

Bond Case Briefs

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LIABILITY - VIRGINIA

Allegheny Construction Company, Inc. v. Town of Christiansburg

Court of Appeals of Virginia, Christiansburg - December 16, 2025 - S.E.2d - 2025 WL 3637091

Contractor on town's roadway construction project brought action against town's design consultant, its inspection consultant, consultants' employees, and town's project manager, alleging tortious interference with contract between contractor and town and conspiracy to deprive contractor of additional compensation for project.

The Circuit Court overruled consultants' demurrers but dismissed claims against individual employees. Consultants and contractor filed interlocutory appeals.

The Court of Appeals held that:

- Inspection consultant was acting within the scope of its contractual duties as town's agent, precluding claim for intentional interference with contractor's contract with town;
- Design consultant was acting within the scope of its contractual duties as town's agent, precluding claim for intentional interference with contractor's contract with town;
- Alleged actions of town's construction project manager constituted advice provided in administering construction project as town's agent, and thus could not support contractor's claim for intentional interference with its contract with town;
- Alleged actions of employee of design consultant constituted consulting advice provided to town for administration of project as town's agent and under terms of consultant's contract with town, and thus could not support contractor's claim against for intentional interference with its contract with town;
- Alleged actions of employee of inspection consultant constituted consulting advice provided to town for administration of project as town's agent and under terms of consultant's contract with town, and thus could not support contractor's claim for intentional interference with its contract with town;
- Town, project manager, and consultants constituted a single legal actor, precluding contractor's common law conspiracy and statutory business conspiracy claims against them; and
- Alleged actions of project manager and consultants' employees could not support contractor's common law conspiracy or statutory business conspiracy claims.