

23102119D

HOUSE BILL NO. 2105

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 8.01-267.1 of the Code of Virginia, relating to civil actions; standards governing consolidation and transfer; allocation of attorney fees.

Patrons—Bourne, Adams, D.M., Clark, Guzman, Maldonado and Simon

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-267.1 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-267.1. Standards governing consolidation, etc., and transfer.**

On motion of any party, a circuit court may enter an order joining, coordinating, consolidating or transferring civil actions as provided in this chapter upon finding that:

1. Separate civil actions brought by six or more plaintiffs involve common questions of law or fact and arise out of the same transaction, occurrence or series of transactions or occurrences;

2. The common questions of law or fact predominate and are significant to the actions; and

3. The order (i) will promote the ends of justice and the just and efficient conduct and disposition of the actions, and (ii) is consistent with each party's right to due process of law, and (iii) does not prejudice each individual party's right to a fair and impartial resolution of each action.

Factors to be considered by the court include, but are not limited to, (i) the nature of the common questions of law or fact; (ii) the convenience of the parties, witnesses and counsel; (iii) the relative stages of the actions and the work of counsel; (iv) the efficient utilization of judicial facilities and personnel; (v) the calendar of the courts; (vi) the likelihood and disadvantages of duplicative and inconsistent rulings, orders or judgments; (vii) the likelihood of prompt settlement of the actions without the entry of the order; and (viii) as to joint trials by jury, the likelihood of prejudice or confusion.

The court may organize and manage the combined litigation and enter further orders consistent with the right of each party to a fair trial as may be appropriate to avoid unnecessary costs, duplicative litigation or delay and to assure fair and efficient conduct and resolution of the litigation, including ~~but not limited to~~ orders ~~which~~ that organize the parties into groups with like interest; appoint counsel to have lead responsibility for certain matters; allocate costs and attorney fees to separate issues into common questions that require treatment on a consolidated basis and individual cases that do not; and to stay discovery on the issues that are not consolidated.

INTRODUCED

HB2105