



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

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October 26, 2006

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**Re: *Washington Newspaper Publishing Company, Inc,
d/b/a The Washington Examiner, CL-2003-216720***

Dear Counsel:

The Court has received the Motion for Reconsideration of the Opinion Letter of October 24, 2006. The Motion is denied without oral argument and Mr. Plocki has been notified by phone on October 25, 2006, as the Order granting temporary and limited authority to conclude publication of legal notices commenced prior to October 29, 2006 must be entered by October 27, 2006.

It first is argued that reconsideration should be granted as the publisher continues to hold a valid second-class permit. Accepting that to be the case for the purposes of this motion, the Court still finds that The Washington Examiner fails to meet the requirement for a bona fide list of paying subscribers under Subsection A. It is true that the Norfolk Circuit Court deemed that court approval for publishing legal notices was not necessary under those circumstances; however, this Court respectfully disagrees with the reasoning of the decision of In re Landmark Communications, 58 Va. Cir. 433 (Norfolk, 2002). The statute clearly requires a Petition to the

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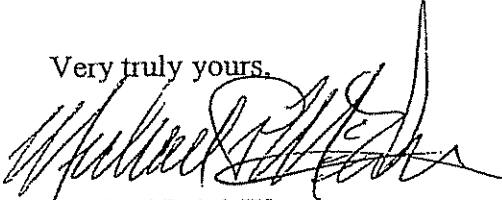
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Circuit Court as analyzed in the Opinion Letter of October 24, 2006. Other Circuit Court opinions always are persuasive, especially from such a distinguished colleague; however, they are not binding precedent.

Secondly, it is argued that this decision will harm legal advertisers without warning. This issue has been before the Fairfax Circuit Court for two months and renewal was denied administratively prior to the request for a hearing. Accepting that the alternative publications are more expensive than The Washington Examiner, the statutory requirements may not be waived for economic gain to the advertisers or the newspaper. As to "allowing Petitioner to unwind its present relationships," the Court has extended authority for over six additional weeks after previously extending authority for a month to allow further argument and careful consideration of the newspaper's positions. The decision cannot be totally unexpected and there is nothing punitive in the ruling.

The Motion for Reconsideration is denied and an Order must be submitted forthwith to avoid lapse in authority. If clarification is needed, the Court has ruled that no new legal advertisement may be accepted after October 29, but that the newspaper may continue to complete those legal notices accepted for publication prior to that date with that limited authority ending on December 15, 2006.

Very truly yours,



Michael P. McWeeny

MPM/dm

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