



CITY OF RICHMOND  
OFFICE OF THE CITY ATTORNEY  
900 EAST BROAD STREET, SUITE 400  
RICHMOND, VIRGINIA 23219

TELEPHONE 804-646-7940  
TELECOPIER 804-646-5743

LAURA K. DREWRY  
CITY ATTORNEY

WIRT P. MARKS  
DEPUTY CITY ATTORNEY

December 16, 2025

**HAND DELIVERED**

Mr. Edward F. Jewett, Clerk  
Circuit Court of the City of Richmond  
John Marshall Courts Building  
400 N. Ninth Street  
Richmond, Virginia 23219

RE: **Brian Prince v. City of Richmond, et al.**  
Case No: CL25-5720

Dear Mr. Jewett:

Please file the enclosed Demurrer on behalf of the Respondents in the above case.

Thank you for your continued assistance.

Very Truly Yours,

Wirt P. Marks  
Deputy City Attorney

WPM/vjv

Enclosure

cc: Brian Prince, Pro Se

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND  
John Marshall Courts Building**

<b>BRIAN PRINCE,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>Case No. CL25-5720</b>
<b>v.</b>	)	
	)	
<b>CITY OF RICHMOND, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**RESPONDENTS' DEMURRER**

**COME NOW** the Respondents, the City of Richmond ("City"), Office of Inspector General for the City of Richmond, and Clerk of the City Council, by counsel, pursuant to Section 8.01-273 of the *Code of Virginia*, and files this Demurrer to the Plaintiff's Petition, stating as follows:

**STATEMENT OF FACTS AS PLED**

The Petitioner in its Petition for Writ of Mandamus and Declaratory Judgment seeks to have this Court order the Inspector General for the City of Richmond to correct or withdraw its 2024 report concerning the Office of Elections. The Petitioner argues that the report contains demonstratively inaccurate information that was published in violation of several state laws pertaining to public records.

**LEGAL STANDARD**

- 1. Demurrer.**

“A demurrer admits the truth of the facts contained in the pleading to which it is addressed, as well as any facts that may be reasonably and fairly implied and inferred from those allegations.” *Yuzefovsky v. St. John’s Wood Apts.*, 261 Va. 97, 102 (2001) (emphasis added). However, a pleading must set forth the essential facts of a claim rather than merely reciting legal conclusions. See e.g., *Moore v. Jefferson Hosp., Inc.*, 208 Va. 438, 440 (1967). Moreover, “[a] demurrer does not admit the correctness of the pleader’s conclusions of law.” *Fox v. Custis*, 236 Va. 69, 71 (1988); *Yoder v. Givens*, 179 Va. 229 (1942) (observing that a demurrer “does not admit any statement, inference, or conclusion of law”). “A demurrer will be sustained if the [pleading], considered in the light most favorable to the plaintiff, fails to state a valid cause of action.” *McDermott v. Reynolds*, 260 Va. 98, 100 (2000).

### **ARGUMENT**

The Petition should be dismissed on several grounds. The Petitioner, CorruptionFreeRVA.org holds itself out as a “a forming 501(c)(3) foundation” which cannot be represented by its Founder and Investigative Lead, Brian L. Prince. See, <https://www.corruptionfreerva.org/> (Last visited December 16, 2025). “The party with the cause of action may proceed on his own behalf, but pleadings signed by a person acting in a representative capacity for the party with the cause of action are a nullity unless such person is licensed to practice law in this Commonwealth.” *Aguilera v. Christian*, 280 Va. 486, 489, 699 S.E.2d 517 (2010) (citing *Kone v. Wilson*, 272 Va. 59, 62-63, 630 S.E.2d 744 (2006); *Shipe v. Hunter*, 280 Va. 480, 483, 699 S.E.2d 519 (2010); *Wellmore Coal Corp. v. Harman Mining Corp.*, 264 Va. 279, 283-84, 568 S.E.2d 671 (2002)).

Even if the Petitioner were properly represented, the Petitioner lacks standing to challenge the Inspector General's report because there are no facts pled that demonstrate any direct interest in the report different to the public at large. *Goldman v. Landsidle*, 262 Va. 364 (2001).

Even if this Court were to conclude that the Petitioner had standing, the Petition fails on the merits because mandamus does not lie to compel a government official to perform a discretionary act. *City of Hampton v. Williamson*, 302 Va. 325 (2023). The Inspector General's report is based upon facts and conclusions that are all subject to the Inspector General's discretion. The Petitioner has not pointed to any legal mandate pertaining to the contents of an Inspector General's report. The Inspector General operates with broad discretion and there is no basis set forth in the Petition to remove any of the contents contained in the report.

WHEREFORE, the City of Richmond respectfully requests that its Demurrer be sustained, and the Petition dismissed with prejudice and for such other and further relief as to the Court may seem proper.

CITY OF RICHMOND  
INSPECTOR GENERAL and  
CLERK OF CITY COUNCIL

By:  \_\_\_\_\_  
Counsel

Wirt P. Marks, Esquire  
VSB No. 36770  
Deputy City Attorney  
Room 400 City Hall  
900 East Broad Street  
Richmond, Virginia 23219  
Telephone: (804) 646-3019  
Facsimile: (804) 646-7939  
*Counsel for the Respondents*