

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 5th day of May 2021.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective July 5, 2021.

Amend Rules 1:19, 3:8, and 4:5, as follows:

Rule 1:19. Pretrial Conferences.

In addition to the pretrial scheduling conferences provided for by Rule 4:13, each trial court may, upon request of counsel of record, or in its own discretion, schedule a final pretrial conference within an appropriate time before the commencement of trial. In cases set for trial for five days or more, upon request of any counsel of record, made at least 45 days before trial, the court must schedule a final pretrial conference within an appropriate time before commencement of trial. At the final pretrial conference, which the trial court in its discretion may conduct in person or by telephone or by videoconference, the court and counsel of record may consider any of the following:

- (a) settlement;
- (b) a determination of the issues remaining for trial and whether any amendments to the pleadings are necessary;
- (c) the possibility of obtaining stipulations of fact, including, but not limited to, the admissibility of documents;
- (d) a limitation of the number of expert and/or lay witnesses;
- (e) any pending motions including motions in limine;
- (f) issues relating to proposed jury instructions; and
- (g) such other matters as may aid in the disposition of the action.

Rule 3:8. Answers, Pleas, Demurrers and Motions

(a) *Response Requirement.* – A defendant must file pleadings in response within 21 days after service of the summons and complaint upon that defendant, or if service of the summons

has been timely waived on request under Code § 8.01-286.1, within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside the Commonwealth. Pleadings in response under this Rule – other than an answer – are limited to the following, and are deemed responsive only to the specific count or counts addressed therein: a demurrer, plea, motion to dismiss, motion for a bill of particulars, motion craving oyer, and a written motion asserting any preliminary defense permitted under Code § 8.01-276. If a defendant files no other pleading in response than the answer, it must be filed within the applicable 21-day, 60-day, or 90-day period specified in this Rule. An answer must respond to the paragraphs of the complaint. A general denial of the entire complaint or plea of the general issue is not permitted.

(b) *Response After Demurrer, Plea or Motion.* – When the court has entered its order overruling all motions, demurrers and other pleas filed by a defendant as a responsive pleading, such defendant must, unless the defendant has already done so, file an answer within 21 days after the entry of such order, or within such shorter or longer time as the court may prescribe. If the court grants a motion craving oyer, unless the defendant has already filed an answer or another responsive pleading, the defendant must file an answer or another responsive pleading within 21 days after plaintiff files the document(s) for which oyer was granted, or within such shorter or longer time as the court may prescribe.

Rule 4:5. Depositions Upon Oral Examination

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(b) *Notice of Examination: General Requirements; Special Notice; Production of Documents and Things; Deposition of Organization.* –

* * *

(6) A party may in the notice name as the deponent a public or private corporation, or a partnership, an association, a governmental agency, or other entity, and must describe and designate with reasonable particularity the matters on which examination is requested. The organization so named must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf, and it may set out the matters on which each person designated will testify. Before or promptly after the notice or subpoena is served, the serving party and the organization must confer in good faith about the matters for

examination. A subpoena must advise a nonparty organization of its duty to make this designation and to confer with the serving party. The persons so designated must testify as to matters known or reasonably available to the organization on the topics specified in the notice of deposition. Except as provided in Virginia Code § 8.01-420.4:1, this subdivision (b)(6) does not preclude taking a deposition by any other procedure authorized in these Rules and Virginia law.

A Copy,

Teste:

Douglas B. Robelen, Clerk

A handwritten signature in blue ink, appearing to read "M. M. [unclear] [unclear]", written over the printed name of the Deputy Clerk.

By:

Deputy Clerk