

TWENTY-FOURTH JUDICIAL CIRCUIT
OF VIRGINIA

J. LEYBURN MOSBY, JR., JUDGE
LYNCHBURG CIRCUIT COURT
900 COURT STREET
P.O. Box 4
LYNCHBURG, VIRGINIA 24505
(434) 455-2600
TELEFAX (434) 847-1350



COMMONWEALTH OF VIRGINIA
CITIES OF LYNCHBURG AND BEDFORD
COUNTIES OF AMHERST, BEDFORD, CAMPBELL AND NELSON

March 13, 2007

MOSBY G. PERROW, III, JUDGE
LYNCHBURG CIRCUIT COURT
900 COURT STREET
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DECEMBER 13 2006

MAR 15 2007

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Re: Jenna Dodge, et al v.
The Trustees of Randolph-Macon Woman's College
Circuit Court File No. CL06000894

Dear Counsel:

The Court has considered the Amended Complaint filed by the plaintiffs herein. The Court has also reviewed again the defendant's Demurrer, the defendant's brief in support of it's Demurrer, the plaintiffs' Memorandum of Law in opposition to the defendant's Demurrer, the defendant's reply brief in support of it's Demurrer, partial transcripts of the arguments of counsel and the Court's ruling, and letters of counsel regarding the Amended Complaint.

This Court finds that there are no new factual or legal issues raised in the Amended Bill of Complaint that have not been considered by the Court. The Court permitted the Amended Complaint to be filed to conform to the plaintiffs' argument. Count II of the Amended Complaint reaffirms the plaintiffs' position that

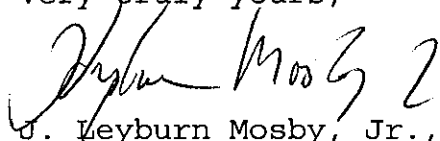
Wyatt B. Durette, Jr., Esquire
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March 13, 2007
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circuit courts have subject matter jurisdiction over matters pertaining to assets of charitable corporations; that the charitable assets of corporations are deemed to be held in trust for the furtherance of the charitable purposes of the governing documents; that the defendant breached the purposes for which the charitable assets are held in trust; that this Court has the power to modify the purposes or approve the modifications of the trust pursuant to the cy pres doctrine; and plaintiffs have standing to enforce the purposes for which the charitable assets are held in trust.

For the reason stated in the defendant's Memoranda and oral argument, the Court makes the following findings and rulings: The VUTC is only applicable to trusts created by statute and administered in the manner of an express trust; §2.2-507.1 of the Virginia Code grants the Attorney General standing to address misapplication of charitable trust assets, but does not eliminate the statutory provisions of the Non-stock Corporation Act, which governs the actions of the Trustees of RMWC; and that the defendant has not breached any duties by voting to admit males to RMWC which has been done in the past. This vote was a corporate decision that should not be second-guessed by the courts, students or donors. The Court has further ruled that the doctrine of cy pres is not applicable to the facts as alleged in these pleadings, and even if it was applicable the plaintiffs lack standing to bring this cause of action.

Therefore, this Court is entering the order as tendered by defendant's counsel, which sustains the defendant's Demurrer and dismisses this cause of action. Endorsement by counsel for the plaintiffs is waived and the objection of the plaintiffs is noted for reasons stated in their Memoranda and oral argument.

Very truly yours,



J. Leyburn Mosby, Jr., Judge

JLM, Jr. :mas

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

JENNA DODGE, SARAH HASSMER
 HAYLEY J. MAXWELL,
 LAURA McKEAN-PERAZA
 KELSEY McCUNE,
 JENNIFER C. MULLINS,
 MARY ELIZABETH YARDLEY,
 ALICE DAMMEYER PRIEBE and
 ROY CLINTON JOHNS

Plaintiffs,

v.

THE TRUSTEES OF RANDOLPH-MACON
 WOMAN'S COLLEGE,
 D/B/A RANDOLPH-MACON WOMAN'S COLLEGE,
 a Virginia non-stock charitable corporation

Defendant.

Case No. 0600089400

ORDER

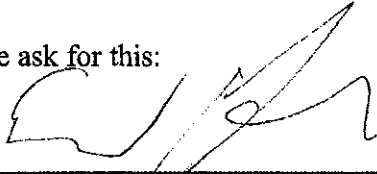
This matter came before the Court at a January 23, 2007 hearing on Defendant's Demurrer. The Court has considered the Complaint, Defendant's Demurrer, the parties' briefs, the arguments of counsel at the hearing, and the authority cited in argument and in briefs. For the reasons set forth by Defendant in its briefs and at the hearing and expressed by the Court at the hearing, and for good cause shown, IT IS HEREBY ORDERED that Defendant's Demurrer is SUSTAINED and that this matter is DISMISSED, *and stricken from the docket. JZG*

BY THE COURT:

JZG

 DATED: 3/13/07

We ask for this:



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Counsel for Defendant The Trustees of Randolph-Macon Woman's College, d/b/a Randolph-Macon Woman's College

Seen and objected to:

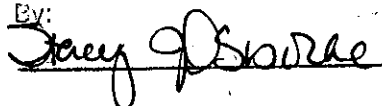
Waived by Court

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Counsel for Plaintiffs

A Copy, Teste:
 Larry B. Palmer, Clerk

By:

 Deputy Clerk