

Bond Case Briefs

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EMINENT DOMAIN - NEW YORK

Noghrey v. Town of Brookhaven

Supreme Court, Appellate Division, Second Department, New York - January 23, 2019 - N.Y.S.3d - 2019 WL 288072 - 2019 N.Y. Slip Op. 00450

Property owner brought action against town to recover damages for a regulatory taking of property without just compensation.

The Supreme Court, Suffolk County, denied property owner's motion to set aside jury verdict in favor of town and for judgment as a matter of law, or in the alternative, to set aside the verdict as contrary to the weight of the evidence and for a new trial. Property owner appealed.

The Supreme Court, Appellate Division, held that:

- Collateral estoppel did not apply to establish a regulatory taking by town with regard to parcel of real property on which property owner intended to build shopping plaza;
- Testimony of town's expert with regard to his appraisal of the subject parcel of real property could not be excluded on the basis it was unreliable or consisted of inadmissible hearsay; and
- Jury verdict in favor of town was not contrary to the weight of the evidence.