

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

AHC, INC., ET AL. v. DLE INVESTORS, LP
(Record Number 211225)

From

The Circuit Court of Arlington County; W.T. Newman, Jr., Judge.

Counsel

William B. Schroeder (Shulman Rogers), David A. Davenport, and Alexander M. Hagstrom (BC Davenport, PLLC) for appellants.

Louis E. Dolan, Jr., and Scott M. Dinner (Nixon Peabody LLP) for appellee.

Assignments of Error

1. The Circuit Court abused its discretion as a matter of law in granting DLE Investors, LP's motion to compel discovery sought by numerous foreign subpoenas because the Circuit Court neither specified nor correctly applied the Delaware law that narrowly defined the scope of relevant discovery in the limited, expedited proceeding pending in Delaware Chancery Court from which the foreign subpoenas issued.
2. The Circuit Court abused its discretion in granting DLE Investors, LP's motion to compel because it failed to consider relevant factors under Rule 4:1 and required compliance in an impossibly short period of time, imposing on the non-profit, non-party Appellants the burden of DLE Investors, LP's own missteps and delays in seeking discovery.
3. The Circuit Court abused its discretion in presumptively dispensing with the requirements of Rule 1:13 when entering its Order granting DLE Investors, LP's motion to compel because the handwritten draft Order unilaterally prepared, signed and submitted by counsel for DLE Investors, LP, without notice to counsel for Appellants, who had appeared remotely, both included rulings improperly inserted by counsel for DLE Investors, LP and not made by the Circuit Court and also improperly failed to include rulings actually made by the Circuit Court.