

THE UNITED STATES OF AMERICA
v. [Name]

Case No. [Number]

Filed [Date]

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TABLE OF CONTENTS

Table of Authorities	3
Assignments of Error	4
Statement of the Case	5
Statement of Facts	6
Standard of Review	7
Argument	8
Conclusion	9
Certificate of Service	10

TABLE OF AUTHORITIES

Cases

Filak v. George, 267 Va. 612 (2004)

Abi-Najm v. Concord Condominium LLC, 280 Va. 350 (2010)

Glazebrook v. Board of Supervisors, 266 Va. 550 (2003)

Dunn, McCormack and MacPherson v. Connolly, 281 Va. 553 (2011)

Newman v. Walker, 270 Va. 291 (2005)

Statutes

Virginia Code 8.01-229 - Tolling of statute of limitations

Virginia Code 8.01-246 - Written contract limitations

Virginia Code 18.2-415 - Disturbance of gatherings

ASSIGNMENTS OF ERROR

- 1 - The circuit court erred in sustaining the demurrer despite allegations that the funeral home breached its contractual promise to provide a peaceful funeral service.
- 2 - The circuit court erred in failing to apply tolling under Virginia Code 8.01-229 where concealed or inaccurate information delayed discovery of key facts.
- 3 - The circuit court erred by resolving disputed factual issues on demurrer rather than allowing discovery or trial.
- 4 - The circuit court erred by failing to consider new evidence including a PTSD medical letter (Tr. 11:19-25).

STATEMENT OF THE CASE

This appeal arises from the dismissal of claims involving the disruption of the funeral of the Appellant's son. The Appellant alleged that J.T. Morris Funeral Home promised a peaceful and respectful funeral ceremony. During the ceremony police officers entered and conducted an arrest in front of the congregation.

The circuit court dismissed the claims at the demurrer stage without allowing discovery. The Appellant contends the complaint alleged sufficient facts for breach of contract and related claims.

STATEMENT OF FACTS

The funeral home advertised peaceful and respectful funeral services (Tr. 7:1-6).

Another funeral one month earlier at the same location was not interrupted (Tr. 6:8-13).

The individual arrested had been outside with officers before the ceremony and could have been arrested earlier (Tr. 7:11-15).

Numerous officers instead entered the ceremony and performed the arrest in front of the congregation.

Records later provided stated only three officers were present.

Photographs and witnesses show significantly more officers attended.

A new PTSD medical letter was presented at the hearing but the court stated it had already reviewed the letters (Tr. 11:19-25).

STANDARD OF REVIEW

A circuit court decision sustaining a demurrer is reviewed de novo. Courts must accept all well pleaded facts as true and may not resolve factual disputes at the pleading stage. *Abi-Najm v. Concord Condominium LLC*; *Glazebrook v. Board of Supervisors*.

ARGUMENT

I - Breach of Contract

Virginia law recognizes breach of contract where a contract exists, is breached, and damages result. *Filak v. George*. The complaint alleged the funeral home promised a peaceful ceremony yet allowed the service to be disrupted.

II - Tolling

Virginia Code 8.01-229 allows tolling where material facts are concealed or cannot reasonably be discovered. The Appellant alleged records about the police presence were inaccurate and incomplete.

III - Demurrer Standard

Factual disputes cannot be resolved on demurrer. *Dunn, McCormack and MacPherson v. Connolly*.

CERTIFICATE OF SERVICE

I certify that a copy of this brief was mailed to counsel for the appellee on the date of filing.

Donna Watson - Appellant Pro Se

SUPPLEMENTAL AUTHORITY AND REQUEST FOR RELIEF

The Appellant respectfully submits the following additional authority and clarification regarding the appropriate disposition of this appeal.

Virginia law recognizes that the statute of limitations may be tolled where material facts have been concealed or where the plaintiff could not reasonably discover the cause of action. See *STB Marketing Corp. v. Zolfaghari*, 240 Va. 140 (1990); *Grimes v. Suzukawa*, 262 Va. 330 (2001); and *Richmond Redevelopment & Housing Authority v. Laburnum Construction Corp.*, 195 Va. 827 (1954). These cases confirm that when a defendant conceals material information or fails to disclose critical facts necessary for discovery of a claim, the statute of limitations does not begin to run until the wrongdoing could reasonably be discovered.

In the present matters, the Appellant repeatedly sought records and information that were incomplete, conflicting, or withheld entirely. Because key evidence remained within the possession and control of the defendants, the Appellant could not reasonably discover the full circumstances earlier. Under Virginia Code § 8.01-229(D), the statute of limitations should therefore be tolled.

Additionally, these cases were dismissed at the pleading stage before discovery occurred, despite the presence of unresolved factual disputes and allegations of concealed or withheld evidence. Virginia law is clear that disputed factual matters should not be resolved on demurrer. See *Abi-Najm v. Concord Condominium LLC*, 280 Va. 350 (2010).

The Court of Appeals has several options in resolving this appeal. The Court may:

1. Affirm the judgment of the circuit court;
2. Reverse and remand the case to the circuit court for further proceedings consistent with the Court's opinion; or
3. Reverse and enter the judgment the trial court should have entered where the record permits such relief.

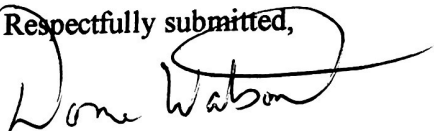
Because the record demonstrates unresolved factual disputes, conflicting evidence, and the withholding of critical information, dismissal at the pleading stage was improper. At minimum,

the Appellant was entitled to discovery and the opportunity to present evidence before a fact-finder.

These matters have remained unresolved for years despite the Appellant's repeated efforts to obtain withheld records and present her claims on their merits, resulting in continued and substantial hardship.

Accordingly, the Appellant respectfully requests that the Court reverse the judgment of the circuit court and remand the case for further proceedings so that the claims may be adjudicated on their merits. Alternatively, the Court may enter such judgment as the trial court should have entered.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donna Watson". The signature is written in black ink and is positioned below the phrase "Respectfully submitted,".

Donna Watson

03/30/2026

Appellant, Pro Se