

Bond Case Briefs

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EMINENT DOMAIN - NORTH DAKOTA

North Dakota Department of Transportation v. Rosie Glow, LLC

Supreme Court of North Dakota - May 14, 2018 - N.W.2d - 2018 WL 2188924 - 2018 ND 123

Department of Transportation (DOT) initiated quick-take eminent domain proceeding.

Following trial, the District Court entered judgment on jury verdict awarding landowner severance damages in excess of amount deposited by DOT as well as attorney's fees and costs. Landowner appealed award of fees and costs.

The Supreme Court of North Dakota held that:

- Court is not limited to awarding fees for only a single attorney;
- Court's explanation for drastically reducing first attorney's requested fees was inadequate;
- Court adequately explained reason for reducing second attorney's fee request;
- Court adequately stated reasons for awarding landowner \$5,625 for expert's appraisal;
- Court acted arbitrarily by failing to consider expert appraiser's review of DOT appraisal; and
- Landowner could recover costs which expert appraiser incurred in preparing for and attending DOT's deposition.