

SUPREME COURT OF VIRGINIA



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

Case

OREZE HEALTHCARE LLC v. EASTERN SHORE COMMUNITY SERVICES BOARD
(Record Number 220072)

From

Circuit Court of the City of Portsmouth; B. Spry, Judge.

Counsel

Taylor D. Boone (Adams & Boone Attorneys at Law, PLLC) for appellant.

Randy C. Sparks, Jr., Neil S. Talegaonkar, and Adam B. Pratt (Kaufman & Canoles, P.C.) for appellee.

Assignments of Error

I. The trial court reversibly erred to grant summary judgment to Eastern Shore Community Services Board (“ESCSB”) for the following reasons:

(A) The trial court erroneously disregarded Virginia’s merger doctrine by adopting ESCSB’s argument that Oreze Healthcare LLC (“Oreze”), in failing to reserve its lawsuit in the deed when conveying its real property to a third party, caused Oreze’s lawsuit to extinguish.

(B) The trial court erroneously applied City of Lynchburg v. Mitchell, 114 Va. 229 (1912), by adopting ESCSB’s argument that in *Mitchell* there was no separate assignment of rights, but only a conveyance that conveyed the right to sue to the purchaser, and thus extinguishing the seller’s right to sue.

(C) The trial court erroneously adopted ESCSB’s argument that “[t]he Oreze Deed is to be read in the broadest sense, including the typical meaning of the words ‘rights’ and ‘privileges,’ which include ‘something that is due to a person by just claim’ and ‘a special legal right, . . .’ [and thus] Oreze’s right and ability to bring claims for damages related to the Property fall into these definitions and, therefore, were transferred to the Property’s subsequent owners . . . and [t]hus, Oreze no longer has the right or standing to pursue this action.”