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SENATE BILL NO. 545

Offered January 8, 2020
Prefiled January 7, 2020

A BILL to amend and reenact § 16.1-106 of the Code of Virginia, relating to appeals of right in general district court; orders or judgment altering prior final orders or judgments; separate notices of appeal.

Patron—Edwards

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-106 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-106. Appeals from courts not of record in civil cases.

A. From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than $20, exclusive of interest, any attorney fees contracted for in the instrument, and costs, or when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, or of an action filed by a condominium unit owners' association or unit owner pursuant to § 55.1-1959, or of an action filed by a property owners' association or lot owner pursuant to § 55.1-1819, *or from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order entered or judgment rendered on any issues previously adjudicated on the merits in the prior proceeding,* there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

B. Notwithstanding subsection A, if any party timely notices an appeal from an order entered or judgment rendered in a general district court in any action relating to identified conduct, a transaction, or an occurrence, any other party may file a separate notice of appeal relating to any other final order or judgment entered in the action or in a separate action relating to such conduct, transaction, or occurrence by filing a notice of appeal within the original 10-day appeal period provided by subsection A, or within five business days after such original notice of appeal is filed, whichever is later. Such separate notice of appeal must identify the claim, defense, pleading, or other issue and the order or judgment being appealed.

C. The court from which an appeal is sought may refuse to suspend the execution of a judgment that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.