

# **Bond Case Briefs**

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## **EMINENT DOMAIN - ILLINOIS**

### **Enbridge Pipeline (Illinois), LLC v. Hoke**

**Appellate Court of Illinois, Fourth District - July 6, 2017 - N.E.3d - 2017 IL App (4th) 150544 - 2017 WL 2875683**

Oil pipeline operator brought easement condemnation action against landowners.

After jury trial, the Circuit Court entered directed verdict for condemnation and awarded compensation for landowners. Landowners appealed.

The Appellate Court held that:

- Trial court did not abuse its discretion by barring landowners' testimony concerning just compensation;
- Trial court did not abuse its discretion by barring valuation testimony of landowners' controlled expert witness; but
- Trial court effectively deprived landowners of opportunity to challenge condemnation of their respective parcels of land by denying landowners' traverse motions.

Trial court did not abuse its discretion by barring landowners' testimony concerning just compensation at easement condemnation trial. Landowners based their valuations on numerous improper factors, including fear and stigma associated with oil pipelines, and unfounded speculation that hydrostatic testing, a technical process with which landowners admitted during voir dire they were not familiar, would pose unspecified safety concerns.

Trial court did not abuse its discretion by barring valuation testimony of landowners' controlled expert witness at easement condemnation trial. Witness's "calculation forms" outlining his just compensation figures did not provide any comparable sales data, and although witness's supplemental "work file" purported to include "research and analysis of comparable market data, land sales, and easement transactions," it provided no reasonable way to identify or deduce specific sales comparison data used by witness to calculate fair-market values for landowners' respective properties.

Trial court effectively deprived landowners of opportunity to challenge condemnation of their respective parcels of land by denying landowners' traverse motions, and thus remand was necessary. Trial court denied landowners the opportunity to conduct discovery and the ability to call witnesses, and refused landowners' offer of proof, which would have disclosed to trial court and opposing party, an oil pipeline operator, the nature of the offered evidence, and would have allowed Appellate Court to determine on appeal whether the exclusion of the evidence was proper.