

SUPREME COURT OF VIRGINIA



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

Case

AUGUST MCCARTHY v. PHILLIP B. LEISER, ET AL.
(Record Number 190672)

From

The Circuit Court of Fairfax County; D. Bernhard, Judge.

Counsel

August McCarthy for appellant.

Phillip B. Leiser (The Leiser Law Firm) for appellees.

Assignments of Error

1. The trial court erred in the 2018 Case by finding that it had jurisdiction to award sanctions in the 2016 Case against McCarthy, who was neither counsel nor a party in the 2016 Case.
2. The trial court erred in the 2018 Case by denying McCarthy's motion to vacate the court's orders in the 2016 Case, in which the court imposed sanctions against McCarthy, who was neither counsel nor a party in the 2016 case.
3. The trial court judge erred by failing to recuse himself, after he conducted an independent investigation into material facts of the 2016 Case; preserved the evidence he had gathered during his investigation for over a year; introduced this evidence at trial in the 2018 Case; and cross-examined McCarthy using the evidence on December 20, 2018.
4. The trial court erred by imposing sanctions in the 2016 Case more than 21 days after the court entered the final order in the 2016 Case, and without finding that the attorney who signed the pleading at issue had violated Virginia Code § 8.01-271.1.