

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MOUNTAIN VALLEY PIPELINE, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 7:20-cv-134
)	
8.37 ACRES OF LAND, OWNED BY)	By: Elizabeth K. Dillon
FRANK H. TERRY, JR., et al.,)	United States District Judge
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

On April 14, 2023, defendants filed an amended motion for interest and costs, which is before the court for resolution. (Dkt. No. 129.) Also on April 14, after defendants filed this motion, the court issued a memorandum opinion and order which, in pertinent part, granted Mountain Valley Pipeline’s (MVP) motion for judgment as a matter of law and denied defendants’ motion for attorney fees and costs. (Dkt. Nos. 131, 132.)¹ On April 25, the court entered an order granting judgment and vesting title to the easements on the defendants’ property to MVP. (Dkt. No. 132.) Defendants’ amended motion for interest and costs will be denied.

Defendants ask the court for prejudgment interest at six percent pursuant to Virginia law. Va. Code § 6.2-302. The court has previously ruled that federal law, not state law, governs the amount of interest in condemnation actions. *See MVP v. 4.32 Acres (Chandler)*, No. 7:19-cv-679, 2021 WL 2322822, at *1–2 (W.D. Va. June 7, 2021) (awarding interest under federal law and rejecting argument that Virginia law applied). Moreover, the court entered an order in 2018 providing for interest at the federal rate on the difference between the amount MVP deposited with the court and the amount of just compensation determined by the court. *Id.* at *2 (citing *MVP v.*

¹ The court denied defendants’ motion for fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. 2412. (Dkt. No. 131 at 13–14.)

Easements, Civil Action No. 7:17-cv-00492, 2018 WL 1144387, at *4 (W.D. Va. Mar. 2, 2018)).

Defendants did not object to this order. The court's order vesting title in this case gave defendants interest on the full amount of the judgment. (Dkt. No. 132 at 3–4.)

Defendants also argue they are entitled to recover certain costs under Virginia law. *See* Va. Code §§ 25.1-245, 25.1-245.1. The court has held on several occasions that federal law governs the amount of just compensation. *See MVP v. 9.89 Acres (E. Terry)*, No. 7:19-cv-145, 2021 WL 1217350, at *2 (W.D. Va. Mar. 5, 2021); *MVP v. 1.85 Acres (Lucki)*, No. 7:19-cv-0147, 2020 WL 1067001, at *2 (W.D. Va. Mar. 5, 2020). By extension, there is no basis to award costs in this matter under Virginia law.

For these reasons, it is HEREBY ORDERED that defendants' amended motion for interest and costs (Dkt. No. 129) is DENIED.

Entered: March 29, 2024.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge