#### IN THE CIRCUIT COURT OF FAIRFAX COUNTY - VIRGINIA

JOSEPH M. HOFFMAN :

Plaintiff,

versus, : Civil Action CL-2023-0003372

RIVER TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION INC.

:

Defendant. :

### PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

COMES NOW the Plaintiff, Joseph M. Hoffman, in proper person, and hereby seeks leave in accordance with Rule 1:8 to file an amended Complaint which has the effect of increasing the *ad damnum* sought against the Defendant.

For grounds therefor, Plaintiff says as follows:

- 1. This is an appeal of a denied counter-claim from the General District Court which has limited jurisdictional limits.
- 2. As set forth in the attached proposed amended complaint the Defendant, either directly and/or indirectly, has refused or failed to repair the interior water infiltration in his condo from May of 2021 to February of 2023 which has generated both mold & mildew.

Other than Defendant's assertion that his condo was purportedly repaired in February of 2023, no facts have changed.

3. As a disabled veteran whose lungs were damaged from the Afghanistan burn pits, Plaintiff is hyper sensitive to mold, mildew, dust, certain household chemicals, etc. He had been unable to occupy his

condo for an extended period of time.

4. In addition to threatening Plaintiff's health and well being by failing or refusing to repair the internal water infiltration cause(s), Plaintiff had suffered great financial losses seeking alternative housing coupled

5. Justice demands that Plaintiff be fully compensated for his

with the financial stress of being unemployed because of a heart attack.

injuries!

6. Additionally with higher ad damnum amounts an attorney may

elect to represent Plaintiff in this action.

WHEREFORE Plaintiff moves this Court to grant him leave to amend

the damages sought against the Defendant and for such other and

necessary relief deemed just and necessary.

Respectfully submitted,

Joseph/M. Hoffman

Plaintiff in proper person

Joseph M. Hoffman Plaintiff in proper person 6621 Wakefield Drive #211 Alexandria, VA 22307 Telephone (937) 582-5339

### **AFFIDAVIT OF SERVICE**

I, Joseph M. Hoffman, doth hereby affirm that Plaintiff's Motion for Leave to File Amended Complaint with is accompanying Memorandum in Support and attached proposed Plaintiff's Circuit Court/amended Complaint were sent to

Kathryn G. Murphy - Attorney Whiteford, Taylor & Preston, L.L.P. 3190 Fairview Park Drive - Suite 800 Falls Church, VA 22042-4510

via both email to <a href="mailto:kmurphy@whitefordlaw.com">kmurphy@whitefordlaw.com</a> as well as FAX to (703) 259.6534 on the 13<sup>th</sup> day of December, 2023.

Plaintiff in proper person

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Plaintiff,

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# MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

- 1. Rule 1:8.
- 2. Plaintiff asserts that Defendant will not be prejudiced by Plaintiff seeking leave to seek just compensation since the facts have not changed. Plaintiff asserts that what is paramount is that Plaintiff be compensated fully by any of the Defendants acts or omissions. See, e..g. Peterson v. Castano, 260 Va. 299, 534 S.E.2d 736 (2000).

Respectfully submitted

oseph M. Hoffma

Plaintiff in proper person