

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF LYNCHBURG

CITY OF LYNCHBURG, VIRGINIA,)
)
 Plaintiff,)
)
 v.)
)
 STEVEN KOSKI, et al.,)
)
 Defendants,)
)
)
 VIRGINIANS FOR FAIR ELECTIONS,)
)
 Defendant-Intervenor.)

Civil Action No.: CL26-183

ORDER

CAME THIS DAY, March 2, 2026, Plaintiff City of Lynchburg, Virginia, by counsel, appearing remotely, and Defendants Steven Koski, Virginia State Board of Elections, and Virginia Department of Elections, by counsel, necessary party Dan Pense, by counsel, and Defendant-Intervenor Virginians for Fair Elections, by counsel, appearing remotely.

Having heard oral argument from the parties at a hearing on February 26, 2026, this Court took this matter under advisement. Upon consideration of such oral argument and the supplemental briefing provided to this Court on February 28, 2026, this Court

GRANTS Defendant-Intervenor Virginians for Fair Elections’ motion to intervene for the reasons stated in Intervenor’s Motion to Intervene and for the reasons stated on the record; and

DENIES Defendants’ motion to transfer venue for the reasons stated on the record; and

DENIES Defendants’ special plea in bar asserting sovereign immunity for the reasons stated on the record; and

Certified, Lynchburg Circuit, Kenneth T. Swisher, Clerk, Verify at <https://risweb.vacourts.gov/jsra/CdvAct/> (Document ID:680-4373)

DENIES Defendants' motion to dismiss for lack of standing for the reasons stated on the record; and

ORDERS that the Complaint for Declaratory Judgment is hereby **DISMISSED** for the reasons stated on the record, including that the Court lacks subject matter jurisdiction. *See Scott v. James*, 114 Va. 297 (1912).

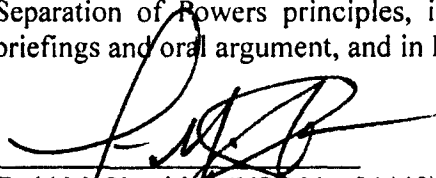
The Clerk is kindly directed to provide a copy of this Order to the parties of record.

ENTERED this 4th day of March, 2026.



The Hon. F. Patrick Yeatts
Judge, Circuit Court of the City of Lynchburg

SEEN AND AGREED: In part to dismissal. DEFENDANTS OBJECT: To the extent dismissal is not with prejudice, to the extent Defendants' motions were otherwise denied, including but not limited to, Defendants are immune, Plaintiffs lack standing, the Court lacks jurisdiction, Separation of Powers principles, improper venue, and for the reasons stated in Defendants' briefings and oral argument, and in Defendant-Intervenor's briefings and oral argument.



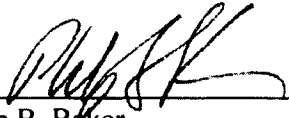
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SEEN AND AGREED IN PART: In part as to dismissal without prejudice. Plaintiff objects to the Court's determination that it lacks subject matter jurisdiction to adjudicate the constitutional claims prior to the completion of the election and respectfully notes its position that this Court possessed jurisdiction to determine whether constitutional conditions precedent to submission had been satisfied. Plaintiff further preserves all arguments previously advanced in its pleadings, supplemental briefing, and oral argument.



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SEEN AND AGREED TO: In part as to dismissal and as to intervention. OBJECTED TO: In part, as to the extent dismissal is not with prejudice, and as to the extent the motions it joined were otherwise denied for the reasons stated on the record.

/s/ Aria Branch

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