

HB 2338

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

HOUSE BILL No. 2338

(By DelegateS. *Prezioso, Gallagher, Stator,*
Douglas, Jenkins, Leach and Mezzatesta)



Passed March 11, 1995

In Effect Ninety Days from Passage



ENROLLED

H. B. 2338

(BY DELEGATES PREZIOSO, GALLAGHER, STATON,
DOUGLAS, JENKINS, LEACH AND MEZZATESTA)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article eight, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to dismissal of cases for failure to prosecute.

Be it enacted by the Legislature of West Virginia:

That section nine, article eight, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. ABATEMENT, REVIVAL, DISCONTINUANCE, RE-
INSTATEMENT OF SUITS.**

§56-8-9. Discontinuance for failure to prosecute or pay court costs.

1 Any court in which is pending any case wherein for
2 more than one year there has been no order or proceeding
3 but to continue it, or wherein the plaintiff is delinquent in
4 the payment of accrued court costs, may, in its discretion,
5 order such case to be struck from its docket; and it shall
6 thereby be discontinued. A court making such order may
7 direct it to be published in such newspaper as it may
8 name.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schonover
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell Edmonds
Clerk of the Senate

Donald H. Kuff
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Will Calder
Speaker of the House of Delegates

The within is approved this the 24th
day of March, 1995.

Gaston Caperton
Governor



PRESENTED TO THE

GOVERNOR

Date 3/24/95

Time 3:54 PM