

2013 SESSION

INTRODUCED

13102871D

HOUSE BILL NO. 1708

Offered January 9, 2013

Prefiled January 8, 2013

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—Habeeb, Head, Bell, Richard P., Bell, Robert B., Cline, Cole, Cosgrove, Cox, J.A., Fariss, Helsel, Hodges, Kilgore, Massie, Miller, Morris, Pogge, Poindexter, Ramadan, Ransone, Rush, Scott, E.T., Watson, Webert, Yancey and Yost

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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