

VIRGINIA:

IN THE CIRCUIT COURT FOR HENRICO COUNTY

DEVIN G. NUNES,

Plaintiff,

v.

Case No. CL19-1715

TWITTER, INC., *et al.*,

Defendants.

ORDER

This matter came before the Court on the Demurrer filed by Defendants Elizabeth A. Mair and Mair Strategies LLC (“Mair”) to Plaintiff Devin G. Nunes’ Complaint. The Parties appeared before the Court for oral argument on July 2, 2021. Having reviewed and considered the pleadings, briefs, and arguments of counsel, and for the reasons stated on the record, the Court hereby ORDERS, ADJUDGES, and DECREES as follows:

1. For the reasons stated on the record at the July 2, 2021 hearing, the Court concludes that the Complaint fails to adequately allege defamation *per se* against Mair as a matter of law. Specifically, the defamation *per se* claim alleged against Mair fails for the following independent reasons: (1) the Complaint fails to plead with sufficient context the “exact words” of the statements alleged to be defamatory; (2) the statements alleged to have been made by Mair are not defamatory as a matter of law; and (3) the facts alleged fail to support a reasonable inference that Mair made any of the alleged statements with the requisite intent of “actual malice.”

2. For the reasons stated on the record at the July 2, 2021 hearing, the Court concludes that the Complaint fails to adequately allege a claim of “insulting words” against Mair.

3. For the reasons stated on the record at the July 2, 2021 hearing, the Court concludes that the Complaint fails to adequately allege that Mair entered into any conspiratorial agreement, and further concludes that the Complaint fails to adequately allege any underlying tort.

Accordingly, the Demurrer is SUSTAINED and Plaintiff's Complaint against Defendants Elizabeth A. Mair and Mair Strategies LLC is DISMISSED WITH PREJUDICE.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

IT IS SO ORDERED this 3rd August day of ~~July~~ 2021



Circuit Judge

Ask for this:



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Seen and objected to:

Waive VASUPCT Rule 1:13

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