

**Case**

TIR CONAILL PROPERTIES, L.C. v. 2401 WILSON, LLC  
(Record Number 090855)

**From**

The Circuit Court of Arlington County; W.T. Newman, Jr., Judge.

**Counsel**

Howard B. Silberberg for appellant.

Natasha M. Zech and Steven D. Cundra (Roetzel & Andress, LPA) for appellee.

**Assignments of Error**

1. The trial court erred by dismissing Tir Conaill's Complaint based on a ground not pleaded by 2401 Wilson.
2. The trial court erred by allowing 2401 Wilson, on the day of trial and for the first time in the litigation, to argue that Tir Conaill had no standing to and could not maintain this action.
3. The trial court erred by summarily dismissing the Complaint after taking into consideration and using a discovery deposition without all the parties agreeing to such consideration and use.
4. The trial court erred by ruling that compliance with the Virginia trade name statute creates an issue of subject matter jurisdiction which can be raised at any time.

**Date Granted**

7-28-2009