

SUPREME COURT OF VIRGINIA

Haynes v. Haggerty, 291 Va. 301

784 S.E.2d 293 (2016) · No. 150666 · Decided April 21, 2016

SUMMARY

The Supreme Court of Virginia held that Nancy Haynes's claims arising from alleged childhood sexual abuse accrued when the injuries occurred and that the applicable limitations period expired before the enactment of Code § 8.01-249(6). Applying Code § 8.01-256, the court concluded that the later-enacted accrual provision did not apply and affirmed dismissal of the action as time-barred.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice S. Bernard Goodwyn; Chief Justice Lemons; Justice Goodwyn; Justice Mims; Justice McClanahan; Justice Powell; Justice Kelsey; Senior Justice Lacy
JURISDICTION	Virginia
DECIDED	April 21, 2016
DOCKET	150666
DISPOSITION	affirmed
PROCEDURAL POSTURE	Haynes appealed from a final order sustaining Haggerty's plea in bar based on the statute of limitations and dismissing the action with prejudice.
STANDARD OF REVIEW	The circuit court's decision on a plea in bar based on the statute of limitations is reviewed de novo.
PRECEDENTIAL VALUE	published, precedential opinion of the Supreme Court of Virginia
PARTIES	Nancy Haynes v. Sean Arthur Haggerty, f/k/a Susan A. Haggerty

TOPICS

statute of limitations torts civil procedure appellate procedure constitutional law

PRACTICE AREAS

torts civil procedure appellate procedure constitutional law

QUESTIONS PRESENTED

1. Whether Code § 8.01-249(6), which provides a later accrual date for actions arising from childhood sexual abuse when the injury and causal connection are communicated by a qualified professional, applied to Haynes's claims.
2. Whether Code § 8.01-256 excluded application of Code § 8.01-249(6) because Haynes's causes of action existed before October 1, 1977.
3. Whether the circuit court's judgment could be affirmed under the right-result-for-the-wrong-reason doctrine without deciding the constitutional challenge to retroactive application of Code § 8.01-249(6).

HOLDINGS

1. Code § 8.01-249(6) does not apply to Haynes's claims because the causes of action existed before October 1, 1977, and Code § 8.01-256 provides that Chapter 4's limitations provisions do not apply to such causes of action.
2. The Court may affirm a correct judgment on a different legal rationale when the record supports the alternative ground, including when the rationale was not raised by a party or addressed by the trial court.
3. The Court did not decide whether retroactive application of Code § 8.01-249(6) would violate due process or impair a vested property right because the statutory issue resolved the appeal.

KEY QUOTATIONS

“In order to avoid reaching the question concerning the constitutionality of Code § 8.01-249(6) unless it is necessary to resolve this appeal, we will first consider Haggerty’s right result for the wrong reason argument.” (at 303)

“A cause of action exists when a plaintiff is injured as a result of tortious action, “and the injury need only be slight; it is immaterial that more substantial damage may occur at a later date.”” (at 304)

“Therefore, Code § 8.01-249(6) does not apply to Haynes’ claims, and the circuit court did not err in granting Haggerty’s plea in bar of the statute of limitations.” (at 305)

FACTUAL BACKGROUND

Haynes alleged that Haggerty, an adult, sexually abused her while she was a minor between 1971 and 1975. She reached the age of majority in March 1975 and was not diagnosed with dysthymic disorder, or informed by a mental-health professional that the disorder resulted from the abuse, until May 2012. Haynes filed suit in April 2014, asserting claims for sexual assault and battery, aggravated sexual assault and battery, and intentional infliction of emotional distress.

PROCEDURAL HISTORY

Haynes filed suit in the Circuit Court of Spotsylvania County in 2014, alleging sexual abuse and related tort claims arising from conduct occurring between 1971 and 1975. Haggerty filed a plea in bar asserting the statute of limitations. The circuit court sustained the plea and dismissed the action with prejudice, reasoning in part that retroactive application of Code § 8.01-249(6) would violate due process. The Supreme Court of Virginia

affirmed on the statutory ground that Code § 8.01-249(6) did not apply because the causes of action existed before October 1, 1977.

DISPOSITION

affirmed

CASES CITED

- Van Dam v. Gay, 280 Va. 457, 460, 699 S.E.2d 480, 481 (2010)
- Perry v. Commonwealth, 280 Va. 572, 580, 701 S.E.2d 431, 436 (2010)
- Klarfield v. Salsbury, 233 Va. 277, 286, 355 S.E.2d 319, 324 (1987)
- Bissell v. Commonwealth, 199 Va. 397, 400, 100 S.E.2d 1, 3 (1957)
- Commonwealth v. Doss, 159 Va. 968, 974, 167 S.E. 371, 374 (1933)
- McHenry v. Adams, 248 Va. 238, 243, 448 S.E.2d 390, 393 (1994)
- Mahony v. Becker, 246 Va. 209, 213, 435 S.E.2d 139, 141 (1993)
- Starnes v. Cayouette, 244 Va. 202, 206-07, 419 S.E.2d 669, 671 (1992)

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