

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

AV AUTOMOTIVE, LLC, ET AL. v. BETELEHEM GEBREYESSUS.
(Record Number 210320)

From

Circuit Court of Fairfax County; D. Bugg, Judge.

Counsel

Monica T. Monday (Gentry Locke) for appellants.

Betelehem Gebreyessus (pro se) for appellee.

Assignments of Error

1. The circuit court erred in imposing sanctions on Plaintiffs under Code §8.01-271.1 and in denying Plaintiffs' motions to reconsider.
 - a. The circuit court erred in finding that Plaintiffs' conduct was objectively unreasonable.
 - b. The circuit court erred in imposing sanctions on Plaintiffs for the Audi Penalty claim, Conti's expert witness designation, and actions related to depositions, and in failing to separately analyze each of the grounds for the sanctions.
 - c. The circuit court erred in awarding sanctions against Plaintiffs alone for the discovery issues (expert designation and depositions).
 - d. The circuit court erred in finding that Gebreyessus "incurred" attorneys' fees under Code §8.01-271.1.
2. The circuit court erred in imposing a sanction in the amount of \$213,196.95, a sum for all of the attorneys' fees for representation of Gebreyessus in this case, and in denying Plaintiffs' motion to reconsider the amount of the sanction.
 - a. The circuit court erred in refusing and failing to separate or segregate the attorneys' fees related to the sanctionable conduct from the non-sanctionable conduct.

- b. The circuit court erred in finding that *Oxenham v. Johnson*, 241 Va. 281 (1991) is distinguishable.
- c. The circuit court erred in finding that the amount of the sanction was proportional and reasonably calculated to deter the sanctionable conduct.
- d. The circuit court erred in finding that it would be impossible to separate time defense counsel spent solely defending against the Audi Penalty claim.