



CC: Mr. Coggeshall

# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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July 15, 2011

The Honorable David J. Toscano  
Member, House of Delegates  
211 East High Street  
Charlottesville, VA 22902

Re: North South Development LLC v. Garden (Alleghany County Circuit Court).

Dear Delegate Toscano:

Thank you for sharing with the Attorney General the concerns of your constituent, Mr. Dargan Coggeshall. The above-referenced matter is a civil trespassing case between private parties, and the Commonwealth of Virginia generally does not intervene in disputes between private parties.

The Alleghany County Circuit Court is the proper forum in which to resolve the competing interests at issue in this case: the property right asserted by a land owner versus the right asserted by properly licensed Virginians to fish in a river of the Commonwealth. It is our view that the Court does not need the participation of the Commonwealth in order to resolve the matter as regards the private litigants currently before it. Given that this litigation raises the question of ownership of a portion of the Jackson River riverbed, this Office continues to monitor the case. I hasten to add, however, that we expect the ultimate resolution of this case will rest principally on factual determinations unique to the private litigants before the Court and the property that is the subject of their dispute .

Please do not hesitate to contact me if you have additional questions regarding this matter.

Sincerely,

Richard F. Neel, Jr.  
Deputy Attorney General