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HOUSE BILL NO. 302

Offered January 8, 2014

Prefiled December 31, 2013

A BILL to amend and reenact § 8.01-626 of the Code of Virginia, relating to injunctions; expedited review of final and interlocutory orders; opposition to petition for review.

Patron—Loupassi

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-626 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-626. When a circuit court grants or refuses an injunction, the Supreme Court or Court of Appeals may review it.

~~Wherein~~ When a circuit court enters an interlocutory or final order that (i) grants an injunction or; (ii) refuses an injunction; or (iii) having granted an injunction, dissolves it or refuses to enlarge it, an aggrieved party may, within ~~fifteen~~ 15 days of the entry of the circuit court's order, present a petition for review to a justice of the Supreme Court; however, if the issue concerning the injunction arose in a case over which the Court of Appeals would have appellate jurisdiction under § 17.1-405 or § 17.1-406, the petition for review shall be initially presented to a judge of the Court of Appeals within ~~fifteen~~ 15 days of the entry of the circuit court's order. In either case, the aggrieved party shall provide notice to the opposing party that such a petition for review has been filed. The opposing party shall have 15 days after the filing of the petition for review to submit its opposition, unless the Supreme Court or Court of Appeals decides that a shorter time for the filing of an opposition is necessary, or that there are exceptional circumstances requiring the petition for review to be resolved at the earliest possible time without the filing of an opposition. The petition for review shall be accompanied by a ~~copy~~ copies of the ~~proceedings~~ relevant papers filed in the circuit court, including the original papers a transcript of relevant hearings, if available, and of the circuit court's order respecting the injunction. The justice or judge Supreme Court or Court of Appeals may then take such action ~~thereon~~ as he considers is appropriate under the circumstances of the case.

When a judge of the Court of Appeals has initially acted upon a petition for review of an order of a circuit court respecting an injunction, a party aggrieved by such action of the judge of the Court of Appeals may, within ~~fifteen~~ 15 days of the order of the judge entry of the order of the Court of Appeals order, present a petition for review of such order to a justice of the Supreme Court if the case would otherwise be appealable to the Supreme Court in accordance with § 17.1-410. The aggrieved party shall provide notice to the opposing party that such a petition for review has been filed. The opposing party shall have 15 days after the filing of the petition for review to submit its opposition, unless the Supreme Court decides that a shorter time for filing an opposition is necessary, or that there are exceptional circumstances requiring the petition for review to be resolved at the earliest possible time without the filing of an opposition. The petition for review shall be accompanied by a ~~copy~~ copies of the ~~proceedings~~ before relevant papers filed in the circuit court, including the original papers a transcript of relevant hearings, if available, and of the circuit court's order respecting the injunction, and as well as a copy of the order of the judge of the Court of Appeals from of which review is sought. The justice Supreme Court may then take such action ~~thereon~~ as he considers is appropriate under the circumstances of the case.

The right to an expedited review of an order regarding an injunction granted to an aggrieved party by this section is in addition to, and not in lieu of, any party's right to pursue an appeal to the Supreme Court or the Court of Appeals.

INTRODUCED

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