

2012 SESSION

INTRODUCED

12102752D

HOUSE BILL NO. 1138

Offered January 13, 2012

A *BILL to amend and reenact § 8.01-420 of the Code of Virginia, relating to use of depositions as a basis for summary judgment.*

Patron—Head

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-420 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-420. Depositions as basis for motion for summary judgment or to strike evidence.

No motion ~~for summary judgment or~~ to strike the evidence shall be sustained when based in whole or in part upon any discovery depositions under Rule 4:5, unless all parties to the suit or action shall agree that such deposition may be so used.

However, a motion for summary judgment may be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, admissions on file, or affidavits.

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HB1138