

SUPREME COURT OF VIRGINIA

Commonwealth v. Mattocks

Commonwealth v. Mattocks · No. 250586 · Decided February 19, 2026

SUMMARY

The Supreme Court of Virginia held that sovereign immunity barred Department of Corrections employees’ overtime action because the suit was filed after the General Assembly repealed the statutory waiver of sovereign immunity. The court explained that sovereign immunity is a component of subject matter jurisdiction determined when litigation is filed, distinct from ordinary retroactivity analysis. It reversed the Circuit Court for the City of Richmond and entered final judgment for the Commonwealth.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice Stephen R. McCullough; All the Justices
JURISDICTION	Supreme Court of Virginia
DECIDED	February 19, 2026
DOCKET	250586
DISPOSITION	reversed
PROCEDURAL POSTURE	The Commonwealth brought an interlocutory appeal under Code §§ 8.01-626 and 8.01-670.2 from the circuit court's denial of its plea of sovereign immunity in an action seeking unpaid overtime compensation.
STANDARD OF REVIEW	De novo review of the existence of sovereign immunity.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Commonwealth of Virginia, Virginia Department of Corrections v. Trina Mattocks, et al.

TOPICS

- subject matter jurisdiction
- appellate jurisdiction
- statutory interpretation
- wage and hour
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- employment law
- wage and hour

QUESTIONS PRESENTED

1. Whether sovereign immunity barred the employees' overtime action when the suit was filed after the statutory waiver of sovereign immunity had been repealed.
2. Whether the sovereign-immunity issue should be resolved under retroactivity principles based on when the alleged overtime work occurred or under the law governing subject matter jurisdiction at the time the action was filed.
3. Whether sovereign immunity is an aspect of subject matter jurisdiction despite also functioning as an affirmative defense.

HOLDINGS

1. Because the statutory waiver of sovereign immunity had been repealed before the employees filed suit, sovereign immunity barred the action against the Commonwealth and the Department of Corrections.
2. The case presented a subject-matter-jurisdiction question rather than a retroactivity question; the court therefore looked to the law in effect when the suit was filed, not the law in effect when the alleged overtime work occurred.
3. Sovereign immunity is a distinct but conceptually related facet of subject matter jurisdiction and may be characterized as an affirmative defense; when it applies, the court lacks jurisdiction to hear the case.

KEY QUOTATIONS

“Subject matter jurisdiction “is determined at the time the litigation is filed and, once established, remains until the termination of the litigation.”” (5)

“Consequently, looking to the law in effect at the time the suit was filed, sovereign immunity barred the suit.” (6)

FACTUAL BACKGROUND

In 2021, the General Assembly enacted an overtime statute that included the Commonwealth and expressly waived sovereign immunity. In 2022, the General Assembly comprehensively amended and reenacted the statute and deleted the sovereign-immunity waiver. After that repeal became effective, Department of Corrections employees filed suit for overtime allegedly earned during the earlier period when the waiver had been in effect.

PROCEDURAL HISTORY

Employees of the Department of Corrections sued the Commonwealth and the Department of Corrections for overtime allegedly earned between July 1, 2021, and June 30, 2022. The Commonwealth asserted sovereign immunity, but the Circuit Court for the City of Richmond denied the plea, reasoning that the 2022 statutory amendment repealing the waiver should not apply retroactively to conduct occurring while the waiver was effective. The Supreme Court of Virginia granted the Commonwealth's interlocutory appeal, reversed, and entered final judgment for the Commonwealth.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand; the court entered final judgment in favor of the Commonwealth.

CASES CITED

- Lee v. City of Norfolk, 281 Va. 423, 439 (2011)
- City of Chesapeake v. Cunningham, 268 Va. 624, 633 (2004)
- Board of Public Works v. Gannt, 76 Va. 455, 461 (1882)
- Afzall v. Commonwealth, 273 Va. 226, 230, 234 (2007)
- Hannah v. Commonwealth, 303 Va. 106, 123 (2024)
- Pure Presbyterian Church of Wash. v. Grace of God Presbyterian Church, 296 Va. 42, 49 (2018)
- Cilwa v. Commonwealth, 298 Va. 259, 266 (2019)
- Andrews v. Richmond Redev. & Hous. Auth., 292 Va. 79, 84 (2016)
- Williams v. Williams, 61 Va. App. 170, 184 (2012)
- Patterson v. City of Danville, 301 Va. 181, 196 n.8 (2022)
- Lewis v. Kei, 281 Va. 715, 721 n.1 (2011)
- Heider v. Clemons, 241 Va. 143, 144 (1991)
- Gambrell v. City of Norfolk, 267 Va. 353, 357 (2004)
- Bonanno v. Quinn, 299 Va. 722, 736-38 (2021)
- E.C. v. Virginia Dep't of Juv. Just., 283 Va. 522, 527-28 (2012)
- Seabolt v. County of Albemarle, 283 Va. 717, 722 (2012)
- Doe v. Green, 304 Va. 536, 546 (2025)
- City of Charlottesville v. Payne, 299 Va. 515, 528 (2021)
- Town of Culpeper v. Virginia Elec. & Power Co., 215 Va. 189, 194 (1974)
- Commonwealth v. Luzik, 259 Va. 198, 206 (2000)
- Zelaya v. United States, 781 F.3d 1315, 1322 (11th Cir. 2015)
- Iowa Tribe v. Salazar, 607 F.3d 1225, 1232 (10th Cir. 2010)
- State v. Fed. Defender Program, Inc., 882 S.E.2d 257, 281 (Ga. 2022)
- Burke v. Bd. of Trs. of the Neb. State Colls., 924 N.W.2d 304, 310 (Neb. 2019)
- Manbeck v. Austin Indep. Sch. Dist., 381 S.W.3d 528, 530 (Tex. 2012)