

VIRGINIA:

In the Court of Appeals of Virginia on Tuesday *the* 5th
day of July, 2005.

Wesley C. Smith,

Appellant,

against

Record No. 0916-05-4
Circuit Court No. CH53360
(Appeal of the January 18, 2005 order)

Cheri Smith,

Appellee.

From the Circuit Court of Prince William County

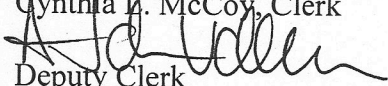
The Court of Appeals has appellate jurisdiction over final decisions of the circuit courts in domestic relations cases and interlocutory orders involving injunctions or “adjudicating the principles of a cause.” Code § 17.1-405. A final decision is one “which disposes of the whole subject, gives all the relief that is contemplated, and leaves nothing to be done by the court.” Southwest Virginia Hosps., Inc. v. Lipps, 193 Va. 191, 193, 68 S.E.2d 82, 83-84 (1951) (quoting Ryan v. McLeod, 73 Va. (32 Gratt.) 367, 376 (1879)). The trial court’s ruling is not a final decision in the case. Furthermore, the ruling does not involve an injunction or adjudicate the principles of a cause. The order is interlocutory, is not determinative of the controversy, and does not address the merits of the case. See generally Polumbo v. Polumbo, 13 Va. App. 306, 411 S.E.2d 229 (1991); Weizenbaum v. Weizenbaum, 12 Va. App. 899, 407 S.E.2d 37 (1991); Pinkard v. Pinkard, 12 Va. App. 848, 407 S.E.2d 339 (1991).

Accordingly, this Court is without jurisdiction to entertain the appeal. We dismiss the appeal without prejudice.

This order shall be certified to the clerk of the trial court.

A Copy,
Teste:

By:

Gynthia L. McCoy, Clerk

Deputy Clerk