

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2551

SUNOCO PIPELINE LP,
Appellant

v.

DANIEL LA HART, individually and on behalf of a class of others similarly situated; KATHERINE LA HART, individually and on behalf of a class of others similarly situated; ROBERTA GELTCH, individually and on behalf of a class of others similarly situated; JAMES GELTCH, individually and on behalf of a class of others similarly situated; ANDREW MELA, individually and on behalf of a class of others similarly situated; HEATHER MELA, individually and on behalf of a class of others similarly situated; W. SCOTT MILLER, individually and on behalf of a class of others similarly situated; MARYIDA MILLER, individually and on behalf of a class of others similarly situated; JOHN VANNI, individually and on behalf of a class of others similarly situated; ANGELA VANNI, individually and on behalf of a class of others similarly situated; KEVIN WOJNOVICH, individually and on behalf of a class of others similarly situated; KRISTINE WOJNOVICH, individually and on behalf of a class of others similarly situated; BASIL TSOLAKIS, individually and on behalf of a class of others similarly situated; FOTEINI TSOLAKIS, individually and on behalf of a class of others similarly situated; GERALD TSOLAKIS, individually and on behalf of a class of others similarly situated; MANTHA NIKOLOUDAKI, individually and on behalf of a class of others similarly situated

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(District Court No. 2:25-cv-03694)
District Judge: Honorable Mia R. Perez

Argued: April 30, 2026

Before: CHAGARES, Chief Judge, ROTH, Circuit Judge, and DOW, * District Judge

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* Honorable Robert M. Dow, Jr., District Judge of the United States District Court for the Northern District of Illinois, sitting by designation.

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OPINION[†]

[†] This disposition is not an opinion of the full Court and, pursuant to 3d Cir. I.O.P. 5.7, does not constitute binding precedent.

CHAGARES, Chief Judge.

After a leak opened in a nearby fuel pipeline operated by Sunoco Pipeline LP (“Sunoco”), several residents filed a lawsuit against the company in state court. The residents sought injunctions compelling Sunoco to take specific remedial measures. Sunoco moved for emergency relief in federal court, contending that these actions violated the Pipeline Safety Act’s (“PSA”) prohibition of state regulation over interstate pipelines. Sunoco appeals the District Court’s denial of that motion. But Sunoco did not comply with the Act’s pre-suit notice and delay requirement before commencing this lawsuit. For the following reasons, we will thus vacate the District Court’s order and remand with instructions to dismiss.

I.¹

On January 31, 2025, Sunoco identified a leak in its Twin Oaks Pipeline in Upper Makefield Township, located in Bucks County, Pennsylvania. The leak contaminated the groundwater, soil, and air of the surrounding communities.

In response, Daniel La Hart, his wife, and other local residents filed a putative class action in Philadelphia County Court of Common Pleas against Sunoco and several related entities. Sunoco and its affiliates timely removed the action to federal court under the Class Action Fairness Act. The residents then moved to remand, and the District Court granted the motion.²

¹ We write primarily for the parties, so we recite only the facts essential to our decision.

² Sunoco and its affiliates have appealed this ruling. See Dkt. Nos. 25-2152, 25-8027. That appeal is not at issue in this case.

The La Harts filed a renewed motion for a preliminary injunction in state court, seeking identical relief to what they had requested in federal court. Several other local residents also filed their own lawsuits in state court seeking equitable and injunctive relief that closely resembled the relief sought by the La Harts.

Counsel for Sunoco sent a letter to the relevant U.S. Department of Transportation official on July 18, 2025, “provid[ing] notice pursuant to 49 U.S.C. § 60121, on behalf of [Sunoco], of certain activities that violate the Pipeline Safety Act.” Joint Appendix (“J.A.”) 119. Sunoco filed this lawsuit that same day, alleging that the residents’ state court actions for injunctive relief amounted to an impermissible attempt at state regulation over interstate pipelines. Sunoco quickly moved for a temporary restraining order and preliminary injunction. The District Court denied the motion, and Sunoco timely appealed.

II.³

This lawsuit must be dismissed because Sunoco failed to comply with the PSA’s 60-day notice and delay requirement. The PSA’s notice and delay provision provides:

(1) A person may bring a civil action in an appropriate district court of the United States for an injunction against another person . . . for a violation of this chapter or a regulation prescribed or order issued under this chapter. However, the person—

(A) may bring the action only after 60 days after the person has given notice of the violation to the Secretary

³ The District Court had jurisdiction under 28 U.S.C. § 1331. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review the denial of a motion for a preliminary injunction for abuse of discretion. Smith v. City of Atlantic City, 138 F.4th 759, 770 (3d Cir. 2025).

of Transportation or to the appropriate State authority . . . and to the person alleged to have committed the violation.

49 U.S.C. § 60121(a)(1)(A).

In Hallstrom v. Tillamook County, 493 U.S. 20 (1989), the Supreme Court addressed the Resource Conservation and Recovery Act’s (“RCRA”) similar 60-day notice and delay requirement. The Court held that RCRA’s notice and 60-day delay requirements are “mandatory conditions precedent to commencing suit” that district courts “may not disregard . . . at [their] discretion.” Id. at 31.

Sunoco does not dispute that it failed to provide the required notice. Sunoco instead suggests that Hallstrom permits a “flexible construction” of notice requirements. Sunoco Reply Br. 27. Yet the Hallstrom Court rejected calls for a “flexible or pragmatic construction” of RCRA’s notice requirement,⁴ reasoning that such a construction “flatly contradicts the language of the statute.” 493 U.S. at 26. Sunoco also contends that no court “has ever held that the PSA’s pre-suit notice requirement operates as an inflexible condition precedent to suit.” Sunoco Reply Br. 27. We are not convinced, however. See, e.g., Laclede Gas. Co. v. St. Charles County, 713 F.3d 413, 417 (8th Cir. 2013) (“[A] PSA action cannot be filed until 60 days after proper notice is given to the Secretary of Transportation, or to the appropriate state agency, and to the person alleged to have committed the violation.” (citing Hallstrom, 493 U.S. at 23 & n.1)); SFPP, L.P. v.

⁴ As the Hallstrom Court observed, RCRA’s notice requirement and the notice requirement in many other statutes — including the PSA’s precursor statute — were all modeled upon the notice requirement in the Clean Air Act’s citizen suit provision. See Hallstrom, 493 U.S. 23 & n.1 (citing 42 U.S.C. § 7604).

Union Pac. R.R. Co., 274 F. App'x 549, 551 (9th Cir. 2008) (“In addition, SFPP’s claims under the Pipeline Safety Improvement Act fail because SFPP did not provide the requisite notice 60 days before filing its original complaint.” (citing Hallstrom, 493 U.S. at 25–33)). And though Sunoco urges that we grant an equitable exception to the statutory requirement, “we are not at liberty to create an exception where Congress has declined to do so.” Hallstrom, 493 U.S. at 27.

In sum, the language of the PSA’s citizen suit provision is clear, and Sunoco could not commence this lawsuit until 60 days after it had given the requisite notice. Because Sunoco did not comply with this requirement, this lawsuit must be dismissed. See Hallstrom, 493 U.S. at 31 (“As a general rule, if an action is barred by the terms of a statute, it must be dismissed.”).

III.

For the foregoing reasons, we will vacate the order of the District Court and remand with instructions to dismiss this case without prejudice.