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HOUSE BILL NO. 2106

Offered January 23, 1995

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 7 of Title 8.01 a section numbered 8.01-270.1, relating to civil actions; consolidation; bifurcation; coordination.

Patrons—Mims, Albo, Almand, Cantor, Davies and McDonnell; Senators: Benedetti and Earley

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 7 of Title 8.01 a section numbered 8.01-270.1 as follows:

§ 8.01-270.1. Coordination, consolidation or bifurcation of issues or claims; appeal.

A. Coordinated pretrial proceedings. When civil actions involving a common question of law or fact are pending before a circuit court, the court may order that the pretrial proceedings be coordinated and may order that discovery taken in one action be deemed taken in others pending in the same court involving some or all of the same parties, issues or claims.

B. Consolidation for trial. When civil actions involving a common question of law or fact are pending before a circuit court, the court may order a joint hearing or trial of any or all the matters in issue in the actions. The court may order all the actions consolidated for trial, may submit special interrogatories to the jury to resolve specific issues of fact, and may make such orders concerning proceedings therein as may tend to avoid unnecessary costs, duplicative litigation delay.

C. Separate trials. To further convenience or avoid prejudice or when separate or bifurcated trials will be conducive to judicial economy, the court may order a separate and bifurcated trial of any claim, or of any number of claims, cross-claims, counterclaims, third party claims, or issues always preserving the right to trial by jury.

D. Appealability. Any order entered pursuant to this section shall, for purposes of appeal, be an interlocutory order. Any findings of the court or jury in any bifurcated trial shall not be appealable until a final order adjudicating all issues on a specific claim or consolidated group of claims has been entered.

2. That the provisions of this act are declaratory of existing law.

INTRODUCED

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