

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 1st day of July, 2016.

Patrick E. Lawson, et al., Appellants,

against Circuit Court No. CL16-2358

VCU Medical Center, d/b/a Children's Hospital
of Richmond at VCU, and d/b/a VCU
Health System,

Appellee.

From the Circuit Court of the City of Richmond

This matter is before the Court upon VCU Health System Authority's "Motion to Expedite the Appeal" and the response of Patrick E. Lawson and Alison J. Lawson.

On May 19, 2016, in the Circuit Court of the City of Richmond, Patrick E. Lawson, father of Miranda Grace Lawson, filed a handwritten Petition for Emergency Injunction against "MCV Hospital" (Case No. CL16-2358). The ex parte proceeding resulted in a preliminary injunction being granted "to prevent removal of life support from the said Miranda Grace Lawson, a patient at MCV Hospital." A hearing was scheduled for the following day, May 20, 2016. Notice was given to "Virginia Commonwealth University Health System/Medical College of Virginia ('MCV')." Upon appearances by Patrick Lawson and counsel for MCV, the trial court dissolved the preliminary injunction.

It is alleged that after the conclusion of the hearing on May 20, 2016, Miranda's attending physician entered her room to perform certain tests as a part of "brain death assessment" of this 2 year old patient. Both parents, Patrick E. Lawson and Alison J. Lawson, were present and delivered a hand written document objecting to the procedure.

On May 23, 2016, “VCU Health System Authority” filed a petition styled, “In re: Miranda Grace Lawson,” requesting entry of an order “permitting its health care providers to proceed with and complete testing to determine if brain death has occurred in Miranda Grace Lawson.” The trial court appointed a guardian ad litem for the child and scheduled a hearing on May 26, 2016.

On May 24, 2016, counsel for the parents noted an appearance in the case by Praecipe with notice to opposing counsel and providing a new caption for the case and yet another name for the Respondent: “VCU Medical Center, dba Children’s Hospital of Richmond at VCU, and dba VCU Health System.” The record reveals that evidence and arguments were heard on May 31, 2016, and again on June 9, 2016.

On June 10, 2016, the trial court entered an order sustaining MCV’s petition and stating in part:

The respondent is hereby allowed to administer the apnea test on the subject infant child, who is two years of age, under such mitigating and supportive measures as may be medically necessary and required for the purpose of a determination of the existence, extent, and viability of brain stem activity and thereafter to make or recommend any treatment or in the alternative, make a determination of death as provided by law pursuant to Va. Code § 54.1-2972.

Immediately thereafter on June 10, 2016, the parents filed a notice of appeal to this Court. On June 14, 2016, the trial court entered an “Amended Final Order” and an “Order on Appeal Bond.”

On June 20, 2016, MCV filed a motion with this Court seeking to require appellants, Patrick E. Lawson and Alison J. Lawson, to expedite the filing of their Petition for Appeal in this Court. Code § 8.01-671 governs certain appeals from the circuit courts to the Supreme Court of

Virginia. Assuming that a proper notice of appeal is filed, the General Assembly has given appellants under this statute three months from the date of the final order to file a petition for appeal. Under the Rules of Court, it is clear that briefing schedules for docketed appeals may be modified and expedited by the Court. However, the statutory provision for the filing of an appeal under Code § 8.01-671 does not give the Court authority to truncate the rights of the appellant. Furthermore, MCV cites no authority for the proposition presented in its motion. Appeals of orders granting or refusing injunctive relief pursuant to Code § 8.01-626 provide accelerated filing requirements. Code § 8.01-671 does not. In footnote 3 of its motion, MCV acknowledges that this appeal is governed by Code § 8.01-671.

Lacking authority to grant the relief requested, the Motion to Expedite the Appeal is denied .

A Copy,

Teste:

A handwritten signature in black ink that reads "Oath L. Harrington". The signature is written in a cursive style.

Clerk