

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-335 of the Code of Virginia, relating to striking cases from court*
3 *dockets.*

4 [H 2708]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-335 of the Code of Virginia is amended and reenacted as follows:**

8 § 8.01-335. Certain cases struck from dockets after certain period; reinstatement.

9 A. Except as provided in subsection C, any court in which is pending an action, wherein for more
10 than two years there has been no order or proceeding, except to continue it, may, in its discretion, order
11 it to be struck from its docket and the action shall thereby be discontinued. However, no case shall be
12 discontinued if either party requests that it be continued. The court shall thereafter enter a pretrial order
13 pursuant to Rule 4:13 controlling the subsequent course of the case to ensure a timely resolution of that
14 case. If the court thereafter finds that the case has not been timely prosecuted pursuant to its pretrial
15 order, it may strike the case from its docket. The clerk of the court shall notify the parties in interest if
16 known, or their counsel of record at his last known address, at least fifteen days before the entry of such
17 order of discontinuance so that all parties may have an opportunity to be heard on it. Any case
18 discontinued under the provisions of this subsection may be reinstated, on motion, after notice to the
19 parties in interest if known or their counsel of record, within one year from the date of such order but
20 not after.

21 B. Any court in which is pending a case wherein for more than three years there has been no order
22 or proceeding, except to continue it, may, in its discretion, order it to be struck from its docket and the
23 action shall thereby be ~~dismissed discontinued~~ *discontinued* ~~and such dismissal may occur in the discretion of the~~
24 ~~court upon notice to all parties at their addresses as shown on the pleadings.~~ *Any case discontinued*
25 *under the provisions of this subsection may be reinstated, on motion and for cause, after notice to the*
26 *parties in interest, if known, or their counsel of record within one year from the date of such order but*
27 *not after.*

28 C. If a civil action is pending in a circuit court on appeal from a general district court and (i) an
29 appeal bond has been furnished by or on behalf of any party against whom judgment has been rendered
30 for money or property and (ii) for more than one year there has been no order or proceeding, except to
31 continue the matter, the action may, upon notice to the parties in accordance with subsection A, be
32 dismissed and struck from the docket of the court. Upon dismissal pursuant to this subsection, the
33 judgment of the general district court shall stand and the appeal bond shall be forfeited after application
34 of any funds needed to satisfy the judgment.