

Last amended by Order dated Friday, February 26, 2010; effective May 3, 2010.

RULES OF SUPREME COURT OF VIRGINIA
PART TWO A
APPEALS PURSUANT TO THE
ADMINISTRATIVE PROCESS ACT

Rule 2A:5. Further Proceedings.

Further proceedings ~~shall be held as in a suit in equity and the rules contained in Part Two,~~ in an appeal under this Part Two-A shall be governed by the rules contained in Part Three, where not in conflict with the Code of Virginia or this part, ~~shall apply, but no matter shall be referred to a commissioner in chancery. The provisions of Part Four shall not apply and, unless ordered by the court, depositions shall not be taken.~~ subject to the following:

(1) No appeal or issue under this Part Two-A shall be referred to a commissioner in chancery.

(2) Except for Rule 4:15 where applicable under this Rule, the provisions of Part Four shall not apply to appeals under this part and, unless ordered by the court, depositions shall not be taken.

(3) Once any motions, demurrers or other pleas filed by the agency have been overruled, or if none have been filed within the time provided by Rule 3:8 for the filing of a response to the process served under Rule 2A:4, the appeal shall be deemed submitted and no answer or further pleadings shall be required except as provided herein or by order of the court.

(4) When the case is submitted and the record has been filed as provided in Rule 2A:3, the court shall establish by order a schedule for briefing and argument of the issues raised in the petition for appeal.

(5) The court shall dispose of the appeal by an order consistent with its authority set forth in §§ 2.2-4029 and 2.2-4030 of the Code of Virginia.