

It has always been all too plain and clearly without legal merit. Nothing in Plaintiffs' proposed amendment would change this. Indeed, the parties' arguments, written and oral, encompassed what this amendment seeks to "clarify" and were, accordingly, considered by this Court when it sustained the College's Demurrer. See, e.g., Brief in Support of Defendant's Demurrer at 12-14; Plaintiffs' Memorandum of Law in Opposition to Defendant's Demurrer at 3-4, 11; Reply Brief in Support of Defendant's Demurrer at 17-18. Accordingly, Plaintiffs' motion for leave to amend should be denied.

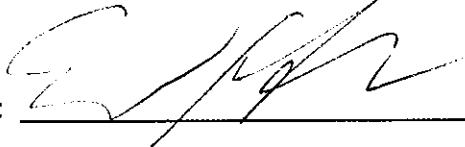
Because the points presented in the proposed amendment were, as Plaintiffs acknowledge in the Motion, presented by counsel at the hearing, and were also addressed in the parties' briefs, the proposed amendment would be futile. The Court "retains discretion to deny a motion for leave to amend when it is apparent that such an amendment would accomplish nothing more than provide opportunity for reargument of the question already decided." Hechler Chevrolet, Inc. v. General Motors Corp., 230 Va. 396, 403 (1985) (trial court did not abuse its discretion in refusing leave to amend when "[t]he court's ruling with respect to the amended motion for judgment would necessarily have been based upon the same ground as its original ruling"); see also Tsapel v. Anderegg, 51 Va. Cir. 139, 1999 WL 1101817 at *3 (Va. Cir. Ct. 1999) (denying leave to amend on grounds that "the amendment would also not survive defendant's plea and motion"); Fair Air Transp. Coalition v. Metropolitan Washington Airports Authority, 43 Va. Cir. 248, 1997 WL 1070674 at *2 (Va. Cir. Ct. 1997) (denying leave to amend because the plaintiffs "ha[d] no standing to bring suit on the . . . contract," "their claim must rise or fall on the contract and the contract ha[d] been fully presented and argued to the Court"). Because the proposed amendment presents issues that have already been addressed and fail generally to state a claim, they therefore would not change the result, and Plaintiffs' Motion should be denied.

Plaintiffs have stated that they do not seek oral argument on their Motion. Accordingly, the College requests that this Court proceed now to deny that Motion and enter the order also submitted today memorializing this Court's dismissal decision. The College has attached a draft order denying the Motion.

Should the Court see fit to grant the Motion, the College would urge the Court to summarily dismiss the amended complaint. As noted above, the points presented in the proposed amendment would not change the outcome and, in fact, were considered by the Court in sustaining the Demurrer. Therefore, if the Court grants the Motion, the College would urge the Court to consider any amendment effective as of the date of the Demurrer, so that it would be incorporated into the Court's order sustaining the Demurrer.

Respectfully Submitted,

**THE TRUSTEES OF RANDOLPH-MACON
WOMAN'S COLLEGE, D/B/A RANDOLPH-
MACON WOMAN'S COLLEGE**

By:  _____

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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,)	Case No. 0600089400
)	
v.)	
)	
THE TRUSTEES OF RANDOLPH-MACON)	
WOMAN'S COLLEGE,)	
D/B/A RANDOLPH-MACON WOMAN'S COLLEGE,)	
a Virginia non-stock charitable corporation)	
)	
)	
Defendant.)	

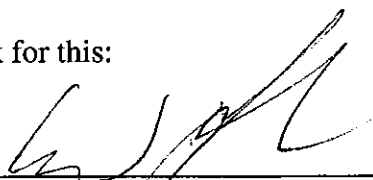
ORDER

This matter came before the Court on Plaintiffs' Motion for Leave to Amend Complaint. The Court has considered Plaintiffs' motion and Defendant's opposition thereto. For the reasons set forth by Defendant in its opposition, and for good cause, IT IS HEREBY ORDERED that Plaintiffs Motion for Leave to Amend Complaint is DENIED.

BY THE COURT:

DATED: / /

We ask for this:



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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2007, a true and accurate copy of the foregoing Opposition to Plaintiffs' Motion for Leave to Amend Complaint was delivered by hand to:

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