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SENATE BILL NO. 229

Senate Amendments in [] — January 20, 2014

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

Patron Prior to Engrossment—Senator Petersen

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 court grants or refuses injunction, justice of Supreme Court or judge of Court of Appeals may review it.**

Wherein a circuit court (i) grants an injunction or (ii) refuses an injunction or (iii) having granted an injunction, dissolves or refuses to enlarge it, an aggrieved party may, within ~~fifteen~~ 15 days of the 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 court's order. [~~The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party. The opposing party shall have 10 days after service to submit its opposition. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame.~~] The petition for review shall be accompanied by a copy of the proceedings, including the original papers and the court's order respecting the injunction. The justice or judge may take such action thereon as he considers 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 of the Court of Appeals, 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 serve a copy of the petition for review on the counsel for the opposing party. The opposing party shall have 10 days after service to submit its opposition. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame.~~] The petition for review shall be accompanied by a copy of the proceedings before the circuit court, including the original papers and the circuit court's order respecting the injunction, and a copy of the order of the judge of the Court of Appeals from which review is sought. The justice may take such action thereon as he considers appropriate under the circumstances of the case.

ENGROSSED

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