

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

RICHARD PHAY TU, M.D.,
THAO PHUONG DANG, M.D.,
LAN CHAU TU, M.D.,
NU THI DANG, D.D.S.,
and
TRAM BUI, RPh

Plaintiffs,

v.

Case No. 2009-18307

VIETNAMESE MEDICAL SOCIETY
OF NORTHEAST AMERICA,

VINH DUC NGUYEN, M.D.,
SANG VAN TRAN, M.D.,
LOC BICH NGUYEN, D.D.S.,
ANH HUU PHAM, D.D.S.,
and
TRUONG SON VAN, M.D.,

Defendants.

NOTICE AND MOTION CRAVING OYER

PLEASE TAKE NOTICE that Defendant, Vietnamese Medical Society of Northeast America, by counsel, will move this Honorable Court on Friday, August 6, 2010 at 9:00A.M., or as soon thereafter as counsel may be heard, for determination of this motion craving oyer and in support of said motion, respectfully states as follows:

1. That Plaintiffs in paragraph 7 of their Amended Complaint rely upon specific provisions of a document referred to as "EXHIBIT A".
2. That Plaintiffs have not filed a copy of said "EXHIBIT A" with its Amended Complaint.
3. That Defendant believes that "EXHIBIT A" may be a version of corporate By-laws Plaintiffs possess that forms the basis for their Amended Complaint.

4. That Plaintiffs make numerous references to the "bylaws" in their Amended Complaint at ¶¶ 12, 13, 26, 30.

5. That Defendant believes that Plaintiffs' "EXHIBIT A" is a document in the Vietnamese language and will require translation prior to being made part of the record.

6. That a Demurrer is set for August 13, 2010 at 10:00AM in this matter.

7. That Defendant will be prejudiced in the defense of this action and in its Demurrer if not afforded the opportunity to examine Plaintiff's "EXHIBIT A".

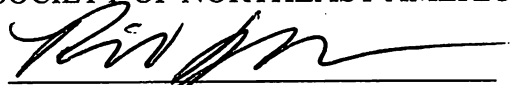
8. That it is necessary and proper for the "EXHIBIT A" to be produced, over taken of it and that it becomes per se a matter of record for the consideration of this Court for all purposes including but not limited to the Demurrer, as if copied at large in Plaintiffs' Amended Complaint.

WHEREFORE, your Defendant, The Vietnamese Medical Society of Northeast America, by counsel, respectfully moves this Court to order a complete copy of the "EXHIBIT A" and/or corporate "bylaws" be filed as an exhibit to Plaintiff's Amended Complaint at least 3 days before the Demurrer on August 13, 2010 to allow for its translation.

Respectfully Submitted,

VIETNAMESE MEDICAL SOCIETY OF NORTHEAST AMERICA

By Counsel



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