

XI. APPENDIX

VIRGINIA

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday the 8th of August 2023.

Loan Phuong, Appellant,

Against Record No. 230413

Court of Appeals No. 0547-22-4

Cong Van Nguyen, Appellee,

From the Court of Appeals of Virginia

Finding that the appeal was not perfected in the manner provided by law because the appellant failed to timely file the petition for appeal deadlines ran from the date of the April 18, 2023, order in the Court of Appeals, the Court dismisses the petition filed in the above -styled case. Rule 5:17(a)(2).

Upon consideration whereof, the appellee's request for attorney's fees and cost is denied. See Rule 5:20(g).

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By: Signed

Deputy Clerk

2a.

VIRGINIA

In the Supreme Court of Virginia held at the Supreme Court Building in the City of
Richmond on Tuesday the 3 day of October, 2023

Loan Phuong, Appellant,

Against Record No 230413

Court of Appeals No. 0547-22-4

Cong V. Nguyen, Appellee.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein
on August 8, 2023, and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy

Teste:

Muriel-Theresa Pitney, Clerk

By: Signed

Deputy clerk

VIRGINIA:

In the Court of Appeals of Virginia on Wednesday the 17th day of May 2023

Loan Phuong, Appellant,

Against Record No. 0547-22-4

Circuit Court No. CL 2021-7314

Cong Van Nguyen, Appellee,

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on the 18th day of April 20, 2023, and grant a rehearing thereof, the said petition in dismissed as it was not timely filed pursuant to Rule 5A:33.

A Copy,

Teste:

A John Vollino, Clerk

By: Signed

Deputy Clerk

VIRGINIA:

In the Court of Appeals of Virginia on Tuesday the 18th day of April 2023.

Loan Phuong, Appellant,

Against Record No: 0547-22-4

Circuit Court No. CL 2021-7314

Cong Van Nguyen, Appellee,

From the Circuit Court of Fairfax County

Loan Phuong, pro-se, appeals the order of the trial court entered on March 9, 2022, (See footnote 1), denying Phuong's motion to reconsider the trial court's judgment in favor of Cong Van Nguyen, entered on February 16, 2022. Phuong timely noted an appeal to the trial court's order denying her motion to reconsider.

On October 7, 2022, Phuong filed a pleading styled as an opening brief, but it did not comply with the requirement of Rule 5A:20, governing opening briefs. On October 11, 2022, the clerk's office advised Phuong several deficiencies with her opening brief, including that it did not contain assignment of error, along with preservation references for her assignment of error, as required by

Rule 5A:20©; statement of fact references, as require by Rule 5A:20(d); or state the governing standard of review, as required by Rule 5A:20(e). The Clerk's notification directed Phuong to file an amended opening brief within 10 days of the notice.

On February 7, 2023, the Clerk's office notified Phuong that it appeared her assignments of error were insufficient under Rue 5A:20(c)(ii) a granted her an additional 14 days to file an amended brief. Although Phuong has since filed three amended opening briefs, upon review we conclude that this appeal must be dismissed because Phuong's assignment of error do not address the order she appealed. "An assignment of error does not address the findings, ruling, or failures to rule on issues in the trial court.... Is not sufficient." Rule 5A:20(c)(2).

The assignment of error presented in Phuong's most recent amended opening brief do not address the trial court's ruling of March9, 2022, denying her motion to reconsider. Rather, the assignment of error addresses the original judgment entered on February 16, 2022, for which no timely appeal was noted. (Am. Op. Br. at 8). "If the assignment of error is insufficient, the appeal will be dismissed" Rule 5A:20(c)(2); cf. *Parker v Carilion Clinic*, 296 Va. 319, 332 (2018) (dismissing an assignment of error under Rule 5:17(c)(1)(iii) that did not address the trial court's ruling). This appeal is dismissed because Phuong's assignment of error are insufficient. (See footnote 2). Rule %A:20(c)(2).

This order shall be certified to trial court.

7a

A Copy,

Teste:

John Vollino, Clerk

By: Signed

Deputy Clerk

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

LOAN PHUONG

Plaintiff,

v.

CL 2021-7314

CONG VAN NGUYEN

Defendant

ORDER

THIS CAUSE came before the Court upon the Plaintiff's Motion for Reconsideration of the Order entered by this Court on February 16th, 2022.

IT APPEAREING to the court that the Motion for Reconsideration has not raised any issues such that this Court should reverse the Order, It is therefore

ORDRED that the Plaintiff's Motion for Reconsideration is denied.

ENTERED this 9th day of March 2022

Signed

Judge: Robert Smith

Endorsement of this order by counsel of record for the parties is waived In the discretion of the court pursuant to rule 1:13 of the supreme court of Virginia.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Plaintiff Complainant

Vs. Case Number: CL 2021-0007314

Defendant

ORDER

This cause came to be heard on the 16th day of February 2022, on the Plaintiff's Defendant's motion for Motion to strike.

Upon the matters presented to the Court at the hearing, It is ORDERED as follows: Matter is dismissed after hearing of evidence.

Entered this 16th day of Feb. 2022.

Signed

Judge: Robert Smith

SEEN AND OBJECTED

SEEN AND

Signed

Signed

Counsel for Defendant

Plaintiff

SEE AND OBJECTED TO:

Signed

Stricker C. Sanford IV, Esquire

Asha S. Pandya, Esquire

PROTOGYROU LAW, PLC 125 Pauls Boulevard, Suite 150 Norfolk, VA 23510

(757) 625-1775

SEEN

Endorsement waived

per Rule 1:13

Loan Phuong, Pro-se

5410 Jennifer Dr.

5410 Jennifer Dr.

Fairfax, VA 22032

WARREN IN DEBT (CIVIL CLAIM FOR MONEY)

Case: GV 20014859-00

Plaintiff: Loan Phuong

Return date and time 5410 Jennifer Dr.

11/9/20 1.45 pm Fairfax, VA 22032

Defendant: Cong Van Nguyen

Date issued 7318 Leesville Blvd.

10/2/2020 By Clerk Springfield, VA 22151

Claim \$25,000.00 plus \$64.00 cost plus attorney fee

CASE DISPOSITION

Judgment for the named Defendant

Defendant present YES

4/20/21

Signed _____

Judge: M.A. CAPSALIS

Form DC-412 (Front) Revised 10/18 (A192232 12/18)