



SUPREME COURT OF VIRGINIA

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Supreme Court of Virginia Press Release

Media Contact: Patricia L. Harrington, Clerk

Release Date: October 17, 2014

THE SUPREME COURT OF VIRGINIA TO REVIEW PROPOSED RULES 5:21A AND 5A:38

RICHMOND - The Supreme Court of Virginia is considering proposed Rules 5:21A and 5A:38 related to appeals of injunctions filed pursuant to Code § 8.01-626.

Comments on the proposed Rules must be received by **November 17, 2014** and must be forwarded to:

Patricia L. Harrington, Clerk
Supreme Court of Virginia
100 North Ninth Street
5th Floor
Richmond, VA 23219

OR via email with the subject line "comment on injunction appeal rules" to:

scvclerk@courts.state.va.us

Proposed Rule 5:21A

This Rule shall govern the Court's consideration of the expedited review procedure established in § 8.01-626 of the Code of Virginia.

- (1) Absent exceptional circumstances, requests for expedited review of injunction orders may be referred by a single Justice of this Court to a panel of three Justices.
- (2) When a lower court: (1) grants an injunction; (2) refuses an injunction; or (3) having granted an injunction, dissolves or refuses to enlarge it, a request for expedited review may be considered by this Court whether the lower court's order, or that part of the order dealing with the injunction, is final or interlocutory. If expedited review is sought for a final order that deals with injunctive relief and other issues, a petition for review under Code § 8.01-626 must address only that part of the final order that actually addresses injunctive relief. All other issues shall be governed by the normal rules and timetables that apply to appeals. If both a petition for review under Code § 8.01-626 and a notice of appeal and petition for appeal are filed under Rules 5:9 or 5:14 and 5:17, to challenge the same final order, the clerk of this Court will assign separate docket numbers to the two proceedings.
- (3) In exceptional circumstances, the Court may act upon a request for expedited review of injunction orders without awaiting a response. Otherwise, the non-requesting party or parties shall ordinarily be permitted to file a response to a request for expedited review of an injunction order within 5 days, or whatever other period this Court may prescribe, after the party requesting expedited review has filed its request, and supporting materials, with this Court.
- (4) Accurate copies of the relevant original papers filed in the lower court shall be as acceptable as the originals in this Court, provided the party filing the copies submits a certificate to this Court that the copies are accurate copies of the original papers filed in the lower court.

Proposed Rule 5A:38: Expedited Review of Injunction Orders

This Rule shall govern the Court's consideration of the expedited review procedure established in § 8.01-626 of the Code of Virginia.

- (1) Absent exceptional circumstances, requests for expedited review of injunction orders may be referred by a single Judge of this Court to a panel of three Judges.
- (2) When a circuit court: (1) grants an injunction; (2) refuses an injunction; or (3) having granted an injunction, dissolves or refuses to enlarge it, a request for expedited review may be considered by this Court whether the circuit court's order, or that part of the order dealing with the injunction, is final or interlocutory. If expedited review is sought for a final order that deals with injunctive relief and other issues, a petition for review under Code § 8.01-626 must address only that part of the final order that actually addresses injunctive relief. All other issues shall be governed by the normal rules and timetables that apply to appeals. If both a petition for review under Code § 8.01-626 and a notice and petition for appeal are filed under Rules 5A:6 or 5A:12 to challenge the same final order, the clerk of the Court of Appeals will assign separate docket numbers to the two proceedings.
- (3) In exceptional circumstances, the Court may act upon a request for expedited review of injunction orders without awaiting a response. Otherwise, the non-requesting party or parties shall ordinarily be permitted to file a response to a request for expedited review of an injunction order within 5 days, or whatever other period this Court may prescribe, after the party requesting expedited review has filed its request, and supporting materials, with this Court.
- (4) Accurate copies of the relevant original papers filed in the lower court shall be as acceptable as the originals in this Court, provided the party filing the copies submits a certificate to this Court that the copies are accurate copies of the original papers filed in the lower court.