

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

NATALIE JACOBSEN,

Petitioner,

v.

DEPARTMENT OF STATE POLICE

OFFICE OF THE SECRETARY OF
PUBLIC SAFETY AND HOMELAND
SECURITY

Respondents.

Case No.: CL17-592

ORDER

On the 30th day of April, 2018, this Court entered an Order on Petitioner's First Amended Petition for Writ of Mandamus (the "April 30, 2018 Order").

On the 30th day of April, 2018, upon Motion of the Respondents, this Court entered a second Order staying the April 30, 2018 Order pending Respondents' appeal (the "Stay Order").

On the 26th day of November, 2018, the Supreme Court of Virginia issued an Order dismissing Respondents' appeal without prejudice.

Because Respondents' appeal has been dismissed, the Court finds cause to vacate the Stay Order. Accordingly, it is hereby ORDERED that:

1. The Stay Order is VACATED; and
2. Respondents are ORDERED to release to Petitioner, no later than June 21, 2019, all portions of the record Petitioner requests that do not constitute a risk to the safety or security

of law-enforcement personnel or the general public and do not contain information from the Virginia Fusion Intelligence Center.

3. Respondents are ORDERED to file *in camera*, no later than June 21, 2019, those portions of the record Petitioner requests that Respondents believe are excluded from disclosure. The Court will review those portions of the record Petitioner requests that Respondents believe are excluded from disclosure and determine whether they may be withheld from disclosure pursuant to Virginia Code § 2.2-3706(B)(5) or Virginia Code § 52-48.¹

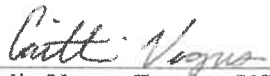
¹ On February 26, 2018, the General Assembly enacted a statute that, among other things, reorganized Code § 2.2-3706, which was effective July 1, 2018. That legislation renumbered the provision previously labeled Section 2.2-3706(A)(2)(e) as Section 2.2-3706(B)(5), while leaving the text of the provision unchanged. 2018 Va. Acts. ch. 48.

Entered this 10th day of June, 2019



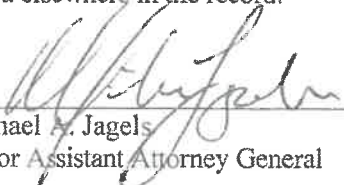
Judge Richard E. Moore

We ask for this:



Caitlin Vogus, Esquire, VSB #81054
Katie Townsend, Esquire, *Appearing Pro Hac Vice*
Reporters Committee for Freedom of the Press
1156 15th Street NW
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Counsel for Petitioner

Seen and objected to with regard to the Court's finding that Virginia Code§ 2.2-3704.01 requires Respondents to disclose redacted portions of the record requested by Petitioners, the Virginia State Police Operational Plan, and that such record, the Virginia State Police Operational Plan, in its entirety is not exempt from disclosure under Virginia Code§ 2.2- 3706(A)(2)(e) or Virginia Code§ 52-48, as set forth in the record of these proceedings and for reasons stated at argument, and reasons stated elsewhere in the record.



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