

Bond Case Briefs

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EMINENT DOMAIN - CALIFORNIA

Weiss v. People ex rel. Department of Transportation

Court of Appeal, Fourth District, Division 3, California - March 1, 2018 - Cal.Rptr.3d - 2018 WL 1100944

Property owners brought inverse condemnation and nuisance action against Department of Transportation and county transportation authority, alleging that a freeway sound wall built directly across the freeway from their homes increased noise and dust, interfered with enjoyment of homes, and diminished property values.

The Superior Court granted defendants' motions to dismiss. Property owners appealed.

The Court of Appeal held that procedure for pretrial resolution of issues affecting the determination of compensation in eminent domain cases does not apply to inverse condemnation actions.

Statutory procedure for pretrial resolution of issues affecting the determination of compensation in eminent domain cases does not allow a trial court to adjudicate any companion causes of action in an inverse condemnation complaint.