

Data Center Developers Take Note: Virginia Court Allows Nuisance Suit Against Amazon to Proceed

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Virginia's booming data center industry received an important legal reminder this summer. In *Newsom v. Amazon Data Services, Inc.*, a federal court in Virginia allowed a neighboring property owner's nuisance lawsuit against Amazon to move forward, overruling, in part, Amazon's motion to dismiss. *Newsom v. Amazon Data Services, Inc.*, W.D. Va. No. 3:25-CV-00074, 2026 WL 1993954, at *1 (W.D. Va. July 10, 2026).

The landowner and business tenant plaintiffs alleged that construction of Amazon's Louisa County data center created excessive noise, bright lights, dust, flooding, water-quality issues, vibrations, structural cracking to the plaintiffs' property, and disruptions to the plaintiffs' business. The court found the plaintiffs' allegations sufficient to withstand a motion to dismiss. The case will now proceed, and discovery can begin.

Why This Matters

The decision is significant because it reinforces a growing trend of opposition and resistance to data center developments. Even if a project is properly permitted, it can still face nuisance claims from neighboring property owners or occupants. Virginia courts have long recognized that lawful development activities can become actionable if they unreasonably interfere with a neighbor's use and enjoyment of property. *Bowers v. Westvaco Corp.*, 244 Va. 139, 147, 419 S.E.2d 661, 667 (1992).

Just as importantly, the court refused to analyze each complaint in isolation. Instead, it looked at the alleged impacts collectively, considering the combined effects of noise, dust, lights, vibrations, flooding, and other conditions on the neighboring property.

For data center developers, that approach creates risk. A complaint that might appear manageable when viewed issue-by-issue can look much different when all alleged impacts are bundled together into a single nuisance claim.

A Growing Challenge for Large-Scale Projects

The ruling comes as data center development continues to expand beyond Northern Virginia into communities such as Louisa County and elsewhere across the country. These projects often involve years of construction activity, extensive grading, heavy truck traffic, large-scale utility work, and around-the-clock operations. As a result, developers should expect increased scrutiny from nearby residents and businesses, particularly when projects are located near existing homes or commercial properties.

Key Takeaways for Developers

Developers should view this decision as a reminder to focus not only on regulatory and permitting compliance but also on neighboring-property impacts.

Some practical lessons include:

- Document noise, dust-control, and stormwater-management efforts
- Investigate complaints from neighboring property owners and occupants promptly
- Engage with neighboring property owners early in the development process
- Recognize that tenants and occupants, not just property owners, may have standing to bring nuisance claims in certain circumstances

Bottom Line

Newsom is only an initial procedural ruling, not a determination that Amazon is liable. But it sends a clear signal that Virginia courts are willing to entertain nuisance claims arising from large-scale data center construction when neighbors plausibly allege substantial interference with their property rights.

For developers, owners, and contractors, the case is a reminder that successful projects require more than permits and approvals. Managing the impact on neighboring properties may be just as important as managing the project itself.