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EMINENT DOMAIN - PENNSYLVANIA

Whiteland Holdings, L.P. v. United States

United States Court of Federal Claims - February 8, 2019 - Fed.Cl. - 2019 WL 494103

Property owners filed suit against United States, claiming that federal government's operations and methods of disposal of hazardous substances at superfund site contaminated soil and groundwater on owners' property, allegedly effecting taking by inverse condemnation without just compensation in violation of Takings Clause of Fifth Amendment.

Government moved to dismiss for lack of subject matter jurisdiction.

The Court of Federal Claims held that takings claim was time barred.

Accrual suspension for the six-year limitations period for claims against the United States filed in the Court of Federal Claims will not be available where a claimant could have asserted a claim if it had sought advice, launched an inquiry, or otherwise taken steps to discover available information.

Under stabilization doctrine as manifestation of accrual suspension rule, property owners' Fifth Amendment takings claim against federal government, for alleged inverse condemnation caused by government's operations and methods of disposal of hazardous substances at superfund site that contaminated soil and groundwater on owners' property, accrued, commencing under six-year limitations period for claims against United States of which Court of Federal Claims had jurisdiction, no later than year that owners completed required remediation of site at which point owners were reasonably aware of permanent nature of alleged taking.