



## NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Courthouse  
4110 Chain Bridge Road  
Fairfax, Virginia 22030-4009

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June 22, 2022

Grant William Frederick  
Address Confidential  
*Appellant/Petitioner*

Rebecca C. Lawrence, Esq.  
7330-J George Washington Memorial Highway  
Yorktown, Virginia 23692  
*Counsel for Appellees/Respondents*

*Re: Grant William Frederick v. John Patrick McPherson (CL-2022-4024)*  
*Grant William Frederick v. Teresa J. McPherson Marguard (CL-2022-4025)*

Dear Mr. Frederick and Counsel:

The question presented is whether the Circuit Court has authority to hear an appeal of a denial of a preliminary protective order from General District Court. The answer is “no”. Accordingly, the Circuit Court lacks jurisdiction to hear the appeals in the above-referenced cases, and therefore the appeals are dismissed.

### **I. Procedural History**

On March 23, 2022, Appellant Grant William Frederick filed two petitions for protective orders in the General District Court of Fairfax County along with accompanying affidavits against Appellees John Patrick McPherson and Teresa J. McPherson Marguard. Each petition submitted by Appellant cites Virginia Code §§ 19.2-152.9, -152.10. The two Virginia Code sections outline the process for the issuance of preliminary protective orders and permanent protective orders respectively. A judge of the General District Court of Fairfax County conducted an

**OPINION LETTER**

*ex parte* proceeding, as authorized by Virginia Code § 19.2-152.9, and declined to issue preliminary protective orders in either case. On March 25, 2022, Appellant filed appeals for both cases to the Circuit Court of Fairfax County. On June 15, 2022, the Circuit Court conducted a hearing on the limited issue of whether the Court has jurisdiction to hear these appeals.

## II. Legal Analysis

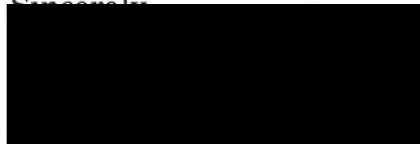
When the Circuit Court exercises its appellate jurisdiction in a *de novo* appeal from General District Court, an appeal of right exists from any final order. *Ragan v. Woodcroft Vill. Apartments*, 255 Va. 322, 326-27 (1998). A final order is an order that disposes of the whole subject of the case and the relief contemplated. *Architectural Stone v. Wolcott Ctr.*, 274 Va. 519, 522 (2007). In addition to final orders, Virginia Code § 16.1-106 authorizes the Circuit Court to hear appeals involving permanent protective orders issued under Virginia Code § 19.2-152.10, which remain modifiable or dissolvable by the issuing court under Virginia Code § 19.2-152.10(H).

In the cases at hand, the two Orders of the General District Court that were appealed are titled “Preliminary Protective Order” and cite Virginia Code § 19.2-152.9. A handwritten ruling on each Order states, “Denied. Majority of alleged acts relate to civil disputes.” The two Orders do not reference the status of the underlying protective order petitions filed by Appellant.

While dismissal of a protective order petition is a final order because it disposes of the entire case, a determination as to whether to issue a preliminary protective order is not a final order since the underlying petition remains pending until expressly ruled upon. Also, unlike permanent protective orders—which are modifiable and dissolvable by the issuing court yet nonetheless appealable under Virginia Code § 16.1-106—the Code of Virginia does not confer jurisdiction upon the Circuit Court to hear appeals from denials of preliminary protective orders.

A copy of the Circuit Court’s Order dismissing both appeals is enclosed.

Sincerely,



Stephen C. Shannon  
Circuit Court Judge

Enclosure

OPINION LETTER



IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Grant William Frederick,  
Plaintiff,

v.

CL-2022-4024

John Patrick McPherson,  
Defendant.

Grant William Frederick,  
Plaintiff,

v.

CL-2022-4025

Teresa J. McPherson Marguard,  
Defendant.

ORDER

MATTER CL-2022-4024 came before the Court on June 15, 2022, on an Appeal of a General District Court ruling initiated by Plaintiff;

IT APPEARING that the Court heard arguments on the Court's jurisdiction at the June 15, 2022 hearing;

IT APPEARING that the Court has written a Letter Opinion dated June 22, 2022 on its finding that there is no jurisdiction to hear this appeal;

IT APPEARING that the companion case of CL-2022-4025 has an identical issue of jurisdiction and the Court stayed further proceedings pending ruling on this issue for this case as well, which is also addressed in the Letter Opinion;

IT IS ORDERED that the Motion to Dismiss is hereby GRANTED in both CL-2022-4024 and CL-2022-4025.



ENTERED this 22nd day of June, 2022.



Judge/Stephen C. Shannon

ENDORSEMENT OF THIS ORDER BY COUNSEL OF RECORD FOR THE PARTIES IS WAIVED  
IN THE DISCRETION OF THE COURT PURSUANT TO RULE 1:13 OF THE SUPREME COURT OF VIRGINIA.