

VIRGINIA:

IN THE CIRCUIT COURT FOR ARLINGTON COUNTY

AMERICAN CHIROPRACTIC ASSOCIATION, INC.)

Plaintiff)

v.) 013 CL 23004129-00

COUNCIL ON NUTRITION, et al)

Defendants)

RECEIVED
2023 DEC 11 AM 10:33
FILED IN COURT
CLERK OF CIRCUIT COURT
FOR ARLINGTON COUNTY

**DEFENDANT COUNCIL ON NUTRITION'S DEMURRER
AND PLEA IN BAR**

COMES NOW, the Defendant Council on Nutrition ("Council"), a Virginia non-stock corporation, by counsel to demur to the Complaint filed by the American Chiropractic Association ("Association"), as follows:

I. Demurrer

The Court should dismiss Count I (Declaratory Judgment) for failure to state a claim. There is no future conduct for which the parties need guidance, and Count I merely seeks an advisory opinion.

The Court should dismiss Count II (Breach of the ACA Bylaws) for failure to state a claim. The Council is not a party to the ACA Bylaws. Even if the Council were a party, the Complaint fails to state any facts showing a breach of the ACA Bylaws.

The Court should dismiss Count III (Breach of the Council Bylaws) for failure to state a claim. The ACA is not a party to the CON Bylaws. Even if the ACA was a party, the Complaint fails to state any facts showing a breach of the Council Bylaws.

II. Plea in Bar

The Court should dismiss Count III (Breach of the Council Bylaws) for lack of standing.

CERTIFICATE OF SERVICE

I hereby certify that I served the following counsel with a copy of the foregoing pleading
by U.S. Mail, postage prepaid, and via email on this 11th day of December 2023:

Edward W. Cameron
Eric S. Waldman
Cameron/McEvoy, PLLC
4100 Monument Corner Drive, Suite 420
Fairfax VA 22030
ecameron@cameronmcevoy.com
ewaldman@cameronmcevoy.com

Thomas R. Daly
Law Office of Thomas R. Daly
1550 Wilson Blvd, Suite 700
Arlington, VA 22209
Tom.daly@1629klaw.com



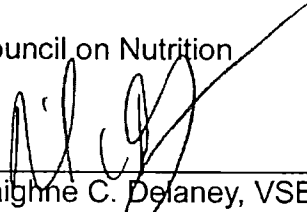
Raighne Delaney

The Council will file a memorandum of law in support of these issues in accordance with a schedule set by the Court or agreed upon by the parties.

WHEREFORE, the Defendant Council on Nutrition respectfully requests the Court to grant the relief as requested.

Respectfully submitted,

Council on Nutrition



December 11, 2023

Raighne C. Delaney, VSB #38787
Bean, Kinney & Korman, P.C.
2311 Wilson Blvd, 5th Floor
Arlington, VA 22201
(P) 703-525-4000
(F) 703-525-2207
rdelaney@beankinney.com