

# **Bond Case Briefs**

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## **LAND USE - CALIFORNIA**

### **Hardesty v. Sacramento Metropolitan Air Quality Management District**

**United States District Court, E.D. California - March 31, 2018 - F.Supp.3d - 2018 WL 1567757**

Property owners and operator of sand and gravel mine on their property brought action alleging that county and county officials revoked owners' right to continuing mining on their property in violation of their procedural and due process rights, and retaliated against them by dramatically increasing financial deposit necessary to continue operating mine after they filed case.

After jury verdict in plaintiffs' favor, defendants filed renewed motion for judgment as matter of law and, in alternative, for new trial.

The District Court held that:

- Defendants waived claim that plaintiffs lacked any cognizable due process liberty interest;
- Substantial evidence supported jury's determination that owners had due process property interest in continuing to conduct mining operations on their property;
- Clear weight of evidence supported jury's conclusion that plaintiffs had due process liberty interests in pursuing their chosen occupations;
- Substantial evidence supported and clear weight of evidence was not against jury's finding that plaintiffs had vested right to mine entire tract;
- There was sufficient evidence to support jury's determination that county officials acted with improper motive;
- Substantial evidence supported jury's finding that plaintiffs experienced complete deprivation of their substantive due process rights;
- Jury's damages award of \$105 million was not excessive;
- Evidence supported jury's finding that officials violated plaintiffs' procedural due process rights;
- There was sufficient evidence to support jury's finding that county retaliated against owners for filing suit;
- Member of county board of supervisors was not entitled to legislative immunity;
- Issue of whether officials were entitled to qualified immunity was for jury; and
- Substantial evidence supported jury's punitive damages awards.