice of the Motion for Non-Suit. Adelard L. Brault never filed any pleadings indicating he represented Ramon Iliff. Adelard L. Brault only signed the order as representing Defendant Stark.

Two years from the date of the event that is the subject of this litigation occurred on August 27, 1978.

Ramon Iliff obtained additional personal counsel and filed a Motion for leave to Amend and an Amended Cross-Claim on August 25, 1978, still within the 21 day period after service of process on him and well within the two-year period from the date of the accident. Neither Counsel for Ramon Iliff, Joshua N. Fletcher nor Kaletah N. Carroll, had Notice of the entrance of the said Order of August 24, 1978. The Motion to Amend the Cross-Claim and the Amended Cross-Claim was delivered to the Sheriff of Prince William County, Virginia, to be served personally on Glenn L. Stark at the address given by the Plaintiff, at which he, Stark, received the original suit papers, and a copy of the Motion of Ramon Iliff and Amended Cross-Claims were sent to both Thomas L. Appler, Counsel for Warren F. Richards and Adelard L. Brault, Counsel for Glenn Stark. However, the sheriff's return shows that Defendant Glenn Stark was not found in his baliwick. On September 12, 1978, Defendant Stark, by and through his Counsel, Adelard L. Brault, filed a Motion claiming that since Glenn Stark is not now a party, the Defendant Iliff has no right to file a Cross-Claim against the

Defendant Stark. Notice of Appeal was filed by Kaletah N. Carroll for Ramon Iliff on September 18, 1978.

/s/  
Ramon Iliff, By Counsel

/s/  
Warren F. Richards, By Counsel

/s/  
Glenn Stark, By Counsel

\*\*\*\*\*

This Statement of Incidents of the Case was received by me on September 29th, 1978.

/s/  
James E. Hoofnagle, Clerk of  
the Circuit Court of Fairfax  
County, Virginia.

This Written Statement of Incidents of the Case was tendered to me on October 10, 1978.

/s/  
James C. Cacheris, Judge

Filed September 29, 1978.

ORDER

The 27th day of October, 1978, came the parties herein, by counsel, on the Motion of Glenn Stark to quash service on him of a Motion to Amend Cross-Claim, and further to dismiss said Cross-Claim, including the Amended Cross-Claim filed on August 25, 1978; and it appearing to the Court that Glenn Stark, at the time of the filing of the Cross-Claim of defendant Ramon Iliff against said Glenn Stark, was not a party to this cause of action, it is by the Court

ORDERED and ADJUDGED that service of said Motion to Amend Cross-Claim on Glenn Stark be, and the same hereby is, quashed; and it is further

ORDERED and ADJUDGED that said Cross-Claim, including the Amended Cross-Claim, be, and the same hereby is, dismissed.  
Entered this 27th day of October, 1978.

/s/ Lewis D. Morris  
Judge



STATEMENTS OF INCIDENTS OF CASE IN ACCORDANCE WITH RULE 5:9(c)

This cause was instituted by a Motion for Judgment against two defendants, Glenn Stark and Ramon Iliff, filed on August 3, 1978, by Warren F. Richards, Plaintiff. Process was issued on August 7, 1978, and service of process of the Motion for Judgment was served on Defendant Ramon Iliff in Fairfax County, Virginia, on August 10, 1978, and on Glenn Stark on August 21, 1978, in Prince William County, Virginia, at the address listed for him on the Motion for Judgment. On August 23, 1978, Defendant Ramon Iliff, by his Counsel, Joshua N. Fletcher, filed an Answer and Grounds of Defense and Cross-Claim against Defendant Glenn Stark, all within the 21 days granted to Defendant Iliff by Rule 3:5 and 3:9 of the Supreme Court Rules, however the Cross-Claim was not served on Defendant Stark. On August 24, 1978, the Plaintiff, Warren F. Richards, by his Counsel, moved the Court for entry of a Voluntary Non-Suit and certified he had delivered a copy to Adelard L. Brault on August 24, 1978, whom he erroneously certified was counsel for the Defendant Iliff. The record is clear that Adelard L. Brault was counsel for Defendant Glenn Stark, not Ramon Iliff. Adelard L. Brault did not represent both defendants. No notice for the Motion for Non-Suit was ever served on Ramon Iliff nor his counsel, Joshua N. Fletcher. Adelard L. Brault signed the consent order for a Voluntary Non-Suit on August 24, 1978, representing only Glenn Stark. At the time Adelard L. Brault signed the Order, a Cross-Claim had been filed for Defendant Ramon Iliff by his counsel Joshua N. Fletcher.

Ramon Iliff's attorney, Joshua N. Fletcher, was never given notice of the Motion for Non-Suit nor was Ramon Iliff personally given Notice of the Motion for Non-Suit. Adelard L. Brault never filed any pleadings indicating he represented Ramon Iliff. Adelard L. Brault only signed the order as representing Defendant Stark.

Two years from the alleged date of the event that is the subject of this litigation occurred on August 27, 1978.

Ramon Iliff obtained additional personal counsel and filed a Motion for leave to Amend and an Amended Cross-Claim on August 25, 1978, still within the 21 day period after service of process on him and well within the two-year period from the date of the accident. The record reflects that neither Counsel for Ramon Iliff, Joshua N. Fletcher nor Kaletah N. Carroll, had Notice of the presentment of the said Order on August 24, 1978. The Motion to Amend the Cross-Claim and the Amended Cross-Claim was delivered to the Sheriff of Prince William County, Virginia, to be served personally on Glenn L. Stark at the address given by the Plaintiff, at which he, Stark, received the original suit papers, and a copy of the Motion of Ramon Iliff and Amended Cross-Claim were sent to both Thomas L. Appler, Counsel for Warren F. Richards and Adelard L. Brault, Counsel for Glenn Stark. However, the sheriff's return shows the Defendant Glenn Stark was not found in his baliwick. On September 12, 1978, Defendant Stark, by and through his Counsel, Adelard L. Brault, filed a Motion claiming that since Glenn Stark is not now a party, the Defendant Iliff has no right to file a Cross-Claim against the Defendant Stark. Notice of Appeal was

filed by Kaletah N. Carroll for Ramon Iliff on September 18, 1978.

On October 27, 1978, the Honorable Lewis D. Morris entered an Order in this cause dismissing the Cross-Claim of Defendant Iliff, quashing the Motion to Amend and dismissing the Amended Cross-Claim of Defendant Iliff.

/s/  
Ramon Iliff, By Counsel

/s/  
Warren F. Richards, By Counsel

/s/  
Glenn Stark, By Counsel

\*\*\*\*\*

This Statement of Incidents of the case was received by me on December 14, 1978.

/s/  
James E. Hoofnagle, Clerk of  
the Circuit Court of Fairfax  
County, Virginia

This Written Statement of Incidents of the case was tendered to me on December 26, 1978.

/s/  
Lewis D. Morris, Judge

Filed December 14, 1978.

### Assignments of Error

1. The Court erred in entering the Order of August 24, 1978, non-suiting and dismissing Glenn Stark from this cause prior to the expiration of 21 days after the Defendant Iliff had been served, without notice to or the consent of Defendant Iliff.

2. The Court erred in entering the Order of August 24, 1978, non-suiting and dismissing Glenn Stark from this cause, without notice to Defendant Iliff, after a Cross-Claim had been filed against Glenn Stark but before Defendant Stark could be served with the Cross-Claim.

3. The Court erred in entering the Order of August 24, 1978, non-suiting and dismissing Defendant Stark from this cause without prior notice having been given to Defendant Ramon Iliff or his counsel.

4. The Court erred in entering an Order stating there was no objection to the entrance of such Order "as is evidenced by the endorsement of the Order by counsel for the parties".

### Assignments of Error

1. Ramon Iliff incorporates herein by reference all assignments of error set forth in the previous Petition for Appeal filed herein.

2. The Court erred in entering the Order of October 27, 1978, dismissing Defendant Iliff's Cross-Claim and Amended Cross-Claim and quashing the service on Defendant Stark of the Motion to Amend the Cross-Claim.



NOTICE OF OBJECTION TO PART OF THE  
STATEMENT OF INCIDENTS OF THE CASE

Pursuant to the provisions of Rule 5:11, Glenn Stark, by counsel, hereby tenders to the Honorable Lewis D. Morris, Judge of the Circuit Court for the County of Fairfax, Virginia, the following:

The second paragraph of page 2 of the Statements of Incidents of the Case filed by Ramon Iliff states:

"Two years from the date of the event  
that is the subject of this litigation  
occurred on August 27, 1978."

It is respectfully submitted that the date of the event is an allegation contained in the Motion for Judgment which has not been proven. That paragraph should read:

"Two years from the date of the accident alleged in the Motion for Judgment filed herein is August 27, 1978."

A related change should be made on the fourth line of the following paragraph on page 2 of Ramon Iliff's Statement to insert the word "alleged" before the word "date" (the fourth word from the end of the sentence).

Also contained in the last paragraph of page 2 of Ramon Iliff's Statement is the following:

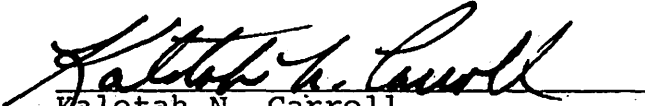
"Neither Counsel for Ramon Iliff, Joshua N. Fletcher nor Kaletah N. Carroll, had Notice of the entrance of the said Order of August 24, 1978."

It is respectfully submitted that the mere entry of an Order by this Honorable Court constitutes constructive notice to the world; and that in order to conform to the facts as they appear from the records of this Honorable Court, the Statement should read:

"Neither counsel for Ramon Iliff, Joshua N. Fletcher nor Kaletah N. Carroll, endorsed the said Order of August 24, 1978."

/s/ Glenn Stark  
Glenn Stark  
By Counsel

Filed December 18, 1978.

  
Kaletah N. Carroll  
Counsel for Appellant  
4015 Chain Bridge Road  
P.O. Box 434  
Fairfax, Virginia 22030

Certificate of Service

I do hereby certify that on May 11th, 1979, three copies of the Appellant's Appendix on Appeal were mailed, postage prepaid, to Thomas L. Appler, Esq., Counsel for Appellee Warren F. Richards, Boothe, Prichard and Dudley, 4085 University Drive, Fairfax, Virginia 22030, and three copies to Adelard L. Brault, Esq., Counsel for Appellee Glenn Stark, Brault, Lewis, Geschickter and Palmer, 10533 Main Street, P.O. Box 248, Fairfax, Virginia 22030. I further certify that this Appendix on Appeal was mailed to the Clerk of the Supreme Court of Virginia for filing this 11th day of May 1979.

  
Kaletah N. Carroll