

2016 SESSION

INTRODUCED

16102884D

SENATE BILL NO. 110

Offered January 13, 2016

Prefiled December 28, 2015

A BILL to amend and reenact § 8.01-628 of the Code of Virginia, relating to temporary injunctions; factors for consideration.

Patron—Petersen

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-628 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-628. Equity of prayer for temporary injunction to be shown by affidavit or otherwise.

No temporary injunction shall be awarded unless the court shall be satisfied of the plaintiff's equity. In assessing whether to award a temporary injunction, the court shall review the following factors: (i) the likelihood of irreparable harm to the party seeking the temporary injunction if the temporary injunction is denied; (ii) the likelihood of harm to the party not seeking the temporary injunction if the temporary injunction is granted; (iii) the likelihood that the party seeking the temporary injunction will succeed on the merits; and (iv) the public interest. An application for a temporary injunction may be supported or opposed by an affidavit or verified pleading.

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