

SUPREME COURT OF VIRGINIA

Ellis v. Jolley

Ellis · No. 240930 · Decided December 11, 2025

SUMMARY

The Supreme Court of Virginia held that the City of Chesapeake was protected by sovereign immunity because trash collection is a governmental function. It held, however, that the city employee was not immune because he was engaged in ordinary driving when he ran through a stop sign and collided with the plaintiff’s vehicle. The court affirmed in part, reversed in part, and remanded for trial.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice Stephen R. McCullough; All the Justices
JURISDICTION	Supreme Court of Virginia
DECIDED	December 11, 2025
DOCKET	240930
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City of Chesapeake and its employee appealed the Court of Appeals of Virginia's reversal of a circuit court order sustaining a plea in bar based on sovereign immunity and dismissing Jolley's personal-injury negligence action.
STANDARD OF REVIEW	The existence of sovereign immunity is reviewed de novo. Although the circuit court held a hearing on the plea in bar, the Supreme Court stated that the relevant facts were undisputed.
PRECEDENTIAL VALUE	Published; precedential opinion of the Supreme Court of Virginia.
PARTIES	City of Chesapeake, Jason N. Ellis v. Taylor B. Jolley

TOPICS

- municipal liability
- torts
- personal injury
- appellate procedure
- standard of review

PRACTICE AREAS

- torts
- municipal law
- personal injury
- appellate procedure

QUESTIONS PRESENTED

1. Whether the City of Chesapeake was protected by sovereign immunity from negligence claims arising from its trash-collection function.
2. Whether Ellis, the City's trash-truck driver, was protected by sovereign immunity when he caused the collision while engaged in ordinary driving in routine traffic.
3. Whether the undisputed facts required de novo resolution of the sovereign-immunity issues despite the circuit court's hearing on the plea in bar.

HOLDINGS

1. The City was protected by sovereign immunity because municipal trash removal is a governmental function, and municipalities are immune from tort liability for negligence in performing or failing to perform governmental functions.
2. Ellis was not protected by sovereign immunity because, when the collision occurred, he was engaged in ordinary driving in routine traffic rather than exercising judgment and discretion beyond ordinary driving to perform the governmental trash-collection function.

KEY QUOTATIONS

“We then employ a four-factor test to determine whether a governmental employee shares in the immunity enjoyed by the sovereign.” (at 4)

“Sovereign immunity attaches in the latter situation, but not in the former.” (at 4-5)

“The outcome did not depend on whether the driver was on his assigned route.” (at 7)

“Affirmed in part, reversed in part, and remanded.” (at 8)

FACTUAL BACKGROUND

Jason N. Ellis, a City of Chesapeake trash-truck driver, was traveling along his assigned route when he drove through a stop sign and collided with Taylor B. Jolley's vehicle. At the time of the collision, Ellis was driving normally and was not slowing to collect a trash can, maneuvering around an obstacle, operating the truck's collection arm, or otherwise exercising judgment and discretion beyond ordinary driving. Jolley sought damages for personal injuries from Ellis and the City.

PROCEDURAL HISTORY

Jolley sued Jason N. Ellis and the City of Chesapeake after Ellis drove a city trash truck through a stop sign and collided with Jolley's vehicle. The Circuit Court for the City of Chesapeake sustained the defendants' plea in bar and dismissed the case. The Court of Appeals reversed, concluding that neither the City nor Ellis was protected by sovereign immunity. The Supreme Court of Virginia reversed as to the City, affirmed as to Ellis, and remanded with instructions for the Court of Appeals to remand the case for trial.

DISPOSITION

REMAND INSTRUCTIONS

The portion of the Court of Appeals' judgment holding that the City does not benefit from sovereign immunity is reversed. The portion holding that Ellis does not benefit from sovereign immunity is affirmed. The case is remanded to the Court of Appeals with instructions to remand the case for trial in the Circuit Court for the City of Chesapeake.

CASES CITED

- Messina v. Burden, 228 Va. 301, 307-08, 313 (1984)
- Lee v. City of Norfolk, 281 Va. 423, 439 (2011)
- City of Chesapeake v. Cunningham, 268 Va. 624, 633 (2004)
- Taylor v. Newport News, 214 Va. 9, 10 (1973)
- Patterson v. City of Danville, 301 Va. 181, 189 (2022)
- Niese v. City of Alexandria, 264 Va. 230, 238 (2002)
- Hoggard v. City of Richmond, 172 Va. 145, 147 (1939)
- Ashbury v. City of Norfolk, 152 Va. 278, 283 (1929)
- Colby v. Boyden, 241 Va. 125, 129 (1991)
- McBride v. Bennett, 288 Va. 450, 455-56 (2014)
- Friday-Spivey v. Collier, 268 Va. 384, 390-91 (2004)
- Heider v. Clemons, 241 Va. 143, 144-45 (1991)
- Wynn v. Gandy, 170 Va. 590, 595 (1938)
- Linhart v. Lawson, 261 Va. 30, 36 (2001)
- Stanfield v. Peregoy, 245 Va. 339, 344-45 (1993)
- Jolley v. Ellis, 82 Va. App. 220, 234-35 (2024)