SUPREME COURT OF VIRGINIA

SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case
GIVAGO GROWTH, LLC, ET AL. v. ITECH AG, LLC, ET AL.
(Record Number 201267)

From
The Circuit Court of Fairfax County; D. Bernhard, Judge.

Counsel
Eric F. Schell for appellants.

George LeRoy Moran (Moran Law, P.L.C.), William L. Mitchell, II, and Michelle Jessee (Eccleston & Wolf, P.C.) for appellees.

Assignments of Error

c. That the Circuit Court of Fairfax County erred by denying the Petitioner Plaintiffs an evidentiary hearing to establish that Appellee Defendants, Itech AG, LLC and Robbins Law Group, PLLC, knew there was no legal or factual basis for recording a lis pendens and asserting a claim for specific performance against the Cola Drive Owners.

d. That the Circuit Court for Fairfax County erred by extending the concept of "absolute privilege" to the Appellee Defendants' recording of the lis pendens and filing the complaint for specific performance when said filings were a fraud upon the court and were instituted only to extort money from the Petitioner Plaintiffs to satisfy the obligations of third parties for which they had no legal obligation to do so.

e. The Circuit Court for Fairfax County erred by failing to recognize exceptions to the absolute privilege when "abused as a cloak from beneath which to gratify private malice" and in this particular case, to extort money from the Petitioner Plaintiffs to satisfy the obligations of third parties for which they had no legal obligation to do so.

f. The Circuit Court for Fairfax County erred by sustaining the Appellee Defendants' demurrers when, on demurrer, the Court was compelled to accept and admit as true all material facts expressly alleged, those by fair intendment are implicitly alleged, and those which are fairly and justly inferred from the facts alleged.