

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FAIRFAX COUNTY WATER AUTHORITY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2008-16114
	)	
CITY OF FALLS CHURCH,	)	
	)	
Defendant.	)	

**CONSENT ORDER**

THIS ACTION came before the Court on January 27, 2010, on the Motion of the City of Falls Church to Clarify or Amend the Court’s Final Decree on Count V, Motion to Stay the Final Decree Pending Appeal, and Motion to Order Fairfax Water to Post a Bond Pursuant to § 8.01-631 (“Post-Final Judgment Motions”), and

IT APPEARING TO THE COURT that the parties have resolved the City’s Post-Final Judgment Motions, as set forth below, in a manner that this Court finds to be reasonable and appropriate, it is, therefore,

ORDERED that:

1. The injunctive relief contained in the Court’s Decree of January 6, 2010, paragraph 2, is hereby suspended during the pendency of the City’s forthcoming appeal of that Decree;

2. In the event that the Supreme Court of Virginia declines or denies the City’s appeal, or otherwise affirms this Court’s rulings in all material respects, the City shall, within 30 days of the Supreme Court’s mandate, restore to the water fund the full amount of any “management fee” (or any other surplus revenue or profit) transferred from the water fund to the general fund for the City’s Fiscal Year 2009, and for any later fiscal year, if such transfer occurs before a final determination by the Supreme Court, plus interest at the amount of 6% from the

date such money was transferred to the general fund (i.e., 6% interest from October 7, 2009 with respect to the management fee transfer for FY 09);

3. In light of the parties' agreement to this Consent Order, the City's Post-Final Judgment Motions are withdrawn.

ENTER.

Date: January 27, 2010 Dr. Nuy  
JUDGE, CIRCUIT COURT OF FAIRFAX COUNTY

SEEN AND AGREED:

WE ASK FOR THIS (PRESERVING ALL OBJECTIONS TO THE FINAL DECREE OF JANUARY 6, 2010, BUT CONSENTING TO THE RESOLUTION OF THE CITY'S MOTIONS IN THE MANNER SET FORTH ABOVE):

FAIRFAX COUNTY WATER  
AUTHORITY

By: [Signature]  
Counsel

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CITY OF FALLS CHURCH

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