



## High Court Finds Landowner Has A Path To Federal Court

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A Pennsylvania property owner can take her claim that the government unconstitutionally took value from her land directly to federal court without first seeking compensation at the state level, the U.S. Supreme Court said on Friday.

The high court was tasked with determining whether plaintiff and property owner Rose Mary Knick could pursue a claim concerning her 90-acre Western Pennsylvania farm in federal court, after earlier being turned away by a state court.

And on Friday, the court in a 5-4 opinion said Knick has a direct path to federal court, vacating and remanding an earlier Third Circuit decision. At issue was whether a 1985 case, *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, required an opinion at the state court level before going to federal court. Justices Elena Kagan, Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor dissented.

"Takings claims against local governments should be handled the same as other claims under the Bill of Rights. Williamson County erred in holding otherwise," Chief Justice John Roberts wrote in the opinion on Friday. "The state-litigation requirement of Williamson County is overruled. A property owner may bring a takings claim ... upon the taking of his property without just compensation by a local government."

Knick initially went to state court claiming the government's attempts to come onto her property to search for ancient burial grounds constituted a taking, but the court turned her away on procedural grounds.

She then subsequently filed a federal suit, and while the Third Circuit found serious and concrete claims in the suit, it said could not decide the case, citing *Williamson County*, which said federal courts can only decide such takings cases after plaintiffs have unsuccessfully sought compensation at the state court level.

In *Williamson County*, the high court had found that a Tennessee developer could not seek relief in federal court following changes in zoning that cut back on the density with which the developer could build, and the court in *Williamson* said the developer had to first go to state court.

Rose Mary Knick is represented by J. David Breemer and Deborah J. La Fetra of the Pacific Legal Foundation.

The Township of Scott, Pennsylvania, is represented by Teresa Sachs of Marshall Dennehey Warner Coleman & Goggin PC.

Institute for Justice is represented by Michael Berger of Manatt Phelps & Phillips LLP. The National Association of Home Builders is represented in-house by Devala Anant Janardan. The Cato Institute is also represented in-house by Ilya Shapiro.

The case is *Rose Mary Knick v. Township of Scott, Pennsylvania, et al.*, case number 17-647, in the U.S. Supreme Court.