

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 19th day of February, 2010.

Donna W. Addison, Appellant,

against Record No. 090670
Circuit Court No. CL07-444

Kevin F. D'Amour, Appellee.

Upon an appeal from a judgment rendered by the Circuit Court of Chesterfield County.

Upon consideration of the record, briefs, and argument by counsel for the appellant, the Court is of opinion that there is error in the judgment of the circuit court.

Addison argues that the circuit court erred in allowing a post-verdict amendment increasing D'Amour's ad damnum clause from \$50,000 to \$79,512.57 to conform to the verdict. We agree with Addison. In Powell v. Sears, Roebuck & Co., 231 Va. 464, 344 S.E.2d 916 (1986), we addressed this same issue and held that "post-verdict amendments increasing the ad damnum may not be granted." Id. at 467, 344 S.E.2d at 917.

Accordingly, the judgment of the circuit court is reversed in part and modified to reflect a judgment for appellee in the amount of \$50,000.

This order shall be certified to the said circuit court.

A Copy,

Teste:

*original order signed by the
Clerk of the Supreme Court of
Virginia at the direction of the
Court*