

Case

ADVANCED TOWING COMPANY LLC, ET AL. v. FAIRFAX COUNTY BOARD OF SUPERVISORS

(Record Number 091180)

From

The Circuit Court of Fairfax County; Bruce D. White, Judge.

Counsel

Robert L. Tomlinson II (Tomlinson & Associates) for appellants.

David P. Bobzien, Karen J. Harwood, Michael H. Long, Cynthia A. Bailey (Office of the County Attorney) for appellee.

Assignments of Error

1. The Trial Court erred in sustaining the Demurrer to the Amended Complaint because the Amended Complaint set forth a cause of action for declaratory judgment by alleging facts sufficient to establish an actual controversy between proper parties within the contemplation of § 8.01-184, Code of Virginia, 1950, as amended.
2. The Trial Court erred by failing to apply the Dillon Rule and strike down a Fairfax County Code provision enacted *ultra vires* because it imposed a geographical limitation that contravenes the enabling legislation (§46.2-1232, Code of Virginia, 1950, as amended).
3. The trial court erred in deciding the case on the merits and incorrectly decided the case on the merits.

Date Granted

9-2-2009