

# VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

## CHAPTER 710

*An Act to amend the Code of Virginia by adding a section numbered 8.01-277.1, relating to personal jurisdiction; special appearance.*

[S 1209]

Approved March 26, 2011

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-277.1 as follows:**

*§ 8.01-277.1. Objections to personal jurisdiction or defective process; what constitutes waiver.*

*A. Except as provided in § 8.01-277, a person waives any objection to personal jurisdiction or defective process if he engages in conduct related to adjudicating the merits of the case, including, but not limited to:*

- 1. Filing a demurrer, plea in bar, answer, counterclaim, cross-claim, or third-party claim;*
- 2. Conducting discovery, except as provided in subsection B;*
- 3. Seeking a ruling on the merits of the case; or*
- 4. Actively participating in proceedings related to determining the merits of the case.*

*B. A person does not waive any objection to personal jurisdiction or defective process if he engages in conduct unrelated to adjudicating the merits of the case, including, but not limited to:*

- 1. Requesting or agreeing to an extension of time;*
- 2. Agreeing to a scheduling order;*
- 3. Conducting discovery authorized by the court related to adjudicating the objection;*
- 4. Observing or attending proceedings in the case;*
- 5. Filing a motion to transfer venue pursuant to § 8.01-264 when such motion is filed contemporaneously with the objection; or*
- 6. Removing the case to federal court.*