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## **IMMUNITY - VIRGINIA**

### **Sentara Medical Group v. Klena**

**Supreme Court of Virginia - February 26, 2026 - S.E.2d - 2026 WL 530921**

Surgeon's former employer brought action against surgeon and his new employer for tortiously interfering with noncompete clause in surgeon's employment contract with former employer.

New employer filed plea in bar. The Norfolk Circuit Court granted the plea in bar and dismissed the case. Former employer filed petition for review, which was granted.

The Supreme Court held that:

- New employer was not automatically entitled to sovereign immunity simply because it was a subsidiary of public hospital authority, and
- New employer was not entitled to sovereign immunity because it did not present sufficient facts to conduct totality of the circumstances review.

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