

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday, the 13th day of February, 2026.

DON SCOTT, IN HIS OFFICIAL CAPACITY AS
SPEAKER OF THE VIRGINIA HOUSE OF
DELEGATES, ET AL.,

APPELLANTS,

against Record No. 260127
 Court of Appeals No. 0190-26-3

RYAN T. McDOUGLE, VIRGINIA STATE SENATOR AND
LEGISLATIVE COMMISSIONER FOR THE VIRGINIA
REDISTRICTING COMMISSION, ET AL.,

APPELLEES.

AND

G. PAUL NARDO, IN HIS OFFICIAL CAPACITY AS
CLERK OF THE VIRGINIA HOUSE OF DELEGATES, ET AL.,

APPELLANTS,

against Court of Appeals No. 0189-26-3

RYAN T. McDOUGLE, VIRGINIA STATE SENATOR AND
LEGISLATIVE COMMISSIONER FOR THE VIRGINIA
REDISTRICTING COMMISSION, ET AL.,

APPELLEES.

FROM THE COURT OF APPEALS OF VIRGINIA

Before the Court is the Motion of the Court of Appeals of Virginia that this Court certify the above-captioned cases for review in this Court pursuant to Code § 17.1-409, including certain ancillary matters and motions. Having reviewed the motion of the Court of Appeals and considered the appellate filings made by the parties to date, the Court orders as follows:

1. It appearing to the Court that these matters have not been determined by the Court of Appeals of Virginia and that the case is of such imperative public importance as to justify the deviation from normal appellate practice and to require a prompt decision in this Court, the

motion of the Court of Appeals of Virginia that we certify these cases for review pursuant to Code § 17.1-409 is hereby granted. Accordingly, appellate jurisdiction over these cases is transferred to this “Court for all purposes[,]” Code § 17.1-409, and all further appellate proceedings in these matters shall be had in this Court unless and until further order of this Court provides otherwise.¹

2. This order constitutes certification pursuant to Rule 5:23 that an appeal has been awarded. Because no assignments of error or petitions for appeal have been filed, the parties may assign any purported errors in the judgment below in their initial briefing in this Court.

3. The Clerk of the Circuit Court of the County of Tazewell is hereby ordered to provide the certified record of the proceedings held in this matter in that court to the Clerk of this Court on or before February 20, 2026. With the exception of the deadline, the circuit court clerk shall provide the record in accordance with the specifications of Rules 5:13 and Rule 5:13A.

4. The motion of the Attorney General of Virginia to intervene in this matter is hereby granted.

5. The parties designated by the Court of Appeals as appellants in this matter and the Attorney General of Virginia are directed to file their respective Opening Briefs, if any, on or before March 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:27.

6. Any person wishing to intervene on the side of the parties designated by the Court of Appeals as appellants in this matter shall move to intervene on or before March 16, 2026. Any

¹ Although there was only one proceeding in the circuit court, the Court of Appeals of Virginia assigned separate case numbers to the filings of the various parties. Going forward, all filings shall be made in *Scott, et al., v. McDougle, et al.*, Record No. 260127.

brief on behalf of any such intervenor shall be filed on or before March 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:27.

7. Any person wishing to file a brief amicus curiae in support of the parties designated by the Court of Appeals as appellants in this matter shall move for leave to file such a brief on or before March 16, 2026. Any such brief amicus curiae shall be filed on or before March 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:30.

8. The parties designated by the Court of Appeals as appellees in this matter are directed to file their respective Briefs of the Appellees, if any, on or before April 13, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:28.

9. Any person wishing to intervene on the side of the parties designated by the Court of Appeals as appellees in this matter shall move to intervene on or before April 6, 2026. Any brief on behalf of any such intervenor shall be filed on or before April 13, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:28.

10. Any person wishing to file a brief amicus curiae in support of the parties designated by the Court of Appeals as appellees in this matter shall move for leave to file such a brief on or before April 6, 2026. Any such brief amicus curiae shall be filed on or before April 13, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:30.

11. The parties designated by the Court of Appeals as appellants in this matter and the Attorney General of Virginia are directed to file Reply Briefs, if any, on or before April 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:29.

12. Pursuant to Rule 5:32(c), the Court hereby dispenses with the requirements regarding an appendix and the matter will proceed on the original record. Briefs shall cite to the certified record produced by the circuit court.

13. Oral argument, if any, will be scheduled at a date and time selected by the Court.

14. The motions for stay previously filed in the Court of Appeals of Virginia are hereby denied. Given the limited scope of the injunctive relief issued in the circuit court's order, *see* Order at 6 (Jan. 27, 2026) ("The Court hereby GRANTS a TEMPORARY and PERMANENT INJUNCTION, requiring the Clerk of the Circuit Court of Tazewell County to post the proposed Constitutional Amendment at least ninety (90) days BEFORE the next ensuing election of the members of the House of Delegates election"), the denial of the motions to stay has no effect on the referendum scheduled for April 21, 2026, and nothing in this order shall prevent the parties from raising the underlying arguments and issues as this matter goes forward.

A Copy,

Teste:


Clerk