

Bond Case Briefs

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INVERSE CONDEMNATION - ALASKA

Strong v. Williams

Supreme Court of Alaska - December 14, 2018 - P.3d - 2018 WL 6582299

Landowner sued his neighbors, alleging that access road on their property caused flooding on his property. After he reached a settlement with his neighbors, landowner stipulated to a dismissal of his claims with prejudice.

Three years later, landowner again sued neighbors, as well as municipality, alleging that the flooding had continued and asserting new claims of nuisance, trespass, intentional infliction of emotional distress, and breach of contract. The Superior Court granted summary judgment for the municipality, and landowner appealed.

The Supreme Court of Alaska held that:

- Dismissal with prejudice of landowner's claims against his neighbors did not bar, pursuant to doctrine of res judicata, landowner's subsequent trespass and nuisance claims against municipality, and
- Dismissal with prejudice of landowner's claims against neighbors did not bar, pursuant to doctrine of collateral estoppel, landowner's subsequent claims against municipality.