

Virginia Code Expands Uses for Discovery Depositions and Affidavits

12 Aug 2019

[James N. Markels](#)

On July 1, 2019, an amendment to the Virginia Code took effect which allows discovery depositions and affidavits to be used in support of or in opposition to a motion for summary judgment in any action when the only parties to the action are business entities and the amount at issue is \$50,000 or more. See Va. Code sec. 8.01-420(C).

Previously, depositions could only be used if all parties agreed to allow it, or in seeking dismissal of a claim or demand for punitive damages. It remains to be seen whether this modest change reflects a trend toward liberalizing the restrictions on summary judgment in Virginia. The change to Rule 3:20 of the Rules of the Virginia Supreme Court, which will implement the statute's modification, will take effect on September 1, 2019.

This summary is not intended to contain legal advice or to be an exhaustive review. If you have any questions about this summary, feel free to contact our [Real Estate Litigation and Transactions Practice Group](#).

TAGGED: Virginia Code, Discovery Depositions, Discovery Affidavits, Va. Code sec. 8.01-420(C), Summary Judgment