

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 12th day of December, 2024.

Present: All the Justices

JOHN D. CUMBERLAND,

APPELLANT,

against Record No. 230909
 Court of Appeals No. 0769-22-2

BOARD OF SUPERVISORS
OF MIDDLESEX COUNTY, ET AL.,

APPELLEES.

UPON AN APPEAL FROM A
JUDGMENT RENDERED BY THE
COURT OF APPEALS OF VIRGINIA.

In this appeal, John D. Cumberland contends that the Court of Appeals and the Circuit Court of Middlesex County erroneously concluded that he lacked standing to challenge a land use decision pursuant to Code § 15.2-2314. The appellees, Tony and Julie Lauro, have filed a motion to dismiss, arguing that the pending appeal is moot. The Board of Supervisors of Middlesex County has joined this motion.

During the pendency of this appeal, the Lauros permanently abandoned the development project underlying the pertinent land use decision. The Middlesex County Board of Zoning Appeals subsequently vacated the exceptions that are the subject of this litigation on November 18, 2024.

Under these circumstances, the present appeal is moot. *See, e.g., Daily Press, Inc. v. Commonwealth*, 285 Va. 447, 452 (2013) (“[A] case is moot . . . when the controversy that existed between litigants has ceased to exist[.]”). Accordingly, the Court grants the pending

motion to dismiss, vacates the judgments of the Court of Appeals and the Circuit Court of Middlesex County,* and dismisses this case.

This order shall be certified to the Court of Appeals and the Circuit Court of Middlesex County.

A Copy,

Teste:


Clerk

* When a case becomes moot during the pendency of an appeal through no fault of the appellant, “vacatur of lower court judgments is generally appropriate.” *See Board of Supervisors v. Ratcliff*, 298 Va. 622, 623 (2020).