

COURT OF APPEALS OF VIRGINIA

David Wayne Hopkins v. Dan Ryan

Hopkins v. Ryan · No. 1192-25-3 · Decided June 23, 2026

SUMMARY

The Court of Appeals of Virginia reviews the dismissal of David Wayne Hopkins’s claims against his supervisor, Dan Ryan, for tortious interference with business expectancy and defamation. The court holds that Hopkins sufficiently pleaded a reasonable expectation of future commissions, improper interference, Ryan’s conduct outside the scope of his employment, and Ryan’s knowledge of the expectancy. It also concludes that the alleged false invoice could constitute a defamatory communication and reverses and remands for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Virginia
WRITING FOR THE COURT	Stuart A. Raphael; Causey; Raphael; Duffan
JURISDICTION	Court of Appeals of Virginia
DECIDED	June 23, 2026
DOCKET	1192-25-3
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Hopkins appealed the Circuit Court of the City of Roanoke's final order sustaining Ryan's demurrer and dismissing with prejudice Hopkins's amended-complaint claims for tortious interference with business expectancy and defamation.
STANDARD OF REVIEW	De novo review of whether the amended complaint stated viable claims; on demurrer, the court accepts properly pleaded facts and reasonable inferences as true and views them in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	Published and precedential opinion of the Court of Appeals of Virginia.
PARTIES	David Wayne Hopkins v. Dan Ryan

TOPICS

- intentional interference with expectancy
- defamation
- pleadings
- motions to dismiss
- appellate procedure

PRACTICE AREAS

torts

employment law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Hopkins adequately pleaded a reasonable business expectancy of future commissions.
2. Whether Hopkins adequately pleaded that Ryan used improper methods to interfere with that expectancy.
3. Whether an employee-agent may be liable for tortious interference with the principal's contract or business expectancy when the agent allegedly acted outside the scope of employment for personal gain.
4. Whether Hopkins adequately pleaded Ryan's knowledge of the commissions expectancy.
5. Whether the alleged false invoice and related conduct constituted a defamatory communication.
6. Whether the photograph of the false invoice satisfied Virginia's exact-words pleading requirement.
7. Whether the amended complaint adequately alleged that the false invoice was of and concerning Hopkins and carried sufficient defamatory sting.

HOLDINGS

1. A plaintiff asserting tortious interference with a business expectancy need plead a reasonable certainty or probability of future economic benefit, not commissions already earned and payable. Hopkins adequately pleaded that requirement through allegations concerning his established relationship with Company C, prior commissions, and the committed apartment-development project.
2. Hopkins adequately pleaded improper methods by alleging that Ryan used a deceptive false-invoice scheme, sabotaged Company C's shipment, damaged Hopkins's reputation, and sought to appropriate Hopkins's future commissions for himself.
3. A principal's agent may be liable for tortiously interfering with the principal's contract or business expectancy when the agent acts outside the scope of employment. Hopkins adequately pleaded that Ryan acted outside the scope of his agency by pursuing a personal scheme to damage Hopkins and enrich himself at CED's expense.
4. Hopkins adequately pleaded that Ryan knew of the commissions expectancy because the complaint alleged that Ryan was Hopkins's manager and direct supervisor, knew Hopkins's sales role and compensation structure, and specifically acted to appropriate Hopkins's commissions.
5. A defamatory communication is not limited to written or printed words and may include a physical document or other expressive form that communicates a defamatory idea. Hopkins adequately pleaded that Ryan created and distributed a false invoice intended to be understood as Hopkins's work and to imply that Hopkins was incompetent or responsible for defective goods.
6. The photograph of the false invoice attached to and incorporated in the amended complaint satisfied Virginia's requirement that a defamation plaintiff plead the exact words alleged to be defamatory.
7. The amended complaint adequately alleged that Company C understood the false invoice to refer to Hopkins and that the invoice carried sufficient defamatory sting because it plausibly damaged his

reputation and fitness as a sales representative.

KEY QUOTATIONS

“As the amended complaint alleged sufficient facts to support both claims, we reverse.” (4)

“Improper methods include but are not limited to methods that are independently tortious:” (5)

“But the reverse is also true: an agent can be liable for tortiously interfering with his principal’s contract if he was acting “outside the scope of his employment.”” (10)

“So the English concept that libel could include drawings and other expressive content became part of our defamation law as well.” (14-15)

“A salesman’s reputation is plausibly damaged by a public communication that he promised a customer new goods and instead delivered used and defective goods.” (20)

“We reverse the judgment and remand the case for further proceedings consistent with this opinion.” (21)

FACTUAL BACKGROUND

Hopkins worked as a commission-based sales representative for Consolidated Electrical Distributors, Inc. and cultivated a significant customer relationship with Company C, including a prospective \$1.8 million apartment-development project. Hopkins alleged that his supervisor, Ryan, developed animus toward him, transferred valuable accounts to himself, caused defective products to be shipped to Company C, and created and distributed a false invoice designed to make it appear that Hopkins was responsible. Company C stopped dealing with Hopkins, causing him to lose anticipated commissions and ultimately resign.

PROCEDURAL HISTORY

Hopkins alleged that his supervisor, Dan Ryan, diverted customer accounts and commissions and used a false invoice to damage Hopkins's professional reputation. The trial court sustained a demurrer, concluding that Hopkins had not adequately pleaded a protected expectancy, improper methods, Ryan's status as an outsider to the expectancy, Ryan's knowledge, or the elements of defamation. The Court of Appeals of Virginia reversed and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including adjudication of Hopkins's tortious-interference and defamation claims. The trial court may address on a fuller record whether the alleged conduct constitutes defamation per se.

CASES CITED

- Theologis v. Weiler, 76 Va. App. 596, 600, 603-04
- Patterson v. City of Danville, 301 Va. 181, 197
- Doe ex rel. Doe v. Baker, 299 Va. 628, 641
- Chaves v. Johnson, 230 Va. 112, 120
- Shoemaker v. Funkhouser, 299 Va. 471, 479 n.2
- Duggin v. Adams, 234 Va. 221, 226-28
- Hechler Chevrolet, Inc. v. General Motors Corp., 230 Va. 396, 402
- Maximus, Inc. v. Lockheed Information Management Systems Co., 254 Va. 408, 414-15
- Dunlap v. Cottman Transmission Systems, LLC, 287 Va. 207, 216 n.5
- Preferred Systems Solutions, Inc. v. GP Consulting, LLC, 284 Va. 382, 404
- Lewis-Gale Medical Center, LLC v. Alldredge, 282 Va. 141, 149-50
- Dunn, McCormack & MacPherson v. Connolly, 281 Va. 553, 559
- Commercial Business Systems, Inc. v. Halifax Corp., 253 Va. 292, 300-01
- Glass v. Glass, 228 Va. 39, 51-52
- Hilb, Rogal & Hamilton Co. v. DePew, 247 Va. 240, 246
- TC MidAtlantic Development, Inc. v. Commonwealth, Department of General Services, 280 Va. 204, 214
- Fox v. Deese, 234 Va. 412, 423, 427
- Allegheny Construction Co. v. Town of Christiansburg, 86 Va. App. 321, 340, 343-44
- Schäecher v. Bouffault, 290 Va. 83, 91-93, 99
- Tharpe v. Saunders, 285 Va. 476, 480, 482
- Bennett v. Lundh, 85 Va. App. 136, 140
- Austin v. Culpeper, 2 Shower 313, 89 Eng. Rep. 960 (K.B. 1683)
- Bolton v. Deane
- Jefferies v. Duncombe, 11 East. 226, 103 Eng. Rep. 991 (K.B. 1809)
- White v. United States, 300 Va. 269, 277-78 & n.5
- Appian Corp. v. Pegasystems, Inc., ___ Va. ___, ___ (Jan. 8, 2026)
- Faulkner v. Alderson, 21 Va. (1 Gilmer) 221, 227 (1821)
- Fleming v. Moore, 221 Va. 884, 889
- Pendleton v. Newsome, 290 Va. 162, 174-75
- Theologis v. Weiler, 76 Va. App. 596, 605-06
- Fuste v. Riverside Healthcare Association, 265 Va. 127, 132-33
- Great Coastal Express, Inc. v. Ellington, 230 Va. 142, 148
- Tronfeld v. Nationwide Mutual Insurance Co., 272 Va. 709, 714