

2000 SESSION

INTRODUCED

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HOUSE BILL NO. 754

Offered January 21, 2000

A BILL to amend the Code of Virginia by adding a section numbered 8.01-377.2, relating to basis for motion of summary judgment.

Patron—Howell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-377.2 as follows:

§ 8.01-377.2. Basis for motion for summary judgment.

In any action at law, and in any suit in equity except in a suit for divorce or for the annulment of marriage, if it appears: (i) from the pleadings, any orders issued at a pretrial conference, any admissions, or any sworn affidavits based on personal knowledge in the proceedings, or (ii) when the court sustains a motion to strike the evidence, that the moving party is entitled to judgment, the court shall enter judgment upon the entire case or upon any severable issue, including the issue of liability alone, even though there is a genuine issue as to damages. Summary judgment shall not be entered if any material fact is genuinely in dispute.

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HB754