

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 9th day of June, 2023.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective August 8, 2023.

Amend Rule 3:19 as follows:

Rule 3:19. Default.

(a) *Failure Timely to Respond.* — A defendant who fails to timely file a responsive pleading as prescribed in Rule 3:8 is in default. A defendant in default is not entitled to notice of any further proceedings in the case except as provided in subsection (c) below; and written notice of any further proceedings must be given to counsel of record, if any, until default judgment is entered against such defendant. The defendant in default is deemed to have waived any right to trial of issues by jury.

* * *

(c) *Default Judgment and Damages.* —

(1) Except in suits for divorce or annulling a marriage, the court will, on motion of the plaintiff, enter judgment for the relief appearing to the court to be due. Written notice of such motion must be mailed to the defendant's last known address, if known or reasonably available to plaintiff or plaintiff's counsel, or otherwise to the service-of-process address for defendant. If plaintiff is unable to provide such notice, the motion must contain a certification that plaintiff has made reasonable, good faith, efforts to provide notice to the defendant. When service of process is effected by posting, no judgment by default will be entered until the requirements of Code § 8.01-296(2)(b) have been satisfied.

(2) If the relief demanded is unliquidated damages, the court will hear evidence and fix the amount thereof, unless the plaintiff demands trial by jury, in which event, a jury will be impaneled to fix the amount of damages.

(3) If a defendant participates in the hearing to determine the amount of damages such defendant may not offer proof or argument on the issues of liability, but may (i) object to the

plaintiff's evidence regarding damages, (ii) offer evidence regarding the quantum of damages, (iii) participate in jury selection if a jury will hear the damage inquiry, (iv) submit proposed jury instructions regarding damages, and (v) make oral argument on the issues of damages.

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A Copy,

Teste:


Clerk