

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday, the 26th day of November, 2025.

Present: All the Justices

ALEX P. KNUDSEN,

PETITIONER,

against

Record No. 250319

Circuit Court No. CL23-695

OTERRIUS D. TAYLOR, ET AL.,

RESPONDENTS.

UPON A PETITION UNDER CODE § 8.01-670.2.

This petition for review seeks to invoke our narrow jurisdiction over interlocutory orders.

In 2023, the General Assembly delineated our jurisdiction over this type of direct appeal with the enactment of Code § 8.01-670.2(A):

When, prior to the commencement of trial, the circuit court has entered in any pending civil action an order granting or denying a plea of sovereign, absolute, or qualified immunity that, if granted, would immunize the movant from compulsory participation in the proceeding, the order is eligible for immediate appellate review.

The “express and unambiguous terms” of this statute require a circuit court to first enter an order denying a plea of immunity before such ruling can be eligible for appellate review. *Comcast of Chesterfield Cnty., Inc. v. Bd. of Supervisors*, 277 Va. 293, 306 (2009).

Our review of the record here reveals no such order. The circuit court’s order dated April 1, 2025, setting the case for a jury trial, is not appealable under Code § 8.01-670.2(A) because the circuit court never denied Knudsen’s plea in bar alleging sovereign immunity, filed October 31, 2023. The Court concludes that it therefore lacks jurisdiction over this petition for review.

Accordingly, the Court grants the Respondents' motion to dismiss and remands the case to the Circuit Court of the City of Petersburg to take such action it deems appropriate consistent with this order. Our conclusion here shall not prejudice the Petitioner's ability to advance any argument, including argument related to his entitlement to immunity, his demurrers, or the procedures used by the circuit court, on appeal at the appropriate time.

This order shall be published in the Virginia Reports and certified to the Circuit Court of the City of Petersburg.

A Copy,

Teste:


Clerk