

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-267.1 of the Code of Virginia, relating to civil actions; standards*
3 *governing consolidation and transfer; allocation of attorney fees.*

4 [H 2105]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-267.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 8.01-267.1. Standards governing consolidation, etc., and transfer.**9 On motion of any party, a circuit court may enter an order joining, coordinating, consolidating or
10 transferring civil actions as provided in this chapter upon finding that:11 1. Separate civil actions brought by six or more plaintiffs involve common questions of law or fact
12 and arise out of the same transaction, occurrence or series of transactions or occurrences;

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

14 3. The order (i) will promote the ends of justice and the just and efficient conduct and disposition of
15 the actions, and (ii) is consistent with each party's right to due process of law, and (iii) does not
16 prejudice each individual party's right to a fair and impartial resolution of each action.17 Factors to be considered by the court include, but are not limited to, (i) the nature of the common
18 questions of law or fact; (ii) the convenience of the parties, witnesses and counsel; (iii) the relative
19 stages of the actions and the work of counsel; (iv) the efficient utilization of judicial facilities and
20 personnel; (v) the calendar of the courts; (vi) the likelihood and disadvantages of duplicative and
21 inconsistent rulings, orders or judgments; (vii) the likelihood of prompt settlement of the actions without
22 the entry of the order; and (viii) as to joint trials by jury, the likelihood of prejudice or confusion.23 The court may organize and manage the combined litigation and enter further orders consistent with
24 the right of each party to a fair trial as may be appropriate to avoid unnecessary costs, duplicative
25 litigation or delay and to assure fair and efficient conduct and resolution of the litigation, including ~~but~~
26 ~~not limited to~~ orders ~~which~~ *that* organize the parties into groups with like interest; appoint counsel to
27 have lead responsibility for certain matters; allocate costs and *attorney* fees to separate issues into
28 common questions that require treatment on a consolidated basis and individual cases that do not; and ~~to~~
29 stay discovery on the issues that are not consolidated.

ENROLLED

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