

SUPREME COURT OF PENNSYLVANIA

Gianni Pignetti and Jennifer Pignetti v. Commonwealth of Pennsylvania, Department of Transportation

Pignetti v. PennDOT · No. 26 EAP 2023; 27 EAP 2023 · Decided April 25, 2025

SUMMARY

The Supreme Court of Pennsylvania considers whether two noncontiguous parcels may be valued as one under Section 705 of the Eminent Domain Code when they are used together for a unified purpose. The Court holds that the plain language of Section 705 governs and rejects the Commonwealth Court's additional requirement that the parcels be so inseparably connected that injury to one necessarily and permanently injures the other. The Court reverses the Commonwealth Court's order.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Wecht; Chief Justice Todd; Justice Donohue; Justice Dougherty; Justice Mundy; Justice Brobson; Justice McCaffery
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	April 25, 2025
DOCKET	26 EAP 2023; 27 EAP 2023
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the Commonwealth Court's order reversing the Philadelphia County Court of Common Pleas' order overruling PennDOT's preliminary objections and appointing a board of viewers to determine just compensation for a condemnation.
STANDARD OF REVIEW	De novo review with plenary scope for a pure question of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Gianni Pignetti, Jennifer Pignetti v. Commonwealth of Pennsylvania, Department of Transportation

TOPICS

- eminent domain
- real estate
- statutory interpretation
- plain meaning rule
- remedies

PRACTICE AREAS

eminent domain

real estate

statutory interpretation

property valuation

remedies

QUESTIONS PRESENTED

1. Whether noncontiguous parcels are used together for a unified purpose under Section 705 of Pennsylvania's Eminent Domain Code when they are used together to store vehicles and equipment for the same business.
2. Whether the Commonwealth Court improperly added a requirement that the parcels be so inseparably connected that injury to one would necessarily and permanently injure the other.
3. Whether the question of substantially identical ownership should be addressed in the first instance on remand.

HOLDINGS

1. Noncontiguous tracts are used together for a unified purpose when they are used together to accomplish one common end; Section 705 does not require proof that the parcels are so inseparably connected that injury to one will necessarily and permanently injure the other.
2. The Commonwealth Court erred by adding a requirement to Section 705 that the General Assembly did not include.
3. The Supreme Court did not decide whether the parcels satisfied Section 705's substantially identical ownership requirement and remanded that issue for consideration by the lower courts.

KEY QUOTATIONS

“Where all or a part of several contiguous tracts in substantially identical ownership is condemned or a part of several noncontiguous tracts in substantially identical ownership which are used together for a unified purpose is condemned, damages shall be assessed as if the tracts were one parcel.” (14)

“Nothing in the statutory text requires anything remotely akin to a common use so “inseparably connected” that injury to one “necessarily and permanently injure[s] the other.”” (17)

“Whether we rely upon the common and approved meaning of the terms used by the statute, or proceed from the premise that the language used in Section 705 is ambiguous, we arrive at the same destination.” (23)

FACTUAL BACKGROUND

PennDOT condemned part of Parcel 44 and all of Parcel 45 for an Interstate 95 improvement project. The parcels were noncontiguous because a small, unused sliver of land separated them, but they were only several feet apart at their closest point. Mr. Pignetti used both parcels to store vehicles, equipment, and materials for his electrical business, whose main office was approximately one mile away. The Pignettis sought valuation of the parcels as one under Section 705 of the Eminent Domain Code.

PROCEDURAL HISTORY

PennDOT condemned portions of two nearly adjacent, noncontiguous parcels owned by the Pignettis in connection with an Interstate 95 improvement project. The Pignettis petitioned for appointment of a board of viewers, asserting that the parcels were used together for a unified purpose and therefore should be valued as one under Section 705 of the Eminent Domain Code. The trial court found the parcels substantially similarly owned and used together for storage related to an electrical business, and appointed a board of viewers. The Commonwealth Court reversed, applying a stricter standard derived from *Morris v. Commonwealth*. The Supreme Court of Pennsylvania reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including possible consideration of whether the parcels satisfy Section 705's substantially identical ownership requirement.

CASES CITED

- Appeal of Elgart, 149 A.2d 641 (Pa. 1959)
- Potts v. Pennsylvania & Schuylkill Valley Railroad Co., 13 A. 291 (Pa. 1888)
- Morris v. Commonwealth, 80 A.2d 762 (Pa. 1951)
- Western Whiteland Associates v. PennDOT, 690 A.2d 1266 (Pa. Cmwlth. 1997)
- Powley v. Department of General Services, 631 A.2d 743 (Pa. Cmwlth. 1993)
- North Shore Railroad Co. v. Pennsylvania Co., 96 A. 990 (Pa. 1916)
- Kossler v. Pittsburgh, Cincinnati, Chicago & St. Louis Railway Co., 57 A. 66 (Pa. 1904)
- Werner v. Department of Highways, 247 A.2d 444 (Pa. 1968)
- Pennsylvania Department of Transportation v. Beamer, 493 A.2d 130 (Pa. Cmwlth. 1985)
- Sams v. Redevelopment Authority of New Kensington, 244 A.2d 779 (Pa. 1968)
- In re Vencil, 152 A.3d 235 (Pa. 2017)
- Miller v. County of Centre, 173 A.3d 1162 (Pa. 2017)
- Fletcher v. Pennsylvania Property & Casualty Insurance Guaranty Association, 985 A.2d 678 (Pa. 2009)
- Frazier v. Workers' Compensation Appeal Board (Bayada Nurses, Inc.), 52 A.3d 241 (Pa. 2012)
- Berner v. Montour Township Zoning Hearing Board, 217 A.3d 238 (Pa. 2019)
- Pennsylvania School Boards Association, Inc. v. Public School Employees' Retirement Board, 863 A.2d 432 (Pa. 2004)
- In re Trust under Deed of David P. Kulig, 175 A.3d 222 (Pa. 2017)
- Philadelphia Housing Authority v. Commonwealth, Pennsylvania Labor Relations Board, 499 A.2d 294 (Pa. 1985)
- Reibenstein v. Barax, 286 A.3d 222 (Pa. 2022)
- O'Neill v. State Employees' Retirement System, 280 A.3d 873 (Pa. 2022)

- Commonwealth v. Smith, 221 A.3d 631 (Pa. 2019)
- Commonwealth v. Strunk, 325 A.3d 530 (Pa. 2024)
- Sivick v. State Ethics Commission, 238 A.3d 1250 (Pa. 2020)

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