

Thursday

30th

September, 2004.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective January 1, 2005.

Amend Rule 4:9(b) to read as follows:

**Rule 4:9. Production of Documents and Things and Entry on Land for Inspection and Other Purposes; Production at Trial.**

\* \* \*

(b) *Procedure*.-- The request may, without leave of court, except as provided in paragraph (c-1), be served upon the plaintiff after commencement of the action and upon any other party with or after service of the bill of complaint or motion for judgment upon that party. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, period and manner of making the inspection and performing the related acts.

The party upon whom the request is served shall serve a written response within 21 days after the service of the request, except that a defendant may serve a response within 28 days after service of the bill of complaint or motion for judgment upon that defendant. The court may allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under Rule 4:12(a) with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

A party who produces documents for inspection either shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

When one party to a civil proceeding subpoenas documents concerning another party, the subpoenaing party, upon receipt of the subpoenaed documents, shall, if requested, provide true and full copies of the same to any party or to the attorney for any other party in accordance with Code § 8.01-417(B).

\* \* \*

A Copy,

Teste:

Clerk