

VIRGINIA:

IN THE CIRCUIT COURT OF BEDFORD COUNTY

CHARLA BANSLEY,

Plaintiff,

v.

G. PAUL NARDO, *et al.*,

Defendants,

and

VIRGINIANS FOR REPRODUCTIVE
FREEDOM,

Intervenor-Defendant.

Civil Action No. CL26000931-00

July 24, 2026

FINAL ORDER

The parties and Intervenor, Virginians for Reproductive Freedom (“VRF”), all by counsel, came before the Court for a July 14, 2026, hearing on the record on VRF’s Motion to Intervene, Motion for Change of Venue, and Demurrer; on the State Defendants’ Motion to Transfer Venue and Demurrer; and on Defendant Reynolds’ Motion for Change of Venue and Demurrer. Having considered those motions, the briefs in support thereof and in opposition thereto, and the oral arguments of the parties at the July 14 hearing, for the reasons stated on the record and herein, the Court hereby:

GRANTS Intervenor-Defendant VRF’s Motion to Intervene and **ORDERS** that the Clerk enter Intervenor VRF as a party Defendant on the docket for all purposes in this litigation;

SUSTAINS Intervenor-Defendant’s, State Defendants’, and Defendant Reynolds’ Demurrers because (1) Virginia Code § 30-13, when it was operative law, was directory rather than mandatory, such that Defendants’ alleged noncompliance with it would not invalidate the

proposed amendment; (2) alternatively, the General Assembly acted within its constitutional prerogative when it retroactively repealed Section 30-13 in 2026 Va. Acts, ch. 6, §§ 15–16, eliminating the statutory basis for Plaintiff's claims; and (3) on the basis that the Plaintiff failed to show she had standing to bring this action;

DENIES Intervenor-Defendant's, State Defendants', and Defendant Reynolds' Motions to Transfer Venue on the basis that they are moot after the Court sustained the Demurrers; and

ORDERS that the Complaint is hereby **DISMISSED with prejudice** and the case struck from the docket of this Court.

The Clerk is respectfully requested to provide an endorsed copy of this Final Order to all counsel of record.

ENTERED this 24th day of July, 2026.

John T. Cook
The Hon. John T. Cook

cc: Atty General CDS 7124724

We ask for this:

Erin McNeill
Erin R. McNeill (VSB No. 78819)
Robert S. Claiborne, Jr. (VSB No. 86332)
Assistant Attorney General
Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219
Telephone: (804) 692-0598
Facsimile: (804) 371-0200
emcneill@oag.state.va.us

Daniel Martin
John P. Fishwick, Jr. Esq. (VSB No. 23285)
Daniel J. Martin, Esq. (VSB. No. 92387)
Fishwick & Associates PLC

30 Franklin Road SW Ste 700
Roanoke, VA 24011
(540) 345-5890 Telephone
(540) 345-5789 Facsimile
John.fishwick@fishwickandassociates.com



David R. Fox (VSB No. 83894)
Max C. Accardi*
Julie A. Zuckerbrod*
Derek A. Zeigler*
Elias Law Group LLP
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001
Tel.: (202) 968-4490
dfox@elias.law
maccardi@elias.law
jzuckerbrod@elias.law
dzeigler@elias.law

* Admitted *pro hac vice*

Seen and objected to:

Pursuant to Rule 5:25 of the Rules of the Supreme Court of Virginia, Plaintiff hereby states for the record and with reasonable certainty her objection to the foregoing Final Order by the Circuit Court of Bedford County, Virginia:

(1) As stated by the Circuit Court on the record, the Circuit Court's Final Order was based in large measure (if not completely) upon the *dissenting* opinion in *Scott v. McDougle*, 930 S.E.2d 332 (Va. 2026). Specifically, the Circuit Court's reliance on two paragraphs of a *dissent* in *Scott* suggesting that Va. Code §30-13 was merely directory and not mandatory does not form a sufficient basis for sustaining a demurrer that the Defendants' failure to comply with the requirements of Va. Code §30-13, which the Supreme Court of Virginia said was "in effect" at the times relevant to Plaintiff's Complaint, 930 S.E.2d at 348 n.31, was excusable and without legal consequence. Plaintiff specifically states that this finding of the Circuit Court constitutes reversible error as erroneously based on a dissenting opinion that is neither precedential nor binding, and in fact rejected by the majority in *Scott*. Plaintiff further objects to this finding as violative of the Supreme Court of Virginia's precedent concerning mandatory requirements of the constitutional amendment process. *E.g.*, *Gray v. Va. Sec'y of Transp.*, 276 Va. 93, 103-04, 662 S.E.2d 66, 72 (Va. 2008); *Gill v. Nickels*, 197 Va. 123, 129, 87 S.E.2d 806, 810 (Va. 1955); *Coleman v. Pross*, 219 Va. 143, 152, 246 S.E.2d 613, 619 (Va. 1978).

(2) Plaintiff further objects to the Circuit Court's Final Order on the basis that the General Assembly's repeal of Va. Code §30-13, which the Supreme Court of Virginia stated was "in effect" at the relevant times, 930 S.E.2d at 348 n.31, could be made retroactive without constitutional

infirmity, despite the fact that its failure to follow binding and operative provisions of law in effect at the time of Defendants' failures impacted substantive rights in a way the Constitution of Virginia does not allow by "attach[ing] new consequences to events completed before its enactment." *Appalachian Power Co. v. State Corp. Comm.*, 301 Va. 257, 295, 876 S.E.2d 349, 367 (Va. 2022) (quoting *Martin v. Hadix*, 527 U.S. 343, 357–58 (1999)). See also *Shiflet v. Eller*, 228 Va. 115, 120, 319 S.E.2d 750, 753 (Va. 1984); *Sch. Bd. of City of Norfolk v. U.S. Gypsum Co.*, 234 Va. 32, 38, 360 S.E.2d 325, 328 (Va. 1987); *City of Norfolk v. Kohler*, 234 Va. 341, 345, 362 S.E.2d 894, 896 (Va. 1987). This finding constitutes reversible error.

(3) Plaintiff further objects to the Circuit Court's Final Order because it improperly and erroneously finds that Plaintiff lacked standing to bring her challenges to the Defendants' failure to follow the procedures of Article XII, Section 1 of the Constitution of Virginia and Va. Code §30–13, as operative at the time of the failures. Plaintiff objects to this finding as (a) plainly violative of the Supreme Court of Virginia's standing precedent in the voting context cases, e.g., *Howell v. McAuliffe*, 292 Va. 320, 333, 788 S.E.2d 706, 714 (Va. 2016); *Wilkins v. West*, 264 Va. 447, 460, 571 S.E.2d 100, 107 (Va. 2002); (b) as violative of the Supreme Court of Virginia's precedent on standing under the traditional test in that an actual controversy exists and was properly pleaded in Plaintiff's Complaint and that concrete interests were threatened and injured by Defendants' actions and failures alleged in the Complaint, e.g., *W.S. Carnes, Inc. v. Bd. of Supervisors of Chesterfield Cnty.*, 252 Va. 377, 383, 478 S.E.2d 295, 299 (Va. 1996); *Cupp v. Bd. of Supervisors of Fairfax Cnty.*, 227 Va. 580, 589, 318 S.E.2d 407, 411 (Va. 1984); *Morgan v. Board of Supervisors of Hanover County*, 302 Va. 46, 65, 883 S.E.2d 131, 142 (Va. 2023), and (c) as plainly violative of the Supreme Court of Virginia's precedents for plaintiffs bringing challenges to flawed constitutional amendment processes. E.g., *Scott v. James*, 114 Va. 297, 298, 76 S.E. 283, 283 (1912).

Plaintiff hereby objects to the Final Order sustaining the demurrer.

/s/ Daniel J. Schmid

Daniel J. Schmid (VSB No. 84415)

Richard L. Mast (VSB No. 80660)

Stephen J. Nast (VSB No. 101642)

Liberty Counsel

P.O. Box 540774

Orlando, FL 32854

dschmid@lc.org