

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Tuesday the 31st day of January, 2012.*

Virginia State Board of
Elections, et al.,

Appellants,

against Record No. 120148
Circuit Court No. CL11-5253

Jennifer Little, et al.,

Appellees.

From the Circuit Court of the City of Richmond

Relying on the circuit court's holding that "whether the General Assembly's failure to reapportion Virginia's congressional districts in accordance with this constitutional mandate is a bar to its exercising this authority in 2012 is not decided at this time," this Court finds that the circuit court order being appealed is not an order "[a]djudicating the principles of a cause" within the meaning of Code § 8.01-670(B)(3). Finding also that the order appealed from is not a final, appealable order, the Court dismisses the petition for appeal filed in the above-styled case. This dismissal is without prejudice to the right of the appellants to appeal a final order of the trial court.

Upon consideration of the appellants' "Emergency Motion for Stay," the Court dismisses the motion as moot.

JUSTICE McCLANAHAN, dissenting.

I disagree that the order appealed from is not an appealable order pursuant to Code § 8.01-670. In ruling the language of Virginia Constitution Art. II, § 6 that "[t]he General Assembly

shall reapportion the Commonwealth into electoral districts . . .
in the year 2011" is mandatory, the trial court necessarily
determined the General Assembly has forfeited to the trial court
its responsibility to reapportion. Therefore, the trial court's
order "adjudicat[ed] the principles of a cause." Code § 8.01-
670(B)(3).

A Copy,

Teste:

Pat L. Hamington

Clerk