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SENATE BILL NO. 851

Offered January 12, 2011

Prefiled January 7, 2011

A BILL to amend and reenact § 8.01-628 of the Code of Virginia, relating to temporary injunctions.

Patron—Petersen

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-628 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-628. Considerations in awarding temporary injunctions.

~~No temporary injunction shall be awarded unless the court shall be satisfied of the plaintiffs equity.~~*In assessing whether to award a temporary injunction, a court shall determine the prevailing party and fashion relief based upon the following factors: (i) the likelihood of irreparable harm to the party seeking the temporary injunction if the temporary injunction is denied; (ii) the likelihood of harm to the party not seeking the temporary injunction if the temporary injunction is granted; (iii) the likelihood that the party seeking the temporary injunction will succeed on the merits; and (iv) the public interest.*

INTRODUCED

SB851