VIRGINIA:

### IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

THOMAS A. SPECIALE, II

Plaintiff

Case No. CL23-499-1

V.

DEMOCRATIC PARTY OF VIRGINIA

Defendant

DEMOCRATIC PARTY OF VIRGINIA c/o Susan Swecker, Registered Agent 919 East Main Street, Suite 2050 Richmond, Virginia 23219

### PLAINTIFF'S MOTION FOR SANCTIONS

COMES NOW the Plaintiff, Thomas A. Speciale, II, Pro Se, and moves this Honorable Court for an order imposing sanctions against the Defendant, Democratic Party of Virginia, pursuant to Virginia Code § 8.01-271.1. This motion is based on the Defendant's improper use of Virginia Code § 30-5 to delay the proceedings and hinder the Plaintiff's prosecution of the case. The Defendant's actions are not in good faith and are intended to obstruct justice, as detailed below.

## **Background**

- 1. **Defendant's Counsel's Communication**: On July 2, 2025, the Defendant's counsel informed the Plaintiff in writing<sup>1</sup> that the answers to the Plaintiff's deposition questions for key witness Abigail Spanberger were already prepared, and would be served if Plaintiff would agree they would be served under seal; otherwise, the defendant stated they would seek a protective order requesting they be served under seal. Plaintiff did not agree to the answers being served under seal, and the Court ultimately ruled on September 12, 2025 that Spanberger's answers to the court-ordered written deposition questions would not be served under seal. As such, the defendant should have provided them promptly, as the answers were already completed, according to their July 2, 2025, letter.
- 2. **Retention of Don Scott**: As noted by the Court, seventeen days after the hearing on the protective order, the Defendant retained Don Scott, the Speaker of the House, for the improper purpose of invoking Virginia Code § 30-5 to delay the case. This retention was strategically done to delay complying with the ruling the Court issued on September 12, 2025, ordering Spanberger to answer the court-ordered written deposition questions and serve them unsealed.
- 3. **Gamesmanship to Protect Candidate**: The Defendant employed this tactic for the improper purpose of protecting their candidate for governor from having to answer inconvenient court-ordered deposition questions under oath prior to the November 2025 election. The retention of Don Scott and the filing of the 30-5 motion constitute an obvious

misuse of the legislative continuance provision, which is intended to prevent scheduling conflicts for legislator-lawyers, not to serve as a tool for delay.

4. **Completion of Discovery**: The Defendant had informed the Plaintiff that the deposition questions had been answered and completed as of July 2, 2025. As such, Don Scott's representation was unnecessary to comply with the Court's September 12, 2025 ruling, and the 30-5 Motion was filed solely for the improper purpose of delaying and hindering Plaintiff's prosecution of his case.

### Argument

- 1. **Improper Purpose**: The Defendant's actions violate Virginia Code § 8.01-271.1, which prohibits filings for improper purposes such as delay. The retention of Don Scott was not for a legitimate or necessary reason. Rather, Defendant retained Scott to exploit the legislative continuance provision to delay the proceedings in this case.
- 2. **Lack of Good Faith**: The Defendant's use of Virginia Code § 30-5 lacks the good faith required by the statute. As noted by this Court, the Court in *Commonwealth v. Foulks* emphasized the duty of a legislator-lawyer to avoid representation where the purpose is to delay proceedings.
- 3. **Sanctions Justified**: Given the Defendant's conduct, sanctions are warranted under Virginia Code § 8.01-271.1. The court has the authority to impose monetary penalties and other measures to address this misuse of the legal process.

### Relief Sought

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Disqualify Don Scott from representing the Defendant in this matter.

- 2. Order the Defendant to answer the court-ordered deposition questions orally, before the Court, to prevent further gamesmanship.
- 3. Impose appropriate sanctions on the Defendant and their counsel for their improper use of Virginia Code § 30-5 to delay the proceedings.
- 4. Grant any other relief the Court deems just and proper.

Dated: 6 October 2025

THOMAS A. SPECIALE II

Counsel Pro Se

Thomas A. Speciale II
14940 Grassy Knoll Court
Woodbridge, VA 23193
202-536-8098 (new number)
Tom.speciale@thomasspeciale.com
Plaintiff

# **CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> Day of October 2025, a true copy of the foregoing was mailed and emailed to the following:

Jeffery A. Breit
Allen W. Beasley
Don Scott
Breit Biniazan, P.C.
Towne Pavilion Center II
600 22<sup>nd</sup> Street, Suite 402
Virginia Beach, Virginia 23451
jeffrey@bbtrial.com
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THOMAS A. SPECIALE II
Counsel Pro Se

# Exhibit 1



### TRIAL LAWYERS

July 2, 2025

Via Mail and Email to: <a href="mailto:tom.speciale@thomasspeciale.com">tom.speciale@thomasspeciale.com</a>
Thomas Speciale, II
14940 Grassy Knoll Court
Woodbridge, Virginia 22193

Re:

Thomas A. Speciale, II v. Democratic Party of Virginia

Richmond Circuit Court Case No. CL23-499

Dear Mr. Speciale:

We have answered the questions you submitted that were not objected to. We will send the answers to you if you agree that they are to be under seal, (meaning for your uses in this litigation only and not be given or to be shown to any other individuals), until such time as the Judge rules on our pending Protective Order.

If you agree to keep under seal until the Court rules, we can send immediately. If you do not agree, we will go ahead and schedule a hearing on the Protective Order first, but the answers are completed.

Jeffrey Breit

Vulv Yours.

JAB/seh