

VIRGINIA:
IN THE CIRCUIT COURT OF LOUDOUN COUNTY

VIRGINIA STATE BAR, ex rel.
SEVENTH DISTRICT COMMITTEE

vs.

LAW NO. 33453

THOMAS K. PLOFCHAN, JR.

MEMORANDUM ORDER

This matter was heard by a three-judge panel on the 15th day of March 2005. The matter was considered for disposition pursuant to inquiry by the Virginia State Bar. Prior to a hearing on the merits, the Court considered the Defendant's Demand for a Bill of Particulars and Plea in Bar for Violation of the Statute of Limitation.

Statement of the Findings of Fact

The Court makes the following findings of fact:

1. The Defendant has been informed of the nature of the charge against him and has been given an opportunity to answer and be heard, as indicated on the record of this hearing.
2. There is an applicable Statute of Limitation in this matter, namely Virginia Code (1950), § 8.01-248, as amended.
3. The applicable limitation period is two years.
4. The Plaintiff brought this action outside the applicable two-year Statute of Limitation. The cause of action accrued on or about February 2001.

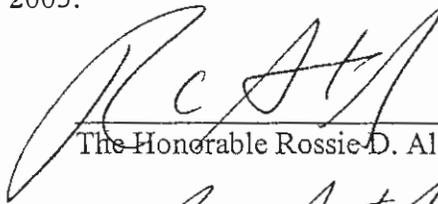
It appearing that this Court has jurisdiction to hear and determine this matter and that each party entitled to notice has been notified;

It appearing based upon the evidence and argument before the Court that this order should be entered.

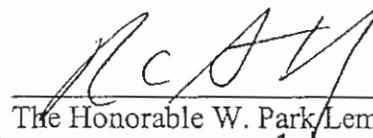
It is therefore ORDERED, ADJUDGED, and DECREED that:

1. The Defendant's Demand for a Bill of Particulars is denied.
2. The Defendant's Plea in Bar is granted.
3. This matter should be and hereby is dismissed with prejudice.

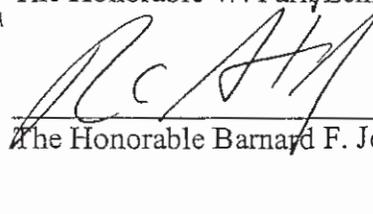
Entered this 17th day of April 2005.



The Honorable Rossie D. Alston, Jr.



The Honorable W. Park Lemmond, Jr.

for  *by a judge*

The Honorable Barnard F. Jennings
for *by a judge*

VIRGINIA:

DEC 3 2004

IN THE CIRCUIT COURT OF THE COUNTY OF LOUDOUN

VIRGINIA STATE BAR EX REL
SEVENTH DISTRICT COMMITTEE

Complainant,

v.

Case No. CL-31971

THOMAS KENNETH PLOFCHAN

Respondent.

ORDER

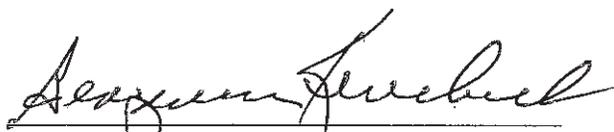
On August 17, 2004 and October 25, 2004, Respondent Thomas Kenneth Plofchan and the Virginia State Bar, by counsel, appeared before this Court on the Bar's Rule to Show Cause why the Seventh District Committee's Determination of Public Reprimand should not be affirmed. Respondent had appealed the decision and elected a three-judge panel to hear his appeal.

Having heard the arguments of the parties, read the briefs and reviewed the record of the proceedings below, and having found that the Seventh District Committee lacked jurisdiction to hear the case, it is hereby

ORDERED that, pursuant to Part Six, Section IV, Paragraph 13.I.3.d(3) of the Rules of Court, the decision of the Seventh District Committee is reversed and the matter is remanded for further proceedings. The Bar's exceptions to the findings of the Court and to this Order are noted.

It is further ORDERED that the Clerk of Court issue certified copies of this order to
counsel of record.

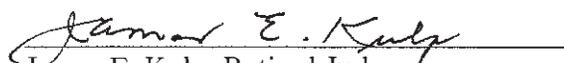
ENTER: 11/18/04, 2004



Benjamin N.A. Kendrick, Chief Judge



William R. Shelton, Retired Judge



James E. Kulp, Retired Judge