

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

ABUDULEAILA MAIMAITIMIN, ET AL. v. ABUDUKEYIMU ABUDUHAMITI
(Record Number 200545)

From

The Circuit Court of Fairfax County; D. Bugg, Judge.

Counsel

Robert J. Surovell, Stephen P. Pierce (Surovell, Isaacs, & Levy, PLC) for appellants.

J. Chapman Peterson, David L. Amos, Ibnui A. Khan (Chap Peterson & Associates, PLC) for appellee.

Assignments of Error

1. The trial court erred in failing to draw all reasonable inferences in favor of the non-moving party when it granted the Motion to Strike as to Count I – Breach of Contract at the close of Plaintiff/Petitioners evidence.
2. The trial court erred when it granted the Motion to Strike as to Count I – Breach of Contract, at the close of Plaintiff/Petitioners evidence, as the Statute of Frauds does not apply where the Agreement could be performed in less than a year.
3. The trial court erred when it granted the Motion to Strike as to Count I – Breach of Contract, at the close of Plaintiff/Petitioners evidence because the Defendant/Respondent is estopped from utilizing the Statute of Frauds as a bar to Plaintiff/Petitioners claims.
4. The trial court erred when it granted the Motion to Strike as to Count I – Breach of Contract, at the close of Plaintiff/Petitioners evidence because there was sufficient evidence of performance and memorialization of the Agreement.
5. The trial court erred when it entered judgment for the Defendant/Respondent as to Count II and Count III on the basis that there was no evidence that the Defendant/Respondent was in receipt of any funds belonging to Plaintiff/Petitioner, when in fact there was substantial evidence that the Defendant admitted that he was in receipt of such funds.