

**Using This Revisable Form**

1. Copies
  - a. Original – to court.
2. Preparation – Motion portion, certification and style of case prepared by applicant; remainder prepared by clerk or judge.
3. Attachments – supportive documents provided by the applicant, if any.
4. Preparation details
  - a. Data Element No. 16 should be used to provide information (facts and legal arguments) supportive of the nonsuit requested.

MOTION AND ORDER FOR VOLUNTARY NONSUIT

Commonwealth of Virginia VA. CODE § 8.01-380

[ ] General District Court
[ ] Juvenile & Domestic Relations District Court

1

CITY OR COUNTY

2

STREET ADDRESS OF COURT

NOTICE OF HEARING

You are hereby notified that on ... a hearing will be held by this Court to consider a motion for voluntary nonsuit.

3

DATE AND TIME

4

DATE

5

CLERK

MOTION FOR VOLUNTARY NONSUIT

I, ... the undersigned, move for leave to take a nonsuit without prejudice in this action and state the following:

6

7 [ ] On ... in the following court ... I filed a complaint against respondent(s) in this cause of action and the Court by order of ... granted my motion for voluntary nonsuit as a matter of right pursuant to Virginia Code § 8.01-380.

8

DATE

9

10

DATE

11 [ ] And on ... in the following court ... I filed a complaint against respondent(s) in this cause of action and the Court order by order of ... granted my second motion for voluntary nonsuit pursuant to Virginia Code § 8.01-380.

12

DATE

13

14

[ ] Additional dates of prior nonsuits and related courts in which prior nonsuits taken in this cause of action:

15

And as grounds for this motion state as follows:

16

17

DATE OF MOTION

18

NONSUING PARTY'S SIGNATURE

ORDER

Upon due consideration of this motion, it is ORDERED that:

[ ] This cause is hereby nonsuited without prejudice to the nonsuiting party to the refiling of the same pursuant to applicable law.

19

[ ] The motion for nonsuit is hereby denied.

20 [ ] Judgment for costs taxed in this matter is awarded against nonsuiting party for ...

AMOUNT

21

DATE

22

JUDGE

HEARING DATE

23

CASE NO.

24

MOTION FOR NONSUIT

25

PLAINTIFFS

v./In re

25

DEFENDANTS

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**Data Elements, page one**

1. Name of court. Check appropriate box for type of court.
2. Street address of court.
3. Date and time of motion hearing.
4. Date of issuance of notice.
5. Signature of person issuing notice.
6. Name of party making the motion.
7. Check box if nonsuit as a matter of right previously taken.
8. Date of filing of motion for voluntary nonsuit as a matter of right.
9. Name of court in which nonsuit was taken.
10. Date of order granting voluntary nonsuit.
11. Check box if second nonsuit previously taken.
12. Date of filing of motion for second voluntary nonsuit.
13. Name of court in which second nonsuit was taken.
14. Date of order granting second voluntary nonsuit.
15. Check box if additional nonsuits previously taken. List dates of orders granting prior voluntary nonsuits and the names of the courts in which prior voluntary nonsuits taken, respectively. Attach additional sheets if necessary.
16. Provide grounds in support of the motion.
17. Date of signing of motion.
18. Signature of the nonsuiting party.
19. Check the appropriate box.
20. Check if costs assessed against nonsuiting party and insert total amount.
21. Date of order.
22. Judge's signature.
23. Date of hearing as found in Data Element No. 3.
24. Case number.
25. Style of the case or case caption.

1 { I, the undersigned, do hereby certify that on this day  
of ..... 20 ....., true and correct copies of  
the MOTION FOR VOLUNTARY NONSUIT and proposed ORDER  
thereon were [ ] mailed [ ] faxed .....  
[ ] electronically mailed by agreement [ ] hand-delivered to the  
following persons:

<b>2</b> NAME OF RECIPIENT
<b>3</b> ADDRESS
CITY STATE ZIP
NAME OF RECIPIENT
ADDRESS
CITY STATE ZIP
NAME OF RECIPIENT
ADDRESS
CITY STATE ZIP
NAME OF RECIPIENT
ADDRESS
CITY STATE ZIP

4

**Data Elements, *page two***

1. Check appropriate box for type of delivery, mailing or other transmission. See Va. Sup. Ct. R. 1:12.
2. Name of party receiving copy of motion and proposed order.
3. Address of party receiving copy of motion and proposed order.
4. Signature of certifying counsel or, if not represented by counsel, the pro se applicant.