

# **Bond Case Briefs**

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## **EMINENT DOMAIN - VIRGINIA**

### **Mountain Valley Pipeline, LLC v. 9.89 Acres of Land**

**United States Court of Appeals, Fourth Circuit - January 27, 2025 - F.4th - 2025 WL 301695**

Pipeline company brought condemnation action under Natural Gas Act for pipeline easement on landowner's property.

The United States District Court for the Western District of Virginia, Elizabeth K. Dillon, Chief Judge, 2021 WL 4398032, granted pipeline company's motion to exclude landowner's proffered expert evidence and awarded just compensation. Landowner appealed.

The Court of Appeals held that:

- Civil procedure rule providing that, in eminent domain proceedings, the court "tries all issues" except amount of just compensation does not alter the Federal Rules of Evidence in eminent domain proceedings;
- As a matter of first impression, when determining contested factual issue pursuant to civil procedure rule providing for court to try all issues in eminent domain proceedings, district courts should make findings of fact and conclusions of law, just as they would in bench trial; and
- Civil procedure rule providing that, in eminent domain proceedings, the court "tries all issues" except amount of just compensation did not increase district court's discretion as it existed under evidentiary rule governing admissibility of expert testimony and thus did not allow district court to exclude landowner's expert report based on purported questions regarding factual underpinnings of expert's opinion.