

# **Bond Case Briefs**

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## **EMINENT DOMAIN - ILLINOIS**

### **Enbridge Pipeline (Illinois), LLC v. Monarch Farms, LLC**

**Appellate Court of Illinois, Fourth District - July 28, 2017 - N.E.3d - 2017 IL App (4th) 150807 - 2017 WL 3205839**

Pipeline operator brought condemnation action seeking right-of-way and easement interests and determinations as to just compensation.

Following stipulated bench trial, the Circuit Court granted directed verdict to operator and awarded compensation. Landowners appealed.

The Appellate Court held that:

- Trial court acted within its discretion in excluding proposed valuation testimony by landowners' experts, but
- Trial court erroneously considered landowners' traverse motions to be motions to dismiss asserting an affirmative matter outside complaint that barred or defeated action.

Trial court acted within its discretion in excluding proposed valuation testimony by landowners' experts, in easement condemnation action brought by oil pipeline operator, where experts based their valuations on numerous improper factors, including fear and stigma associated with oil pipelines, potential for oil leaks, and unfounded speculation that hydrostatic testing would pose unspecified safety concerns.

Trial court erroneously considered landowners' traverse motions, challenging oil pipeline operator's condemnation action pursuant to Eminent Domain Act, to be motions to dismiss asserting an affirmative matter outside complaint that barred or defeated action, and thus remand was required for proper traverse hearing, where, at hearing on motions, trial court did not allow landowners opportunity to call witnesses in support of motions, and trial court refused landowners' offer of proof.