

VIRGINIA: IN THE CIRCUIT COURT OF GOOCHLAND COUNTY

CARMAX, INC.,

And

CARMAX AUTO SUPERSTORES, INC., Plaintiffs,

v.

Case no. CL16000387-00

MONTGOMERY BLAIR SIBLEY, Defendant

### ORDER

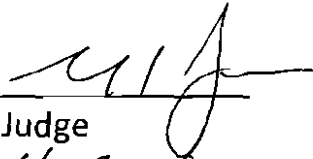
This matter came to be heard on April 12, 2018 for day one of a two-day trial with a jury. The Plaintiffs were represented by Alan D. Wingfield and Julie D. Hoffmeister. The Defendant appeared *pro se*.

Following preliminary instruction by the Court, and voir dire by the Court and Counsel, a jury was empaneled and sworn to try the case. After further instruction by the Court, and the opening statements by each party, the Plaintiffs proceeded to put on their case. At the conclusion of the Plaintiffs' evidence, the Defendant made a motion to strike the Plaintiffs' case, alleging insufficient evidence of publication. The Court heard the arguments of each side and determined that it would be appropriate to recess the matter until the following morning to allow the Court and the parties to engage in further research on the issue presented. The jury was excused until the following morning.

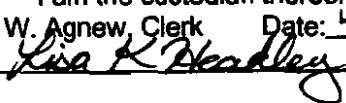
Court reconvened the following morning, at which time the Court entertained further argument. At the conclusion of said argument, the Court ruled that the evidence, taken in the light most favorable to the Plaintiffs, was legally insufficient to establish publication, for reasons stated on the record; accordingly, the motion to strike was granted, the jury was excused, and the case dismissed. The Plaintiffs' exceptions to the ruling of the Court are noted.

The Defendant made a motion for sanctions against Counsel for Plaintiffs which was denied for reasons stated on the record. Defendant's exception is noted.

The Clerk shall provide a certified copy of this order to the parties. There being nothing further to be addressed in this case, it is directed to be struck from the docket and placed among the ended files. The endorsements of the parties are dispensed with pursuant to Rule 1:13.

Enter:   
Judge  
Date: 4-13-18

I certify that the document to which this authentication is affixed is a true copy of said document on record in the Office of the Clerk of the Circuit Court, Goochland County, Virginia, and that I am the custodian thereof.

Dale W. Agnew, Clerk      Date: 4/13/18  
By:  D.C.