

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday, the 16th day of July, 2026.

Present: All the Justices

KEVIN J. HORN, ET AL.,

APPELLANTS,

against

Record No. 250511

Court of Appeals No. 1973-23-4

JAMES WEBB, ET AL.,

APPELLEES.

UPON AN APPEAL FROM A
JUDGMENT RENDERED BY THE
COURT OF APPEALS OF VIRGINIA

Three years ago, this Court decided *Horn v. Webb*, 302 Va. 70 (2023) (*Horn I*), a prescriptive easement case involving the Horns’ storage of various watercraft and the docking of a boat on the Webbs’ property. In relevant part, we affirmed the trial court’s rejection of a prescriptive easement regarding the storage of watercraft but held that “[t]he Horns established the existence of a prescriptive easement to dock a boat as well as to maintain the electrical wiring and outlet to charge the boat” and reversed the circuit court’s findings to the contrary. *Horn I*, 302 Va. at 83. We remanded the case “for entry of an order consistent with the judgment of this Court.” *Id.*

Now, we must consider whether the circuit court faithfully executed this Court’s mandate in *Horn I* through its final order on remand. We conclude that the circuit court complied with our mandate by entering final judgment in line with our disposition and did not abuse its discretion by declining to consider the Horns’ later allegations of interference with their easement property. Accordingly, the judgment of the Court of Appeals is affirmed.

I. BACKGROUND

We detailed the facts underlying the prescriptive easement dispute in *Horn I*. *See id.* at 74–77. Therefore, we recite mainly the facts necessary for resolution of the issues here, particularly with respect to the electrical outlet and light pole.

A. THE EASEMENT DISPUTE IN *HORN I*

In 2019, the Webbs sued the Horns in Fairfax Circuit Court for trespass, nuisance, and a declaratory judgment after objecting to the storage of a pontoon boat and an electrical outlet on their property, Lot 612. The Horns counterclaimed, asserting a prescriptive easement to dock and power their pontoon boat (the “Counterclaim”). In Counts I and III of their Counterclaim, the Horns requested, among other things:

- A “[r]ecognition of the established prescriptive easement . . . to permanently dock and power a pontoon boat;”
- “A prohibitory injunction” preventing “all current and future owners of Lot 612 . . . from removing or destroying the electrical outlet and light pole” located on the easement;
- “A mandatory injunction that the current owners of Lot 612 shall repair and restore to working order the electrical outlet and light pole located on Lot 612 at the boat dock;” and
- “Such injunctive relief as is necessary to effectuate the judgment should the Webbs insist on interfering with the rights of the” Horns.

After a bench trial in October 2021, the circuit court ruled for the Webbs and dismissed the Horns’ Counterclaim. It found that use of the boat dock was permissive over the years, meaning the Horns could not establish a prescriptive easement. In its final order, it awarded the Webbs compensatory damages and enjoined the Horns from entering Lot 612 for any use other than ingress and egress to Lake Barcroft, “including use of the retaining wall to tie up a boat.” The court correspondingly ordered the Horns to remove the pontoon boat by November 1, 2021. The Horns, by counsel, objected to the court’s final order on fifteen grounds, none of which

challenged the denial of any injunctive relief sought in their Counterclaim. The Horns appealed to this Court.

In February 2023, we reversed the circuit court’s judgment on whether the Horns had acquired a prescriptive easement to dock and maintain electrical equipment on the Webb’s property. *Id.* at 83. We unequivocally held that “[t]he Horns established their right to a prescriptive easement to dock a boat on the Webbs’ lot” and “reverse[d] the circuit court’s contrary holding.” *Id.* at 81. We reiterated that holding and disposition at the end of the opinion:

We will reverse the circuit court’s conclusion that the Horns failed to establish the existence of a prescriptive easement to dock a boat on the Webbs’ land and to run electrical wires to keep the boat charged. Accordingly, we vacate the award of compensatory damages awarded in connection with that claim. The Horns established the existence of a prescriptive easement to dock a boat as well as to maintain the electrical wiring and outlet to charge the boat. . . . We remand the case for entry of an order consistent with the judgment of this Court.

Id. at 83. Three months later, our mandate issued:

For reasons stated in writing and filed with the record, the Court is of the opinion that there is error in part in the judgment from which the appeal was filed. Accordingly, the judgment is affirmed in part and reversed in part, and the case is remanded to the trial court for entry of an order consistent with the views expressed in the written opinion of this Court.

B. REMAND PROCEEDINGS

On remand, the parties submitted dueling proposals for an appropriate final order. The Horns went first, asking the trial court to “restore and declare” their prescriptive easement rights to (1) “dock and power a boat” on Lot 612’s waterfront, (2) “use the electrical outlet and light post located” by the dock, and (3) “enter Lot 612 along the” easement path to access and use the pontoon boat. They also requested that the court order recordation of those prescriptive easement rights, release the suspending bond, and award compensatory damages for their loss of use of the pontoon boat during the appeal. Thereafter, the Webbs proposed their final order,

urging that the order “must be limited to the precise language set forth in the Supreme Court’s Opinion” in *Horn I*. The Webbs asked for a final order that closely mirrored the “narrow” issue decided by this Court in *Horn I*: that the Horns established a prescriptive easement at the 2021 bench trial.

The Horns later filed a motion for entry of a final order which included a proposed order granting permanent injunctive relief allowing the Horns to dock their boat and “access and use the electrical outlet and light post” on the easement and requiring the Webbs to “restore and permanently maintain power to the electric outlet and light post” that was disabled. The Horns alleged at this point that “pursuant to [the earlier *Rustgi* litigation]¹ the Webbs[] wrongly severed the electric lines utilized to power the Lot 615 pontoon boat”—not a complete *removal* of the electrical outlet and light post.

At the hearing for entry of the final order, Mr. Horn² reiterated his request that the court award compensatory damages “strictly for post-trial conduct” as in “a contempt proceeding.” The court hesitated at that request, reasoning

I don’t think I have the jurisdiction here to do it [address post-trial conduct]. . . . I think all I can do is, at this point, do what the Supreme Court has directed me to

¹ In *Rustgi v. Webb*, 105 Va. Cir. 1993 (Fairfax 2020), the circuit court denied Atul Rustgi—the owner of Lot 613 and former co-owner of the pontoon boat—a similar prescriptive easement over the Webbs’ dock. In its final order, the court ordered Rustgi to remove the boat and permanently enjoined Rustgi from using the easement in the future. “That decision was not challenged and is now the law of the case.” *Horn I*, 302 Va. at 82. Below, the Webbs argued that the electrical lines were disconnected in compliance with *Rustgi* and that *Rustgi* prohibits any equitable relief because “[a]ny electrical connection coming from the Horn[s]’ Property onto [the] Webb[s]’ Property would need to traverse the Lot 613, which is still subject to the permanent injunction entered in the *Rustgi* case.” The parties disagree about the electrical wiring’s routing, though the record suggests that two wires run from Lots 613 and 615, and then merge into a “single underground line” leading to Lot 612.

² Kevin Horn appeared *pro se* on behalf of the Appellants on remand and on appeal before us.

do, and then wherever that leaves you and whatever other claims you might have, then you go pursue those.

From there, the circuit court declined to address any post-trial/additional claims outside the scope of this Court's opinion in *Horn I*. "I -- [suppose] to the extent that I have discretion," the court expounded, "which I don't think I do, I would decline to exercise it at this time and have you pursue your remedies elsewhere or by some other means."

In its final order dated October 10, 2023, the circuit court found in favor of the Horns on their Counterclaim but did not include any additional relief outside of a recognition of the right to "dock[] a pontoon boat," "maintain . . . electrical wiring (including a pole with a light fixture) and outlet to charge the boat," and "obtain access to the dock." The court also ordered the recordation of the easement in the Fairfax County land records.³

Three days later, the Horns began filing various motions seeking to modify or suspend the final order and reopen the case. In these filings, the Horns claimed (through a proffer) that they discovered that the Webbs had destroyed and removed the electrical apparatus on the easement property after this Court's mandate issued in May 2023. The Horns also accused the Webbs' counsel of misrepresenting the intact nature of the outlet and dock in prior proceedings and moved for the court to reopen the case in light of this newly discovered evidence. In a brief order, and without a hearing, the trial court denied the various motions to reopen and modify its final order.

The Horns appealed to the Court of Appeals, which affirmed by unpublished opinion. *Horn v. Webb*, No. 1973-23-4, 2025 Va. App. LEXIS 274 (May 13, 2025). Chiefly, the Court of Appeals concluded "that the trial court's order on remand faithfully executed [this] Court's

³ By agreed order, the court separately released the suspending bond.

mandate” in *Horn I*. *Id.* at *11. It likewise concluded the circuit court did not abuse its discretion in declining to reopen the case, vacate the final order, or “probe their new claims.” *Id.* at *10, *17. The Horns again appealed to this Court.

II. ANALYSIS

Throughout the proceedings on remand, the Horns asked for injunctive relief nearly identical to their earlier requests in their 2019 Counterclaim. The Horns interpret the *Horn I* opinion and mandate as reviving their Counterclaim in its entirety, specifically regarding their included requests for an injunction. In addition, the Horns also ask us to consider the alleged post-mandate destruction of their electrical outlet, contending that the trial court erred in refusing to hear evidence or modify its order considering their allegations of misconduct by the Webbs.

In our view, this appeal presents two discrete legal questions which correspond to each phase of the post-remand proceedings below. First, was the trial court *required*, under our opinion and mandate in *Horn I*, to include injunctive relief in its October 10 final order? And second, even if it was not required to do so, did the trial court abuse its discretion in refusing to probe the Horns’ later claims of post-mandate destruction of the electrical apparatus? We take these in turn after explaining our formulation of the mandate rule.

A. THE MANDATE RULE

The mandate rule requires a trial court to comply with the rulings of an appellate court on remand. In Virginia, the rule operates as a ““specific application of the law of the case doctrine,”” preventing the ““relitigation of issues already decided by an appellate court.”” *Sidya v. World Telecom Exch. Commc’ns, LLC*, 301 Va. 31, 41 (2022) (quoting *Powell v.*

Commonwealth, 267 Va. 107, 128 (2004)).⁴ A trial court “must be faithful to “both the letter and spirit” of an appellate mandate’ and not seek to reconsider ‘issues that the “mandate laid at rest.”’ *Vlaming v. West Point Sch. Bd.*, 302 Va. 504, 584 n.44 (2023) (quoting *Sidya*, 301 Va. at 41).

Determining whether a circuit court has accurately interpreted and faithfully executed an appellate court’s mandate presents a purely legal question subject to de novo review. *See South Atl. Ltd. P’ship of Tenn., Ltd. v. Riese*, 356 F.3d 576, 583 (4th Cir. 2004) (“We review de novo, therefore, whether a post-mandate judgment of a district court contravenes the mandate rule, or whether the mandate has been ‘scrupulously and fully carried out.’”). Given that standard, a trial court has no discretion to disobey a lawful appellate mandate, and we accord no deference to a decision to contradict our resolution of an appealed legal issue. “The [lower] court may believe and even express its belief that our reasoning was flawed, yet it must execute our mandate nevertheless.” *Donohoe v. Consolidated Operating & Prod. Corp.*, 30 F.3d 908, 910–11 (7th Cir. 1994).

That said, where the letter and spirit of an appellate ruling do not contemplate additional relief or proceedings sought on remand, a trial court’s refusal to entertain those matters is reviewed for an abuse of discretion. We have consistently said a trial court retains discretion on remand to address other issues not considered by an appellate court. *See, e.g., Sidya*, 301 Va. at

⁴ As a law-of-the-case application, we assume without deciding that the mandate rule cabins a trial court’s *discretion* but does not create *jurisdictional* limitations on remand. Though that nuance is not put before us by the parties, we acknowledge it because the trial court here alternated on the record between saying, “I don’t think I have the jurisdiction here to do it [award additional relief]” and expressing doubts whether it had “discretion” to take up the Horns’ new claims. Because “the judgment of a trial court comes to us on appeal with a presumption that the law was correctly applied to the facts” and we do not have “clear evidence to the contrary,” we presume the trial court’s order here is predicated on its refusal to exercise its discretion. *Yarborough v. Commonwealth*, 217 Va. 971, 978 (1977).

41 (quoting *Powell*, 267 Va. at 128); *In re Commonwealth*, 278 Va. 1, 10 (2009) (“This Court’s mandate that remanded this proceeding to the circuit court for the mental retardation hearing did not divest the circuit court of its *authority and discretion to consider legal issues* that the [parties] *raised upon remand*.”) (emphasis added); *Powell v. Commonwealth*, 267 Va. 107, 128 (2004), *cert. denied*, 543 U.S. 892 (2004) (“[W]hile the directive of this Court’s mandate binds the circuit court, that court is *not thereby prohibited from acting on matters not constrained by the language of the mandate*, construed in light of the appellate court’s opinion.”) (emphasis added). While an appellate mandate controls “only as to the matters within its compass,” a lower court on remand “is free as to other issues” so long as that exercise of discretion does not itself undermine the appellate court’s mandate. *Sprague v. Ticonic Nat’l Bank*, 307 U.S. 161, 168 (1939).

B. THE CIRCUIT COURT COMPLIED WITH OUR MANDATE IN *HORN I*

The Horns primarily assign error to the remand final order’s “fail[ure] to order the Webbs to repair and re-install the Lot 612 electric system to full working order” through an injunction. Based on *Horn I*’s letter and spirit, the Horns contend that the trial court had no discretion but to enter injunctive relief because the “letter and spirit” of *Horn I* granted “the award of relief underlying” their Counterclaim. We read *Horn I* differently.

No one disputes that, based on *Horn I*’s text, the Horns possess a “prescriptive easement to dock a boat as well as to maintain the electrical wiring and outlet to charge the boat” on Lot 612. *Horn I*, 302 Va. at 83. The opinion explains that the Horns have a right “to run electrical wires to keep the boat charged” as the holders of a prescriptive easement. *Id.* So, when this Court remanded the case for “an order consistent with the views expressed in [our] opinion,” it directed the circuit court to do just that: enter an order declaring the Horns’ newfound

prescriptive easement. The crux of the opinion, as a declaratory judgment case, spoke so clearly to that limited outcome that the trial court was only required to declare the Horns' prescriptive easement rights. That happened. The trial court likewise ordered the recordation of this easement, which accords an enforceable property right. As the Court of Appeals observed, the "remand order memorialized [this Court's] finding[s]," with only minor deviations. *Horn*, 2025 Va. App. LEXIS 274, at *6. The trial court complied with our decision in *Horn I*.

As to the enforcement of that easement, the *Horn I* opinion is understandably silent regarding an injunction because that additional relief was not before us. The Horns did not assign error to (nor petition this Court for review under Code § 8.01-626 of) that part of their denied Counterclaim in *Horn I*. Had the Horns, represented by counsel at that time, wanted us to rule on the denied injunction, they could have assigned error to that denial in *Horn I*.⁵ Consequently, we did not rule on any of the Horns' underlying requests for an injunction. See *Dudley v. Estate Life Ins. Co.*, 220 Va. 343, 348 (1979) ("Elementary is the rule of appellate procedure that the scope of argument on appeal is limited by the assignments of error."); Rule 5:21 ("Only errors so assigned will be noticed by this Court and no error not so assigned will be considered as grounds for reversal of the decision below."). Nothing in our opinion suggests our intention to grant such equitable relief as a natural consequence of our reversal. As well, nothing in *Horn I* suggests a resuscitation of the Counterclaim's requested relief—a mandatory injunction, a prohibitory injunction, a declaration, and other relief—on remand.

⁵ The same is true in this appeal. We denied the Horns' Code § 8.01-626 petition for review relating to their requested injunction against the Webbs for reinstallation of the electrical outlet. *Horn, et al. v. Webb, et al.*, Record No. 230820. A three-justice panel of this Court allowed the Horns to "seek relief through the normal appellate procedure." But in this appeal, the Horns do not assign error to the denial of injunctive relief. While their argument section here concludes with a "prayer for specific relief" for this Court to enjoin the defendants, we find this far outside the scope of their assignments of error. See Rule 5:25.

Further, we did not order the trial court to conduct further *proceedings* and to take particular action on remand, as we regularly do. *See, e.g., Shalom Presbyterian Church of Wash., Inc. v. Atlantic Korean Am. Presbytery*, No. 250303, 2026 Va. LEXIS 48, at *26 (June 4, 2026) (“Accordingly, we remand the case to the Court of Appeals with instructions to remand the matter to the circuit court for further proceedings consistent with this opinion.”); *EQT Prod. Co. v. County of Wise*, No. 250430, 2026 Va. LEXIS 39, at *14 (May 21, 2026) (“Accordingly, we reverse the judgments of the Court of Appeals and trial court and remand the matter for further proceedings consistent with this opinion.”). The absence of that instruction forecloses additional *ordered* next steps on remand—that is, we did not require the trial court to do anything on remand but recognize the easement. *Cf. Egan v. Butler*, 290 Va. 62, 80 (2015) (“[R]emand proceedings are governed by our holdings of error on appeal.”). To be sure, one might view an enforcement-type injunction or other relief as the accompanying remedy to granting an easement of this sort in an appellate decision. But while it may be a logical next step for the dominant estate owners to seek an injunction on remand, it is a step too far to say that our opinion itself dictated or directed that outcome.

Additionally, the Horns suggest that the Webbs admitted to removing the electrical apparatus and, thus, there was a “voluntary confession” below that required additional proceedings on remand. They invite us to recognize additional exceptions to the mandate rule outside the one present in *Powell v. Commonwealth*. *See* 267 Va. at 128. In that case, we applied a narrow exception to the mandate rule when the defendant, after our remand but before additional proceedings took place, voluntarily confessed to the crime (and additional crimes) in a letter to the Commonwealth’s Attorney. *Id.* at 117–18. This Court held that the Commonwealth’s reindictment due to the voluntary confession did not contravene the mandate

rule, given the “exceptional circumstances” presented. *Id.* at 128. The only reversible error on remand, we said, would have occurred if “the trial court permitted the Commonwealth to retry Powell for capital murder on the original amended indictment invalidated by our decision in reviewing his first conviction.” *Id.* The facts in *Powell* contrast with the circumstances here. For one, *Powell* arose in the capital-murder context where the “confession” necessarily related to the admission of criminal guilt that made a reindictment possible. This scenario poorly translates to civil litigation, and nothing below mirrors the Commonwealth’s position in *Powell*. For another, the Webbs have not “voluntarily confessed” to post-mandate destruction in a comparable manner to *Powell*. To begin to apply *Powell*, the confession would have to be blatant and unequivocal like Powell’s. Although the Webbs have marshalled one explanation for the destruction (the *Rustgi* case), they have not blatantly admitted to destroying the electrical outlet in response to the Horns’ various motions after the remand final order. *Powell* is of no moment in this case.⁶

In sum, we cannot reverse the circuit court for failing to follow a directive not expressed or even mentioned in *Horn I*. A request for injunctive relief was not placed before us in that case, and we accordingly did not rule on it. Where we intend to foreclose certain issues or to mandate certain action on remand, our opinion will say so or indicate as much. Here, the mandate was clear, and we conclude that the trial court did not err on remand.

⁶ The Fourth Circuit’s opinion in *United States v. Bell*, which *Powell* relies upon, lists other circumstances where a trial court may depart from the mandate such as “(1) a ‘showing that controlling legal authority has changed dramatically; [(2) that] significant new evidence, not earlier obtainable in the exercise of due diligence[, has come to light]; or . . . [(3)] that a blatant error in the prior decision will, if uncorrected, result in a serious injustice.’” 5 F.3d 64, 67 (4th Cir. 1993) (alterations and omissions in original). We have not recognized the *Bell* exceptions in our jurisprudence and, even so, no exception applies here.

C. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION

The Horns also contend that the circuit court abused its discretion in declining to fashion an injunction to preserve the status quo. As stated earlier, once the trial court complies with our mandate, it has discretion on how to best handle additional matters outside the mandate’s “compass.” *Sprague*, 307 U.S. at 168. “When a decision is discretionary,” a trial court “has a range of choice, and its decision will not be disturbed as long as it stays within that range and is not influenced by any mistake of law.” *Landrum v. Chippenham & Johnston-Willis Hosps., Inc.*, 282 Va. 346, 352 (2011) (cleaned up). Our review of the record reveals no such abuse of discretion by the trial court in refusing the Horns’ new or belated claims of misconduct by the Webbs.

Just days after the trial court issued its final order complying with our mandate, the Horns began filing various motions alleging post-mandate misconduct by the Webbs. In relevant part, the Horns asserted that the electrical apparatus was in place during the *Horn I* proceedings and was destroyed after our February 9, 2023 opinion.⁷ They alleged in their pleadings that they visited the dock on October 11, 2023 and saw “for the first time that the electrical wiring and outlet, as well as the mooring lines and other components of the boat dock [on Lot 612] had been removed, demolished, and destroyed by the Webbs.” Even though the Webbs did not file a formal reply to these motions, the Horns also challenge the Webbs’ representations below that the “electric pole has been removed pursuant to the earlier case of *Rustgi v. Webb*.” In light of

⁷ The Horns say that, at trial, the trial court “knew that the Lot 612 dock and electric infrastructure electric [sic] was intact.” One reading our *Horn I* opinion could infer that we were under the same impression—that the electrical apparatus could be made operable with a repair completed on the Horns’ property—when we decided the case.

this discovery, the Horns’ motion requested that the order be modified to order the Webbs to “restore and reinstall the docking conditions and the electric infrastructure” located on Lot 612.

In essence, the Horns’ pleadings teed up another phase of litigation with issues outside of our *Horn I* mandate and opinion. The parties now fiercely dispute when the removal took place, how it took place, and how to best remedy that removal (if even possible). The trial court had the ability to modify its earlier order in light of these new circumstances under Rule 1:1. *Kosko v. Ramser*, 299 Va. 684, 689 (2021) (“Once a final written order is entered, a trial court has twenty-one days to enter a new written order or to enter a written order modifying, suspending, or vacating the prior order to allow the court sufficient time to address the post-trial motion.”). And when the trial court declined to do so through its October 30, 2023 order denying the motions, it did not err. The trial court’s decision to rest on its prior order, fashioned closely to our opinion in *Horn I*, did not undermine our ruling there because the Horns had (and still have) an enforceable prescriptive easement over Lot 612. Because that discretionary choice did not undermine the decision in *Horn I*, it was reasonable for the trial court to refuse to accord additional relief based solely on the contested factual material in the Horns’ motions and instead leave those claims for another proceeding.

So too with the request to reopen the record. “[A] trial court has the power to reopen and reconsider prior rulings while it has jurisdiction over the case. But whether the court *should* do so is a matter we review under the highly deferential abuse-of-discretion standard.” *Thomas v. Commonwealth*, 62 Va. App. 104, 111 (2013) (citations omitted, emphasis in original). Whether to reopen evidence or receive additional evidence constitutes a purely discretionary choice. As such, it would have been reasonable for the trial court to explore these new claims of misconduct and easement interference on remand. Doing so would have functionally opened another chapter

in this litigation, requiring additional factfinding regarding *how* the electrical system flows between the properties, *who* allegedly destroyed the electrical system’s junction box, and *whether* any equitable relief should issue for any interference with the Horns’ newfound prescriptive easement. But that type of judgment call, we believe, lies within the trial court’s discretion on remand, and reasonable jurists could disagree as to the decision below.⁸ *See Du v. Commonwealth*, 292 Va. 555, 564 (2016) (“The exercise of discretion thus presupposes ‘that, for some decisions, conscientious jurists could reach different conclusions based on exactly the same facts — yet still remain entirely reasonable.’” (quoting *Thomas*, 62 Va. App. at 111)).

III. CONCLUSION

Horn I’s letter and spirit fully established an enforceable, vested prescriptive easement for the Horns. Nothing in the remand final order infringed on those rights, and we cannot say that the trial court erred as a matter of law in entering a narrow final order paralleling our narrow appellate holding. Nor did the trial court err in declining—in its discretion—to reopen the evidentiary record or modify its earlier order given the new allegations that the Horns advanced on remand.

As submitted by the Webbs at oral argument, the Horns “do have a remedy in a new action” that is “not barred by claim preclusion.” The Webbs’ counsel also conceded—in an “ironclad” fashion, no less—that the Horns’ subsequent claims would not be barred by res

⁸ We similarly conclude, *supra* note 4, that *Powell* and *Bell* do not impact our abuse-of-discretion analysis, either. Both cases presuppose that, for a litigant to exercise the exceptions to the mandate rule, a trial court must first depart from an appellate court’s mandate—they do not *require* a trial court to depart from a mandate. Because the trial court here refused to depart from our mandate in its order, we find no merit in the Horns’ arguments to that effect.

judicata⁹ or any other law-of-the-case-type limitation. In light of this concession, which is now the law of this case, the Horns may attempt to enforce their property rights under *Horn I* in another proceeding.¹⁰

As an appellate court, we can offer no opinion or view on the veracity of the Horns' allegations in this procedural posture. Still, those allegations below are troubling. Given our holding in *Horn I*, if the Webbs or their agents modified, removed, or destroyed the electrical apparatus on the easement *after* our opinion issued, any such action would be condemnable. Should the allegations of post-mandate destruction ultimately prove to be true, the Webbs should expect severe consequences.

For the reasons stated, we affirm the Court of Appeals' judgment. This order shall be certified to the Court of Appeals of Virginia and to the Circuit Court of Fairfax County.

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Clerk

⁹ In Virginia, “[r]es judicata involves both issue and claim preclusion.” *Funny Guy, LLC v. Lecego, LLC*, 293 Va. 135, 142 (2017).

¹⁰ We also reject the Webbs' unsound contentions below that the Horns—by not “maintaining” an electrical outlet after its destruction or docking their boat there—are beginning to abandon their prescriptive easement. We take no position with regard to any other possible defenses.