

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

BVU AUTHORITY v. CABLE PLUS, INC.
(Record Number 200069)

From

The Circuit Court of Russell County; J.S. Hurley, Jr., Judge.

Counsel

Cameron S. Bell (Penn, Stuart & Eskridge) for appellant.

Frank Kilgore (Frank Kilgore, P.C.) for appellee.

Assignments of Error

1. The trial court erred by allowing the plaintiff a second nonsuit when the plaintiff had not exercised due diligence to have process served within a year of filing and therefore Virginia Code § 8.01-277(B) required the case be dismissed with prejudice.
2. The trial court erred in limiting the attorney's fees and costs awarded to the defendant when the court allowed a second nonsuit when the trial court did not allow submission of actual costs and expenses incurred and the amounts incurred exceeded the amounts awarded.