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HOUSE BILL NO. 1374

Offered January 9, 2013

Prefiled December 10, 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.

Patrons—Head, Cox, J.A., Crockett-Stark, Morris, Ramadan, Villanueva and Webert

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 depositions, answers to interrogatories, admissions in the proceedings, or affidavits by a person with direct knowledge of the facts stated.

INTRODUCED

HB1374