PUBLIC EMPLOYMENT - CALIFORNIA

City and County of San Francisco v. Public Employment Relations Board

Court of Appeal, First District, Division 5, California - June 22, 2026 - Cal.Rptr.3d - 2026 WL 1785444

City petitioned for writ of extraordinary relief, seeking judicial review of decision by Public Employment Relations Board (PERB) that found city acted in bad faith by refusing to submit municipal attorneys association's proposals seeking to require just cause for discipline and seniority-based layoffs to binding arbitration, thereby violating city's charter and state law.

The Court of Appeal issued a writ of review.

The Court of Appeal held that:

- At-will status of city attorneys as exempt employees, including any limits on their order of layoff, was not subject to binding arbitration under city charter;
- Existence of impasse resolution procedures for other city workers had no bearing on the arbitrability of association's proposals;
- City's obligation to bargain in good faith did not obligate the city to subject association's proposals to binding interest arbitration; and
- City did not engage in bad-faith bargaining in violation of the Meyers-Milias-Brown Act (MMBA) by correctly stating that association's proposals were ineligible for interest arbitration.

MUNICIPAL ORDINANCE - IOWA

Eagle Rise Developments, LLC v. Iowa District Court for Clinton County

Supreme Court of Iowa - June 19, 2026 - N.W.3d - 2026 WL 1765435

City filed application for rule to show cause why property owner was not in contempt of first order that required owner to pay penalty, register property as vacant, abate certain violations of city's building code, and repair property's roof.

The District Court entered second order finding owner and owner's first and second members, individually, were in contempt of first order, and ordering members to each pay $100 penalty and serve 30 days in jail.

Members each filed notice of appeal from magistrate's ruling, which the District Court denied. Owner and members filed petition for writ of certiorari challenging contempt order. Action was transferred. The Court of Appeal annulled writ as to owner and first member, but it sustained writ as to second member. Owner and first member applied for further review.

The Supreme Court held that:

- District court had subject matter jurisdiction over city's application for rule to show cause;
- City was required to personally serve owner and members under contempt statute's personal service requirements;
- Members did not have notice that they were "offender" subject to potential punishment within meaning of contempt statute, thus, district court lacked authority to hold members in contempt; and
- City failed to provide owner reasonable opportunity to respond to order to show cause, thus, district court lacked authority to hold owner in contempt.

IMMUNITY - MARYLAND

State v. Young

Supreme Court of Maryland - June 23, 2026 - A.3d - 2026 WL 1801178

Prison inmate filed suit against prison tier officer, warden and State, asserting claims under Maryland Tort Claims Act (MTCA) and *Prince George's County v. Longtin*, 419 Md. 450, 19 A.3d 859, that authorized suits against county and local governments for pattern or practice of engaging in or allowing unconstitutional conduct by government employees, arising out of acts by officer and warden that allegedly facilitated separate assaults by other prisoners.

Following jury trial, the Circuit Court entered judgment on jury's verdict in inmate's favor and against officer, warden and State, and denied defendants' post-trial motions for judgment notwithstanding verdict (JNOV), or, in alternative, for reduction in judgment against State, but reduced $1 million verdicts against officer and warden.

State appealed. The Appellate Court affirmed in part, and reversed in part. State's petition for writ of certiorari was granted.

The Supreme Court held that:

- Tier officer and warden were immune from liability for injuries sustained by inmate, and only State remained liable, under MTCA;
- Jury's verdict did not establish necessary predicate findings for trial court to find that multiple incidents or occurrences of negligence, thus capping State's liability at $400,000 for single incident or occurrence, under MTCA;
- State was not judicially estopped from arguing that more questions should have been presented to jury as to number of incidents of negligence, in order to support findings of multiple acts of negligence, for purposes of State's waiver of sovereign immunity under MTCA;
- Inmate, and not State, bore burden of proving multiple incidents or occurrences of negligence by officer and warden that caused inmate's injuries, for purposes of State's waiver of sovereign immunity under MTCA;
- Trial court did not have authority to make posttrial findings that there were multiple occurrences or incidents of negligence, for purposes of State's waiver of sovereign immunity under MTCA;
- State's claim that holding in *Longtin*, 419 Md. 450, 19 A.3d 859, that plaintiff may bring claim against county or local government for pattern or practice of engaging in or allowing unconstitutional conduct by government employees did not apply to State was moot;
- Claim that *Longtin*, 419 Md. 450, 19 A.3d 859, did not apply to State did not come within "public interest" exception to mootness doctrine; and
- Portion of Appellate Court's conclusion on threshold issue of first impression that *Longtin* applied to State was unnecessary to inmate's *Longtin* claim, thus warranting vacatur of that conclusion.

IMMUNITY - MICHIGAN

Zezula v. Brown

Supreme Court of Michigan - June 16, 2026 - N.W.3d - 2026 WL 1740330

Homeowner brought action against neighbor, excavating company, and township for damages from sewage overflow in homeowner's basement, alleging that township violated the MISS DIG Underground Facility Damage and Safety Act (MISS DIG) by failing to mark facilities prior to company's excavation.

The Circuit Court denied township's motion for summary disposition claiming governmental immunity and failure to state a claim. Township appealed, and the Court of Appeals affirmed. The Supreme Court granted leave to appeal.

The Supreme Court held that:

- Governmental tort liability act's exception to immunity for liability of a governmental agency under the MISS DIG Act was limited to a complaint filed with the Public Service Commission, and
- Trial court's grant of homeowner's oral motion for leave to amend complaint to plead sewage disposal system event exception to governmental immunity was premature.

FEES - SOUTH CAROLINA

Town of Hilton Head Island v. Beaufort County

Supreme Court of South Carolina - June 24, 2026 - S.E.2d - 2026 WL 1813194

Town and town residents brought action against county challenging county ordinance imposing a law enforcement service charge and user fee on real property within town, claiming that the service fee was an invalid service or user fee under statute governing authority of local governments to assess taxes and fees.

The Circuit Court upheld ordinance. Town and residents appealed.

The Supreme Court held that service fee was statutorily valid.

County's law enforcement service charge and user fee on real property within town was a valid service or user fee under statute governing authority of local governments to assess taxes and fees, where county sheriff's office responded to every call for policing service in town while only responding to, at most, 12% of calls for policing service in other municipalities, county kept revenue collected from service fee in a separate fund, county used revenue from service fee only to compensate sheriff's office for policing services provided to town, service fee did not exceed cost of policing services, and service fee was uniformly applied to all town residents.

EDUCATION - WISCONSIN

Rabiebna v. Higher Educational Aids Board

Supreme Court of Wisconsin - June 18, 2026 - N.W.3d - 2026 WI 20 - 2026 WL 1752797

Individual taxpayers brought action seeking injunctive relief and declaratory judgment enjoining the Higher Educational Aids Board (HEAB) from administering the Minority Undergraduate Retention Grant Program, which was a program that was established by state statute, that provided financial aid to students who were attending Wisconsin private and technical colleges and who belonged to specified race-, ancestry-, national-origin-, and foreign-citizenship-based groups, and that allegedly violated the Equal Protection Clause of the Fourteenth Amendment.

The Circuit Court entered summary judgment for HEAB and related defendant. Taxpayers appealed. The Court of Appeals reversed and remanded with directions. HEAB and related defendant appealed.

The Supreme Court held that:

- Individual taxpayers had standing to bring action;
- Defendants failed to demonstrate that promotion of diversity of student bodies was compelling governmental interest as to Program;
- Defendants failed to demonstrate that equalizing education opportunities for certain students by offering them financial aid was compelling governmental interest as to Program when Program was established; and
- Program was not narrowly tailored to either of those two purported compelling government interests.

PUBLIC UTILITIES - FLORIDA

Citizens of State v. Florida Public Service Commission

Supreme Court of Florida - June 4, 2026 - So.3d - 2026 WL 1596209 - 51 Fla. L. Weekly S151

Office of Public Counsel (OPC) appealed Public Service Commission’s partial approval of natural gas utility’s petition for rate increase, challenging approval of two accounting measures and Commission’s continuation of accounting adjustment related to utility’s prior acquisition.

The Supreme Court held that:

- Commission’s approval of utility’s use of accounting measure that resulted in reserve surplus was not inconsistent with Commission’s depreciation rule;
- Commission’s statement in a prior order that a reserve imbalance violates the matching principle and should be corrected did not qualify as an officially stated agency policy;
- Commission’s decision to approve utility’s use of depreciation parameter that would result in reserve surplus and its approval of corrective measure to account for surplus fell within range of permissible policy choices;
- Commission’s approval of utility’s use of depreciation parameter that resulted in reserve surplus was supported by competent, substantial evidence;
- Commission’s approval of corrective measure to account for reserve surplus created by utility’s proposed depreciation parameter was supported by competent, substantial evidence; and
- Commission’s decision to continue utility’s accounting adjustment related to previous acquisition of utility was supported by competent, substantial evidence.

Public Service Commission's approval of natural gas utility's use of accounting measure that resulted in reserve surplus was not inconsistent with Commission's depreciation rule, which governed utilities' obligation to account for depreciation in the ratemaking process; nothing in depreciation rule prohibited Commission from adopting depreciation parameters that resulted in a reserve imbalance, but rule instead provided for corrective measures in the event of an imbalance, and utility complied with its obligations by filing depreciation study and proposing accounting measure to correct surplus.

Public Service Commission's statement in a prior order that a reserve imbalance violates the matching principle and should be corrected did not qualify as an officially stated agency policy, and thus Commission's approval of natural gas utility's use of accounting measure that resulted in reserve surplus was not inconsistent with any official policy; Commission had taken a variety of approaches to correcting imbalances, and in more recent order, Commission had stated that its depreciation rule did not require reserve transfers to be performed, but only that reserve imbalances be identified.

Public Service Commission's decision to approve natural gas utility's use of depreciation parameter that would result in reserve surplus and its approval of corrective measure to account for surplus fell within range of permissible policy choices and thus within Commission's delegated discretion; Commission recognized that depreciation parameter would result in reserve surplus and then considered what corrective measures should be taken with regard to surplus, Commission heard testimony on utility's proposed corrective measure and Office of Public Counsel's (OPC) proposed corrective measure, and Commission concluded that utility's proposed method would allow it to manage day-to-day fluctuations as well as take on risk of both actual current as well as potential future increases in rates and inflation.

Public Service Commission's approval of natural gas utility's use of depreciation parameter that resulted in reserve surplus and corrective measure to account for that surplus did not contravene prior Commission practice, despite fact that Commission had previously only approved such accounting techniques when they were advanced in context of a settlement agreement; Commission reasonably explained its action, legislature's grant of authority to Commission to fix fair and reasonable rates did not condition that authority on whether a case was litigated or settled, and there were not prior cases identified where Commission refused to approve accounting techniques at issue.

Public Service Commission's approval of natural gas utility's use of depreciation parameter that resulted in reserve surplus was supported by competent, substantial evidence, including testimony that depreciation parameter was based on parameters for similar assets recently approved by Commission, parameter was within reasonable range of alternative depreciation parameters typically proposed by other parties litigating depreciation studies before Commission, parameter was generally in line with depreciation parameters proposed by Office of Public Counsel's (OPC) witness, and service lives and net salvage estimates used in depreciation parameter were not outside overall range of reasonableness of similar depreciation studies.

Public Service Commission's approval of corrective measure to account for reserve surplus created by natural gas utility's proposed depreciation parameter used in setting new utility rates was supported by competent, substantial evidence, including testimony of utility's witness that using corrective measure would enable utility to avoid increasing base rates for several years, providing customers with rate stability and certainty, avoiding repetitive and costly rate proceedings, and enabling utility to continue to focus on providing safe, reliable, and affordable service, and testimony that corrective measure, along with depreciation parameter, would save customers nearly $10.8 million over four-year rate plan.

Public Service Commission's prior statements in previous rate-approval proceedings that acquisition adjustments do not survive subsequent transfers or purchases of a utility's assets did not establish an official policy concerning the continuation of acquisition adjustments that would have precluded Commission from continuing natural gas utility's accounting adjustment related to previous acquisition of utility in approving utility's proposed rate increase; Commission's prior statements involved water and wastewater utilities, which operated under different regulatory scheme than gas utilities, gas utilities were not subject to any acquisition adjustment rules, and Commission had previously allowed gas utilities to continue acquisition adjustments after subsequent acquisitions.

Public Service Commission's decision to continue natural gas utility's accounting adjustment related to previous acquisition of utility, in approving utility's proposed rate increase, was supported by competent, substantial evidence, including testimony that utility's acquisition adjustment had already survived previous purchase of utility and that the 30-year amortization period for the acquisition adjustment had not yet ended.

BOGS - MASSACHUSETTS

Watermark LLC v. R H Benea Cranberry Co., Inc.

Supreme Judicial Court of Massachusetts, Plymouth - June 12, 2026 - N.E.3d - 2026 WL 1699683

Prospective purchaser of agricultural land brought action against seller and town seeking specific performance and declaratory relief after town exercised its statutory right of first refusal to purchase property that prospective purchaser had contracted to buy from seller.

The Superior Court Department granted defendants' cross motion for summary judgment. Prospective purchaser appealed.

The Supreme Judicial Court held that:

- Notice of intent to sell was sufficient to trigger town's statutory right of first refusal;
- Notice plainly stated that lots would be subdivided for some non-agricultural use for purposes of triggering town's statutory right of first refusal;
- Town's receipt of statutorily required notice of intent caused town's statutory right of first refusal to ripen into option to purchase;
- Option to purchase was not terminated by joint letter by seller and prospective purchaser purporting to withdraw notice before town elected to exercise option; and
- Town's statutory first refusal option was not limited to subset of land identified in notice of intent to sell as intended for nonagricultural use, but instead extended to entire 25-acre parcel.

PUBLIC EMPLOYMENT - MINNESOTA

Matter of Groebner

Supreme Court of Minnesota - June 3, 2026 - N.W.3d - 2026 WL 1579625

Widow of patrol officer who died from vascular rupture applied for line-of-duty death benefits under state public safety officer death benefits statute, claiming officer's death occurred within 24 hours of

his last patrol shift.

An administrative law judge (ALJ) of the Office of Administrative Hearings granted Commissioner of Public Safety's motion for summary disposition, finding officer did not engage in nonroutine stressful or strenuous physical law enforcement activity during his last shift.

Widow appealed, and the Court of Appeals reversed and remanded. Commissioner petitioned for review, and widow conditionally cross-petitioned for review. The Supreme Court granted both petitions.

The Supreme Court held that:

- Genuine issue of material fact as to whether officer engaged in a situation involving nonroutine stressful or strenuous physical law enforcement or other emergency response activity during his final shift precluded summary disposition on whether his widow was entitled to line-of-duty death benefits, and
- If patrol officer's death did not satisfy the criteria for the statutory presumption that he was "killed in the line of duty," or the Commissioner of Public Safety successfully rebutted the presumption, widow could present her own medical evidence to show that officer was "killed in the line of duty."

BONDS - TEXAS

River Creek Development Corporation v. Preston Hollow Capital, LLC

Supreme Court of Texas - June 12, 2026 - S.W.3d - 2026 WL 1699928 - 69 Tex. Sup. Ct. J. 1038

City and local government corporation filed complaint against out-of-state bond issuer, bond holder, and construction company for declaratory judgment that bonds, loan agreement, promissory note, and interlocal agreement related to public improvements project were void for failure to comply with the Public Improvement District Act and Transportation Code, and holder counterclaimed for declaratory judgment that note and contracts were enforceable.

The 425th District Court granted summary judgment in favor of holder and awarded holder attorney's fees and costs. Plaintiffs appealed. On appeal, the Austin Court of Appeals affirmed. Plaintiffs petitioned for review.

The Supreme Court held that:

- Transaction documents were not void due to corporation's failure to submit documents to Attorney General for examination and approval pursuant to the Transportation Code;
- Provision of the Public Improvement District Act that allowed costs to be paid with funds obtained from bonds by state entities did not apply to interlocal agreement, thus, agreement was not rendered void because corporation financed improvements with loan from out-of-state bond issuer;
- Trial court's error, if any, in considering two attorney opinion letters addressing validity of loan on bond holder's motion for summary judgment was harmless; and
- Trial court did not abuse its discretion in determining that awarding fees to bond holder was equitable and just.

Transaction documents between city, local government corporation, and bond holder involved in the financing of public improvements for a public improvement district, which included a loan agreement, a promissory note, an interlocal agreement, and bonds, were not void due to

corporation's failure to submit the documents to the Attorney General for examination and approval pursuant to the Transportation Code; Code distinguished between authorization of the note and approval, as it indicated that a note was authorized independent of whether the Attorney General had examined and approved it, and the Code's purposes of financing public improvements and safeguarding citizens from unauthorized transactions were fulfilled without the consequence of voiding the documents.

Provision of the Public Improvement District Assessment Act that allowed improvement costs to be paid with funds obtained from bonds by state entities did not apply to the interlocal agreement through which city purchased certain improvements in a public improvement district from local government corporation, and thus, agreement was not rendered void because corporation financed the improvements with a loan from out-of-state bond issuer; agreement was by its terms an installment sales contract between city and corporation, and the Act expressly allowed improvement costs to be paid under an installment sales contract between a municipality and a person who acquired, installed, or constructed the improvements, with assessment income used to make the installment payments.

Trial court's error, if any, in considering two attorney opinion letters addressing the validity of the loan that local government corporation secured from out-of-state bond issuer to finance improvements to a public improvement district purchased by city on bond holder's motion for summary judgment was harmless, in city and corporation's action against bond issuer and holder for declaratory judgment that the bonds, loan agreement, promissory note, and interlocal agreement governing the improvements were void due to corporation's failure to submit the documents to the Attorney General pursuant to the Public Improvement District Act; even if the opinion letters were inadmissible as legal conclusions, the trial court's decision on summary judgment was one of law.

Trial court did not abuse its discretion in determining that awarding fees to bond holder was equitable and just under the Declaratory Judgments Act, even though holder did not introduce separate facts proving by a preponderance of the evidence that the requested fee award would be equitable and just, in action brought against out-of-state bond issuer, construction company, and holder by city and local government corporation for declaratory judgment that the bonds, loan agreement, promissory note, and interlocal agreement governing the improvements were void due to corporation's failure to submit the documents to the Attorney General pursuant to the Public Improvement District Act; whether fees were just was not a fact question, as the determination was not susceptible to direct proof.

ZONING & PLANNING - WASHINGTON

Spanaway Concerned Citizens v. Pierce County

Court of Appeals of Washington, Division 2 - June 2, 2026 - P.3d - 2026 WL 1543588

Community group appealed, under Land Use Petition Act (LUPA), decisions by hearing examiner for county department of planning and public works approving applicant's planned development district and conditional use permit to build shared housing village to serve county's chronically unhoused population and denying group's motion for reconsideration.

The Superior Court affirmed examiner's decisions. Group appealed.

The Court of Appeals held that:

- Applicant did not have to obtain purported easement owner's consent prior to its application vesting;
- Group did not lack standing to challenge approval of application;
- Application did not fail to vest due to being inconsistent with maximum density allowed by county's comprehensive plan; and
- County and applicant were entitled to award of attorney fees, as prevailing parties.

ZONING & PLANNING - MAINE

Mick Land Development, Inc. v. Town of South Berwick

Supreme Judicial Court of Maine - June 2, 2026 - A.3d - 2026 WL 1542870 - 2026 ME 53

Subdivision developer brought action seeking review of town planning board's decision to approve subdivision conditioned on switch of subdivision's proposed primary and emergency access roads.

Following remand for further findings of fact and conclusions of law, the Superior Court affirmed the board's decision. Developer appealed.

The Supreme Judicial Court held that:

- Board had authority under subdivision ordinances to condition approval of subdivision on road switch;
- Ordinance was not an unlawful delegation of legislative power;
- Conditional approval was supported by substantial evidence; and
- Decision was not arbitrary and capricious.

OPEN MEETINGS - RHODE ISLAND

Solas v. South Kingstown School Committee

Supreme Court of Rhode Island - May 29, 2026 - A.3d - 2026 WL 1501086

Community member brought action against school committee pursuant to the Open Meetings Act (OMA), seeking declaration that any actions taken by equity and anti-racist advisory board without an open public meeting were null and void.

Parties filed cross-motions for summary judgment. The Superior Court entered summary judgment for school committee. Community member appealed.

The Supreme Court held that equity and anti-racist advisory board was not a "public body" subject to the OMA.

Equity and anti-racist advisory board was not a "public body" subject to open meetings requirement of the Open Meetings Act (OMA); board was sporadic, ad hoc group of volunteers created by school committee for purpose of discussing personal experiences and concerns about inequity in school district and making suggestions about how to create a more inclusive school community, and upon receipt of board's suggestions, a policy sub-committee would deliberate and advise school committee on what, if any, changes might be implemented, board's policy proposals were submitted to policy sub-committee, which had discretion to accept board's suggestions, in whole or in part, and then

forward board's suggestions to school committee, which, like policy sub-committee, was a public body and held open meetings.

JURISDICTION - TEXAS

State v. City of McAllen

Supreme Court of Texas - June 5, 2026 - S.W.3d - 2026 WL 1614384

Cities filed petition against state seeking declaratory judgment that state statute setting fees payable by utility providers for installation of wireless network nodes in public rights-of-way violated state constitution's Gift Clauses.

The 353rd District Court, Travis County, granted in part and denied in part parties' motions for partial summary judgment, and parties appealed. The Austin Court of Appeals affirmed in part, reversed in part, and remanded. Parties petitioned for review.

The Supreme Court held that cities' failure to name proper defendant deprived courts of jurisdiction over action.

Cities' failure to name state officer or agency responsible for their injuries arising from state statute reducing amount of fees they could charge utility providers for installation of wireless network nodes in public rights-of-way deprived courts of jurisdiction over their action against state seeking declaratory judgment that statute violated state constitution's Gift Clauses, even though cities were proper plaintiffs; cities did not allege that any officer of agency had taken or threatened any adverse action against cities in connection with challenged statutes or that anyone in state government was likely to do so, and judgment against state would not require non-party providers to do or refrain from doing anything at all.

PREEMPTION - WEST VIRGIINIA

City of Weirton v. SWN Production Company, LLC

Supreme Court of Appeals of West Virginia - June 3, 2026 - S.E.2d - 2026 WL 1584498

Natural gas production company filed petition for writ of certiorari challenging city board of zoning appeals' (BZA) denial of conditional use permit for oil and gas extraction activities and filed separate declaratory judgment action against city asserting that city's zoning ordinance was preempted by state environmental statutes.

The Circuit Court consolidated the actions, dismissed the declaratory judgment complaint finding no conflict between city's zoning ordinance and state law, and affirmed the board's denial of the conditional use permit. Company appealed.

The Intermediate Court of Appeals reversed dismissal of the declaratory judgment complaint, and subsequently dismissed the certiorari appeal. Company and city both appealed.

The Supreme Court of Appeals held that:

- City zoning ordinances were not preempted by state statutes regulating production of oil and natural gas, and
- Intermediate Court of Appeals lacked jurisdiction to hear appeal of decision on company's petition for writ of certiorari.

Statutes regulating production of oil and natural gas did not preempt city's zoning ordinance regulating oil and gas drilling in its entirety; there was no repugnancy in ordinance creating an irreconcilable conflict, but rather, the overlap in regulation of same activity created false conflict resulting from city, its zoning board, and Department of Environmental Protection's (DEP) legitimate pursuit of their delegated goals.

IMMUNITY - COLORADO

Sandoval v. City of Colorado Springs

Supreme Court of Colorado - May 26, 2026 - P.3d - 2026 WL 1466608 - 2026 CO 34

Motorist, who was injured in collision at intersection with inoperative traffic signal, brought negligence action against city, alleging city failed to repair traffic signal and had waived sovereign immunity under Colorado Governmental Immunity Act.

The District Court denied city's motion to dismiss for lack of subject matter jurisdiction. City appealed, and the Court of Appeals reversed. Motorist petitioned for certiorari review, which was granted.

The Supreme Court held that traffic control signals displayed "conflicting directions" such that city's sovereign immunity was waived for motorist's negligence claims following collision in the intersection.

Traffic control signals displayed "conflicting directions" when motorist faced a blank, inoperative traffic light and the perpendicular driver faced a green light, such that city's sovereign immunity was waived for motorist's negligence claims following collision in the intersection; inoperative northbound traffic light indicated that motorist should treat the light as a stop sign while entering a through street, while properly functioning eastbound light caused perpendicular driver to enter the intersection without stopping.

BOND ELECTION - IOWA

In re Election Contest of Highland School Bond Referendum

Supreme Court of Iowa - May 1, 2026 - N.W.3d - 2026 WL 1188898

Contestants sought judicial review of county election contest board's rejection of their contest of school bond election based on allegation that erroneous distribution of ballots including bond measure to precinct voters who did not reside in school district resulted in illegal votes.

The District Court granted summary judgment in favor of school district board of directors and affirmed rejection of contest. Contestants appealed.

The Supreme Court held that contestants' failure to provide names of persons alleged to have voted illegally in election precluded trial court from considering their challenge to it.

Contestants' failure to provide names of persons alleged to have voted illegally in school bond election precluded trial court from considering their challenge to election, on ground that erroneous distribution of ballots including bond measure to precinct voters who did not reside in school district resulted in illegal votes; provision of names was requirement for exercise of statutory right to contest school bond elections on illegal voting grounds.

Supreme Court of Iowa holds that contestants' failure to provide names of persons alleged to have voted illegally in school bond election precluded trial court from considering their challenge to election, on ground that erroneous distribution of ballots including bond measure to precinct voters who did not reside in school district resulted in illegal votes; provision of names was requirement for exercise of statutory right to contest school bond elections on illegal voting grounds.

OPEN MEETINGS - OKLAHOMA

Oklahoma Schools Risk Management Trust v. Lexington School District

Supreme Court of Oklahoma - May 27, 2026 - P.3d - 2026 WL 1480281 - 2026 OK 38

Public trust providing self-insurance coverage for schools brought action against member school districts for failure to pay invoices and sought declaratory judgment that amended trust agreement, which public trust's board of trustees adopted at meeting allegedly conducted in violation of the Oklahoma Open Meeting Act (OMA), created obligation to pay.

The District Court denied trust's motion for partial summary judgment and granted school districts' cross-motions for partial summary judgment. Trust petitioned for certified interlocutory appeal, which was granted.

The Supreme Court held that:

- Trust's vote to adopt and submit revised amended trust agreement did not fall within "new business" exception to OMA's advance public notice requirement;
- Trust's withdrawal of prior submission of amended trust agreement and vote to adopt and submit revised amended trust agreement was a substantive act, not housekeeping or ministerial clean-up;
- Trust violated OMA by voting on matters outside scope of posted agenda; and
- Trust's violation of OMA was willful.

PREVAILING WAGE LAW - PENNSYLVANIA

PSP NE, LLC v. Pennsylvania Prevailing Wage Appeals Board

Supreme Court of Pennsylvania - May 19, 2026 - A.3d - 2026 WL 1406719

Developer of build-to-suit lease for benefit of Pennsylvania State Police sought review of decision of Prevailing Wage Appeals Board (PWAB), finding that project was a "public work" subject to Prevailing Wage Act (PWA).
The Commonwealth Court reversed. Bureau of Labor Law Compliance petitioned for review.

The Supreme Court held that:

- Totality of circumstances demonstrated that economic reality of lease was not a bona fide lease, but instead contained requirements for developer to construct a facility specifically designed for

state police’s use, and
- Developer did not bear all of the risk of developing training facility.

EMINENT DOMAIN - TEXAS

In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs

United States Court of Federal Claims - April 22, 2026 - Fed.Cl. - 2026 WL 1110733

Owners of property downstream from flood control reservoirs filed suit against United States, claiming flooding resulting from United States Army Corps of Engineers intentionally opening reservoir gates to release water during hurricane was Fifth Amendment taking.

The Court of Federal Claims granted government’s motion to dismiss and for summary judgment, owners appealed, and United States Court of Appeals for the Federal Circuit reversed and remanded. Parties filed cross-motions for summary judgment, and Court held a limited trial.

On remand, the Court of Federal Claims held that:

- Factor considering time and duration of flooding weighed in favor of finding flooding was temporary taking;
- Government intended and foresaw flooding as shown by flowage maps, supporting finding flooding was temporary taking;
- Factor considering severity of government’s actions weighed in favor of finding flooding impact constituted taking;
- Character of land, and owners’ reasonable investment-backed expectations, weighed in favor of finding flooding was taking;
- Provision in manual requiring induced surcharges under certain conditions acted as regulation that amounted to per se taking;
- Recurring flooding under manual provision was permanent physical taking;
- Reasonable property owner could not have foreseen induced surcharge regulation at time government committed to building and maintaining dams;
- Evidence supported conclusion properties experienced greater flooding due to releases as required to show causation;
- Government failed to show actual emergency or imminent danger, as required to show necessity doctrine was applicable a defense to taking claim;
- Releases were intended to invade properties and invasion was direct result of authorized activity, supporting conclusion flooding was taking rather than tort; and
- Police powers defense did not absolve government of liability for takings through government-induced flooding.

ZONING & PLANNING - VIRGINIA

Garrett v. Roanoke City Council

Court of Appeals of Virginia - June 2, 2026 - S.E.2d - 2026 WL 1542085

Several neighbors brought action against city and developers seeking declaratory judgment and injunctive relief from city’s decision to rezone parcels from residential single-family to mixed-use planned unit development to enable construction of 24 townhomes.

The Roanoke Circuit Court sustained defendants' demurrer and dismissed complaint with prejudice. Neighbors appealed.

The Court of Appeals held that:

- Planning commission had the implied authority to reschedule consideration of rezoning application from one regularly scheduled meeting to another regularly scheduled meeting;
- Planning commission reasonably exercised its implied authority when it rescheduled consideration of rezoning application;
- Planning commission that rescheduled consideration of rezoning application from one meeting to another was not required to comply with advertising requirement of statute which became effective after the first meeting but before the next;
- Developer's nonsubstantive changes in rezoning application did not require planning commission to readvertise its consideration of the application;
- Townhome development project satisfied city zoning ordinance's definition of a mixed-use development or planned unit development;
- There was no conflict between state land-use statute and city ordinance authorizing a mixed-use planned unit development district; and
- City produced sufficient evidence of the reasonableness of its rezoning decision to make the question fairly debatable, such that its decision was not arbitrary and capricious.

EDUCATION - WYOMING

Degenfelder v. Wyoming Education Association

Supreme Court of Wyoming - May 14, 2026 - P.3d - 2026 WL 1338604 - 2026 WY 54

Education association and group of public school parents brought action against State seeking declaration that Steamboat Legacy Scholarship Act, which established education savings account (ESA) program for assisting with paying tuition and other educational expenses if parents chose not to send their children to public school, violated State's educational obligations under State Constitution and State Constitution's prohibitions on private appropriations and on state loans, donations, or aid except for necessary support of the poor.

The District Court granted motion for preliminary injunction. State appealed.

The Supreme Court held that:

- Court had jurisdiction over the appeal, and
- Association and group did not show possible irreparable injury absent grant of preliminary injunction.

Supreme Court had jurisdiction to review order granting preliminary injunction in action seeking declaration that Steamboat Legacy Scholarship Act, which established education savings account (ESA) program for assisting with paying tuition and other educational expenses if parents chose not to send their children to public school, violated State's educational obligations under State Constitution and State Constitution's prohibitions on private appropriations and on state loans, donations, or aid except for necessary support of the poor; an order granting a preliminary injunction was immediately appealable.

Education association and group of public school parents who opposed education savings account (ESA) program created by Steamboat Legacy Scholarship Act did not show possible irreparable

injury, relating to alleged lack of clawback mechanism to recover spent ESA funds, absent grant of preliminary injunction, in action seeking declaration that Act, which established ESA program for assisting with paying tuition and other educational expenses if parents chose not to send their children to public school, facially violated State's educational obligations under State Constitution and State Constitution's prohibitions on private appropriations and on state loans, donations, or aid except for necessary support of the poor; there was no explanation of how lack of clawback mechanism might impair rights of association and group or otherwise injure them.

Steamboat Legacy Scholarship Act did not show possible irreparable injury, relating to Act's alleged funding of private schools with discriminatory policies, absent grant of preliminary injunction, in action seeking declaration that Act, which established ESA program for assisting with paying tuition and other educational expenses if parents chose not to send their children to public school, facially violated State's educational obligations under State Constitution and State Constitution's prohibitions on private appropriations and on state loans, donations, or aid except for necessary support of the poor, where parents who opposed Act did not use ESA program or have any intent to use ESA program.

Education association and group of public school parents who opposed education savings account (ESA) program created by Steamboat Legacy Scholarship Act did not show possible irreparable injury, relating to fundamental state constitutional right to education, absent grant of preliminary injunction, in action seeking declaration that Act, which established ESA program for assisting with paying tuition and other educational expenses if parents chose not to send their children to public school, facially violated State's educational obligations under State Constitution and State Constitution's prohibitions on private appropriations and on state loans, donations, or aid except for necessary support of the poor; there was no explanation of how Act affected the fundamental right to education, and funds for ESAs came from general fund and did not affect school funding model or permanent school fund.

Education association and group of public school parents who opposed education savings account (ESA) program created by Steamboat Legacy Scholarship Act did not show possible irreparable injury, relating to legislature's duty to provide high-quality public education, absent grant of preliminary injunction, in action seeking declaration that Act, which established ESA program for assisting with paying tuition and other educational expenses if parents chose not to send their children to public school, facially violated State's educational obligations under State Constitution and State Constitution's prohibitions on private appropriations and on state loans, donations, or aid except for necessary support of the poor; there were no allegations that funding the Act somehow constitutionally compromised public school funding.

IMMUNITY - CALIFORNIA

Sargenti v. City of Long Beach

Court of Appeal, Second District, California - May 15, 2026 - Cal.Rptr.3d - 2026 WL 1362086

Electric scooter rider brought negligence action against city, alleging it created or negligently maintained a defective condition, namely, "a sidewalk uplift" caused by an asphalt patch on the sidewalk, that caused him to fall off his scooter and suffer injuries.

The Superior Court granted city's motion for summary judgment. Rider appealed.

The Court of Appeal held that:

- Plaintiff, as appellant, was not entitled to supplemental briefing before Court of Appeal affirmed on different basis than trial court's ruling;
- Court of Appeal allowed parties to submit supplemental briefing;
- City did not have actual notice of alleged "dangerous condition" caused by asphalt patch, as would be required for it to be liable;
- City's amended interrogatory responses as to whether it placed the patch did not create a triable issue of material fact on issue of whether city had actual notice of the patch; and
- Trial court was not permitted to rely on inadmissible evidence offered by rider to create a triable issue of fact, on grounds rider would be able to cure defects at trial.

LAND USE LEGISLATION - DELAWARE

Town of Fenwick Island v. State

Supreme Court of Delaware - May 26, 2026 - A.3d - 2026 WL 1468816

County and town brought action against the State, the Governor, and company whose application for a conditional use permit to build an electrical substation on its property that would receive power from planned offshore wind turbine project was denied by the county, challenging constitutionality of recently adopted statute that had the effect of approving company's permit, alleging the statute violated the separation of powers doctrine, state constitutional provisions that authorized the General Assembly to enact laws that allowed municipalities and counties to adopt zoning ordinances and that provided that no bill shall embrace more than one subject, as well as the public's due process rights.

The Court of Chancery entered summary judgment for the defendants. County and town appealed.

The Supreme Court held that:

- The statute did not violate the separation of powers doctrine;
- In enacting the statute, General Assembly did not violate constitutional provision authorizing it to enact laws allowing municipalities and counties to adopt zoning ordinances and other land use regulations;
- Statute's title satisfied the constitutional requirement of particularization in the title of legislation; and
- Statute did not violate Constitution's one-subject limitation.

PUBLIC EMPLOYMENT - MASSACHUSETTS

Robinson v. Town of Marshfield

Supreme Judicial Court of Massachusetts, Plymouth - May 15, 2026 - N.E.3d - 2026 WL 1354560

Town's former fire chief brought discrimination action against town, among other parties, alleging retaliation, among other claims.

The Superior Court Department granted in part and denied in part town's summary judgment motion, and, after a jury verdict, awarded former fire chief compensatory and punitive damages, and

denied town's motion for judgment notwithstanding the verdict or for new trial or remittitur. Town appealed.

Upon transfer, the Supreme Judicial Court held that:

- Evidence was sufficient to support jury's finding that former fire chief reasonably believed that town fire department discriminated against his niece, a firefighter, because of her gender and that former chief engaged in protected activity;
- Evidence was sufficient to support jury's finding that causal connection existed between protected activity and town's adverse employment actions;
- Retaliation claim was governed by pretext framework, rather than mixed-motive framework;
- Jury instructions impermissibly blended pretext and mixed-motive language;
- Errors in jury instructions and special verdict form that introduced mixed-motive concepts into pretext retaliation action were not prejudicial;
- Evidence supported punitive damages award; and
- Former chief was entitled to recover reasonable appellate attorney fees and costs as prevailing party.

SHERMAN ACT - TEXAS

Megatel Homes, L.L.C v. City of Mansfield, Texas

United States Court of Appeals, Fifth Circuit - May 21, 2026 - F.4th - 2026 WL 1428978

Developers that sought to develop land outside of city brought action for declaratory relief and damages against city, alleging city violated the Sherman Act and committed tortious interference, fraud, and negligent misrepresentation under state law when it denied developers access to water utility services from special utility district within city's extraterritorial jurisdiction unless developers acquiesced to city's demands that it consent to the land's annexation, permitting city control and taxation, and pay various and sundry development fees.

The United States District Court for the Northern District of Texas adopted report and recommendation of United States Magistrate Judge, and granted city's motion to dismiss the Sherman Act claims and declined to exercise supplemental jurisdiction over the state law claims. Developers appealed.

The Court of Appeals held that city did not have state-action immunity from developers' Sherman Act claims.

Although Texas Water Code conveyed clear intent to permit monopolies in water utilities, it conferred that authority only to the special utility district granted certificate of convenience and necessity by the State with respect to land developers sought to develop that was within city's extraterritorial jurisdiction, but Texas law did not permit city to act anticompetitively, and thus, city did not have state-action immunity from developers' Sherman Act claims alleging city denied developers access to water utility services unless developers acquiesced to city's demands that it consent to the land's annexation, permitting city control and taxation, and pay various and sundry development fees; Code provision explicitly permitting monopolistic behavior specified that utilities were monopolies in the areas they served.

BONDS - TEXAS

Paxton v. City of Austin

Supreme Court of Texas - May 22, 2026 - S.W.3d - 2026 WL 1445577 - 69 Tex. Sup. Ct. J. 810

Taxpayers brought action against city and local government corporation, challenging the execution of mass transit project and its alleged changes since voters approved ballot proposition to fund the project.

In response to taxpayers' action, city and corporation filed petition under the Expedited Declaratory Judgment Act (EDJA), seeking declaration of authority to collect and dedicate tax to support the project and to issue bonds, which was consolidated with taxpayers' action.

Attorney General intervened and filed plea to the jurisdiction arguing that neither city nor corporation qualified as an "issuer" of bonds under EDJA. The 53rd District Court declined to rule on Attorney General's plea and notified parties that court intended to proceed to trial. Attorney General filed notice of interlocutory appeal, and city and corporation moved to dismiss the appeal. The Court of Appeals dismissed appeal for lack of appellate jurisdiction. Attorney General petitioned for review.

The Supreme Court held that:

- Trial court abused its otherwise broad discretion to manage progress of case when court called case to trial without first resolving Attorney General's plea to the jurisdiction;
- Trial court's calling of case to trial on merits was not an "order" denying Attorney General's plea to the jurisdiction, as could be subject of interlocutory appeal; and
- Mandamus was appropriate remedy for trial court's improper refusal to rule on Attorney General's plea to jurisdiction.

Trial court abused its otherwise broad discretion to manage progress of case when court called case to trial without first resolving Attorney General's plea to the jurisdiction, in case in which city and local government corporation sought declaration under Expedited Declaratory Judgment Act (EDJA) that corporation could issue bonds to fund transit project, while Attorney General answered and filed plea to jurisdiction arguing that neither city nor corporation qualified as an "issuer" of bonds under EDJA, leading corporation to urge trial court to avoid ruling on plea to jurisdiction so as not to trigger interlocutory appeal and delay the expedited proceedings; any concerns about delay did not allow court to pocket-veto jurisdictional arguments, and courts were not empowered to deny government its statutory appellate rights.

Trial court's calling of case to trial on merits was not an "order" denying Attorney General's plea to the jurisdiction, as could be subject of interlocutory appeal, in case in which city and local government corporation sought declaration under Expedited Declaratory Judgment Act (EDJA) that corporation could issue bonds to fund transit project, while Attorney General answered and filed plea to jurisdiction arguing that neither city nor corporation qualified as an "issuer" of bonds under EDJA, leading trial court to avoid ruling on plea to jurisdiction, and instead call case to trial, so as not to trigger possibility of interlocutory appeal and delay the expedited proceedings, where court explicitly refused to rule at all on the plea to the jurisdiction.

Mandamus was appropriate remedy for trial court's improper refusal to rule on Attorney General's plea to jurisdiction before calling case for trial on merits, in case in which city and local government corporation sought declaration under Expedited Declaratory Judgment Act (EDJA) that corporation

could issue bonds to fund transit project, while Attorney General answered and filed plea to jurisdiction arguing that neither city nor corporation qualified as an “issuer” of bonds under EDJA, leading trial court to avoid ruling on plea to jurisdiction, and instead call case to trial, so as not to trigger possibility of interlocutory appeal and delay the expedited proceedings; no adequate remedy by appeal existed when a court’s refusal to rule deprived a governmental unit of its statutory right to interlocutory review of jurisdictional determinations.

Supreme Court would construe Attorney General’s petition for review as one for mandamus, in Attorney General’s challenge to trial court’s refusal to rule on plea to jurisdiction in case in which city and local government corporation sought declaration under Expedited Declaratory Judgment Act (EDJA) that corporation could issue bonds to fund transit project, while Attorney General answered and filed plea to jurisdiction arguing that neither city nor corporation qualified as an “issuer” of bonds under EDJA, leading trial court to avoid ruling on plea to jurisdiction so as not to trigger possibility of interlocutory appeal and associated delay, even though Attorney General did not request mandamus relief until its motion for rehearing in Court of Appeals; because substance of any mandamus petition would be the same as interlocutory appeal, city and corporation suffered no prejudice from timing of request for mandamus relief.

ELECTIONS - VERMONT

Morin v. City of Burlington

Supreme Court of Vermont - May 15, 2026 - A.3d - 2026 WL 1378677 - 2026 VT 17

Two citizens registered to vote in city brought action against city seeking declaratory judgment and injunctive relief, claiming that city charter amendment allowing noncitizens to vote in school-board and school-budget elections violated voter-eligibility requirements in state constitution.

The Superior Court granted city’s motion to dismiss for failure to state a claim upon which relief can be granted and dismissed case with prejudice. Citizens appealed.

The Supreme Court held that citizens failed to demonstrate that school-board and school-budget elections were statewide elections subject to the voter-eligibility requirements of the Vermont Constitution.

Citizens that brought constitutional challenge to city charter amendment allowing noncitizens to vote in school board and school budget elections failed to demonstrate that school-board and school-budget elections were statewide elections subject to the voter-eligibility requirements of the Vermont Constitution; the Legislature had expressly indicated that school matters were local and had delegated the administration of school districts to municipalities which were structurally subordinate to the State and could not create State obligations, and it was not municipal votes that decided statewide expenditures but the State’s use of those municipal votes when crafting a funding formula.

EMINENT DOMAIN - COLORADO

Northern Integrated Supply Project Water Activity Enterprise v. VIMA Partners, LLC

Supreme Court of Colorado - May 4, 2026 - P.3d - 2026 WL 1205980 - 2026 CO 29

Water activity enterprise that was owned by water conservancy district filed condemnation petition seeking to acquire permanent and temporary construction easements on landowner's property for surveying, locating, construction, operation, and maintenance of water delivery pipelines and related infrastructure.

The District Court denied landowner's motion for judgment on the pleadings and ruled that enterprise had condemnation authority. Landowner filed petition for relief in an original proceeding in the Supreme Court.

The Supreme Court held that:

- Court would exercise original jurisdiction over landowner's petition;
- A water activity enterprise has statutory authority to condemn private property in relation to water activities; and
- Enterprise had authority to condemn easements for water delivery pipelines and related infrastructure.

Supreme Court would exercise original jurisdiction over landowner's petition challenging trial court's condemnation ruling that water activity enterprise had statutory authority to condemn construction easements on landowner's property for surveying, locating, construction, operation, and maintenance of water delivery pipelines and related infrastructure; appellate remedy would have been inadequate because enterprise would take immediate possession of the land and potentially damage that land while appellate review was pending.

Water activity enterprise that was owned by water conservancy district had authority under water activity enterprise statute and Water Conservancy Act to condemn construction easements on landowner's property for surveying, locating, construction, operation, and maintenance of water delivery pipelines and related infrastructure for a water delivery and distribution project; pipelines and infrastructure were indisputably related to water activities in the form of acquisition, carriage, delivery, and distribution of water.

A water activity enterprise that is owned by a water conservancy district may exercise legal authority for actions taken in connection with its water activities, even if the action itself is not expressly identified as a water activity under the water activity enterprise statute.

PUBLIC OFFICE - MARYLAND

Guthrie v. Vincenti

Appellate Court of Maryland - May 6, 2026 - A.3d - 2026 WL 1242900

County council member filed complaint against council's president, seeking declaratory and injunctive relief for his allegedly wrongful removal from county council following criminal plea proceedings.

The Circuit Court granted council president's motion for summary judgment, and council member appealed.

The Appellate Court held that council member entered nolo contendere plea to felony theft, which plea triggered his removal from elective office by operation of law.

County council member entered nolo contendere plea to felony theft, which plea triggered his removal from elective office by operation of law; after member indicated his intent to enter plea of nolo contendere, trial judge confirmed that plea was knowing, voluntary, and intelligent, judge confirmed his acceptance of plea, member signed modified waiver of rights form stating that he consented to entering plea of nolo contendere, trial judge misspoke when stating that he would strike nolo contendere plea, record indicated that judge intended to strike guilty verdict, to accept nolo contendere plea, and to sentence member to probation before judgment, judge realized, while sentencing member to probation before judgment, that guilty verdict could not stand alongside nolo contendere plea and, therefore, explained that he was going to strike guilty verdict to preserve plea's compliance with rule governing pleas.

LIABILITY - NEW YORK

Rolle v. JCDecaux Street Furniture New York, LLC

Supreme Court, Appellate Division, Second Department, New York - May 6, 2026 - N.Y.S.3d - 2026 WL 1236893 - 2026 N.Y. Slip Op. 02859

Worker brought action against company that owned bus shelter at time of accident, successor company, city, and city department of transportation to recover damages for negligence and violations of scaffold law, workplace-safety statute applicable to owners and contractors, and statute requiring owners and contractors to provide reasonable and adequate protection and safety for construction workers, arising from injuries that worker allegedly sustained when he was power-washing bus shelter and interior panel fell from shelter and hit his head.

The Supreme Court, Kings County, denied worker's motion for summary judgment and granted defendants' cross-motion for summary judgment. Worker appealed.

The Supreme Court, Appellate Division, held that:

- Defendants were not liable, under scaffold law, for worker's injuries, but
- Denial was warranted of defendants' cross-motion for summary judgment for dismissal of worker's claims for violations of workplace-safety statute applicable to owners and contractors and statute requiring owners and contractors to provide reasonable and adequate protection and safety for construction workers.

ZONING & PLANNING - SOUTH DAKOTA

Save Centennial Valley Association, Inc. v. McGruder

Supreme Court of South Dakota - May 6, 2026 - N.W.3d - 2026 WL 1255698 - 2026 S.D. 26

Citizens' association filed petition for writ of mandamus seeking to compel a referendum on county commission's amendment of zoning ordinance to substitute board of adjustment for commission to consider conditional use permit (CUP) applications.

The Circuit Court of the Fourth Judicial Circuit granted county's motion for judgment on the pleadings and denied the writ. Citizens' association appealed.

The Supreme Court held that commission's substitution of board for commission to consider CUP applications was not a legislative decision subject to referendum.

County commission's amendment of zoning ordinance to substitute board of adjustment for county commission to consider conditional use permit (CUP) applications was not a "legislative decision" subject to referendum, but rather was an administrative decision; amended ordinance did not establish a new rule or policy for CUP applications, and amended ordinance merely put into execution a plan already adopted by the governing body itself or by Legislature by providing that the commissioners sitting as the board of adjustment were responsible for CUP decisions.

ECONOMIC DEVELOPMENT AGREEMENTS - TEXAS

JPMorgan Chase Bank, N.A. v. City of Corsicana

Supreme Court of Texas - May 8, 2026 - S.W.3d - 2026 WL 1261549 - 69 Tex. Sup. Ct. J. 625

City and county brought declaratory judgment action against nonprofit corporation that owned site of retail-center project and retailer that operated anchor store in retail center, seeking declaration that economic-development agreements requiring city and county to grant sales-tax revenues for construction of retail facility were unconstitutional under Gift Clauses of Texas Constitution after retailer closed its store.

Corporation and retailer asserted counterclaims seeking declaratory relief regarding city's and county's obligations. Project lender intervened.

The District Court granted summary judgment motion filed by city and county. Corporation assigned its rights in lawsuit to lender after perfecting appeal. Lender appealed individually and as assignee of corporation.

The Waco Court of Appeals affirmed. Lender petitioned for review, which was granted.

The Supreme Court held that:

- As matter of first impression, constitutional provision authorizing loans and grants of public money for public purposes of development and diversification of the state economy does not otherwise exempt economic-development spending from the traditional constitutional restrictions generally applicable to all uses of public funds in Texas;
- Economic-development arrangement was for public purposes of development and diversification of economy;
- Closure of retailer's store did not establish that public purpose of grants was extinguished;
- Closure of retailer's store did not establish that agreements lacked sufficient controls; and
- Record reflected that city and county received return benefit in exchange for expenditures.

Constitutional provision authorizing loans and grants of public money for public purposes of development and diversification of the state economy establishes development and diversification of the economy as a legitimate public purpose but does not otherwise exempt economic-development spending from the traditional constitutional restrictions generally applicable to all uses of public funds in Texas.

Payments by city and county to attract new businesses and create jobs under economic-development arrangement with nonprofit corporation that owned shopping-center project site by dedicating portions of sales tax revenue associated with construction project and its related commercial area

were for public purposes of development and diversification of economy, as required by Texas Constitution provision authorizing loans and grants of public money for economic development; financing structure fit type of activity that constitutional amendment was designed to allow, and pledged tax revenues and rental income were dedicated to repaying construction debt for facility occupied and operated by enterprise.

Closure of retailer's store did not establish that continued payments by city and county under economic-development agreements no longer served public purpose, for purposes of Gift Clauses and Texas Constitution provision authorizing loans and grants of public money for economic development, where record indicated that payments facilitated not merely retailer's 11-year tenancy, but also development of shopping district that generated economic activity and tax revenue both during and after retailer's departure.

Closure of anchor retail store did not establish that economic-development agreements, by which city and county pledged future sales-tax revenues to finance construction of anchor store in new shopping district, lacked sufficient safeguards to satisfy requirement of Gift Clauses of the Texas Constitution that government retain public control over funds to ensure accomplishment of public purpose; deal's public purpose was not limited to anchor store's continuing operation, but was directed to overall economic development, and agreements likely contained sufficient safeguards with respect to broader public purpose, including that public funds were not spent until anchor store was completed and opened, governments' contributions were held in separate account to be used solely to pay construction-project debt, and governments' financial obligations were tied to a percentage of sales-tax revenue generated within shopping district.

City and county received return benefit sufficient to satisfy consideration requirement of Gift Clauses of Texas Constitution for economic-development agreements funding construction of anchor retail store in shopping district; large retail store capable of anchoring new shopping district was built, public funds were used solely in relation to construction debt and were not subverted to private purposes, store operated for more than a decade before closing, shopping district apparently generated and continued to generate jobs, commerce, and additional tax revenue, and store facility was occupied by another large retailer after original store closed.

Public benefit from economic-development investment by city and county, if construction of anchor-store facility attracted additional tenants and substantially increased economic activity and sales-tax revenue in shopping district, was sufficient consideration for purposes of Gift Clauses of Texas Constitution.

PUBLIC UTILITIES - ARIZONA

City of Chandler v. Roosevelt Water Conservation District

Supreme Court of Arizona - April 28, 2026 - P.3d - 2026 WL 1141802

City filed action against state irrigation and water district for breach of contract, breach of the implied covenant of good faith and fair dealing, and declaratory judgment that parties' agreement for district to provide city water remained valid and that district had materially breached the

contract.

The Superior Court denied district’s motion for summary judgment on limitations grounds and granted city’s cross-motion for summary judgment. District appealed. The Court of Appeals reversed and remanded. Review was granted.

The Supreme Court held that limitations statutes for suits against public entities did not abrogate common-law doctrine of no time-bar for state as plaintiff for suits between public entities.

One-year statute of limitations for “all actions against any public entity or public employee” did not abrogate the common-law doctrine of “nullum tempus occurrit regi,” or the time does not run against the king, for a lawsuit between two public entities, and thus the doctrine applied to exempt city’s contractual and declaratory judgment claims against state irrigation and water district from the one-year limitations period, in action arising from district’s alleged breach of contract to sell and deliver water to city; statute’s limitations period was based on the defendant in an action without regard to the plaintiff, text of statute did not contain an express provision that superseded the doctrine, and statutory scheme did not suggest that the doctrine was overruled by necessary implication.

IMMUNITY - GEORGIA

Carson v. Chatham County

Court of Appeals of Georgia - May 4, 2026 - S.E.2d - 2026 WL 1219915

Motorist’s estate brought wrongful death and personal injury action against county, city, and others, after car being pursued at high speeds by unmarked police vehicles collided with motorist’s car and killed her.

The State Court granted county’s motion to dismiss on sovereign immunity grounds, then, following jury trial, awarded total damages of $500,000 against city. Estate appealed from dismissal of county.

The Court of Appeals held that sovereign immunity waiver for loss arising out of claims for negligent use of covered motor vehicle did not apply to county.

LIABILITY - NEW YORK

Dawson v. Ross

Supreme Court, Appellate Division, Second Department, New York - May 6, 2026 - N.Y.S.3d - 2026 WL 1236817 - 2026 N.Y. Slip Op. 02821

Passenger in sanitation truck brought action against truck driver, city that owned truck, and taxi driver to recover damages for injuries that passenger allegedly sustained in collision at intersection.

The Supreme Court, Queens County, granted truck driver’s and city’s motion for summary judgment dismissing complaint and denied passenger’s cross-motion to preclude audio recording of taxi driver’s on-scene statement. Passenger appealed.

The Supreme Court, Appellate Division, held that truck driver and city were not liable for passenger’s injuries.

Sanitation truck driver and city that owned truck were not liable for injuries that truck passenger allegedly sustained as a result of collision at intersection between truck and taxi, where truck driver entered intersection with a green traffic light and had the right-of-way, and taxi driver's conduct in entering intersection against a red traffic light was sole proximate cause of the accident.

ELECTIONS - OHIO

State ex rel. Shannon v. Ogg

Supreme Court of Ohio - May 3, 2026 - N.E.3d - 2026 WL 1217535 - 2026-Ohio-1599

City elector filed mandamus action seeking writ ordering city council clerk to determine that recall petitions for mayor and two councilmembers did not contain sufficient number of signatures required under city charter, after clerk certified recall petitions as containing sufficient signatures.

The Supreme Court held that:

- Elector lacked adequate remedy in ordinary course of law, as element for writ of mandamus;
- Mandamus was appropriate mechanism to compel city clerk to perform duty of determining that recall petitions were insufficient; and
- Clerk's certification of recall petitions as having sufficient number of signatures was abuse of discretion and was in disregard of clearly applicable law, and, thus, elector was entitled to writ of mandamus.

City clerk's certification of recall petitions for mayor and city councilmembers as having sufficient number of signatures was abuse of discretion and was in disregard of clearly applicable law, and, thus, elector was entitled to writ of mandamus to compel clerk to determine that recall petitions did not meet signature requirements under city charter; city charter required that recall petitions include number of signatures equal to at least 15% of electors who voted at last regular municipal election at which office of mayor was on ballot and not 15% of electors who cast vote for office of mayor, based on most recent election, required number of signatures was 587, and no petitions contained at least 587 signatures.

CONSTRUCTION CONTRACTS - PENNSYLVANIA

Clearfield County v. Transystems Corporation

Supreme Court of Pennsylvania - April 30, 2026 - A.3d - 2026 WL 1171022

County brought action against architectural and engineering firm, as successor to firm with which county originally contracted to build jail, and contractors, asserting negligence, fraudulent misrepresentation or nondisclosure, and breach of contract, based on discovery during jail renovation decades after completion of jail's construction that jail's roof was not connected to its masonry walls.

The Court of Common Pleas found doctrine of nullum tempus occurrit regi was not applicable to 12-year statute of repose for actions arising out of alleged defective construction projects and sustained firm and contractors' preliminary objections. County appealed. The Commonwealth Court affirmed. Allowance of appeal was granted for county.

As matter of apparent first impression, the Supreme Court held that nullum tempus cannot toll or

avoid the statute of repose for actions arising out of alleged defective construction projects.

ZONING & PLANNING - CALIFORNIA

Shear Development Co., LLC v. California Coastal Commission

Supreme Court of California - April 23, 2026 - P.3d - 2026 WL 1102317

Developer filed petition for writ of administrative mandate, challenging California Coastal Commission's denial of developer's application for coastal development permit to build single family homes after county had granted permit.

The Superior Court denied petition. The Second District Court of Appeal affirmed. Review was granted.

The Supreme Court held that:

- Developer's claim that Commission lacked jurisdiction to review county's grant of its application was a legal issue subject to independent judgment standard of review;
- Whether a local coastal program designates land as an environmentally sensitive habitat area is a question of law subject to review under the independent judgment standard; disapproving *Charles A. Pratt Construction Co., Inc. v. California Coast Com.*, 162 Cal.App.4th 1068, 76 Cal.Rptr.3d 466;
- Neither county nor Commission had comparative interpretive advantage over the other with regard to their interpretations of county's local coastal program (LCP);
- Proposed development was not within a sensitive coastal resource area (SCRA) under LCP; and
- Commission did not have jurisdiction to review county's grant of developer's application under provision of Coastal Act that gave Commission jurisdiction over "[a]ny development approved by a coastal county that is not designated as the principal permitted use."

MUNICIPAL ORDINANCE - GEORGIA

Cox Store Management, Inc. v. City of Tucker

Court of Appeals of Georgia - April 24, 2026 - S.E.2d - 2026 WL 1112240

Operator of convenience store filed petition for review of city's decision to deny its application for license to operate coin-operated amusement machines at the store.

The Superior Court affirmed city's denial of license. Store operator applied for discretionary review, which was granted.

The Court of Appeals held that city ordinance validly authorized city to deny license to operate coin-operated amusement machines based on fact that store was located within 100 yards of church, even though store had permit for sale of beer and wine.

City ordinance requiring any business seeking license to operate coin-operated amusement machines to comply with proximity requirements for license to sell alcohol validly authorized city to deny license for coin-operated amusement machines to operator of convenience store that was located within 100 yards of a church, although proximity requirements for sale of alcohol imposed 100-yard requirement for churches only with regard to "distilled spirits," and convenience store held liquor license from city permitting it to sell beer and wine; statute authorizing city to impose

distance requirements for coin-operated amusement machines, as long as they were no more restrictive than distance requirements for alcoholic beverages, made no distinction between types of alcoholic beverages.

Statute providing that, where a city enacts an ordinance imposing distance requirement for coin-operated amusement machines from properties used for a specific purpose, such as a church, the required distance from such properties may not be more restrictive than distance requirements applicable to sale of alcoholic beverages, authorizes a city to require that a location for coin-operated amusement machines be situated 100 yards or more from a church.

PUBLIC EMPLOYMENT - IOWA

Hunter v. City of Des Moines, Iowa

Supreme Court of Iowa - April 24, 2026 - N.W.3d - 2026 WL 1108661

Police officer brought action against city under Iowa Civil Rights Act (ICRA), alleging disability discrimination based on termination following post-traumatic stress disorder (PTSD) diagnosis and failure to provide reasonable accommodation.

The District Court denied city's motion for directed verdict, entered judgment on jury verdict finding city liable for both claims and denied city's motion for judgment notwithstanding the verdict (JNOV) and new trial. City appealed. The Court of Appeals reversed and remanded. Both parties requested further review, which was granted.

The Supreme Court held that:

- City presented legitimate, non-discriminatory reason for police officer's termination, namely his misconduct in repeatedly misusing his status as police officer to threaten other law enforcement personnel;
- Whether police officer's PTSD was a motivating factor in city's termination of his employment was question for jury;
- Officer who engaged in terminable conduct could not avoid the consequences of his actions by then requesting accommodation for his PTSD at pre-disciplinary meeting with police chief; and
- Jury instruction which misstated the law and broadened definition of discrimination tainted jury's verdict, such that new trial was required.

MUNICIPAL ORDINANCE - MARYLAND

Engage Armament LLC v. Montgomery County

Supreme Court of Maryland - April 28, 2026 - A.3d - 2026 WL 1144313

Firearms dealer, firearms trainer, and individuals brought action against county seeking declaratory and injunctive relief, challenging county code provisions regulating "ghost guns" lacking serial numbers, expanding prohibitions on carry of firearms within 100 yards of a place of public assembly, and removing exception to place-of-public-assembly restriction for carriers of state-issued wear-an--carry permits as preempted by state law, constituting a general, not local, law, and effecting an unconstitutional taking.

County removed case to federal court, which remanded three counts to state court. The Circuit

Court granted challengers' motion for summary judgment and granted declaratory and injunctive relief. County appealed. The Appellate Court reversed in part and remanded. Certiorari was granted.

The Supreme Court held that:

- Provision identifying parks, places of worship, schools, libraries, courthouses, and legislative assemblies, both publicly-owned and privately-owned, as "places of public assembly" was authorized by state law;
- Provision prohibiting possession of firearms within 100 yards of recreational facilities, multipurpose exhibition facilities, and polling places was not preempted;
- Provision prohibiting possession of firearms within 100 yards of hospitals, community health centers, long-term care facilities, and childcare facilities was preempted;
- Provisions regarding minor access to firearms were authorized by state law;
- Provision prohibiting purchase, sale, transfer, possession, or transport of a "ghost gun" in the presence of a minor was not authorized by state law;
- Provisions that expanded definition of a place of public assembly and eliminated exception for wear-and-carry permit holders in those locations were not "local laws" that county had authority to enact under Home Rule Amendment; and
- County's regulation of "ghost guns" did not constitute a taking of gun owners' property under state constitution.

LIABILITY - WYOMING

[Memorial Hospital of Converse County - Advanced Medicine, Hometown Care v. Gates]

Supreme Court of Wyoming - April 22, 2026 - 2026 WL 1084490 - 2026 WY 45

Patient who suffered complications following routine appendectomy brought medical malpractice action under Wyoming Governmental Claims Act against county hospital and two hospital-employed physicians.

The District Court denied patient's motion for partial summary judgment challenging constitutionality of the Government Claims Act's limitation on waiver of governmental immunity, and after jury returned $3.2 million verdict apportioning 40 percent fault to one physician, the District Court entered judgment for full $3.2 million despite $1 million statutory limitation and the District Court denied hospital and physician's motion for relief from judgment. Hospital and physician appealed, and patient filed cross-appeal.

The Supreme Court held that:

- Supreme Court had jurisdiction over patient's cross appeal arguing that county hospital was not entitled to $1 million limitation on liability under the Government Claims Act;
- County hospital system's operation of a statewide commercial healthcare enterprise did not waive Government Claims Act's $1 million limit on liability; and
- Court could not enter judgment against county hospital in an amount greater than $1 million limit on liability in the absence of any non-speculative showing by patient that hospital maintained an insurance policy providing coverage in excess of that amount.

RENT CONTROL - CALIFORNIA

Western Manufactured Housing Communities Association v. City of Santa Rosa

Court of Appeal, First District, Division 4, California - April 17, 2026 - Cal.Rptr.3d - 2026 WL 1045608

Nonprofit organization promoting manufactured home community interests and mobilehome park owner brought action against city, its department of housing and community services, and department's interim director, seeking a declaration that city's rent-control ordinance authorized an automatic annual rent increase on mobilehome spaces in city and state price-gouging statute did not suspend or otherwise affect the operation of ordinance during a state of emergency and a declaration that if statute limited operation of local ordinance during a state of emergency, then once the state of emergency expired, park owners were entitled to fully recoup all rental increases otherwise authorized by the local ordinance but denied by the city based on statute.

The Superior Court granted defendants' motion for summary adjudication, denied plaintiffs' motion for summary adjudication, and granted defendants' motion for summary judgment. Plaintiffs appealed.

The Court of Appeal held that:

- Phrase "the amount authorized under the local rent control ordinance" in definition of rental price in price-gouging statute refers to the amount authorized at the time the declaration of emergency took effect;
- Provision of price-gouging statute stating that statute does not preempt any local ordinance prohibiting the same or similar conduct did not allow for city's rent-control ordinance to govern in lieu of provision of statute prohibiting an increase in the rental price of a mobilehome space of more than 10% during a declared state of emergency;
- Mobilehome park owners were not entitled, once state of emergency expired, to recoup all rental increases otherwise authorized by local ordinance but denied based on price-gouging statute; and
- Trial court was not empowered to act on argument that interaction of price-gouging statute and rent control ordinance produced result that was unfair to mobilehome park owners.

PUBLIC EMPLOYMENT - CONNECTICUT

Dodge v. Commissioner of Motor Vehicles

Supreme Court of Connecticut - April 21, 2026 - A.3d - 354 Conn. 383 - 2026 WL 1041792

Executrix of estate of worker who died as a result of complications from mesothelioma sought determination of whether town and state, which had employed worker as a custodian and an analyst, respectively, were entitled under the Workers' Compensation Act to lien on proceeds from product-liability settlements that executrix had received from manufacturers and suppliers of asbestos-containing products.

An ALJ for the Eighth District of the Workers' Compensation Commission determined that state and town were entitled to lien on the net amount of the tort settlement proceeds recovered for both occupational and nonoccupational asbestos exposure to offset the workers' compensation benefits awarded, and the Compensation Review Board affirmed that determination.
Executrix appealed to Appellate Court, and case was transferred to Supreme Court.

The Supreme Court held that town and state were entitled to a lien on the settlement proceeds, regardless of whether those settlements were for the worker's occupational or nonoccupational exposure to asbestos.

Pursuant to Workers' Compensation Act, town and state, which had employed worker as a custodian and analyst, respectively, were entitled to a lien on the net amount of product-liability settlement proceeds that were paid to executrix of worker's estate, in both executrix's representative and personal capacity, following worker's death from mesothelioma and that were attributable to both occupational and nonoccupational exposure of worker to asbestos; worker's mesothelioma had a direct causal connection to his employment, even though it was caused in part by worker's exposure to asbestos outside of work, and the tortfeasors were persons with a legal liability to pay damages for the work-related injury.

PUBLIC EMPLOYMENT - NEBRASKA

Nebraska Association of Public Employees Local 61 of the American Federation of State, County, and Municipal Employees v. State

Supreme Court of Nebraska - April 17, 2026 - N.W.3d - 321 Neb. 208 - 2026 WL 1041509

Labor union representing state employees filed prohibited practices petition with Commission of Industrial Relations (CIR), alleging that State had engaged in prohibited labor practice by refusing to negotiate over executive order that generally prohibited remote work.

The Commission dismissed union's petition with prejudice and awarded State over $40,000 in attorney fees. Union appealed.

The Supreme Court held that:

- Contract coverage rule applied, and thus, State was not obligated to bargain over executive order;
- State was not obligated to bargain with union over procedures it would follow in implementing executive order; disapproving *Public Assn. of Govt. Empl. v. City of Lincoln*, 24 Neb. App. 703, 896 N.W.2d 630;
- CIR rule, permitting the CIR to award attorney fees in a prohibited practices case as remedy for repetitive, egregious, or willful prohibited conduct by opposing party, did not authorize award of attorney fees to the State; and
- Union's prohibited practices petition was not frivolous, and thus, State was not entitled to attorney fees.

PUBLIC RECORDS - NEW HAMPSHIRE

Town of Hanover/Hanover Police Department v. Valley News

Supreme Court of New Hampshire - April 15, 2026 - A.3d - 2026 N.H. 16 - 2026 WL 1012364

Town filed declaratory judgment action asking whether it was required to release public arrest records pursuant to news organization's Right-to-Know request, and news organization counterclaimed seeking order to release records.

The Superior Court ordered municipality to release records and granted news organization's request

for costs and attorney fees, but upon reconsideration, reversed award of costs and fees, and subsequently denied news organization's motion to reopen case to award costs and fees. News organization appealed.

The Supreme Court held that:

- Fact that news organization referenced trial court's first ruling on its request for attorney fees did not render news organization's appeal of denial of its request untimely;
- Town knew or should have known that its blanket denial of news organization's request for records violated Right-to-Know Law;
- Lawsuit was necessary in order to enforce town's compliance with Right-to-Know Law, as required for news organization to recover attorney fees and costs incurred in litigating Right-to-Know request; and
- Town's purported good faith efforts to navigate an unsettled area of law did not render award of attorney fees and costs unwarranted.

IMMUNITY - NEW YORK

McMullin v. Village of Spring Valley

Supreme Court, Appellate Division, Second Department, New York - April 15, 2026 - N.Y.S.3d - 2026 WL 1016922 - 2026 N.Y. Slip Op. 02261

Administrator of decedent's estate brought action against village to recover damages for negligence and wrongful death, alleging that decedent suffered personal injuries and death following encounter with police officers who were employed by village police department.

Following completion of discovery, the Supreme Court, Rockland County, granted village's motion for summary judgment dismissing the complaint. Administrator appealed.

The Supreme Court, Appellate Division, held that governmental-function-immunity defense applied to provide village immunity to liability on administrator's claims.

BOND FINANCING - FLORIDA

Atlantic Housing Partners L.L.L.P. v. Brevard County

United States District Court, M.D. Florida, Orlando Division - January 13, 2026 - F.Supp.3d - 2026 WL 91583

Contract purchaser of real property, housing developer, construction company, and property management company brought action against county alleging violations of Federal and Florida Fair Housing Acts through segregative effect and disparate impact claims based on county's denial of tax-exempt bond financing application for affordable housing development.

County moved for summary judgment, and plaintiffs moved for partial summary judgment.

The District Court held that:

- Plaintiffs failed to show historical practices of segregation as required to state prima facie case under federal and state Fair Housing Acts;
- Plaintiffs failed to establish denial of application showed policy creating disparate impact, as

required to state prima facie case under federal and state Fair Housing Acts; and
- Plaintiffs failed to establish policy of holding public hearings to approve applications caused disparate impact, as required to state prima facie case under federal and state Fair Housing Acts.

Housing developer, property owner, construction company, and property manager did not show historical practices of segregation in municipality in which they proposed affordable housing development, as required to state prima facie case for segregative effect claims under federal Fair Housing Act and Florida Fair Housing Act; housing patterns and statistics, without more, were insufficient to establish denial of tax-exempt bond financing for affordable housing development perpetuated segregated housing patterns, plaintiffs failed to provide comparisons of racial composition of surrounding areas, or evidence of existence of, or lingering effects of, historically practiced segregation, and impact development allegedly would have on combatting segregation was inherently speculative.

Affordable housing developer, property owner, construction company, and property management company failed to establish that denial of plaintiffs' application for tax-exempt bond financing for affordable housing development showed policy creating disparate impact on racial minorities, as required to state prima facie claims against county under federal Fair Housing Act and Florida Fair Housing Act; commissioners' one-time decision to deny bond application was not a policy, and plaintiffs did not provide evidence on which reasonable jury could find that denial of application constituted or was representative of broader policy by county.

Affordable housing developer, property owner, construction company, and property management company failed to establish policy of holding public hearings to approve private bond financing applications for affordable housing projects caused disparate impact on racial minorities, as required to state prima facie disparate-impact claims against county under federal Fair Housing Act and Florida Fair Housing Act, although evidence highlighted racial imbalance was endemic to affordable housing; plaintiffs failed to demonstrate that policy of holding public meetings affected racial minorities differently than non-minorities, or that county applied policy of conducting hearings in manner that adversely impacted minority group in statistically unbalanced way.

ZONING & PLANNING - GEORGIA

Beacon Media, LLC v. City of Atlanta

Court of Appeals of Georgia - April 10, 2026 - S.E.2d - 2026 WL 971215

Landowner filed a petition seeking review of a decision of the city board of zoning appeals to deny its application for a zoning permit to erect billboard sign following challenge by neighbor.

The trial court denied the petition, and landowner appealed.

The Court of Appeals held that neighbor failed to establish any special damage from erection of billboard that would not otherwise be common to similarly situated landowners, and thus lacked standing to challenge landowner's application for a permit to erect the billboard.

Neighbor failed to establish any special damage from erection of billboard that would not otherwise be common to similarly situated landowners, and thus lacked standing to challenge landowner's

application for a permit to erect the billboard, where neighbor vaguely claimed the proposed sign would negatively affect its unidentified "property rights" and "business operations" but presented no evidence establishing the specific rights and business operations at issue, neighbor alleged the sign "would disrupt the character of the neighborhood generally" and would pose risks to pedestrians, cyclists, and motorists, neighbor's attorney noted that "several adjacent landowners" were impacted and submitted letters from those landowners and residents.

IMMUNITY - OHIO

Hoskins v. City of Cleveland

Supreme Court of Ohio - April 8, 2026 - N.E.3d - 2026 WL 948391 - 2026-Ohio-1225

Executor of swimmer's estate brought wrongful-death and survivorship action against city and lifeguard, alleging that swimmer drowned in city-owned pool due to lifeguard's use of folding chair rather than elevated lifeguard chair, which executor claimed constituted physical defect removing city's political subdivision immunity.

The Court of Common Pleas denied city's motion for summary judgment and city appealed. The Eighth District Court of Appeals affirmed. City sought discretionary review.

The Supreme Court held that exception to political-subdivision immunity for negligent deaths due to physical defects on the grounds of buildings used in connection with a governmental function did not apply in wrongful-death action against city and others.

Exception to political-subdivision immunity for negligent deaths due to physical defects on the grounds of buildings used in connection with a governmental function did not apply in wrongful-death action against city and others after swimmer drowned at city-owned pool, even though executor alleged that on-duty lifeguard's decision to monitor swimmers from a low folding chair rather than from available elevated lifeguard chair created a physical defect on pool grounds; lifeguard's decision to use one chair rather than another, on the basis that lifeguard chair was "uncomfortable," did not amount to a physical defect on the pool grounds or prevent the lifeguard chair from functioning as a chair, and no expert opined that the folding chair or lifeguard chair were physically defective.

DEDICATION AND EASEMENTS - SOUTH DAKOTA

Turgeon v. City of Spearfish

Supreme Court of South Dakota - April 8, 2026 - N.W.3d - 2026 WL 959950 - 2026 S.D. 22

Landowners, whose property was accessible only via a road created by access easement for city-owned historic monument, brought declaratory action against city, seeking determination that the road was a public right-of-way.

The Circuit Court granted city's motion for summary judgment and denied landowners' cross-motion for summary judgment. Landowners appealed.

The Supreme Court held that:

- Access easement for monument did not contain an implied dedication of a public easement;

- Grantor's agreement to transfer lot for city park surrounding monument did not contain an implied dedication;
- Warranty deed granting lot to maintain a road to provide access to disputed road did not contain an implied dedication;
- Revised subdivision plat contained express dedication of road for public use;
- City did not expressly accept dedication of road for public use via its certification, as a lot owner, on revised plat; and
- Factual issues as to whether city impliedly accepted the dedication precluded summary judgment.

PUBLIC UTILITIES - TEXAS

Spectrum Gulf Coast, LLC v. City of San Antonio by and through City Public Service Board

Supreme Court of Texas - April 10, 2026 - S.W.3d - 2026 WL 969172

Communications company brought action against municipal utility, alleging among other things that utility breached parties' contract by which company was allowed to use utility poles to provide communications services such as broadband internet service by violating statute prohibiting price discrimination in municipal pole attachment rates, which was enacted 20 years after contract was entered, and utility filed counterclaim for breach of contract, among other things.

The District Court granted partial summary judgment for company, finding that utility breached contract. On appeal, the Court of Appeals reversed, finding contract did not incorporate new statutes into its terms. Company petitioned for review.

The Supreme Court held that:

- Public Utility Regulatory Act (PURA) applied to utility and company's pole-attachment agreement, and
- Agreement incorporated legal changes enacted after agreement was entered, thus, PURA amendment prohibiting discriminating for or against telecommunications providers was enforceable pursuant to agreement.

The Public Utility Regulatory Act (PURA) applied to municipal utility's agreement that allowed communications company to attach equipment for delivering communications services to utility's power poles, in action alleging utility's failure to charge company and company's competitor, a certificated telecommunications provider, uniform rates violated the agreement provision in which utility promised to comply with all laws, ordinances, and regulations; while PURA stated that it did not apply to "community antenna television services," company had ceased providing those services, which utility acknowledged and increased company's rates accordingly, and PURA expressly stated that utility could not discriminate in favor of or against a certificated telecommunications provider.

Agreement that allowed communications company to attach communications equipment to municipal utility's power poles incorporated legal changes enacted after the agreement was entered, and thus, the amendment to the Public Utility Regulatory Act (PURA) prohibiting municipally-owned utilities from discriminating for or against telecommunications providers was enforceable pursuant to the agreement's provision that required utility and company to comply with all laws, even though the amendment was enacted after the agreement was entered; provision reflected that utility and company anticipated future legal changes, and the agreement stated that it could be terminated with six months' notice, which prevented the need for constant renegotiation by embracing the

obligation of complying with the law.

ZONING & PLANNING - VIRGINIA

Copeland v. Greene County Board of Supervisors

Court of Appeals of Virginia, Richmond - April 14, 2026 - S.E.2d - 2026 WL 997066

Nearby landowners filed petition for writ of certiorari and motion for restraining order, seeking reversal of decision of county board of zoning appeals which upheld county planning department's grant of landowner's application for zoning certification allowing property to be used as farm winery.

In separate complaint, nearby landowners sought declaratory judgment that ordinance under which zoning certification was issued was invalid and an injunction to prevent applicant landowner from taking any action in furtherance of the approved farm winery.

Following a hearing on both the petition for writ of certiorari and on applicant landowner and board's demurrers to declaratory judgment action, the Circuit Court sustained demurrers and dismissed petition for writ of certiorari. Nearby landowners appealed.

The Court of Appeals held that:

- Period of 30 days in which nearby landowners, as persons aggrieved by zoning administrator decision, were required to appeal to board of zoning appeals in order to have exhausted administrative remedies, so as to avoid decision becoming a "thing decided" not subject to court challenge, ran from date that decision was sent to landowner rather than date that nearby landowners became aware of decision;
- Repeal of county ordinance's enabling statute, which had contained a definition of "farm winery" for zoning purposes, did not nullify ordinance's definition of "farm winery" or any right to establish farm wineries thereunder, even though ordinance defined "farm winery" as, inter alia, an establishment "licensed as a farm winery under [repealed statute]"; and
- Provision of Alcoholic Beverage Control Act granting Alcoholic Beverage Control Authority (ABC) Board the authority to control the "possession, sale, transportation and delivery of alcoholic beverages" did not render the possession of an ABC license by landowner a prerequisite for zoning certification of landowner's property for use as farm winery.

EMINENT DOMAIN - CALIFORNIA

Department of Water Resources Cases

Court of Appeal, Third District, California - March 26, 2026 - Cal.Rptr.3d - 2026 WL 835863 - 2026 Daily Journal D.A.R. 2340

Department of Water Resources (DWR) filed series of petitions under precondemnation entry statutes, seeking entry onto landowners' properties to conduct preliminary environmental studies and geological testing activities for water conveyance project.

Petitions were consolidated for coordinated proceeding. The Superior Court entered order granting the petitions. Landowners appealed.

The Court of Appeal held that:

- DWR was not required to comply with project approval requirements before commencing precondemnation entry and testing activities;
- Classic condemnation action was not required; and
- DWR had authority under precondemnation statutes to enter upon landowners’ properties.

Department of Water Resources (DWR) was not required to comply with project approval requirements and thus was not required to have an authorized and funded project in place before commencing precondemnation entry and testing activities on landowners’ properties in its investigation of properties’ suitability for water conveyance project, irrespective of whether those activities would result in taking of property under state takings clause or damaging of property; project approval requirements were limitations on DWR’s exercise of its classic eminent domain power to acquire property for a project, while precondemnation entry and testing statutes only required that DWR be legally authorized to acquire property for a particular use by eminent domain.

Precondemnation entry statutes provided a constitutionally valid procedure by which a public entity considering condemnation of property for a public project may enter property and conduct investigatory testing and exploration necessary to determine whether the property was suitable for such purpose, and thus, Department of Water Resources (DWR) did not need to commence classic condemnation action to enter landowners’ properties to conduct testing activities in investigating properties’ suitability for water conveyance project, even if geotechnical and environmental activities constituted per se physical takings.

Department of Water Resources (DWR) had authority under precondemnation entry statutes to enter upon landowners’ properties to make photographs, studies, surveys, examinations, tests, soundings, borings, samplings, or appraisals or to engage in similar activities reasonably related to acquisition or use of the property for that use, because DWR was authorized to acquire property by eminent domain for state water and dam purposes.

IMMUNITY - MISSISSIPPI

City of Jackson v. Lawson

Supreme Court of Mississippi - April 2, 2026 - So.3d - 2026 WL 901477

Motorcyclist brought negligence action against city for injuries suffered after riding into pothole on city street, alleging city failed to maintain street in reasonably safe condition, failed to timely repair pothole, and failed to warn motorists.

The Circuit Court denied city’s motion for summary judgment, granted motorcyclist’s motion for partial summary judgment on liability, and, after bench trial on damages, entered judgment awarding motorcyclist damages. City appealed.

The Supreme Court held that:

- City’s response to complaint about pothole “involved an element of choice or judgment,” as required for discretionary-function immunity under Mississippi Tort Claims Act (MTCA);
- City’s decision not to warn of or repair pothole did not involve social, economic, or political-policy considerations, and thus city lacked discretionary-function immunity under MTCA; and
- City was asking for “advisory opinion,” which Supreme Court would decline to provide, in asking it to determine whether statute created duty for city to maintain its streets.

OPEN MEETINGS - OHIO

State ex rel. Zimmerman v. City of Avon Lake

Supreme Court of Ohio - March 31, 2026 - N.E.3d - 2026 WL 872727 - 2026-Ohio-1090

City resident, nonprofit promoting transparency in government, nonprofit that monitored government activity, and nonprofit concerned with environmental issues filed mandamus action under the Open Meetings Act and Public Records Act against city, city's community improvement corporation, an economic development corporation, committee created by corporation, current and past members of corporation, and current and past members of city government seeking to order respondents to prepare the minutes from previously held committee meetings and produce those minutes in response to a public-records request, and seeking an award of court costs, attorney fees, and statutory damages.

The Supreme Court held that:

- Motion for a protective order filed by respondents would be denied as moot;
- Petitioners were not entitled to leave to file rebuttal evidence;
- Petitioners request for a writ of mandamus was proper request for mandamus relief, and not a request for a declaration that committee was subject to open-meeting and minute-keeping requirements or a request for a prohibitory injunction;
- Open Meeting Act's requirement that a public body prepare, file, and maintain minutes of its meetings applied to city's community improvement corporation, an economic development corporation;
- City's community improvement corporation constituted a "public body" subject to the Act;
- Committee created by city's community improvement corporation was subject to the Act's requirement that a public body prepare, file, and maintain minutes of its meetings;
- Petitioners were entitled to writ of mandamus compelling committee to prepare and produce minutes for previously held committee meetings attended by a majority of its members at which public business was discussed; and
- Petitioners were entitled to an award of court costs.

City was asking Supreme Court for an "advisory opinion," which the Court would decline to provide, in asking the Court to determine whether statute, which authorized municipalities to exercise full jurisdiction in the matter of streets and to repair, maintain, pave, and light them, created a mandatory duty for city to maintain its streets, on Court's review of judgment in negligence action in favor of motorcyclist injured when she rode into pothole in city street that city failed to warn of or repair after receiving notice of it

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MUNICIPAL ORDINANCE - OHIO

Doe v. Columbus

Supreme Court of Ohio - April 1, 2026 - N.E.3d - 2026 WL 926913 - 2026-Ohio-1095

Six anonymous persons brought action against city, city council president, and city attorney, challenging constitutionality of city ordinances restricting magazine capacity and storage of firearms.

The Court of Common Pleas granted plaintiffs' motion for preliminary injunction enjoining city from

enforcing certain provisions of city code amended or enacted by ordinances. City appealed. The Court of Appeals, Fifth District, granted plaintiffs' motion to dismiss appeal. City appealed, and the Supreme Court accepted review.

The Supreme Court held that:

- Order granting preliminary injunction in effect determined action regarding provisional remedy and prevented judgment in action in favor of appealing party with respect to that provisional remedy, in analysis of whether order was final and appealable order, and
- City could not obtain meaningful or effective remedy from order granting preliminary injunction if city was prohibited from immediately appealing order, in analysis of whether order was final and appealable order.

ZONING & PLANNING - VIRGINIA

Board of County Supervisors of Prince William County v. Oak Valley Homeowners Association, Inc.

Court of Appeals of Virginia, Arlington - March 31, 2026 - S.E.2d - 2026 WL 873963

Landowners brought action against board of county supervisors and developers, challenging three rezoning ordinances which permitted development of data centers as void ab initio.

The Prince William Circuit Court sustained the board's demurrer and dismissed the challenge. Landowners appealed. In a separate action, homeowners association and others also sought to invalidate the three ordinances. Following a bench trial, the Prince William Circuit Court entered judgment invalidating the ordinances. Board and developers appealed, and the appeals were consolidated.

The Court of Appeals held that:

- As a matter of first impression, trial court could not aggregate three rezonings when considering whether landowners had standing to challenge the rezonings;
- Landowners and homeowners association established standing;
- Board failed to submit a "correct and timely" request to newspaper to publish advertisements for meeting at which county would consider rezoning ordinance as required by statute governing advertising notice of meetings to amend zoning ordinances, and thus saving provision for when a newspaper "fails to publish the notice" did not apply to county's notices;
- First two newspaper advertisements of meeting at which board of county supervisors would discuss rezoning ordinances violated the statutory "where-to-review" requirement;
- Statute governing advertising notice of meetings to amend zoning ordinances did not preempt county ordinance's requirement that such meeting take place not less than five days after the final publication;
- County ordinance did not preclude board from continuing date of hearing on rezoning amendments in order to re-advertise the hearing; and
- Actual notice of the meeting did not excuse the deficiencies in the advertising.

ZONING & PLANNING - ARKANSAS

MMSC v. Washington County, Arkansas

Supreme Court of Arkansas - March 19, 2026 - S.W.3d - 2026 Ark. 56 - 2026 WL 772480

Landowner appealed quorum court's affirmance of county planning board's denial of its application for a conditional use permit to operate a red-dirt mine in an unincorporated area of county, which was zoned for agricultural and single-family residential use.

After neighbors intervened, the Circuit Court granted neighbors' motion for summary judgment in part, and, following a final hearing, the Court affirmed. Landowner appealed, and the Court of Appeals affirmed. Landowner sought review.

The Supreme Court held that quorum court's denial of landowner's application for a conditional use permit was "quasi-judicial" and thus subject to de novo review; overruling *Bolen v. Washington County Zoning Bd. of Adjustments*, 2011 Ark. App. 319, 384 S.W.3d 33.

INSURANCE - CALIFORNIA

City of Riverside v. RLI Insurance Company

Court of Appeal, Fourth District, Division 1, California - March 20, 2026 - Cal.Rptr.3d - 2026 WL 787529

Surviving family members of pedestrian killed by vehicle brought action against city and others, alleging roadway near where accident occurred was unreasonably dangerous.

City filed cross-complaint against streetlight consultant, consultant's liability insurer, and others, seeking indemnification, breach of contract, and insurance bad faith, alleging city was additional insured on consultant's liability policy.

The Superior Court sustained insurer's demurrer to city's cross-complaint without leave to amend on grounds that insurer was improperly joined in same action with its insured, and entered judgment of dismissal. City appealed.

The Court of Appea held that city's claims against insurer arose in contract, not in tort, and thus city could name both consultant and insurer in its cross-complaint.

City's claims against lighting consultant's liability insurer arose in contract, not in tort, and thus city could name both consultant and insurer in its cross-complaint for indemnification, breach of contract, and bad faith following fatal accident along roadway where consultant performed work for city, where city had entered into contract with consultant that required consultant to obtain insurance policies to protect the city against claims arising out of consultant's work, including its negligence, and endorsement indicated that city was listed as an additional named insured on the policy consultant obtained from insurer such that city was a first-party additional insured with privity of contract and standing to sue insurer.

PUBLIC UTILITIES - CALIFORNIA

Center for Biological Diversity, Inc. v. Public Utilities Commission

Court of Appeal, First District, California - March 9, 2026 - Cal.Rptr.3d - 118 Cal.App.5th 1288 - 2026 WL 657656

Environmental and utility ratepayer advocacy groups petitioned for writ of review challenging Public Utilities Commission's decision adopting tariff that reduced price utilities pay for customer-generated power, arguing tariff was inconsistent with Public Utilities Code.

The First District Court of Appeal granted the petition and affirmed PUC's decision. The Supreme Court granted review, and reversed and remanded.

The Court of Appeal held that:

- Court of Appeal would exercise its independent judgment in interpreting provisions of statute requiring PUC to design successor program for rooftop solar and other customer-sited renewable generation;
- PUC acted within its delegated authority in adopting successor tariff that replaced netting by quantity with net billing approach, separately valued imported and exported electricity, based export compensation largely on avoided cost values, reduced extent of cost-shifting to nonparticipating customers, and included temporary "glide path" adder to soften transition;
- PUC acted within its delegated authority under statutory provision requiring PUC to base new net-metering tariff on real upsides and downsides of rooftop or customer-side renewable generation in adopting successor tariff that accounted for benefits of customer generation through concept of utilities' avoided costs; and
- PUC acted within its delegated authority under statutory provision implementing flexible, aggregate cost-equals-benefit requirement designed to ensure successor tariff was roughly cost-justified for system as whole in adopting successor tariff that based its export compensation rates on value of power exported — rather than providing offset based on quantity alone.

PUBLIC UTILITIES - FEDERAL

[Tri-State Generation and Transmission Association, Inc. v. Federal Energy Regulatory Commission]

United States Court of Appeals, Tenth Circuit - March 24, 2026 - F.4th - 2026 WL 807037

Generation-and-transmission electric cooperative filed proposed exit-fee methodology with Federal Energy Regulatory Commission (FERC) for calculating fees that distribution-cooperative members would pay to terminate their all-requirements contracts and withdraw from membership.

FERC initiated hearing and proceedings to determine if existing wholesale electricity rates, contracts, or terms were unjust, unreasonable, or unduly discriminatory.

Administrative law judge concluded that cooperative's proposed lost-revenues methodology was not just and reasonable but that FERC's balance-sheet approach was just and reasonable. FERC agreed with administrative law judge that cooperative's methodology was not just and reasonable, adopted modified version of balance-sheet approach and directed cooperative to submit compliance filings.

Cooperative petitioned for review of FERC's methodology order, methodology rehearing order, second compliance order, and compliance rehearing order.

The Court of Appeals held that:

- Just-and-reasonable standard of Federal Power Act applied to methodology for calculating fees that distribution-cooperative members would pay to terminate their all-requirements contracts;
- FERC engaged in reasoned decisionmaking when it rejected lost-revenues approach for exit-fee

methodology;
- FERC did not act contrary to evidence before it when it rejected argument that bylaws supported using lost-revenues approach for methodology for calculating fees;
- FERC engaged in reasoned decisionmaking when it adopted balance-sheet approach for methodology for calculating fees;
- FERC responded meaningfully to concerns by cooperative that balance-sheet approach could impact its credit rating or its contracts with other entities;
- FERC did not act arbitrarily and capriciously by applying credit to entire Open Access Transmission Tariff (OATT) invoice for member that was departing from cooperative under exit-fee methodology; and
- FERC did not act arbitrarily and capriciously by including payment for non-networked debt in transmission credit when adopting transmission-crediting mechanism under exit-fee methodology.

IMMUNITY - TEXAS

Megatel Homes, L.L.C. v. City of Mansfield, Texas

United States Court of Appeals, Fifth Circuit - March 26, 2026 - F.4th - 2026 WL 828414

Developers that sought to develop land outside of city brought action for declaratory relief and damages against city, alleging city violated the Sherman Act and committed tortious interference, fraud, and negligent misrepresentation under state law when it denied developers access to water utility services from special utility district within city's extraterritorial jurisdiction unless developers acquiesced to city's demands that it consent to the land's annexation, permitting city control and taxation, and pay various and sundry development fees.

The United States District Court adopted report and recommendation of United States Magistrate Judge and granted city's motion to dismiss the Sherman Act claims and declined to exercise supplemental jurisdiction over the state law claims. Developers appealed.

The Court of Appeals held that city did not have state-action immunity from developers' Sherman Act claims.

Although Texas Water Code conveyed clear intent to permit monopolies in water utilities, it conferred that authority only to the special utility district granted certificate of convenience and necessity by the State with respect to land developers sought to develop that was within city's extraterritorial jurisdiction, but Texas law did not permit city to act anticompetitively, and thus, city did not have state-action immunity from developers' Sherman Act claims alleging city denied developers access to water utility services unless developers acquiesced to city's demands that it consent to the land's annexation, permitting city control and taxation, and pay various and sundry development fees; Code provision explicitly permitting monopolistic behavior specified that utilities were monopolies in the areas they served.

NEGLIGENCE - WASHINGTON

Estate of Brown by and through Brown v. King County

Court of Appeals of Washington, Division 3 - March 19, 2026 - P.3d - 2026 WL 772580

Estate of marijuana dispensary employee, who was murdered by youths who absconded from their pretrial electronic home monitoring (EHM) under supervision of county department of adult and

juvenile detention (DAJD), brought action against county for negligence.

The Superior Court granted county's motion for summary judgment. Estate appealed.

The Court of Appeals held that:

- DAJD had duty to protect third persons from bodily harm posed by youths under its supervision, but
- Any failure by DAJD to promptly notify law enforcement that youths had absconded was not cause in fact of murder.

HOME RULE - LOUISIANA

Rice Group, LLC v. New Orleans City Council

Supreme Court of Louisiana - March 18, 2026 - So.3d - 2026 WL 763661 - 2025-01563 (La. 3/18/26)

Limited liability company (LLC) filed suit against city council, alleging ordinance violated city's home rule charter.

The District Court granted LLC's motion for summary judgment and declared the ordinance null, void, and illegal. City council filed a suspensive appeal, and the Fourth Circuit Court of Appeal issued an order transferring the matter to the Supreme Court as involving the constitutionality of the ordinance.

The Supreme Court held that the Court lacked appellate jurisdiction to consider appeal of trial court order that did not declare city ordinance unconstitutional but rather held that it violated city's home rule charter.

LIENS - MISSISSIPPI

Hewitt v. TJM Properties, Inc.

Supreme Court of Mississippi - March 19, 2026 - So.3d - 2026 WL 773260

Proposed developers of property that county had acquired from property owner filed notice of lis pendens claiming a construction lien on the property, which had been reacquired by owner via a foreclosure sale, and seeking to recover $8,607,898.68 in expenses they had incurred in anticipation of the development project.

The Chancery Court entered judgment dismissing developers' claims with prejudice and awarding owner $200,000 in damages based on an earlier agreed order. Developers filed motion for reconsideration, which was denied, and then appealed.

The Supreme Court held that:

- Developers could not establish a valid construction lien against the property;
- Lease-purchase agreement between county and developers did not enable developers to place the construction lien; and
- Developers lacked standing to challenge the transfer of funds between county and owner.

ZONING & PLANNING - MONTANA

Montanans Against Irresponsible Densification, LLC v. State

Supreme Court of Montana - March 17, 2026 - P.3d - 2026 WL 746593 - 2026 MT 53

Advocacy organization comprised of single-family property owners brought action against state and intervenors, asserting a facial constitutional challenge to certain zoning and land use laws codified in the Montana Land Use Planning Act (MLUPA).

The District Court entered declaratory judgment that the laws did not supplant private restrictive covenants, granted summary judgment in favor of property owners on their claim that the laws violated the right to public participation, permanently enjoined certain statutory sections as violating the constitutional right to participate, and granted summary judgment against property owners on their equal protection claims. The parties appealed and cross-appealed.

The Supreme Court held that:

- Property owners' facial challenge to MLUPA provision limiting public participation at site-specific project approval stage was justiciable under the voluntary cessation exception to the mootness doctrine;
- Property owners' claim that MLUPA provisions limiting public participation at site-specific project approval stage violated the right to participate was ripe for judicial consideration;
- Property owners failed to establish MLUPA provisions limiting public participation at site-specific project approval stage facially violated the constitutional right to participate;
- MLUPA provisions requiring municipalities to permit duplexes and accessory dwelling units (ADU) where single-family homes were permitted did not facially violate the right to equal protection by impermissibly creating categories of large and small municipalities;
- MLUPA provisions requiring municipalities to permit duplexes and ADUs where single-family homes were permitted did not facially violate the right to equal protection by creating impermissible classifications of property owners who were party to restrictive covenants and those who were not; and
- District court's declaratory judgment holding that MLUPA provisions requiring municipalities of a certain size to permit duplexes and ADUs could not be used to invalidate covenants that were more restrictive was an impermissible advisory opinion.

CAPITAL FACILITIES FEES - NORTH CAROLINA

Wardson Construction, Inc. v. City of Raleigh

Supreme Court of North Carolina - March 20, 2026 - S.E.2d - 2026 WL 796147

Home builders brought action against city to challenge capital facility fees which city required them to pay as a condition of development.

The Superior Court granted builders' motion for class certification, and also granted builders' motion for summary judgment. City appealed class certification order directly to the Supreme Court.

The Supreme Court held that:

- Builders shared an interest in whether city lawfully imposed capital facility fees which was identical for every member of the alleged class;

- Purported class of home builders who paid capital facility fees to city was sufficiently numerous to support a class action;
- Named home builder adequately represented the interests of the alleged class; and
- Determination that class action was superior method of litigation of home builders' claims seeking refund of capital facility fees was reasonable.

APPEALS - TENNESSEE

CCD Oldsmith Henry, LLC v. Town of Nolensville

Supreme Court of Tennessee - March 16, 2026 - S.W.3d - 2026 WL 730689

Development companies brought civil action against town alleging wrongful refusal to issue building permits promised as part of development project.

Town asserted counterclaims alleging companies failed to pay for intersection improvements and moved to join two company representatives as counterclaim defendants for alleged misrepresentations.

The Circuit Court denied town's joinder motion and certified order as final and appealable, and town appealed. The Court of Appeals reversed in part. Companies' application for permission to appeal was granted.

The Supreme Court held that circuit court did not have authority to certify – and Court of Appeals did not have jurisdiction to decide – companies' appeal.

Circuit court did not have authority to certify—and Court of Appeals did not have jurisdiction to decide—companies' appeal of circuit court's order denying town's motion to join company officials as prospective counterclaim defendants in contract dispute; officials were never "parties" whose rights and liabilities were adjudicated by circuit court, and proposed counterclaim was not before circuit court and thus could not be adjudicated.

LIABILITY - TEXAS

City of San Antonio v. Realme

Supreme Court of Texas - March 13, 2026 - S.W.3d - 2026 WL 706013 - 69 Tex. Sup. Ct. J. 363

Participant in community "fun run" brought action against city for negligence and gross negligence, alleging that, while following the course through a public park, she tripped over a metal pole fragment, fell, and broke her arm, and that city's negligent maintenance of the park caused her injury.

The 73rd District Court denied city's plea to the jurisdiction. City appealed. The San Antonio Court of Appeals affirmed and remanded. On remand, the 73rd District Court denied city's traditional and no-evidence summary judgment motion. City appealed. The San Antonio Court of Appeals affirmed. City filed petition for review, which was granted.

The Supreme Court held that:

- Definition of "recreation" only by reference to examples, in Recreational Use Statute, captures

other such diversions and forms of play, undertaken for refreshment from the toils of life;
- Fun run was “recreation,” and thus the Recreational Use Statute’s limitation on liability applied to participant’s negligence claim; and
- Court would not consider in the first instance whether participant’s gross-negligence claim would fail as a matter of law.

ZONING & PLANNING - GEORGIA

Alpha Land Partners, LLC v. City of Alpharetta

Court of Appeals of Georgia - March 10, 2026 - S.E.2d - 2026 WL 671642

Property owner filed petition for review of denial of application for conditional use permit for property owner’s land, asserting arguments that trial court construed to be constitutional challenges to the underlying zoning ordinance.

The trial court affirmed denial of the permit application, dismissing property owner’s constitutional challenges to the ordinance and instead ruling on the merits. Property owner appealed.

The Court of Appeals held that:

- Property owner appropriately challenged denial of permit application via petition for review;
- Trial court had jurisdiction to consider arguments invoking constitutionality of zoning ordinance;
- Trial court’s error in refusing to consider constitutionality challenges required reversal and remand; and
- Court of Appeals would not reach challenge to sufficiency of evidence and would instead vacate part of trial court’s order affirming denial and direct trial court to reconsider issue in light of resolution of constitutional challenges.

IMMUNITY - GEORGIA

City of Milton v. Chang

Supreme Court of Georgia - March 12, 2026 - S.E.2d - 2026 WL 695364

Parents of college student who died in car accident brought negligence and nuisance action against city, alleging city failed to remove a concrete planter located near the road that constituted a defect in public roads.

Following trial, the State Court, Fulton County, entered judgment on the jury verdict finding city liable under both theories and awarding $35 million in damages, reduced by seven percent for comparative fault. City appealed, arguing that parents’ claims were barred by sovereign immunity. The Court of Appeals affirmed the judgment, finding city had no immunity from the negligence claim, and did not address the city’s argument that parents failed to establish a nuisance. The Supreme Court granted city’s petition for writ of certiorari.

The Supreme Court held that city’s ministerial duty to keep city streets safe for ordinary travel was not implicated by the facts of parent’s negligence claim and thus city’s municipal immunity for a claim involving defects in the public roads was not waived.

ELECTIONS - MISSISSIPPI

Randle v. Ivy

Supreme Court of Mississippi - March 12, 2026 - So.3d - 2026 WL 696422

Opponent in primary for city marshal petitioned for review of political party's determination that candidate met residency requirements to appear on primary ballot.

The Circuit Court entered order finding candidate unfit as a primary candidate. Candidate appealed.

The Supreme Court held that:

- Candidate's appeal was moot, and
- Substantial evidence supported finding that candidate had not lived in city for two years before primary election.

WATER LAW - TEXAS

Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District

Supreme Court of Texas - March 13, 2026 - S.W.3d - 2026 WL 705764 - 69 Tex. Sup. Ct. J. 317

Pecan orchard owner brought two separate actions seeking judicial review of groundwater conservation district's denial of party status in administrative proceedings concerning neighboring landowner's groundwater-production permit applications.

In first case, the 112th District Court granted conservation district's and neighboring landowners' pleas to the jurisdiction. Orchard owner appealed. The Court of Appeals affirmed. In second case, the 83rd District Court granted conservation district's and neighboring landowner's motion for summary judgment. Orchard owner appealed. The Court of Appeals affirmed. Orchard owner petitioned for review in both cases.

The Supreme Court held that:

- Orchard owner was a "person affected by and dissatisfied with" conservation district's orders denying its requests for party status;
- Second requirement for limited waiver of water districts' sovereign immunity, which only permitted a district, applicant, or parties to a contested case to participate in an appeal of a decision on the application, did not preclude orchard owner from challenging conservation district's denials of its requests for party status;
- 90-day rehearing period did not apply to district's denials of pecan orchard owner's requests for party status;
- Conservation district's local rule that permitted a request for reconsideration to be filed with district within 20 days of a date of decision applied to orchard owner's requests for reconsideration of district's denials of its requests for party status; and
- Orchard owner exhausted its administrative remedies with conservation district before seeking judicial review.

LIABILITY - CALIFORNIA

Yan v. City of Diamond Bar

Court of Appeal, Second District, Division 5, California - March 11, 2026 - Cal.Rptr.3d - 2026 WL 685371

Pedestrian who was injured when branch from city-owned tree fell on him while he was walking on sidewalk brought action against city for allegedly maintaining public property in dangerous condition.

Following jury trial, the Superior Court awarded pedestrian $250,000 for past noneconomic loss and $500,000 for future noneconomic loss. City appealed.

The Court of Appeal held that evidence of prior branch failures of trees in same vicinity as tree that injured pedestrian was admissible.

Evidence of prior branch failures of trees in same vicinity was similar enough to incident involving pedestrian to attract city's attention to dangerous situation at issue and thereby impart notice of some particular condition requiring correction, and thus was admissible in pedestrian's action against city arising from injuries sustained when branch from city-owned tree fell on him while he was walking on sidewalk; trees involved in all such incidents were same species of pear trees, there was evidence that species had inherent, latent structural weakness, and trees involved in all incidents were in same vicinity, meaning they were on same grid-based pruning and maintenance schedule and experienced same environmental factors that affected tree health.

MUNICIPAL GOVERNANCE - CALIFORNIA

Fix the City, Inc. v. City of Los Angeles

Court of Appeal, Second District, California - February 27, 2026 - Cal.Rptr.3d - 2026 WL 554572

Non-profit organization brought action against city and city council seeking writ and declaratory relief, challenging validity of city administrative code section authorizing mayoral declarations of local housing and homelessness emergencies and claiming ordinance violated California Emergency Services Act (CESA) and city administrative code.

The Superior Court, Los Angeles County, sustained demurrer without leave to amend and dismissed the case. Organization appealed.

The Court of Appeal held that:

- City administrative code section did not conflict with CESA;
- CESA did not preempt the administrative code; and
- Other provisions of administrative code do not invalidate the homelessness emergency code section.

City administrative code section conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency concerned a "municipal affair," requiring analysis of whether actual conflict existed between state law and local law, in determination whether mayor's declaration of local emergency concerning unhoused city residents was invalidated by California

Emergency Services Act (CESA) governing who may proclaim a local emergency and for how long, because the code section governed city's own response to conditions exclusively within its territory and provided powers to its executive, the mayor, to address those conditions.

No actual conflict existed between city administrative code section conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency, and sections of California Emergency Services Act (CESA) governing who may proclaim a local emergency and for how long, and thus, city was empowered to enact the ordinance and take action regarding unhoused city residents; CESA focused on emergencies which a political subdivision could proclaim as conditions of disaster or of extreme peril to safety of persons or property, caused by specific events like floods and fires that were beyond control of political subdivision's resources, while code section governed specific type of emergency arising from housing shortage and/or homelessness, specific and limited to the city, and provided mayor with different powers.

California Emergency Services Act (CESA), which governed who may proclaim a local emergency and for how long, did not preempt charter city's municipal code provision, conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency; Legislature had not expressed intent in CESA to occupy field of local governmental response to emergency or harmful conditions within local borders, particularly with regard to charter cities and their constitutional authority to regulate their own affairs, nor did CESA so fully and completely cover the area of emergency declarations as to clearly indicate that it had become exclusively a matter of state concern, and constitutional provision authorized local governments to enact ordinances allowing for declaration of local emergency.

Charter city administrative code section conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency was valid under city administrative code section generally defining local emergencies, such that city and mayor were empowered to take action regarding unhoused city residents; the two provisions did not conflict, as city council either understood conditions upon which an emergency could be declared under homelessness emergency section to constitute an "occurrence" as that term was used in the general provision, or intended to establish an additio

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POLITICAL SUBDIVISIONS - MASSACHUSETTS

Attorney General v. Mystic Valley Regional Charter School

Supreme Judicial Court of Massachusetts, Suffolk - March 11, 2026 - N.E.3d - 2026 WL 679477

State attorney general brought an enforcement action against a charter school which had refused to comply with multiple public records requests, seeking declarations that school was a custodian of public records and that it was not exempt from disclosure obligations imposed by the Massachusetts Public Records Law.

The Superior Court Department granted judgment on the pleadings in attorney general's favor, concluding that school was a governmental entity obligated to respond to the requests. School appealed. The Supreme Judicial Court, on its own initiative, transferred the case from the Appeals Court.

The Supreme Judicial Court held that:

- Commonwealth charter schools were “authorities established by the general court to serve a public purpose” and subject to the Public Records Law;
- Commonwealth charter schools’ operational independence and corporate features did not make them more akin to private entities than to governmental bodies subject to the Public Records Law;
- Absence of statutory language expressly designating charter schools as governmental entities was not dispositive of whether they were governmental entities subject to the Public Records Law; and
- Charter school’s concerns that compliance with the Public Records Law would impose significant financial burdens and interfere with its educational mission did not make it exempt from the Law.

COURTS - MASSACHUSETTS

Gorbatova v. City of Lynn

Supreme Judicial Court of Massachusetts - February 26, 2026 - 497 Mass. 1009 - 274 N.E.3d 529

After city issued municipal citations imposing fines against petitioner for violations of the state’s sanitary code, petitioner filed petition for relief relating to the citations.

A single justice of the county court denied relief without addressing the merits of the petition, ruling that the circumstances did not require the court’s extraordinary intervention. Petitioner appealed.

The Supreme Judicial Court held that:

- Availability of an alternative remedy through an appeal to the District Court prevented petitioner from being entitled to relief under the Supreme Judicial Court’s superintendence power, or in the nature of certiorari or mandamus;
- Supreme Judicial Court’s superintendence power over courts of inferior jurisdiction did not extend to actions of city; and
- Exceptional circumstances were not present that would warrant Supreme Judicial Court’s exercise of its superintendence power.

WATER LAW - PENNSYLVANIA

In re Chester Water Authority Trust

Supreme Court of Pennsylvania - January 21, 2026 - 349 A.3d 892

Municipal water authority providing service for city and two counties filed petition seeking approval of declaration of trust and transfer of authority’s assets into trust. City and prospective purchaser of authority each moved for judgment on the pleadings.

Separately, city brought action for declaratory judgment that Municipality Authorities Act (MAA) vested it with statutory authority to unilaterally obtain and sell authority. City also sought injunction enjoining authority from interfering with city’s right to sell authority’s assets, from encumbering or dissipating authority’s assets, and from burdening authority’s assets with any new debt. City then moved for judgment on the pleadings.

The Court of Common Pleas denied motions for judgment on the pleadings in both actions. City and prospective purchaser appealed in both actions. The Commonwealth Court reversed and remanded. Review was granted on water authority’s petition for allowance of appeal and county’s cross-

petition.

The Supreme Court held that:

- City did not retain its conveyance power over water authority and its projects in perpetuity, and
- As a matter of first impression, city had no unilateral power to convey authority's assets to itself after new board took over with representatives from city and two counties.

Statute permitting municipality to acquire project that was established by board appointed by municipality and was of a character which municipality had power to establish, maintain, or operate was not static by its plain terms, did not empower city to retain its conveyance power over city water authority and its projects in perpetuity, and did not provide city with perpetual and unilateral power to force conveyance of water authority's projects.

City which had originally incorporated water authority had no unilateral power to convey authority's assets to itself after new board took over with representatives from city and two counties where ratepayers were located; although statute permitted municipality to acquire project that was established by board appointed by municipality and was of a character which municipality had power to establish, maintain, or operate, the water authority's projects were no longer "of a character" which city unilaterally had power to establish, maintain or operate as it once did when it had sole control of authority's board, but the projects were now of a character that the participating municipalities had power to establish, maintain or operate.

IMMUNITY - VIRGINIA

Sentara Medical Group v. Klena

Supreme Court of Virginia - February 26, 2026 - S.E.2d - 2026 WL 530921

Surgeon's former employer brought action against surgeon and his new employer for tortiously interfering with noncompete clause in surgeon's employment contract with former employer.

New employer filed plea in bar. The Norfolk Circuit Court granted the plea in bar and dismissed the case. Former employer filed petition for review, which was granted.

The Supreme Court held that:

- New employer was not automatically entitled to sovereign immunity simply because it was a subsidiary of public hospital authority, and
- New employer was not entitled to sovereign immunity because it did not present sufficient facts to conduct totality of the circumstances review.

BONDS - FLORIDA

Atlantic Housing Partners L.L.L.P. v. Brevard County

United States District Court, M.D. Florida, Orlando Division - January 13, 2026 - Slip Copy - 2026 WL 91583

Plaintiff was the contract purchaser of real property upon which it intended to build a multi-family affordable housing complex.

Plaintiff submitted an application for tax-exempt bond financing to finance the development. The aggregate principal amount of the bond for which Plaintiffs applied was $16,750,000. The Brevard County Housing Finance Authority (BCHFA) held a public meeting for the purpose of receiving input on the bond application. After that meeting, the BCHFA recommended approval of the application.

Defendant Board of County Commissioners (BOCC) then held a public hearing to decide the bond application. The BOCC voted to deny the bond application, prompting Plaintiffs to initiate this lawsuit.

Plaintiffs brought: a) segregative effect claims; and b) disparate impact claims under the Federal and Florida Fair Housing Acts (FHAs).

The United States District Court held that Plaintiffs could not establish a prima facie case for their segregative effect or disparate impact claims and the court grants summary judgment on that ground.

As to the segregative effect claim, the court concluded Plaintiffs failed to state a prima facie case because they had not attempted to make a showing of historical practices of segregation. While Plaintiffs argued that a segregated housing pattern based on race exists, such a housing pattern is, by itself, insufficient to establish a prima facie case. Without a showing of historical practices of segregation, housing statistics showing racial disparities only repeat the otherwise unsurprising fact that racial minorities are minorities; the statistics do little to support the claim of a segregative effect.

“The court thus concludes that Defendant is entitled to summary judgment on the segregative effect claims.”

The court then explained that disparate impact claims require a plaintiff to demonstrate that a facially neutral policy had a harsher impact on a protected group of individuals, such as a racial minority, even if the effect was unintended. Here, the facially neutral policy that Plaintiffs now challenge is Defendant’s denial of Plaintiffs’ bond application. However, the decision to deny a single application is hardly a policy. Thus, the court concluded that Defendant’s one-time decision to deny Plaintiffs’ bond application is not a policy at all.

“Plaintiffs have not provided evidence on which a reasonable jury could base a finding that the denial of Plaintiffs’ bond application constituted or was representative of a broader policy by Defendant.

NEGLIGENCE - GEORGIA

Hicks v. City of Albany

Court of Appeals of Georgia - February 26, 2026 - S.E.2d - 2026 WL 537755

Property owner brought negligence action against city, alleging that he stepped on a storm water drainage intake lid in his yard, the lid dislodged, and he fell into the storm water drainage system and was injured.

The State Court granted city's motion to dismiss, and property owner appealed.

The Court of Appeals held that:

- Property owner's ante litem notice failed to comply with statute, requiring that plaintiff give notice to municipality prior to bringing suit and requiring notice to include the negligence which caused injury;
- It would decline to issue sanctions for counsel's fake case citations because counsel took responsibility and apologized for her actions; and
- Doctrine of res ipsa loquitur was not applicable to property owner's negligence action because storm water drainage intake lid was not within city's exclusive control.

Property owner's ante litem notice failed to comply with statute, requiring that plaintiff give notice to municipality prior to bringing suit and requiring notice to include the negligence which caused the injury, for purposes of property owner's negligence action against city, alleging that he was injured when he stepped on storm water drainage intake lid in his yard and he fell into storm water drainage system; owner's ante litem notice stated that he fell when he stepped on storm water drainage intake lid, which he stated was owned and maintained by city, but he did not indicate what negligence on the part of the city he alleged caused his injuries, as required by statute.

Appellate court would decline to issue sanctions for counsel's fake case citations because counsel took responsibility and apologized for her actions in citing to nonexistent cases, which she believed came from artificial intelligence (AI) platform.

Doctrine of res ipsa loquitur was not applicable to property owner's negligence action against city, alleging that he was injured when he stepped on storm water drainage intake lid in his yard and he fell into storm water drainage system, because the storm water drainage intake lid located in owner's yard was not within city's exclusive control, and thus, owner was not relieved of the obligation to describe the negligence that caused his injury, pretermitting whether doctrine of res ipsa loquitur could be utilized to satisfy the negligence component of statutory ante litem notice requirements for bringing suit against municipality.

ZONING & PLANNING - MAINE

Drew v. Town of York

Supreme Judicial Court of Maine - February 24, 2026 - A.3d - 2026 WL 503052 - 2026 ME 15

Neighbors filed complaint for review of a decision of the town board of appeals to affirm the town planning board's approval of an application for the construction of a new wireless communications facility on top of town water tower.

The Superior Court affirmed. Neighbors appealed.

The Supreme Judicial Court held that board of appeals failed to make sufficient findings to allow appellate review of claim that facility violated setback requirements, and thus remand was required for additional findings.

Town board of appeals failed to make sufficient findings, when affirming grant of application to construct new wireless facility on top of water tower, to allow appellate review of neighbors' claim that facility violated setback requirements, and thus remand was required for additional findings,

where the board's decision stated only that the board was "satisf[ied]" with the information that the applicant provided in its revised site plan, and the board did not address the important question of the point or line from which the setbacks should be measured or make any findings that abutting residential structures were more than 65 feet from that point or line, as required by town wireless communications facilities ordinance.

ZONING & PLANNING - OHIO

[729 West 130th Street, L.L.C. v. Hinckley Township Board of Zoning Appeals]

Supreme Court of Ohio - February 25, 2026 - N.E.3d - 2026 WL 513442 - 2026-Ohio-595

Property owners who operated a tavern sought clarification from township zoning inspector about whether their property retained nonconforming-use status after tavern ceased operations, and inspector responded by email that property no longer qualified as nonconforming use, prompting property owners to appeal to township board of zoning appeals, which dismissed appeal as untimely.

Property owners appealed. The Court of Common Pleas affirmed board's dismissal and property owners appealed. The Ninth District Court of Appeals, reversed, holding that inspector's email did not constitute appealable decision. Board of zoning appeals sought discretionary review.

The Supreme Court held that zoning inspector's email to property owners about property's zoning status did not constitute a "decision" that could be appealed to board of zoning appeals.

Zoning inspector's email to property owners about property's zoning status did not constitute a "decision," under statute establishing procedure for appealing administrative zoning decisions, that could be appealed to board of zoning appeals; township zoning resolution provided that zoning inspector makes a "determination of nonconforming status" after property owners submit evidence that the property's use has been lawfully created, then, after accepting such evidence, the inspector "shall issue a Certificate of Non-Conforming Use," and because property owners did not engage in any formal process by which zoning inspector issued a formal decision based on evidence, as they merely visited inspector's office to inquire about property's zoning status as a nonconforming use, inspector did not issue a "decision" on whether property remained in compliance with nonconforming-use status.

MUNICIPAL ORDINANCE - TENNESSEE

[Tinsley Properties, LLC v. Grundy County]

Supreme Court of Tennessee - February 25, 2026 - S.W.3d - 2026 WL 515396

Quarry operator and owner filed action for declaratory judgment that county ordinance requiring any quarry to be located at least 5,000 feet from certain buildings was void, alleging in part that the ordinance was a zoning regulation that did not comply with statutory zoning requirements of the County Zoning Act.

The Chancery Court granted county's motion for summary judgment. Owner and operator appealed, and the Court of Appeals affirmed. The Supreme Court granted permission to appeal.

The Supreme Court held that:

- Ordinance's terms and concepts were customarily associated with comprehensive zoning plans, and
- Ordinance substantially affected the use of the quarry property, and thus was a zoning ordinance.

Terms and concepts of county ordinance prohibiting any quarry from operating within 5,000 feet of certain land uses were customarily associated with comprehensive zoning plans, for purposes of whether, under the substantial effects test, the ordinance was a "zoning ordinance" subject to the procedural requirements of the County Zoning Act; ordinance referenced property lines and boundaries in specifying the required distance of a quarry from certain types of establishments, and also included a "grandfather clause" provision.

County ordinance prohibiting any quarry from operating within 5,000 feet of certain land uses substantially affected the use of quarry owner's property, as it wholly prohibited quarries in specified portions of county, such that, under the substantial effects test, ordinance was a "zoning ordinance" subject to the procedural requirements of the County Zoning Act.

PUBLIC EMPLOYMENT - WASHINGTON

Matter of Recall of Clouse

Supreme Court of Washington, En Banc - February 26, 2026 - P.3d - 2026 WL 532076

Voter filed recall petition against county commissioner. The Superior Court, Thurston County, Jennifer A. Forbes, J., dismissed petition. Voter appealed.

The Supreme Court held that:

- Petition's charges against commissioner were factually insufficient insofar as they referenced a vague, undefined benefit received by commissioner because of her personal relationship with an employee;
- Petition's charges against commissioner were factually insufficient insofar as they suggested that commissioner increased the risk of an adverse employment claim and failed to limit such risk to the county;
- Petition's charge that commissioner's general conduct was inconsistent with behavioral requirements and expectations included in county policy was factually insufficient;
- Petition's charge, as amended by the trial court, that commissioner selected for employment and continued to employ as her subordinate someone with whom she had a personal relationship was factually sufficient;
- Petition's charge, as amended by the trial court, that commissioner accepted a specific quantity of money from a subordinate employee for personal use without clarifying whether she needed to repay the employee was factually sufficient;
- Petition failed to identify requisite standard, law, or rule that would establish that commissioner acted unlawfully by selecting for employment and continuing to employ as her subordinate someone with whom she had a personal relationship;
- Petition failed to identify requisite standard, law, or rule that would establish that commissioner acted unlawfully by accepting a specific quantity of money from a subordinate employee for personal use without clarifying whether she needed to repay the employee; and
- Petition failed to show that commissioner's discretionary act in hiring, and continuing to employ, subordinate with whom commissioner had a personal relationship was manifestly unreasonable behavior.

PUBLIC EMPLOYMENT - WASHINGTON

[Matter of Recall of Lauser]

Supreme Court of Washington, En Banc - February 26, 2026 - P.3d - 2026 WL 531665

City resident filed recall petition against city councilmember due to councilmember's alleged commission of offense of indecent exposure during a protest.

The Superior Court approved the petition and certified the ballot synopsis. City councilmember appealed.

The Supreme Court held that:

- Recall petition was factually insufficient insofar as it alleged malfeasance in office;
- Councilmember's alleged conduct did not constitute the offense of indecent exposure;
- Councilmember's alleged conduct was expressive conduct protected under the United States and Washington Constitutions; and
- Recall petition was both factually and legally insufficient insofar as it alleged that councilmember violated oath of office.

PUBLIC UTILITIES - COLORADO

[Public Service Company of Colorado v. Outdoor Design Landscaping LLC]

Supreme Court of Colorado - January 26, 2026 - P.3d - 2026 WL 192103 - 2026 CO 6

Landscaper brought personal injury action against customer and power company, alleging that customer had hired landscaping company to decorate her spruce tree with Christmas lights, and that when landscaper was hanging lights on the tree, he was electrically shocked by power line, causing him to fall and fracture his spine, which caused permanent paralysis.

Power company filed third-party complaint, joining landscaping company as a third-party defendant, alleging that landscaping company's failure to notify power company in advance of the work violated the High Voltage Safety Act (HVSA).

The District Court granted power company's motion for summary judgment against landscaper pursuant to tariff and granted in part and denied in part power company's motion for summary judgment pursuant to HVSA. Parties appealed.

The Court of Appeals affirmed in part, reversed in part, vacated in part, and remanded. Landscaping company and power company filed petitions for certiorari review, which were granted.

The Supreme Court held that:

- Public Utility Commission (PUC) did not have authority to approve tariff limiting the liability of utilities to non-customers;
- Landscaper was not a "person" subject to HVSA's notification requirement; and
- Landscaping company's violation of HVSA's notification requirement obligated it to indemnify power company.

Public Utility Commission (PUC) did not have authority, under article of constitution vesting authority in PUC and statute governing PUC's regulation of rates, to approve tariff limiting liability

of utilities to non-customers, and thus tariff stating that power company “shall not be held liable for injury to persons caused by its lines when contacted or interfered with by trees” unless lines were “in a defective condition,” did not apply to landscaper’s personal injury action against power company, alleging that when he was hanging lights on tree, he was shocked by power line; nothing in constitution or statute granted PUC authority to limit utility’s liability to non-customers, and absent indication of intent to grant authority, it was appropriate to resolve doubt against authority.

ELECTIONS - CONNECTICUT

Amadasun v. Armstrong

Supreme Court of Connecticut - February 17, 2026 - A.3d - 2026 WL 451331

Candidate for town council brought action against town clerk and others, claiming that clerk misapplied newly passed revisions to town’s charter to determine the election results.

The Superior Court granted clerk’s motion to dismiss for lack of subject matter jurisdiction. Candidate appealed.

The Supreme Court held that clerk’s decision to apply revised provisions of town’s charter to determine the composition of the town council was a “ruling of an election official” within meaning of election contest statutes.

Town clerk’s decision to apply revised provisions of town’s charter, which were approved in municipal election, rather than the provisions purportedly in effect on the day of the election to determine the composition of the town council from that same municipal election was a “ruling of an election official” within the meaning of statutes authorizing an elector or candidate aggrieved by such a ruling to bring an election contest, even though decision was made after the balloting and ballot tabulation; decision required clerk to apply minority representation statute and statute requiring reporting of winners to the Secretary of State and went to the question of who won the town council election.

BOND VALIDATION - FLORIDA

State Attorneys for Second, Seventh and Ninth Judicial Circuits v. Florida Pace Funding Agency

Supreme Court of Florida - December 18, 2025 - 424 So.3d 478 - 50 Fla. L. Weekly S335

Agency brought bond validation action seeking judgment validating issuance of $5 billion in revenue bonds to fund qualifying improvements under Property Assessed Clean Energy Act (PACE).

The Circuit Court validated the bonds. No party appealed within prescribed time.

Over one year later, governmental entities including state attorneys, counties, and tax collectors filed motions for relief from judgment.

The circuit court denied the motions, finding that rule governing motions for relief from judgment did not apply to the bond validation judgment and motions were untimely and insufficient. Governmental entities appealed.

The Supreme Court held that:

- Supreme Court of Florida had jurisdiction to consider appeal in special statutory proceeding for validating bonds from denial of motion for relief from judgment as final judgment;
- Supreme Court was authorized by statute to review of order denying motion for relief from judgment that was entered in bond validation action, albeit post-judgment;
- Deference to statutory scheme was required;
- Bond validation judgments not challenged after time for appeal expired could not be collaterally attacked, unless statute's limited exception applied; and
- Separation-of-powers concerns were not implicated.

Supreme Court of Florida had jurisdiction to consider appeal in special statutory proceeding for validating bonds from denial of motion for relief from judgment as final judgment.

Statutory language stating, "[a]ny party to the action whether plaintiff, defendant, intervenor or otherwise, dissatisfied with the final judgment, may appeal to the Supreme Court," authorized Supreme Court review of order denying motion for relief from judgment that was entered in bond validation action, albeit post-judgment.

In special statutory proceeding for validating bonds, court had to defer to statutory scheme, since rule governing relief from judgment did not specifically provide to the contrary.

In bond validation proceedings, judicial branch is authorized to perform a limited role as part of a broader scheme to ensure the marketability of proposed bonds or certificates of indebtedness by foreclosing a subsequent attack on their validity.

Bond validation judgments not challenged after time for appeal expired could not be collaterally attacked, unless statute's limited exception applied.

Special statutory proceeding for validating bonds and rule providing relief from judgment were not in conflict, and therefore separation-of-powers concerns were not implicated by denial of motion for relief from judgment in special statutory proceeding for validating bonds, even if issue presented were purely procedural.

BONDS - MAINE

Minerich v. Boothbay-Boothbay Harbor Community School District

Supreme Judicial Court of Maine - February 10, 2026 - A.3d - 2026 WL 371121 - 2026 ME 11

Residents filed a complaint seeking judicial review of regional school board's denial of their petition for reconsideration of a bond question, and asserting independent claims seeking a declaratory judgment to recognize residents' compliance with the statutory requirements for reconsideration of votes taken at a regional school unit referendum and seeking attorney fees pursuant to § 1983 based on an alleged deprivation of their First Amendment rights to petition the government.

The Superior Court denied both the complaint and the independent claims. Residents appealed.

The Supreme Judicial Court held that:

- Board's duty to initiate referendum upon receipt of reconsideration petition was ministerial, as

rendered mandamus relief available, and thus trial court had jurisdiction;
- Residents' challenge to denial of their petition was not moot;
- Residents' petition exceeded allowable statutory scope of petitions seeking reconsideration of votes taken at regional school unit referenda; and
- Petition's two articles could not be severed from each other.

Regional school board's duty to initiate referendum upon receipt of residents' reconsideration petition regarding voters' approval of bond referendum was ministerial, not discretionary, provided that petition met requirements of statute governing reconsideration of regional school unit referendum, as rendered mandamus relief available to compel board to put article up for referendum if petition was proper reconsideration petition, and thus superior court had jurisdiction to review board's denial of petition; statute, which contained the word "shall," provided unambiguous mandate that board must put articles up for reconsideration if statutory requirements were met.

Meaningful relief was still available in mandamus despite the passage of the statutory deadlines of 60 days for motions seeking reconsideration of votes taken at a regional school unit referendum, and thus the deadline's passage did not render moot residents' challenge to regional school board's decision to deny their petition for reconsideration of a bond question, where the bonds in dispute had not yet been issued.

Residents' petition to regional school board did not seek "reconsideration" of bond referendum, and thus the petition exceeded the allowable statutory scope of petitions seeking reconsideration of votes taken at a regional school unit referendum; residents made a request to affirmatively repeal the result of the bond referendum vote, and residents' petition asked voters to approve an entirely distinct replacement initiative, rather than merely asking that voters take the previous matter up again.

Even if either of two articles in residents' petition purportedly seeking reconsideration of regional school board's bond referendum constituted reconsideration petition, articles could not be severed from each other, as bar to submitting petition to referendum as drafted and signed; prospective signers were presented with unitary two-article petition that carried no suggestion of later severance of articles, person signing petition may have reasonably believed they were "pre-approving" authority for school district to issue bonds or notes in manner outlined in one article, and there was no way of knowing which article motivated signatories to petition or whether signatories would have signed petition had it contained only single article.

OPEN MEETINGS - NORTH DAKOTA

Haskell v. Grand Forks Public School District

Supreme Court of North Dakota - February 12, 2026 - N.W.3d - 2026 WL 392314 - 2026 ND 40

Field consultant for public teachers' union brought action against school district, contending that school board violated open meetings statute and due process by entering executive session to discuss matter relating to teacher's grievance, and seeking order requiring board to disclose recording of such session.

Parties cross-moved for summary judgment. The District Court, Grand Forks County, Northeast Central Judicial District, granted district's motion. Consultant appealed.

The Supreme Court held that:

- District's attorney did not waive attorney-consultation exemption by making public statements;
- Board followed proper process for entering executive session;
- Public disclosure of amount of money teacher sought via grievance did not preclude board's invocation of attorney-consultation exemption; and
- District court did not violate procedural due process by denying consultant opportunity to review transcript of executive session; but
- District court was required to conduct in camera review of executive session recording, rather than accepting district's word that all matters discussed were exempt.

ANNEXATION - SOUTH CAROLINA

National Trust for Historic Preservation in United States v. City of North Charleston

Supreme Court of South Carolina - January 21, 2026 - S.E.2d - 2026 WL 158078

City and landowner brought action challenging neighboring city's attempted annexation of one-acre parcel that was 100 feet from highway and that was accessible only by passing through landowner's narrow strip of land that was within city limits of city.

The Circuit Court granted motion to dismiss for lack of standing and determined in the alternative that neighboring city failed to properly annex parcel. Parties cross-appealed. The Court of Appeals affirmed. City and landowner filed petitions for writ of certiorari, which were granted.

The Supreme Court held that:

- City had standing;
- Landowner had standing; and
- Statutory criteria of "adjacent" parcel for annexation by resolution was not met.

CONDEMNATION - TEXAS

Montellano v. Jones

Court of Appeals of Texas, San Antonio - January 21, 2026 - S.W.3d - 2026 WL 157128

Homeowner brought action against city officials, alleging officials acted ultra vires by failing to implement statutorily required relocation assistance program to benefit homeowner when city building standards board ordered demolition of homeowner's house after finding it was public nuisance in need of abatement.

The 225th District Court granted officials' plea to the jurisdiction. Homeowner appealed.

The Court of Appeals held that:

- Officials did not have statutory duty to implement relocation assistance program, and thus did not act ultra vires, and
- Homeowners' right to due course of law under state constitution was not violated.

EASEMENTS - VERMONT

Echeverria v. Town of Tunbridge

Supreme Court of Vermont - February 20, 2026 - A.3d - 2026 WL 479445 - 2026 VT 5

Landowners brought action against town seeking declaratory judgment that town lacked authority to perform maintenance or conduct repairs on public trails that crossed their private properties.

The Superior Court granted town's motion to dismiss. Landowners appealed. The Supreme Court reversed and remanded. On remand, the Superior Court granted summary judgment in town's favor. Landowners appealed.

The Supreme Court held that town had authority to maintain and repair public trails that crossed private property.

Towns had authority to maintain and repair public trails across private land, even though amendments removed "trail" from definition of "highway," as relevant statute continued to define "trails" as rights-of-way for which town had authority to maintain to extent necessary to ensure public's use, and other statutory provisions allowed towns to regulate how trails were used.

POLITICAL SUBDIVISIONS - GEORGIA

Guy v. Housing Authority of the City of Augusta

Court of Appeals of Georgia - February 9, 2026 - S.E.2d - 2026 WL 350927

Tenant in low-income apartment complex owned by city housing authority brought premises-liability action against authority, alleging that authority was negligent in failing to provide property security or take measures to keep property safe, or both, leading to tenant's being shot in the leg on the front porch of her apartment.

The State Court granted authority's motion for summary judgment. Tenant appealed. The Court of Appeals affirmed based on its conclusion that authority operated as an instrumentality of city and, as such, was entitled to sovereign immunity. Tenant filed petition for writ of certiorari, which was granted. The Supreme Court concluding that the question of whether authority was entitled to immunity was a matter of common law that had to be answered by examining the common law of England as of May 14, 1776, vacated the opinion of the Court of Appeals and remanded for further consideration.

The Court of Appeals held that issue of whether authority was entitled to immunity required further exploration of issue of whether city and county were a consolidated government, and thus Court of Appeals would remand to trial court to examine and decide issue in the first instance.

GO BONDS - IDAHO

Doyle v. Harris Ranch Community Infrastructure District No. 1

Supreme Court of Idaho - June 2025 Term - February 12, 2026 - P.3d - 2026 WL 387407

Residents of community infrastructure district (CID) sought judicial review of district board's resolutions to reimburse developer for construction of roadways, stormwater facilities, and other

infrastructure, which resulted in higher tax burden on residents.

The Fourth Judicial District Court denied residents' motion to augment the record and ruled in favor of district. Residents appealed.

In a case of first impression, the Supreme Court, Meyer, J., held that:

- Preservation rule should not have been applied to bar CID residents from augmenting the record and presenting legal arguments that were not presented to district board;
- Residents were barred by CID Act's 60-day statute of limitations from contesting the validity of the CID's formation;
- CID Act's definition of "community infrastructure" did not exclude roadways that fronted multiple single-family residential lots;
- Roadways satisfied the CID Act's definition of "community infrastructure" that could be reimbursed;
- Stormwater facilities subject to highway department's permanent easement qualified as "publicly owned" facilities under CID Act;
- CID was not the alter ego of the city;
- Residents' argument that CID's issuance of a general obligation bond imposing ad valorem taxes violated the Idaho Constitution was time-barred;
- General obligation bond issued by CID did not create unequal taxation in violation of Equal Protection Clause or Idaho Constitution;
- CID resolutions to reimburse developer through issuance of a general obligation bond did not violate the lending of credit prohibitions in the Idaho Constitution; and
- Neither residents nor CID were entitled to award of appellate attorney fees.

ZONING & PLANNING - MONTANA

Atkinson v. City of Livingston

Supreme Court of Montana - February 10, 2026 - P.3d - 2026 WL 369737 - 2026 MT 21

Homeowners brought action against city, alleging negligence and negligent misrepresentation arising from city's issuance of building permit for construction of home in subdivision and failure to disclose known adverse soil conditions in subdivision.

The District Court granted city's motion for summary judgment. Homeowners appealed.

The Supreme Court held that:

- City's permitting and inspection activities fell within language encompassing "planning" and "inspection" in ten-year statute of repose for actions for damages arising out of design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property, and thus statute of repose applied to homeowners' claims;
- Statute of repose began to run when city issued its statement of substantial completion;
- Statute of repose does not contain exemption that precludes municipalities from protection;
- Statute of repose's exception for claims founded upon an instrument in writing did not apply;
- Statute of repose's exception for action for damages for injury that occurred during tenth year did

not apply; and
- Statute of repose's exception for claims concerning responsibility of owner, tenant, or person in actual possession and control of improvement did not apply.

CONSTITUTIONAL LAW - NORTH DAKOTA

City of Dickinson v. Helgeson

Supreme Court of North Dakota - February 12, 2026 - N.W.3d - 2026 WL 392303 - 2026 ND 34

Editor's Note: This decision contains discussion of citation references that are incorrect or do not actually exist. These invalid citations appeared in the original court opinion and have been preserved as written since they are part of the official record. Any links to these invalid citations have been removed.

Motorist was cited for failure to display license plates in violation of city ordinance. The District Court entered judgment finding motorist "guilty" of violating ordinance and designated him a vexatious litigant. Defendant appealed designation, and city sought sanctions for fictitious cases in motorist's appellate brief.

The Supreme Court held that:

- Verdict form and judgment should have stated motorist had been adjudicated in violation of ordinance, not that he was "guilty" of violating it;
- Trial court had jurisdiction to designate motorist a vexatious litigant;
- Trial court acted within its discretion in designating motorist a "vexatious litigant";
- Trial court did not violate motorist's constitutional rights by designating him a vexatious litigant; and
- Supreme Court would award city $500.00 as a sanction for motorist's citation to nonexistent cases.

EMINENT DOMAIN - OHIO

Lifestyle Communities, Ltd. v. City of Worthington, Ohio

United States Court of Appeals, Sixth Circuit - January 27, 2026 - 165 F.4th 1013

Real estate developer brought action against city under § 1983 asserting regulatory takings claims under the United States and Ohio constitutions, as well as due-process claims, equal-protection claims, free-speech claims, and retaliation claims, arising from city's denial of its application to rezone, for mixed-use development, a vacant parcel of land on which a youth home had operated, and also seeking a declaration that the property's current zoning was unconstitutional.

The United States District Court granted city's motion to dismiss all but the takings and declaratory judgment claims, subsequently denied developer's motion for reconsideration, and denied developer's motion for summary judgment on its remaining claims and granted city's cross-motion. Developer appealed.

The Court of Appeals held that:

- Developer did not have reasonable investment-backed expectation that city would approve its rezoning application;

- Character of city's actions weighed against finding that city council effected regulatory taking;
- City did not effect regulatory taking when it denied developer's rezoning application and amended city's comprehensive plan to emphasize more contiguous greenspace on the parcel;
- It was not beyond fair debate that parcel's current zoning was unconstitutional under Ohio law;
- Developer could not premise its void-for-vagueness challenge, under the Due Process Clause, to city's rejection of it application to rezone the parcel;
- Developer did not have a cognizable due-process property interest in city's discretionary decision to rezone the parcel; and
- Developer failed to state a substantive-due-process claim that current zoning scheme, which permitted only parks, hospitals, churches, parochial schools, and other public or institutional uses, violated its right to use parcel as it saw fit.

ZONING & PLANNING - VIRGINIA

Corzine v. Alexandria City Council

Court of Appeals of Virginia, Fairfax - February 3, 2026 - S.E.2d - 86 Va.App. 623 - 2026 WL 272390

Neighbors brought action challenging development special use permit authorizing a floor area ratio of 2.5 for a wholly residential apartment building in commercial residential mixed use high zone. The Alexandria Circuit Court sustained city's demurrers and dismissed the complaint with prejudice. Neighbors appealed.

The Court of Appeal held that, as matters of first impression;

- Development ordinance subsection providing for a maximum permitted floor area ratio of 1.25 if a parcel in a commercial residential mixed use high zone is developed "for only residential use" did not apply;
- Ordinance subsection providing for a maximum permitted floor area ratio of 2.5 for a "Mixed use or residential/SUP" (special use permit) building where at least 50% of the space was residential applied; and
- Subsections did not conflict, and thus ordinance requiring compliance with the most restrictive requirement did not apply.

STATE OF LIMITATIONS - ALABAMA

A.G.R. v. City of Irondale

Supreme Court of Alabama - January 30, 2026 - So.3d - 2026 WL 251651

Mother, as parent and next friend of youngest daughter, and oldest daughter brought negligence action against two cities, alleging cities' library employees negligently failed to intervene or report inappropriate touching of daughters, when they were minors, by tutor at public libraries owned and operated by cities.

The Circuit Court granted cities' motions to dismiss due to plaintiffs' failure to timely serve notices of claim within six months of claims' accrual. Mother and daughters appealed.

The Supreme Court held that statute that suspended the limitations period for individuals who were minors when their claim accrued did not apply to suspend the limitations period in notice of claim

statute.

Statute that suspended the limitations period for individuals who were minors when their claim accrued did not apply to suspend the limitations period in notice of claim statute, which required all claims against a municipality for damages growing out of torts to be presented within six months from the accrual of the claim; the notice of claim statute contained no minor-specific exception to its limitations period, and statute that suspended the limitations period for minors only tolled statute of limitations and did not apply to notice of claim requirements, as notice of claim statutes imposed condition-precedent requirements, which differed from statute of limitations.

LIABILITY - GEORGIA

Bowen v. City of Albany

Court of Appeals of Georgia - February 10, 2026 - S.E.2d - 2026 WL 368056

Driver of school bus and her adult passenger submitted separate ante litem notices to city, and subsequently filed separate negligence suits against city, seeking to recover for serious injuries sustained when city police officer's patrol car ran a red light and collided with school bus.

Finding that the ante litem notices did not include offers of compromise, the trial court granted city's motions to dismiss the actions. Driver and passenger appealed.

The Court of Appeals held that:

- Ante litem notices substantially complied with statutory requirement to include an offer of compromise, and
- Passenger's ante litem notice was not rendered insufficient by its use of the term "damages incurred," rather than "damages claimed."

TORT CLAIMS - IOWA

Abrahamson v. Scheevel

Supreme Court of Iowa - January 30, 2026 - N.W.3d - 2026 WL 247406

Area residents brought action against former city police officer and city police chief, individually and in their official capacities, as well as city and surety, asserting statutory and common law claims based on allegations that officer improperly accessed and disseminated their confidential criminal history and intelligence data.

The District Court denied defendants' motion to dismiss on limitations grounds. Defendants applied for interlocutory appeal. On transfer from Supreme Court, the Court of Appeals reversed and remanded. Residents sought further review.

The Supreme Court held that:

- Two-year statute of limitations under Iowa Municipal Tort Claims Act (IMTCA) applied to residents' claims, and
- Statute began to run no later than date of officer's resignation from employment.

Iowa Municipal Tort Claims Act's (IMTCA) statute of limitations, requiring damage action against

municipality or municipal employee to be brought within two years after alleged injury, was not contrary to damages liability authorized by statute creating private cause of action for improper access or dissemination of criminal history or intelligence data, and thus it, rather than five-year general statute of limitations and associated discovery rule, applied to residents' claims under statute, and under common law for invasion of privacy and conspiracy, in action against city and former officer and chief of its police department alleging that officer improperly accessed confidential law enforcement databases to obtain information about residents for his own personal purposes or harassment.

PUBLIC UTILITIES - MAINE

Ellsworth Me Solar, LLC v. Public Utilities Commission

Supreme Judicial Court of Maine - February 5, 2026 - A.3d - 2026 WL 304608 - 2026 ME 10

Solar energy company appealed from order of Public Utilities Commission denying its petition for good cause exemption from commercial operation date deadline in state's net energy billing statute, as well as Commission's decision not to grant company's petition for reconsideration or to reopen record.

The Supreme Judicial Court held that:

- Substantial evidence supported Commission's finding that initial construction schedule showed completion date after statutory deadline;
- Commission's determination that developer had to provide proof of receipt of initial construction schedule showing expected completion date within statutory deadline was reasonable; and
- Commission's denial of solar energy company's request for good cause exemption was not arbitrary.

PUBLIC RECORDS - VIRGINIA

Keil v. O'Sullivan

Supreme Court of Virginia - February 12, 2026 - S.E.2d - 2026 WL 388510

After city sheriff's office failed to respond to officer's requests for information related to an internal-affairs investigation the sheriff's office had undertaken into officer's conduct pursuant to Government Data Collection and Dissemination Practices Act and sheriff's office claimed an exemption to officer's Virginia Freedom of Information Act (VFOIA) request, officer filed an action challenging sheriff's office's refusal to give him access to the requested information.

The Chesapeake General District Court ruled against officer, and he appealed. The Chesapeake Circuit Court dismissed the action, and officer appealed. The Court of Appeals affirmed, and officer appealed.

The Supreme Court held that:

- Sheriff's office violated Government Data Collection and Dissemination Practices Act by refusing to provide officer access to internal-affairs records, and
- Phrase "may be located" implies no custom search methodology or specialized search terms, as phrase is used in Government Data Collection and Dissemination Practices Act defining "data

subject."

ECONOMIC DEVELOPMENT - WYOMING

Gunwerks, LLC v. Forward Cody Wyoming, Inc.

Supreme Court of Wyoming - February 2, 2026 - P.3d - 2026 WL 265228 - 2026 WY 16

Firearms manufacturer brought breach of contract action against non-profit economic development organization that acted as city's agent and organization's contractors that were an architectural firm and construction company arising from construction of an allegedly substandard and defective manufacturing facility, pursuant to a contingency and development agreement (CDA), with grants and loans provided through state initiative program to stimulate local economic development.

The District Court granted contractors' motion to dismiss and granted organization's motion for summary judgment. Manufacturer appealed.

The Supreme Court held that:

- Trial court properly considered three documents that were not attached to complaint in ruling on motion to dismiss;
- Manufacturer alleged sufficient facts that could entitle it to relief as third-party beneficiary of organization's contracts with firm and company;
- Organization had project administration duties, including construction duties, under CDA; and
- Factual issues as to breach of CDA precluded summary judgment on claim against organization.

MUNICIPAL ORDINANCE - CALIFORNIA

Mustaqeem v. City of San Diego

Court of Appeal, Fourth District, Division 1, California - January 22, 2026 - Cal.Rptr.3d - 2026 WL 174947 - 2026 Daily Journal D.A.R. 665

Licensed sidewalk vendor who sold packaged snacks outside ballpark brought action against city for writ of mandate, injunctive relief, and declaratory relief, alleging city's sidewalk vending regulations conflicted with state laws enacted to protect sidewalk vendors.

Vendor moved for preliminary injunction barring city from enforcing certain provisions of municipal code. The Superior Court denied the request for a preliminary injunction. Vendor appealed.

The Court of Appeal held that:

- Municipal ordinance allowing city to impound a sidewalk vendor's equipment and/or goods based on violations of the city's sidewalk vending regulations facially conflicted with state statute;
- Municipal ordinance prohibiting sidewalk vending in city ballpark district around the time of park events was not based on any objective health, safety, or welfare requirement, and thus ordinance likely violated statutory limits on vending restrictions;
- Vendor failed to establish a likelihood of success on the merits on claim that city's general regulations governing sidewalk vending in ballpark district amounted to a de facto ban on sidewalk vending in the city's most viable commercial areas; and
- Statute did not prohibit city from conditioning sidewalk vending permits on vendors agreeing to release, indemnify, or hold harmless the city from liability.

BOND VALIDATION - GEORGIA

Safer Human Medicine Inc. v. Decatur-County-Bainbridge Industrial Development Authority

United States District Court, M.D. Georgia, Albany Division - January 28, 2026 - Slip Copy - 2026 WL 226966

Plaintiff, Safer Human Medicine, filed an action before the Court raising breach of contract claims against Defendant, Decatur-County-Bainbridge Industrial Development Authority (the Authority), regarding a primate breeding facility that Plaintiff sought to develop in agreement with Defendant.

After Plaintiff identified Decatur County, Georgia as the location for its primate breeding facility, it entered into negotiations with the Authority regarding tax bonds. The Authority ultimately voted to adopt a Bond Resolution for the maximum aggregate principal amount of $300,000,000.00. Under Georgia law, the Authority was required to obtain confirmation and validation of the proposed bond issuance.

Authority and Plaintiff sought an order confirming and validating the Bond Resolution. A hearing was held on the petition and no member of the public moved to intervene or object. At conclusion of the hearing, the Superior Court issued the Bond Validation Order.

Subsequently, the District Attorney for the South Georgia Judicial Circuit filed a Motion for Reconsideration or in the Alternative to Set Aside the Validation Order in the Superior Court of Decatur County contending that the Authority voted illegally to approve the bond validation without any input from the community or citizens."

The Georgia Court of Appeals dismissed the appeal in its entirety, concluding that "because the State petitioned the trial court for the bond validation, it cannot bring an appeal from the trial court's order granting that petition" since "it is axiomatic that at the appellate level one cannot complaint of a judgment, order, or ruling that their own procedure or conduct procured or aided in causing."

Subsequently, the State of Georgia (the State) filed a Motion to Intervene. The State of Georgia sought to intervene in the action both as of right and permissively. Specifically, the State contends that it must be permitted to intervene as of right because it claims an interest relating to the underlying property that would be impaired or impeded by disposition of the action and no existing party can adequately represent that interest.

The District Court held that:

- The State was not entitled to Intervention by Right as it could not establish the third element — impairment.
- Given that the State's case was decided on a procedural rather than substantive basis, the question of whether the Court should exercise its discretion and allow permissive intervention carries greater weight.
- A case from the State would share common questions of law and fact with the claims and defenses of the action. Specifically, the underlying agreements "are not binding or enforceable because they fail to comply with Georgia law."
- Permissive intervention would not cause undue delay or prejudice to existing parties.
- Because the litigation remains in the early stages, no party suffers any prejudice by the

intervention of the State.
- Any claims the State may have for or against the Bond Validation would in turn share common questions of law and fact with the present parties claims and defenses of this action.
- Rule 24(b)(2) allows for an additional avenue of permissive intervention by a state governmental officer or agency so long as "a party's claim or defense is based on any regulation, order, requirement, or agreement issued or made under the statute or executive order." Here, the Bond Validation Order underlies the entire action and was made pursuant to a State statue.
- While Plaintiff is correct that permissive intervention is discretionary and may be denied even if a non-party satisfies the elements, the Court errs on the side of caution to avoid duplicitous litigation and resolve the matter with all interests represented.

ZONING & PLANNING - MARYLAND

Chiusano v. Two Farms, Inc.

Appellate Court of Maryland - January 28, 2026 - A.3d - 2026 WL 221133

Protestants sought judicial review of county board of appeals' decision approving developer's project's designation as a planned drive-in cluster under county zoning regulations.

The Circuit Court affirmed. Protestants appealed.

The Appellate Court held that:

- Planning director's letter was not appealable because he lacked authority to interpret zoning regulations;
- Letter was not appealable because it was not a final action; and
- Letter was not appealable because notice was not provided to aggrieved parties.

PUBLIC RECORDS - OHIO

State ex rel. Boddy v. Board of Education of Xenia Community City School District

Supreme Court of Ohio - January 22, 2026 - N.E.3d - 2026 WL 173372 - 2026-Ohio-164

Former school board of education member brought mandamus action against school district's board of education and its treasurer, seeking to compel production under the Public Records Act of email distribution list used to disseminate superintendent's newsletter, and an award of statutory damages, court costs, and attorney fees.

The Supreme Court granted an alternative writ.

The Supreme Court held that:

- School district was entitled to leave to revise school superintendent's affidavit to include a notary signature;
- School district was not entitled to leave to resubmit evidence and substitute school district's prior response to public records request by removing two emails that had been attached to treasurer's affidavit;
- School district waived attorney-client privilege as to two emails it disclosed as an exhibit;

- Email-distribution list constituted a record under the Public Records Act;
- School district failed to establish that email-distribution list was exempt from disclosure under the Act as a record whose release was prohibited by state or federal law;
- Former member was entitled to writ of mandamus compelling school district to disclose requested email-distribution list;
- Former member was entitled to an award of statutory damages;
- Former member was entitled to recover her court costs; and
- Former member was entitled to recover her attorney fees.

CHARTER AMENDMENTS - WASHINGTON

A Better Richland v. Chilton

Supreme Court of Washington, En Banc - January 29, 2026 - P.3d - 2026 WL 234184

Political action committee filed petition for writ of mandamus against county auditor, directing auditor to place proposed city charter amendment on the ballot to be voted on at a special election.

The Superior Court denied the petition and ordered that the proposed amendment be included in the general election. Committee sought direct review.

The Supreme Court held that:

- Moot issue of whether proposed amendment could be placed on special election ballot was matter of continuing and substantial public interest, and thus the Court would review it;
- Phrase "next regular municipal election" in statute providing that "amendment[s] shall be submitted to the voters at the next regular municipal election," includes both special elections and general elections; and
- Committee did not identify ministerial, nondiscretionary duty requiring county auditor to hold special election, and thus mandamus would not lie.

EMINENT DOMAIN - FEDERAL

Snee v. United States

United States Court of Federal Claims - January 23, 2026 - Fed.Cl. - 2026 WL 184337

Owners of property adjacent to railroad corridor filed rails-to-trails action against United States, seeking just compensation for taking of their properties allegedly effected by Surface Transportation Board (STB) issuing notice of interim trail use (NITU) converting railroad right-of-way to public recreational trail, under National Trails System Act. Parties cross-moved for partial summary judgment.

The Court of Federal Claims held that:

- Under New York law, centerline presumption was not rebutted for owners for which railroad held easements pursuant to deeds lacking clear language limiting scope of conveyance;
- Under New York law, centerline presumption was rebutted for owners for which railroad held easements pursuant to deeds containing clear language limiting scope of conveyance;
- Existence of pre-existing trail did not affect totality-of-circumstances analysis used to determine whether railroad would have consummated abandonment in absence of NITU;

- Owners demonstrated railroad would have abandoned rail corridor absent NITU, as required to show causation for takings claim; and
- Genuine issue of material fact remained as to actual value of easement property at time of taking, precluding summary judgment.

IMMUNITY - NEW JERSEY

Arias v. County of Bergen

Supreme Court of New Jersey - January 22, 2026 - A.3d - 2025 WL 4072127

In-line skater brought negligence action against county for injuries sustained when skater fell into pothole while skating on paved pedestrian path in 130-acre county park in densely populated suburban area.

The Superior Court, Law Division, granted county's motion to dismiss for failure to state a claim. Skater appealed. The Superior Court, Appellate Division, affirmed. Skater petitioned for certification, which was granted.

The Supreme Court held that county had recreational-use immunity under the Landowner Liability Act (LLA).

PUBLIC UTILITIES - OHIO

East Ohio Gas Company v. Croce

Supreme Court of Ohio - January 14, 2026 - N.E.3d - 2026 WL 96843 - 2026-Ohio-75

Public utility filed petition for writ of prohibition to prevent the Court of Common Pleas from exercising subject matter jurisdiction over gas producers' class action alleging that utility was not compensating them for natural gas that they inserted into utility's pipeline system, asserting that Public Utilities Commission of Ohio (PUCO) had exclusive jurisdiction.

Producers intervened.

The Ninth District Court of Appeals entered summary judgment in utility's favor, and producers appealed.

The Supreme Court held that PUCO had exclusive jurisdiction over producers' claims.

Public Utilities Commission of Ohio (PUCO) has exclusive jurisdiction over various matters involving public utilities, such as rates and charges, classifications, and service, effectively denying to all Ohio courts—except Supreme Court—any jurisdiction over such matters.

Resolution of natural gas producers' class action alleging that public gas utility was not compensating them for gas that they inserted into utility's pipeline system ultimately depended on whether allegedly tortious conduct was permitted by utility's tariff—i.e., whether utility carried out reconciliation process set forth in its tariff correctly, and thus Public Utilities Commission of Ohio (PUCO) had exclusive jurisdiction over producers' claims; gravamen of producers' complaint was that utility's measurement or practice of reconciling measurements was unreasonable, there was no contract governing disputed issue, and practices of receiving gas into pipeline system, measuring it, pooling it, and conducting reconciliation process were practices normally authorized by public

utility.

PUBLIC UTILITIES - PENNSYLVANIA

In re Chester Water Authority Trust

Supreme Court of Pennsylvania - January 21, 2026 - A.3d - 2026 WL 168066

Municipal water authority providing service for city and two counties filed petition seeking approval of declaration of trust and transfer of authority's assets into trust.

City and prospective purchaser of authority each moved for judgment on the pleadings. Separately, city brought action for declaratory judgment that Municipality Authorities Act (MAA) vested it with statutory authority to unilaterally obtain and sell authority. City also sought injunction enjoining authority from interfering with city's right to sell authority's assets, from encumbering or dissipating authority's assets, and from burdening authority's assets with any new debt.

City then moved for judgment on the pleadings. The Court of Common Pleas denied motions for judgment on the pleadings in both actions. City and prospective purchaser appealed in both actions. The Commonwealth Court reversed and remanded. Review was granted on water authority's petition for allowance of appeal and county's cross-petition.

The Supreme Court held that:

- City did not retain its conveyance power over water authority and its projects in perpetuity, and
- As a matter of first impression, city had no unilateral power to convey authority's assets to itself after new board took over with representatives from city and two counties.

Statute permitting municipality to acquire project that was established by board appointed by municipality and was of a character which municipality had power to establish, maintain, or operate was not static by its plain terms, did not empower city to retain its conveyance power over city water authority and its projects in perpetuity, and did not provide city with perpetual and unilateral power to force conveyance of water authority's projects.

City which had originally incorporated water authority had no unilateral power to convey authority's assets to itself after new board took over with representatives from city and two counties where ratepayers were located; although statute permitted municipality to acquire project that was established by board appointed by municipality and was of a character which municipality had power to establish, maintain, or operate, the water authority's projects were no longer "of a character" which city unilaterally had power to establish, maintain or operate as it once did when it had sole control of authority's board, but the projects were now of a character that the participating municipalities had power to establish, maintain or operate.

EMINENT DOMAIN - VERMONT

Mongeon Bay Properties, LLC v. Town of Colchester

Supreme Court of Vermont - January 23, 2026 - A.3d - 2026 WL 180395 - 2026 VT 1

Property owner brought action against town seeking declaratory judgment and injunction prohibiting town from taking its property through eminent domain to construct stormwater

treatment facility.

After bench trial, the Superior Court concluded that town did not meet its burden to prove necessity of taking and that taking was initiated in bad faith. Town appealed.

The Supreme Court held that town failed to give due consideration to statutory factors for establishing necessity of taking.

Town did not consider adequacy of other property and locations in attempt to condemn property for construction of stormwater treatment facility, as statutory factor of due-consideration requirement for establishing necessity of taking, even though town completed phosphorus control study and created related plan focused on potential sites based on study; neither plan nor study contemplated improvements to condemned property, no additional studies were conducted and no expert opinions to assess property's suitability were obtained after town selected property for condemnation, there was no evidence town used new tools for analyzing end-of-pipe treatment options in selecting property, and town's cost comparison of alternate site was tailored to justify selection of condemned property.

EMINENT DOMAIN - VIRGINIA

Morgan v. City of Norfolk

Court of Appeals of Virginia, Williamsburg - January 20, 2026 - S.E.2d - 2026 WL 136044

Homeowner brought action against city for inverse condemnation, alleging that city damaged her house during project to construct pump station, and seeking declaratory judgment.

The Norfolk Circuit Court granted city's motion in limine, seeking to preclude homeowner from introducing evidence of damages from earlier stages of project, following a bench trial, granted city's motion to strike and dismissed in part and granted in part the claim for declaratory judgment, prior to jury trial, granted city's motion in limine to limit testimony of homeowner's expert, and awarded homeowner $29,828 in attorney fees and costs. Homeowner appealed.

The Court of Appeals held that:

- Stabilization doctrine did not apply to extend accrual date of inverse condemnation action until end date of project;
- Evidence was insufficient to establish that city caused cracking in homeowner's house through concussions and vibrations during final phase of project;
- Court would not address homeowner's argument that her constitutional right to a trial by jury to determine just compensation was denied;
- Trial court limiting testimony from homeowner's expert regarding just compensation was warranted; and
- Trial court did not factor in displeasure with homeowner's counsel when it determined attorney fees award.

EMINENT DOMAIN - NEW YORK

Coalition for Fairness in SoHo and NoHo, Inc. v. City of New York

Court of Appeals of New York - January 13, 2026 - N.E.3d - 2026 WL 88133 - 2026 N.Y. Slip

Op. 00076

Occupants of certain buildings designated as “Joint Living-Work Quarters for Artists” (JLWQA) brought combined article 78 and declaratory-judgment action against city, city’s department of city planning and planning commission, city council, and, in his official capacity, mayor to challenge rezoning plan provision that, in alleged violation the Takings Clause of the Fifth Amendment, allowed occupants to convert their JLWQA units to unrestricted residential use if they paid a one-time fee to an arts fund.

The Supreme Court dismissed petition. Owners and residents appealed. The Supreme Court, Appellate Division, reversed, declared fee unconstitutional, and enjoined its enforcement. Defendants appealed as of right on constitutional grounds.

The Court of Appeals held that fee was not an unconstitutional condition under the Takings Clause.

One-time arts-fund fee that, pursuant to provision of city’s rezoning plan, occupants of certain buildings designated as “Joint Living-Work Quarters for Artists” (JLWQA) had to pay if they wished to convert their JLWQA units to unrestricted residential use would not have constituted a compensable “taking” if it had been imposed directly, and thus fee was not an “unconstitutional condition” under the Takings Clause; all that was being taken was money, rather than the transfer of any interest in occupants’ real property, the fee was not requested in lieu of any such transfer, and it was not commandeered from any specific bank account.

PUBLIC RECORDS - OHIO

State ex rel. Prows v. Ohio Legislative Service Commission

Supreme Court of Ohio - January 21, 2026 - N.E.3d - 2026 WL 151904 - 2026-Ohio-149

Requester brought action against Ohio Legislative Service Commission (OLSC) seeking writ of mandamus to compel the disclosure, pursuant to the Public Records Act, of records related to the drafting of a bill that had been referred to a Senate committee and that pertained to local regulation and taxation of short-term rental properties, and also seeking a declaration that the statutory exemption for legislative documents from the Act’s definition of a “public record,” on which OLSC relied to withhold records, was unconstitutional as applied.

The Supreme Court held that:

- Statute exempting legislative documents from definition of a public record under the Act does not violate constitutional provision assuring public access to business transacted during General Assembly proceedings;
- Communications between legislative staff and individual members of General Assembly or General Assembly staff, which related to the bill were exempt from disclosure under the Act; and
- Requester did not provide clear and convincing evidence that OLSC withheld non-exempt records.

ANNEXATION - SOUTH CAROLINA

National Trust for Historic Preservation in United States v. City of North Charleston

Supreme Court of South Carolina - January 21, 2026 - S.E.2d - 2026 WL 158078

City and landowner brought action challenging neighboring city's attempted annexation of one-acre parcel that was 100 feet from highway and that was accessible only by passing through landowner's narrow strip of land that was within city limits of city.

The Circuit Court granted motion to dismiss for lack of standing and determined in the alternative that neighboring city failed to properly annex parcel. Parties cross-appealed.

The Court of Appeals affirmed. City and landowner filed petitions for writ of certiorari, which were granted.

The Supreme Court held that:

- City had standing;
- Landowner had standing; and
- Statutory criteria of "adjacent" parcel for annexation by resolution was not met.

PUBLIC CONTRACTING - TEXAS

4 Families of Hobby, LLC v. City of Houston

Supreme Court of Texas - January 9, 2026 - S.W.3d - 2026 WL 70833

Disappointed bidder on food and beverage concessions contract for airport brought action against city alleging, inter alia, city failed to comply with Local Government Code section requiring municipalities to use specific procurement methods for contracts requiring expenditure of over $50,000, seeking declaratory judgment that concessions contract was void, and seeking temporary and permanent injunctions suspending concessions contract.

The District Court, denied city's plea to the jurisdiction without allowing bidder jurisdictional discovery.

City appealed. The Houston Court of Appeals reversed in part and rendered judgment dismissing bidder's Local Government Code claims. Bidder filed petition for review.

The Supreme Court held that bidder was entitled to jurisdictional discovery in connection with city's plea to the jurisdiction.

Disappointed bidder on food and beverage concessions contract for airport was entitled to jurisdictional discovery in connection with city's plea to the jurisdiction, in bidder's action alleging city failed to comply with statute requiring municipalities to use specific procurement methods for contracts requiring expenditure of over $50,000; city's plea to the jurisdiction challenged existence of jurisdictional fact, namely, whether concessions contract required expenditure of more than $50,000, and provisions of concessions contract requiring city to provide and maintain all utilities and to maintain all public areas and facilities could reasonably be read to require such expenditures.

WATER AND SEWER FEES - VIRGINIA

Seaview Apartments, LLC v. City of Newport News

Court of Appeals of Virginia, Williamsburg - January 20, 2026 - S.E.2d - 2026 WL 136198

City filed amended complaint against apartment building owner for unpaid water and sewer

services. Owner filed plea in bar, arguing that part of city's claim was precluded by prior judgment on unpaid bills, which the Newport News Circuit Court denied.

Following trial, the trial court denied owner's renewed plea, rendered judgment in city's favor, and awarded city $98,480.68 plus costs. Owner appealed.

The Court of Appeals, Decker held that:

- Factor considering whether facts from prior and current litigation formed convenient trial unit weighed in favor of finding that prior judgment in favor of city was res judicata, and
- Factor considering whether treating facts from prior and current litigation as single unit conformed to parties' expectations weighed in favor of finding that prior judgment in favor of city was res judicata.

ENVIRONMENTAL LAW - CALIFORNIA

Krovoza v. City of Davis

Court of Appeal, Third District, California - December 30, 2025 - Cal.Rptr.3d - 2025 WL 3763554

Residents filed petition for writ of mandate challenging city's approval of relocation of playground equipment within a park and determination that project was exempted from California Environmental Quality Act (CEQA) under three categorical exemptions.

The Superior Court denied the petition. Residents appealed.

The Court of Appeal held that:

- Project's violation of noise ordinance did not constitute substantial evidence it would have significant effect on the environment under test for unusual circumstances exception
- Public comments did not constitute substantial evidence to support fair argument of reasonable probability project may have significant environmental impact;
- City's noise studies did not constitute substantial evidence of a fair argument that project may have a significant effect on the environment;
- City was not required to conduct ambient noise study prior to approving exempt project; and
- City was not required to evaluate project's compliance with section of noise ordinance prohibiting production of audible noise within residential dwelling units without consent of occupants.

ENVIRONMENTAL LAW - CALIFORNIA

Coalition of Pacificans for an Updated Plan v. City Council of City of Pacifica

Court of Appeal, First District, California - December 30, 2025 - Cal.Rptr.3d - 2025 WL 3764279

Land-use planning group moved for award of attorneys' fees after obtaining ruling that city and project applicants should have prepared environmental impact report (EIR) for eight housing units on 1.2 acres.

The Superior Court granted motion. City and applicants appealed.

The Court of Appeal held that:

- Trial court could consider potential environmental impacts;
- Trial court improperly used statewide benchmark to measure impact of individual housing project;
- Using categorical approach that designates entire county or city as being urban or not urban is inappropriate when evaluating Housing Accountability Act (HAA) policy of filling existing urban areas to maximum extent practicable;
- Trial court was not required to deem site suitable based on city's general plan and zoning designations;
- Assessment of reasonableness factor of HAA was not abuse of discretion; and
- Compliance with land use designations and zoning classifications does not dictate that approval of housing project must be deemed reasonable.

EMINENT DOMAIN - FEDERAL

Zanzarella v. United States

United States Court of Federal Claims - December 15, 2025 - Fed.Cl. - 2025 WL 3628241

Owners of property adjacent to railroad corridor filed rails-to-trails action against United States, seeking just compensation for taking of their properties allegedly effected by Surface Transportation Board (STB) issuing notice of interim trail use (NITU) converting railroad right-of-way to public recreational trail, under National Trails System Act. Parties cross-moved for partial summary judgment.

The Court of Federal Claims held that:

- Railroad held easement for land acquired by condemnations;
- Railroad held easement for land conveyed by deeds referencing railroad purposes;
- Railroad held easement in land conveyed by deeds referencing railroad purposes in granting clause;
- Taking was not effected for easements conveyed by deeds referencing railroad purposes in granting clause as trail did not exceed scope of easement;
- Railroad held easement for land conveyed by deeds referencing railroad purposes outside of granting clause;
- Summary judgment was precluded as to whether railroad held easements for land conveyed by deeds incorporating New York General Railroad Act (GRA);
- Centerline presumption was not rebutted for owners of land conveyed by deeds lacking clear limiting language;
- Centerline presumption was rebutted for owners of land conveyed by deeds with clear limiting language; and
- Preexisting walking and bike trail did not prevent owners from establishing causation for takings claim.

WATER LAW - IDAHO

City of Idaho Falls v. Idaho Department of Water Resources

Supreme Court of Idaho, Boise, October 2025 Term - December 31, 2025 - P.3d - 2025 WL 3771308

Cities that held junior groundwater rights in aquifer petitioned for judicial review of Department of Water Resources' order regarding modification of data and modeling used to determine material injury to senior surface water rights holders in aquifer.

Surface water coalition that represented a group of irrigators intervened. The Fourth Judicial District Court
affirmed. Cities appealed.

The Supreme Court held that:

- Cities failed to properly challenge Department's order that was currently in effect;
- Department was entitled to statutory attorney fees on appeal as prevailing party; but
- Coalition was not an adverse party to Department under attorney fee statute.

Cities that held junior groundwater rights failed to properly challenge Department of Water Resources' order that was currently in effect in cities' petition for judicial review, and thus review of that order was barred, in proceeding regarding Department's modification of data and modeling used to determine material injury to senior surface water rights holders in aquifer, where cities appealed Department's post-hearing order that concerned a prior methodology order and that Department issued simultaneously with new, operative order that superseded all previously issued methodology orders in the matter.

PUBLIC UTILITIES - PENNSYLVANIA

FirstEnergy Pennsylvania Electric Company v. Pennsylvania Public Utility Commission

Supreme Court of Pennsylvania - January 8, 2026 - A.3d - 2026 WL 61600

Incumbent local exchange carrier (ILEC) and electric utility sought review of order of Public Utility Commission (PUC), No. C-2020-3019347 denying ILEC's petition for partial reconsideration of PUC order determining that utility charged ILEC unlawfully high pole attachment rates pursuant to joint user agreements (JUA) as compared to rates that utility charged competitive local exchange carriers (CLEC) pursuant to pole license agreements, and ordering utility to reduce ILEC's rates and issue refunds to ILEC.

The Commonwealth Court affirmed. ILEC's and electric utility's petitions for leave to appeal were granted and they appealed.

The Supreme Court held that:

- Challenger to pole attachment rates under joint use agreements bore burden of establishing rate was unjust or unreasonable;
- PUC was not required to apply federal law once it chose to reverse preempt regulation of pole attachments;
- PUC did not have any statutory authority to enact presumptive maximum just and reasonable pole attachment rate in favor of ILECs; and
- Federal Communications Commission presumptive maximum rate could be evidence of unreasonableness in attachment rate proceedings before PUC, but it could not function as presumption.

ANTITRUST - SOUTH CAROLINA

[Cherry Grove Beach Gear, LLC v. City of North Myrtle Beach]

United States Court of Appeals, Fourth Circuit - December 23, 2025 - 162 F.4th 486

Beach equipment rental company brought action against municipality, alleging municipal ordinances prohibiting company from setting up beach equipment on municipal beaches violated Sherman Antitrust Act.

The United States District Court for the District of South Carolina granted summary judgment for municipality, concluding municipality had state action immunity from federal antitrust liability. Company appealed.

The Court of Appeals held that:

- Municipality qualified for state-action immunity from federal antitrust law, and
- State action immunity applied even when State acted not in regulatory capacity but as commercial participant in market for on-beach equipment rentals.

Under the state action immunity doctrine, federal antitrust laws do not apply to anticompetitive restraints imposed by the states as an act of government; however, cities are not themselves sovereign, and therefore state action immunity takes hold only when cities act pursuant to state policy to displace competition with regulation or monopoly public service.

State statute anticipated municipality playing anticompetitive role in market for on-beach equipment rentals, and therefore municipality qualified for state-action immunity from federal antitrust law, in action brought by beach equipment rental company alleging municipal ordinances prohibiting company from setting up beach equipment on municipal beaches violated Sherman Antitrust Act, since South Carolina legislature authorized municipality to impose monopoly on beach equipment installation.

Beach equipment rental company abandoned on appeal argument that district court’s error in granting summary judgment to municipality on company’s federal antitrust claim, on ground that municipality had state action immunity from claim alleging municipal ordinances prohibiting company from setting up beach equipment on municipal beaches violated federal antitrust law, triggered errors with respect to other claims, since company’s threadbare arguments fell short of appellate briefing requirements.

BOND VALIDATION - CALIFORNIA

[Department of Water Resources v. Metropolitan Water District of Southern California]

Court of Appeal, Third District, California - December 31, 2025 - Cal.Rptr.3d - 2025 WL 3769783

Department of Water Resources (DWR) brought action seeking validation of its authority to issue revenue bonds for planning, acquisition, and construction of facilities for conveyance of water in Sacramento-San Joaquin Delta as modification of previously-authorized Feather River Project.

Respondents, including environmental groups, state water contractors, taxpayer association, and

public agencies, opposed validation, filed writ petition, and asserted affirmative defenses challenging DWR's approval of bonds without complying with California Environmental Quality Act (CEQA).

The Superior Court denied CEQA petition and DWR's complaint for validation. DWR and respondents cross-appealed.

The Court of Appeal held that DWR's proposed project to construct facilities for conveying water in Sacramento-San Joaquin Delta did not constitute a "modification" of the Feather River Project authorized by the Central Valley Project (CVP) Act for which DWR could issue bonds.

Under Central Valley Project (CVP) Act, which authorized a statewide water development project, the Department of Water Resources' (DWR) authority to make "further modifications" to the Feather River Project portion of the project is not so broad as to permit DWR to add entirely new and different "units" to the State Water Project, and, at minimum, any "further modifications" must be consistent with the Feather River Project's features and tethered to its purposes, objectives, and effects.

Under the Central Valley Project (CVP) Act, which authorized a statewide water development project, the Department of Water Resources (DWR) lacks the authority to approve a new State Water Project "unit" under the guise of a "further modification" of the Feather River Project portion of the project.

For purpose of determining whether Department of Water Resources' (DWR) proposed project to construct facilities for conveying water in Sacramento-San Joaquin Delta was a "modification" of the Feather River Project authorized by the Central Valley Project (CVP) Act that DWR could issues bonds for, although water conservation and redistribution were a primary objective of the Feather River Project, the project additionally was designed with the secondary objective of preserving and increasing water flows through the Sacramento-San Joaquin Delta to control salinity, protect fish and wildlife, and firm the supply of surplus water available for export.

Department of Water Resources' (DWR) proposed project to construct facilities for conveying water in Sacramento-San Joaquin Delta did not constitute a "modification" of the Feather River Project authorized by the Central Valley Project (CVP) Act for which DWR could issue bonds; Delta program was defined broadly and generically, affording DWR nearly unlimited discretion to specify the facilities for which bonds would be issued, with nothing to restrict the use of water, its direction, or its purpose and no way to determine whether future Delta program facilities would be consistent with the features, scope, and purpose of Feather River Project.

FEDERAL PREEMPTION - IOWA

Iowa Northern Railway Company v. Floyd County Board of Supervisors

Supreme Court of Iowa - December 19, 2025 - N.W.3d - 2025 WL 3682851

Short-line railroad filed petition for writ of mandamus prohibiting drainage district from requiring it to install steel pipe culvert through embankment supporting one of its rail lines.

Following bench trial, the District Court granted petition, and district appealed. The Court of Appeals affirmed. District's application for further review was granted.

The Supreme Court held that district's project was not preempted by Interstate Commerce Commission Termination Act (ICCTA).

Drainage district's project to install steel pipe culvert through embankment supporting rail line presented only incidental effects on rail transportation, and thus was not preempted by Interstate Commerce Commission Termination Act (ICCTA), despite railroad's contention that allowing any trains to operate over site during jack-and-bore construction would be inherently unsafe; trenchless-construction expert testified about his company's many thousands of projects using jack-and-bore method without incident, and explained that sole instance of botched installment identified by railroad was caused by construction contractor's "total incompetence," and railroad's decision not to permit any of its trains to use railway during construction was voluntary.

DEVELOPMENT AGREEMENTS - MARYLAND

Howard Research & Development Corporation v. IMH Columbia, LLC

Appellate Court of Maryland - December 19, 2025 - A.3d - 2025 WL 3687588

Redeveloper of hotel property in planned city, which had purchased the property with the intention of renovating the hotel, replacing short-term rental lodges with a mixed-use development, and constructing underground, on-site parking, brought action against city development entity which was entrusted with enforcing covenants in the planned city after the development entity, which previously had approved the hotel renovation, rejected redeveloper's residential use change and on-side parking plans, seeking declaratory relief and asserting claims for detrimental reliance and breach of the covenants.

After the court made preliminary rulings interpreting certain aspects of the covenants as a matter of law, the case was tried to a jury, and the Circuit Court entered judgment on jury verdict for redeveloper and awarded nearly $17 million in damages, and denied development entity's motions for judgment notwithstanding the verdict (JNOV) and for remittitur. Development entity appealed.

The Appellate Court held that:

- Proposal did not trigger development entity's right under parking covenant to consent to development requiring additional parking;
- Award of return of investment damages did not constitute a double recovery;
- Expert testimony was sufficiently reliable to support use of 12% return on investment figure; and
- Expert testimony was sufficiently reliable to support award of increased interest damages.

MUNICIPAL GOVERNANCE - MINNESOTA

Walsh v. City of Orono

Supreme Court of Minnesota - December 31, 2025 - N.W.3d - 2025 WL 3769516

Mayor who appointed city council member to fill vacancy on city council filed petition to quash special election for that council seat.

The District Court denied the petition. Mayor filed petition for accelerated review, which was granted. The Supreme Court subsequently issued an order affirming the district court, with opinion to follow.

The Supreme Court held that:

- Claims were properly brought in petition to quash;
- Special election was not limited to vacancies arising after the passing of the ordinance;
- Council member's resignation from city council resulted in a "vacancy" such that council could call for special election to fill that seat, even though mayor had appointed someone to take that seat on the council; and
- As a matter of first impression, special election was not a "removal" of council member appointed by mayor to fill the vacancy, and thus did not implicate the state constitution.

CONSTITUTIONAL LAW - MISSOURI

Henderson v. Springfield R-12 School District

United States Court of Appeals, Eighth Circuit - December 30, 2025 - F.4th - 2025 WL 3762347

Two school district employees brought § 1983 action against school district, school superintendent, and other staff, alleging that while attending a mandatory district-wide equity training program for staff, the school district engaged in viewpoint discrimination, caused attendees to self-censor, and/or forced attendees to accept beliefs with which they did not agree, in violation of their First Amendment rights.

The United States District Court for the Western District of Missouri denied employees' motion for summary judgment and granted summary judgment to defendants, and subsequently granted defendants' motion for attorney fees. Employees appealed. A panel of the Court of Appeals affirmed the grant of summary judgment to school district but reversed the award of attorney fees. The Court of Appeals granted rehearing en banc and vacated the panel opinion.

On rehearing en banc, the Court of Appeals held that:

- Consequences identified by school district for not agreeing with its views during training gave rise to injury in fact required for Article III standing to bring chilled speech claim;
- Employees suffered injury in fact from being deprived of their First Amendment right to be free from compelled speech, as required to have Article III standing;\Genuine dispute of fact existed as to whether school district's alleged compelled speech was pursuant to employees' official duties; and
- Employees' claims did not present frivolous or groundless issues of Article III standing, and thus, district court improperly awarded school district attorney fees.

EMINENT DOMAIN - NORTH CAROLINA

Mata v. North Carolina Department of Transportation

Supreme Court of North Carolina - December 12, 2025 - S.E.2d - 2025 WL 3560052

Property owners brought inverse condemnation proceeding against Department of Transportation

(DOT) arising from restrictions imposed on property pursuant to Transportation Corridor Official Map Act (Map Act) for projected corridor route, and DOT filed complaint for direct condemnation of portion of property for corridor project.

Following hearing, the Superior Court entered judgment as to appropriate measure of just compensation and ordered jury trial on just compensation. DOT appealed. The Court of Appeals affirmed in part, reversed in part, and remanded. DOT's petition for discretionary review was allowed.

The Supreme Court held that:

- Restriction pursuant to Map Act was indefinite, rather than temporary, taking at time property was placed on recording map;
- Indefinite restraint on fundamental property rights pursuant to Map Act was squarely outside scope of valid exercise of regulations imposed under police power;
- Recording of corridor map pursuant to Map Act effectuated indefinite taking of property owners' fundamental rights to improve, develop, and subdivide 9.93 acres of their property on date of recording;
- Appropriate measure of damages for indefinite taking of property owners' fundamental rights to improve, develop, and subdivide their real property pursuant to Map Act was fair market value of that property immediately before and after taking plus requisite award of interest and any effect of reduced ad valorem taxes; and
- Reduced tax burden on property owners for subject property from time of recording of corridor map to legislative rescission of all Map Act corridors nearly 20 years later was pertinent factor affecting fair market value of the property immediately after the map recording.

MUNICIPAL GOVERNANCE - ARKANSAS

Hedrick v. City of Holiday Island

Supreme Court of Arkansas - December 4, 2025 - 2025 Ark. 194 - 723 S.W.3d 635

Provider of supplemental waste-disposal services and its owner brought action against city, challenging ordinance barring all providers other than city's chosen contractor from offering solid-waste-removal services.

The Circuit Court granted city's motion to dismiss for failure to state a claim. Provider and owner appealed.

The Supreme Court held that city lacked authority to bar all providers of solid-waste-removal services other than its chosen contractor.

Arkansas Solid Waste Management Act did not confer on city the authority to bar all providers of solid-waste-removal services other than its chosen contractor from offering such services in city, notwithstanding that the Act required city to provide a solid waste management system that provided for "the collection and disposal of all solid wastes generated or existing" within city limits, and authorized city to "enter into agreements with one" or more entities "to provide a solid waste management system"; the ability to contract with a single entity was significantly different from the power to bar all others from offering a service, and the reference to "all solid wastes" merely required the city to ensure a trash collection, which the existence of supplemental providers did not prevent.

Even though the “solid waste management system” that city was required to provide was defined by statute to encompass “the entire process” of disposing of trash, the comprehensiveness of such definition did not authorize city to bar all providers of solid-waste-removal services other than its chosen contractor from offering such services in city; it was undisputed that the Arkansas Solid Waste Management Act authorized city to contract with an entity or entities capable of providing an entire disposal system, but such authorization did not include the power to bar other entities from providing supplemental waste disposal services.

REVENUE BONDS - KANSAS

UMB Bank, N.A. v. Monson, et al.

United States District Court, D. Kansas - December 2, 2025 - Slip Copy - 2025 WL 3458562

“This lengthy and complex case arises out of the failure of an estimated $80 million development project to build a Hard Rock Hotel and adjacent events center (the “Project”) in the City of Edwardsville, Kansas (the “City”).”

Numerous contracts detail the numerous parties’ obligations to complete the Project, including the Development Agreement (the “DA”). The DA sets forth various terms for the City to issue certain revenue bonds to finance the Project. One term requires that One10 HRKC (the “Developer”) obtain a private construction loan before the City issues the bonds.

After Developer represented that it had secured a $50 million construction loan, the City issued several bonds: $10,655,000 in special obligation transient guest tax revenue bonds (“TGT Bond”); $11,005,000 in special obligation tax increment revenue bonds (“TIF Bond”), and a combined $1,620,000 in two series of community improvement district revenue bonds (“CID Bond”) (collectively the “Bonds”). The City issued the Bonds under three trust indentures.

Immediately after the Bonds were issued via the Indentures, Developer successfully submitted Cost Certifications for approval and obtained reimbursement. But on March 6, 2020, the lender for the $50 million construction loan formally informed Developer in writing that it was unable to advance any of the funds on the loan.

On March 17, 2020, a voluntary notice was issued on behalf of the City to the public that Developer was seeking alternative financing, which was confirmed by Developer in an April 1, 2020, call between Successor Trustee UMB Bank (UMB), Developer, and the City. Developer never secured alternative financing.

Regardless, Developer submitted Cost Certification 3 on April 28, 2020, for reimbursement of $829,247.32 total expenses, which the City approved and sent to UMB. But UMB refused to distribute funds arguing that, without a construction loan in place, Developer was in default and could not truthfully certify the requirements were met for distribution of funds under the DA.

Subsequently, UMB issued a written Notice of Default under the DA and made certain demands of Developer. On June 19, 2020, UMB advised Developer that a majority of the Indentures’ bondholders directed UMB to declare principal and interest be immediately due and payable.

UMB initiated this suit on November 1, 2021, against multiple Defendants, including Developer. Developer filed a Counterclaim against UMB on April 11, 2023, alleging several claims based, in part, on UMB’s refusal to distribute funds under Cost Certification.

UMB then brought this Motion for Partial Summary Judgment, seeking summary judgment in its favor on certain Counts of the Counterclaim brought by Developer.

The District Court:

- Granted summary judgment for UMB on Developer's claim of Tortious Interference of Contract;
- Granted summary judgment on certain counts for issue preclusion, finding that those counts were barred by a Minnesota judgment against Developer concerning Cost Certification;
- Held UMB had not met its burden to establish a breach of the Guaranty Agreement by Guarantor as a matter of law, nor had it established that it was entitled to declaratory judgment in its favor on the matter; and
- Held that Guarantors had not waived their ability to assert their claims for breach of the duty of good faith in the Guaranty Agreement, nor their affirmative defenses to UMB's Guaranty claim;

IMMUNITY - MARYLAND

Mayor & City Council of Baltimore v. Varghese

Supreme Court of Maryland - December 23, 2025 - A.3d - 2025 WL 3715481

Bicyclist who was injured when he crashed into steel cable stretched between two bollards on city-owned pier brought negligence and premises liability action against mayor and city council.

Following jury verdict in favor of bicyclist finding city liable and awarding damages, the Circuit Court denied city defendants' motion for judgment notwithstanding verdict alleging governmental immunity. City appealed. The Appellate Court affirmed. City appealed.

The Supreme Court held that:

- City's discretionary decisions regarding design and placement of steel cable were governmental acts for which city had governmental immunity;
- Allegedly hazardous nature of steel cable was not so obviously dangerous as to deprive city of governmental immunity; and
- Negligence claim was fundamentally premised on city's design choice rather than city's alleged duty to respond to known hazard on paved public way.

EMINENT DOMAIN - MICHIGAN

HRT Enterprises v. City of Detroit, Michigan

United States Court of Appeals, Sixth Circuit - December 22, 2025 - F.4th - 2025 WL 3706790

Owner of property within airport's "visibility zone" brought de facto takings action against city under § 1983, alleging it was deprived of all economically viable use of property.

After the United States District Court for the Eastern District of Michigan granted partial summary judgment in favor of property owner on issue of liability, jury awarded $4.25 million to property

owner. The District Court granted city's motion for remittitur, which city rejected, and new trial was ordered. The District Court denied city's motion to dismiss for lack of subject matter jurisdiction. Following second trial, jury awarded property owner $1,976,820 in just compensation. City appealed and property owner cross-appealed.

The Court of Appeals held that:

- City had taken sufficiently definitive position that it would not condemn property, and thus owner's claim was ripe for adjudication;
- Owner's federal action was not barred by claim or issue preclusion;
- City's activities with regard to its redevelopment of airport amounted to a de facto taking of owner's property; and
- Facts adduced at trial did not support jury's $4.25 million judgment, and thus district court did not abuse its discretion in ordering remittitur of damages to $2 million.

EMINENT DOMAIN - NORTH CAROLINA

Sanders v. North Carolina Department of Transportation

Supreme Court of North Carolina - December 12, 2025 - S.E.2d - 2025 WL 3558992

Landowner brought inverse condemnation action against North Carolina Department of Transportation (NCDOT), seeking compensation for restrictions placed on landowner's property by NCDOT's recording of corridor maps pursuant to Roadway Corridor Official Map Act.

NCDOT moved to dismiss for failure to state a claim, and landowner moved for hearing under condemnation statute governing determination of issues other than damages.

The Superior Court granted NCDOT's motion to dismiss as to constitutional takings claims but allowed landowner to proceed with statutory claims related to portions of property that remained subject to Map Act restrictions after NCDOT took other portions of property in fee simple through prior direct condemnation actions.

NCDOT appealed and landowner cross-appealed. The Court of Appeals affirmed. Parties both petitioned for discretionary review, and petitions were allowed.

The Supreme Court held that landowner's failure to raise Map Act restrictions in prior direct condemnation action concerning other portions of tract precluded inverse condemnation claim.

BANKRUPTCY - PUERTO RICO

In re Financial Oversight and Management Board for Puerto Rico

United States District Court, D. Puerto Rico - December 19, 2025 - F.Supp.3d - 2025 WL 3687919

Private energy company brought adversary proceeding against debtor Puerto Rico Electric Power Authority (PREPA) and non-debtor Puerto Rico Public-Private Partnerships Authority (P3A), claiming breach of contract for failure to participate in mediation of alleged technical disputes and seeking declaratory judgment regarding proper dispute resolution process, under Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (T&D OMA), which allowed

company to assume operation and management of T&D system, PREPA to retain ownership of same, and P3A to serve as administrator, pursuant to Puerto Rico Electric Power System Transformation Act, enacted after Financial Oversight and Management Board for Puerto Rico (Oversight Board) voluntarily petitioned for bankruptcy relief on behalf of PREPA, pursuant to Title III of Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA).

Company moved for provisional relief to enjoin PREPA and P3A from initiating contractual dispute resolution procedures in T&D OMA until resolution of threshold dispute and to compel them to mediate threshold dispute, and P3A moved for dismissal for lack of subject matter jurisdiction or, alternatively, for abstention.

The District Court held that:

- Oversight Board had authority to represent PREPA in adversary proceeding;
- Subject matter jurisdiction could be exercised pursuant to PROMESA; but
- Abstention from adjudicating adversary proceeding was appropriate.

Financial Oversight and Management Board for Puerto Rico, rather than Puerto Rico Public-Private Partnerships Authority (P3A), was authorized to litigate on behalf of debtor Puerto Rico Electric Power Authority (PREPA), in adversary proceeding brought by private energy company, pursuant to Title III of Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), providing that in Title III case Board was representative of debtor PREPA, even though Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (T&D OMA) authorized Board to bind PREPA in connection with any matter contemplated under supplement to T&D OMA, since Board did not contractually cede its statutory authority to act as PREPA's sole representative in litigation concerning company.

Adversary proceeding brought by private energy company against debtor Puerto Rico Electric Power Authority (PREPA) and Puerto Rico Public-Private Partnerships Authority (P3A), claiming breach of contract for failure to mediate disputes pursuant to Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (T&D OMA), was not "arising under" Title III, within meaning of Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), providing that district courts had original but not exclusive jurisdiction of all civil proceedings arising under Title III, or arising in or related to cases under Title III, since company's cause of action arose solely in connection with T&D OMA and its interpretation under Commonwealth law and was not created by Title III.

Adversary proceeding brought by private energy company against debtor Puerto Rico Electric Power Authority (PREPA) and Puerto Rico Public-Private Partnerships Authority (P3A), claiming breach of contract for failure to mediate disputes pursuant to Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (T&D OMA), was not "arising in" Title III case, within meaning of Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), providing that district courts had original but not exclusive jurisdiction of all civil proceedings arising under Title III, or arising in or related to cases under Title III, since underlying disputes could exist outside of bankruptcy as they were merely matters of contract interpretation and Commonwealth law.

Adversary proceeding brought by private energy company against debtor Puerto Rico Electric Power Authority (PREPA) and Puerto Rico Public-Private Partnerships Authority (P3A), claiming breach of contract for not mediating disputes under Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (T&D OMA), was "related to" Title III case, within meaning of Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), providing that

district courts had original but not exclusive jurisdiction of all civil proceedings arising under Title III, or arising in or related to cases under Title III, since resolution of proceeding would touch on PREPA's contractual rights under T&D OMA, which was PREPA's property and could affect administration of its Title III estate.

Factors favored abstaining from adjudicating adversary proceeding brought by private energy company against debtor Puerto Rico Electric Power Authority (PREPA) and Puerto Rico Public-Private Partnerships Authority (P3A), claiming breach of contract for failure to mediate disputes pursuant to Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (T&D OMA), that was related to Title III case, under Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), although there was no related proceeding pending in state court, since proceeding was not likely materially affect administration of PREPA's Title III estate, state law issues predominated, company could be forum shopping, and abstention would avoid unnecessary burden on district court's docket.

EMINENT DOMAIN - TEXAS

Ablan v. United States

United States Court of Appeals, Federal Circuit - December 22, 2025 - F.4th - 2025 WL 3703921

Owners of property upstream of dams brought action against the United States, alleging Army Corps of Engineers' operation of dams during hurricane constituted an uncompensated physical taking of their property.

Following bench trial, the Court of Federal Claims found the government liable for taking permanent flowage easements across owners' properties, denied class certification and awarded damages totaling $454,535.03 on six bellwether properties, 162 Fed.Cl. 495. Government and owners cross-appealed.

The Court of Appeals held that:

- Permanent intermittent flooding of upstream properties due to Corps' operation of dams constituted a per se physical taking of permanent flowage easements in properties;
- As matter of apparent first impression, post-trial class certification for optional classes is not presumptively permitted;
- Award of compensation for structures and personal property damaged during flooding was warranted;
- Damages were properly awarded to lessee for government's taking of his leasehold advantage;
- Property owner was not entitled to compensation for lost rent and utility payments arising out of flooding;
- Property owners were not entitled to recover costs for amounts they spent renting alternative housing while their properties were inaccessible due to flooding; and
- Offset of property owners' compensation awards by amount they received from Federal Emergency Management Agency (FEMA) for emergency relief after their properties were flooded was appropriate.

CIVIL RIGHTS - VIRGINIA

Platt v. Mansfield

United States Court of Appeals, Fourth Circuit - December 22, 2025 - F.4th - 2025 WL 3703412

Plaintiffs, who were interrupted at a county school board public meeting pursuant to a school board policy which prohibited speakers from targeting, criticizing, or attacking individual students during public-comment periods of its public meetings, brought § 1983 action against school board and its chairwoman, contending that, as applied to them, the policy discriminated against particular viewpoint they sought to express, and that the policy was unconstitutionally vague.

The United States District Court denied plaintiffs a preliminary injunction. Plaintiffs appealed.

The Court of Appeals held that:

- District court did not abuse its discretion in implicitly rejecting plaintiffs' argument that reliance on challenged policy was post-hoc rationalization to hide discriminatory motives;
- Plaintiffs did not show a sufficient likelihood of success on the merits of their viewpoint-discrimination claim to support a preliminary injunction; and
- Plaintiffs did not show a sufficient likelihood of success on the merits of their void-for-vagueness claim to support a preliminary injunction.

District court did not abuse its discretion in implicitly rejecting plaintiffs' argument that reliance on challenged policy was post-hoc rationalization to hide discriminatory motives, when denying plaintiffs a preliminary injunction, in plaintiffs' § 1983 action against county school board and its chairwoman, bringing viewpoint-discrimination and void-for-vagueness claims challenging school board policy that chairwoman used to interrupt them at a school board public meeting; while it would have been clearer if chairwoman had directly cited the policy when interrupting plaintiffs, she invoked the policy and quoted relevant language before public-comment period began, providing necessary context for her interruption of plaintiffs' negative comments about an individual student.

Plaintiffs bringing § 1983 action against county school board and its chairwoman, challenging school board policy that chairwoman used to interrupt them at a school board public meeting, did not show a sufficient likelihood of success on the merits of their viewpoint-discrimination claim to support a preliminary injunction; the policy prohibited speakers from targeting, criticizing, or attacking individual students, comparators plaintiffs cited were irrelevant since they at most merely mentioned a student without targeting, criticizing, or attacking the student, cited comparators demonstrated that school board had been consistent in its application of the policy, and plaintiffs were allowed to raise their concerns so long as they did not target, criticize, or attack an individual student.

Plaintiffs bringing § 1983 action against county school board and its chairwoman, challenging school board policy that chairwoman used to interrupt them at a school board public meeting, did not show a sufficient likelihood of success on the merits of their void-for-vagueness claim to support a preliminary injunction; the policy prohibited "comments that target, criticize, or attack individual students," each challenged term had a common, readily understandable meaning, and terms were not too subjective to survive constitutional scrutiny.

BOND ISSUANCE - CALIFORNIA

City of San José v. Howard Jarvis Taxpayers Association

Supreme Court of California - December 18, 2025 - P.3d - 2025 WL 3674317

Municipality filed complaint for validation of issuance of pension obligation bonds and related agreements that were aimed to address unfunded liabilities in municipality's retirement plans.

Taxpayer advocacy groups filed answer to complaint for validation, alleging that municipality lacked authority to issue bonds and seeking declaratory judgment that resolution approving bonds and proposed issuance of bonds were invalid.

The Superior Court entered judgment validating resolution, issuance and sale of bonds, and related agreements. Advocacy groups appealed. The Court of Appeals affirmed. Review was granted.

The Supreme Court, Evan held that municipality's unfunded actuarial liability for employee pension plans represented obligation imposed by law, and therefore local debt limitation in California Constitution did not constrain municipality's discretion in how to address that obligation.

Local debt limitation in California Constitution, which prohibits cities and counties from incurring any indebtedness or liability that exceeds their income and revenue for that year, unless the indebtedness or liability has first been approved by two-thirds of the voters, does not apply to indebtedness or liability local government may incur to fulfill obligation imposed by law.

Under local debt limitation in California Constitution, which prohibits cities and counties from incurring any indebtedness or liability that exceeds their income and revenue for that year, unless the indebtedness or liability has first been approved by two-thirds of the voters, each year's income and revenue must pay each year's indebtedness and liability, and no indebtedness or liability incurred in any one year shall be paid out of the income or revenue of any future year.

Obligation imposed by law upon city or county is not indebtedness or liability within meaning of debt limitation provision in California Constitution, which prohibits cities and counties from incurring any indebtedness or liability that exceeds their income and revenue for that year; rather, local debt limitation is confined to those forms of indebtedness and liability which may have been created by voluntary action of officials in charge of affairs of such city.

Municipality's unfunded actuarial liability for employee pension plans represented obligation imposed by law, and therefore local debt limitation in California Constitution, which prohibits cities and counties from incurring any indebtedness or liability that exceeds their income and revenue for that year, did not constrain municipality's discretion in how to address that obligation; whether to amortize unfunded actuarial liability over period of years, pay it as lump sum, attempt to pay it out of current revenues at time pension benefits had to be paid, or some combination of those, was not affected by local debt limitation provision.

PUBLIC EMPLOYMENT - CALIFORNIA

Romero v. County of Kern

Court of Appeal, Fifth District, California - December 15, 2025 - Cal.Rptr.3d - 2025 WL 3633032

Former firefighter for county fire department brought action against county, alleging his employment was terminated in retaliation for his whistleblower activities in violation of the Labor Code.

Following a hearing, the Superior Court granted county's motion for judgment on the pleadings without leave to amend on the ground firefighter failed to exhaust administrative remedies provided under county's internal rules. Firefighter appealed.

The Court of Appeal held that firefighter was not required to exhaust his administrative remedies since county's internal procedures did not provide clearly defined procedures for submitting, evaluating, or resolving a whistleblower retaliation complaint.

Former firefighter for county fire department was not required to exhaust his administrative remedies under the county's internal rules before bringing a whistleblower retaliation action against county, where county's rules provided procedures for an employee to challenge his or her dismissal from county employment, but did not incorporate clearly defined procedures for submitting, evaluating, and resolving firefighter's whistleblower retaliation complaint, and the county civil service commission was only required to decide whether the employee committed the alleged misconduct and whether the termination order should be affirmed, revoked, or modified, and was not required to accept, evaluate, or resolve a whistleblower retaliation claim.

BOND VALIDATION - FLORIDA

State Attorneys for Second, Seventh and Ninth Judicial Circuits v. Florida Pace Funding Agency

Supreme Court of Florida - December 18, 2025 - So.3d - 2025 WL 3677266

Agency brought bond validation action seeking judgment validating issuance of $5 billion in revenue bonds to fund qualifying improvements under Property Assessed Clean Energy Act (PACE).

The Circuit Court validated the bonds. No party appealed within prescribed time. Over one year later, governmental entities including state attorneys, counties, and tax collectors filed motions for relief from judgment. The circuit court denied the motions, finding that rule governing motions for relief from judgment did not apply to the bond validation judgment and motions were untimely and insufficient. Governmental entities appealed.

The Supreme Court held that:

- Supreme Court of Florida had jurisdiction to consider appeal in special statutory proceeding for validating bonds from denial of motion for relief from judgment as final judgment;
- Supreme Court was authorized by statute to review of order denying motion for relief from judgment that was entered in bond validation action, albeit post-judgment;
- Deference to statutory scheme was required;
- Bond validation judgments not challenged after time for appeal expired could not be collaterally attacked, unless statute's limited exception applied; and
- Separation-of-powers concerns were not implicated.

Supreme Court of Florida had jurisdiction to consider appeal in special statutory proceeding for validating bonds from denial of motion for relief from judgment as final judgment.

Statutory language stating, "[a]ny party to the action whether plaintiff, defendant, intervenor or otherwise, dissatisfied with the final judgment, may appeal to the Supreme Court," authorized Supreme Court review of order denying motion for relief from judgment that was entered in bond validation action, albeit post-judgment.

In special statutory proceeding for validating bonds, court had defer to statutory scheme, since rule governing relief from judgment did not specifically provide to the contrary.

Bond validation judgments not challenged after time for appeal expired could not be collaterally attacked, unless statute's limited exception applied.

Special statutory proceeding for validating bonds and rule providing relief from judgment were not in conflict, and therefore separation-of-powers concerns were not implicated by denial of motion for relief from judgment in special statutory proceeding for validating bonds, even if issue presented were purely procedural.

BALLOT INITIATIVE - MONTANA

Montanans for Fair and Impartial Judges v. Knudsen

Supreme Court of Montana - December 11, 2025 - P.3d - 2025 WL 3548732 - 2025 MT 285

Petitioners, which included proponent that had submitted proposed ballot initiative that would amend the state constitution to require court elections to be nonpartisan, sought declaratory judgment on original jurisdiction, seeking declaration that Attorney General lacked authority to rewrite proposed statement of purpose and implication for ballot initiative and that the Attorney General's revised statement was misleading and prejudicial, and sought certification of their proposed ballot statement.

The Supreme Court held that:

- Petitioner interest group, which was not the actual proponent of the ballot initiative, was not a proper party to the challenge;
- Petitioner did not waive petitioner's right to challenge the statement by purported acceptance of the revised statement;
- Attorney General's legal sufficiency memorandum failed to make a written determination as to why proposed statement did not comply with statutory requirements, and thus the Attorney General lacked statutory authority to revise the statement; and
- Petitioner's proposed statement complied with statutory requirements, and thus the Supreme Court would certify the statement to the Secretary of State.

ASSESSMENTS - NORTH DAKOTA

Fairville Township v. Wells County Water Resource District

Supreme Court of North Dakota - December 18, 2025 - N.W.3d - 2025 WL 3672852 - 2025 ND 209

Township appealed decision by county water resource district that assessed costs against township for removing drain obstructions and reinstalling culvert crossings.

The District Court reversed district's assessment orders. District appealed.

The Supreme Court held that district's assessment orders were not authorized under statute providing water resource board with authority to remove negligent drain obstructions and assess costs to responsible landowners.

County water resource district's orders assessing costs against township for removing drain obstructions and reinstalling culvert crossings were not authorized under statute providing water resource board with authority to remove negligent drain obstructions and assess costs to responsible landowners, and thus district acted arbitrarily, capriciously, or unreasonably in issuing orders that did not comply with statute; district made no finding that township was a "landowner" as used in the statute, did not find, and had not pointed to any evidence indicating that township owned property surrounding crossings, or owned land that accrued benefit from drain, and orders did not assess district's costs against township's property, rather, orders directed county to assess costs against township.

PUBLIC RECORDS - OHIO

State ex rel. Castellon v. Swallow

Supreme Court of Ohio - December 17, 2025 - N.E.3d - 2025 WL 3647943 - 2025-Ohio-5576

Records requester filed mandamus action against police department and city chief assistant law director that sought to compel production of records related to a criminal case against him under the Public Records Act, plus statutory damages, attorney fees, and court costs.

Respondents filed a motion to refer the case to mediation, which the Supreme Court granted, however the case was later returned to the regular docket.

Records requester filed a motion for leave to amend his complaint.

The Supreme Court held that:

- Requester was not entitled to leave to file amended mandamus complaint to add a claim alleging police department improperly destroyed body-camera footage;
- Requester was not entitled to leave to file amended mandamus complaint to assert a new mandamus claim;
- Requester abandoned his mandamus claim seeking to compel department and law director to produce a requested buccal swab;
- Requester's mandamus complaint seeking a DVD of a video interview, a recording of a phone interview, and department's records-retention schedule were rendered moot;
- Requester was entitled to an award of $2,000 in statutory damages; and
- Requester was not entitled to an award of attorney fees or court costs.

LIABILITY - VIRGINIA

Allegheny Construction Company, Inc. v. Town of Christiansburg

Court of Appeals of Virginia, Christiansburg - December 16, 2025 - S.E.2d - 2025 WL 3637091

Contractor on town's roadway construction project brought action against town's design consultant, its inspection consultant, consultants' employees, and town's project manager, alleging tortious

interference with contract between contractor and town and conspiracy to deprive contractor of additional compensation for project.

The Circuit Court overruled consultants' demurrers but dismissed claims against individual employees. Consultants and contractor filed interlocutory appeals.

The Court of Appeals held that:

- Inspection consultant was acting within the scope of its contractual duties as town's agent, precluding claim for intentional interference with contractor's contract with town;
- Design consultant was acting within the scope of its contractual duties as town's agent, precluding claim for intentional interference with contractor's contract with town;
- Alleged actions of town's construction project manager constituted advice provided in administering construction project as town's agent, and thus could not support contractor's claim for intentional interference with its contract with town;
- Alleged actions of employee of design consultant constituted consulting advice provided to town for administration of project as town's agent and under terms of consultant's contract with town, and thus could not support contractor's claim against for intentional interference with its contract with town;
- Alleged actions of employee of inspection consultant constituted consulting advice provided to town for administration of project as town's agent and under terms of consultant's contract with town, and thus could not support contractor's claim for intentional interference with its contract with town;
- Town, project manager, and consultants constituted a single legal actor, precluding contractor's common law conspiracy and statutory business conspiracy claims against them; and
- Alleged actions of project manager and consultants' employees could not support contractor's common law conspiracy or statutory business conspiracy claims.

PUBLIC UTILITIES - PENNSYLVANIA

Lawrence v. Pennsylvania Public Utility Commission

Supreme Court of Pennsylvania - December 16, 2025 - A.3d - 2025 WL 3636575

Pennsylvania's Consumer Advocate petitioned for review of order of the Public Utility Commission (PUC), No. A-2021-3026132, which approved public utility's application to acquire township's wastewater system assets, to offer, render, furnish, and supply wastewater service to the public in the areas served by township's system, and to establish a ratemaking rate base of the system's assets, and which granted utility a certificate of public convenience (CPC).

Township and utility intervened. The Commonwealth Court reversed commission's decision. Separate petitions for allowance of appeal by utility, municipality, and commission were granted.

The Supreme Court held that:

- Commission could consider benefits deriving from acquiring utility's size and technical, managerial, and financial fitness in its affirmative benefits analysis;
- Court's disagreement with determination by Commission that acquiring utility's services constituted benefits was reweighing of evidence;
- Commission's policy on regionalization and consolidation was type of "aspirational statement" that could be considered benefit of transaction;
- Whether court would have come to different conclusion regarding value of benefits and whether

record included evidence that would support court's conclusion that acquiring utility failed to satisfy affirmative public benefits test was not relevant to whether there was substantial evidence in record to support findings by Commission;
- Potential rate increase that would result from transaction could not be categorized by court as "known harm"; and
- Commission considered transaction's impact on future rates "at least in a general fashion" and probable general effect of transaction upon rates.

POLITICAL SUBDIVISIONS - WASHINGTON

Horvath v. DBIA Services

Supreme Court of Washington, En Banc - December 18, 2025 - P.3d - 2025 WL 3674349

Public records requestor filed complaint against private nonprofit corporation that provided services within city's business improvement district, alleging corporation failed to comply with the Public Records Act.

The Superior Court denied requestor's motion for summary judgment and granted corporation's motion for summary judgment and for declaratory judgment, concluding that corporation was not the functional equivalent of governmental entity subject to the Act. On appeal, the Court of Appeals affirmed. Requestor appealed.

The Supreme Court held that:

- Factor considering whether entity performed government function weighed in favor of finding that corporation was functional equivalent of government agency subject to the Public Records Act;
- Factor considering extent to which government funded entity's activities weighed heavily in favor of finding that corporation was functional equivalent of government agency subject to the Public Records Act;
- Factor considering extent of government involvement in entity's activities weighed against finding that corporation was functional equivalent of government agency subject to the Public Records Act;
- Factor considering whether entity was created by government weighed against finding that corporation was functional equivalent of government agency subject to the Public Records Act; but
- Factor considering district and corporation as single integrated entity weighed in favor of finding that corporation's records were public records subject to the Public Records Act.

SURPLUS LAND ACT - CALIFORNIA

Airport Business Center v. City of Santa Rosa

Court of Appeal, First District, California - November 26, 2025 - 2025 WL 3295545

Property owner filed petition for writ of mandate against city and city council, challenging city's resolution declaring city-owned parking garage to be surplus land under the Surplus Land Act.

The Superior Court denied the petition. Owner appealed.

The Court of Appeal held that:

- As matter of first impression, determination that city-owned asset constitutes surplus land under

- the Surplus Land Act does not require agency to find that land is of no use to public;
- Substantial evidence supported city's determination that land constituted surplus land within meaning of the Act; and
- City's resolution declaring property to be surplus land satisfied Act's requirements that land would be declared surplus land "as supported by written findings."

POLITICAL SUBDIVISIONS - CALIFORNIA

Black v. Los Angeles County Metropolitan Transportation Authority

Court of Appeal, Second District, Division 1, California - December 2, 2025 - Cal.Rptr.3d - 2025 WL 3457353

Former employee brought action against county transportation authority and nonprofit public benefit corporation created to provide retirement benefits to county transportation workers for wrongful termination in violation of public policy and violation of labor code statute barring solicitation of employees by misrepresentation.

The Superior Court sustained demurrer in favor of defendants without leave to amend. Employee appealed.

The Court of Appeal held that:

- Corporation was a "public entity" subject to Government Claims Act's (GCA) claims presentation requirement;
- Corporation's relationship with transportation authority did not excuse corporation from statutory requirement to register on the Registry of Public Agencies; and
- Employee was entitled to amend complaint to include allegation that corporation had not satisfied its statutory obligation to register with the county clerk in each county in which it maintained an office.

COURTS - OHIO

State ex rel. Conomy v. Rohrer

Supreme Court of Ohio - December 2, 2025 - N.E.3d - 2025 WL 3454165 - 2025-Ohio-5296

Relator filed petition requesting writs of mandamus and procedendo against municipal court judge, city prosecutor, city attorney, and city, seeking orders requiring respondents to take certain actions concerning two dismissed criminal cases against relator.

The Fifth District Court of Appeals, upon respondents' motion for judgment on the pleadings, dismissed petition. Relator appealed.

The Supreme Court held that:

- No conflict of interest existed with respect to counsel for respondents;
- Referral to special master was unwarranted;
- Respondents would not be ordered to show cause why they should not be held in contempt;
- Adequate remedy in ordinary course of law precluded mandamus relief against judge;
- Relator was not entitled to writ of procedendo directing judge to rule on relator's motion in criminal action;

- Adequate remedy in ordinary course of law precluded mandamus relief against city; and
- Relator was not entitled to damages.

OPEN MEETINGS - WASHINGTON

In re Recall of Olsen

Supreme Court of Washington, En Banc - December 4, 2025 - P.3d - 2025 WL 3481900

Registered voter filed recall petition against county commissioner, alleging two charges of violations of the Open Public Meetings Act (OPMA).

The Superior Court found both charges were factually and legally sufficient. Commissioner appealed.

The Supreme Court held that:

- Allegations that legal counsel was absent during certain executive sessions meeting were legally and factually insufficient to support charge that commissioner violated the OPMA by failing to have legal counsel present;
- Allegations that legal counsel was not in attendance during entirety of certain executive sessions meeting were legally and factually insufficient to support charge that commissioner violated the OPMA by failing to have legal counsel present;
- Allegations based on conduct during certain executive sessions meetings in which commissioners discussed “litigation or potential litigation” were legally and factually insufficient to support charge that commissioner violated the OPMA by failing to have legal counsel present;
- Allegations that commissioner violated the OPMA by undermining “public deliberation and transparency” and engaging in discussions about jail “outside the public’s view,” were factually insufficient to support charge for violation of the OPMA; and
- Allegations that commissioner violated the OPMA by undermining “public deliberation and transparency” and engaging in discussions about jail “outside the public’s view,” were legally insufficient to support charge for violation of the OPMA.

ZONING & PLANNING - ALASKA

Griswold v. City of Homer

Supreme Court of Alaska - November 28, 2025 - P.3d - 2025 WL 3310228

City resident filed complaint against city for declaratory and injunctive relief, alleging city failed to comply with procedural rules and statutory notice requirements when enacting ordinance that removed certain permitting requirements.

The Superior Court granted city’s motion for summary judgment and motion for prevailing-party attorney fees, and denied resident’s motion for summary judgment and motion for in camera review. Resident appealed.

The Supreme Court held that:

- Provisions of city code governing how city moved zoning amendments through legislative process was directory, such that only substantial compliance was required;
- City planning department substantially complied with city code provision that established criteria

for evaluating amendments to city zoning code;
- Staff report substantially complied with provision of city code that required department to present city planning commission its comments;
- City planner's memo substantially complied with code provision that required commission to provide written recommendations regarding amendment proposals;
- City did not lack legitimate public purpose in enacting ordinance, as would violate substantive due process;
- City was prevailing party that could recover prevailing-party fees; and
- Resident's claims were not all constitutional claims, as would be protected from adverse award of attorney fees for prevailing parties.

IMMUNITY - IOWA

Fogle on behalf of P.F. v. Clay Elementary School–Southeast Polk Community School District

Supreme Court of Iowa - November 14, 2025 - N.W.3d - 2025 WL 3180128

Parents of elementary school student brought action alleging that school district, district superintendent, school principal, and teacher failed to protect student from bullying and harassment based on sexual orientation, in violation of Iowa Civil Rights Act (ICRA) and state tort law.

The District Court denied defendants' motion to dismiss, and they appealed.

The Supreme Court, held that:

- Iowa Municipal Tort Claims Act's (IMTCA) qualified immunity provision did not apply to parents' ICRA claim, and
- IMTCA's heightened pleading requirements did not apply to parents' tort claims.

Iowa Municipal Tort Claims Act (IMTCA) provision extending qualified immunity protection to municipal employees and officers and imposing heightened pleading requirements in such situations did not apply to parents' claim alleging that school district and its employees violated Iowa Civil Rights Act (ICRA) by failing to protect their child from bullying and harassment based on sexual orientation, notwithstanding IMTCA's broad definition of "tort"; applying IMTCA's procedural requirements to ICRA claims would be incompatible with exclusive legislative scheme for bringing ICRA claim.

Iowa Municipal Tort Claims Act (IMTCA) provision imposing heightened pleading requirements for claims against municipal employees and officers did not apply to parents' common law tort claims against school district and its employees arising from their failure to protect their child from bullying and harassment based on sexual orientation.

OPEN MEETINGS - IOWA

Teig v. Hart

Supreme Court of Iowa - November 25, 2025 - N.W.3d - 2025 WL 3280925

City resident brought action against mayor and city council members, alleging violation of Open Meetings Act arising from city council's use of closed session to interview candidate for position of

city clerk.

After a bench trial, the District Court entered judgment dismissing case. Resident appealed, and appeal was transferred. The Court of Appeals reversed. Mayor and council members applied for further review, which was granted.

The Supreme Court held that:

- Act allows a governmental body to close a job interview upon request without evidence of an actual threat to a candidate's reputation;
- City council's use of closed session for job interview did not violate Act; and
- Trial court properly sealed minutes and recording of the closed session.

NEGLIGENCE - LOUISIANA

Reed v. Lafayette Parish School Board

Court of Appeal of Louisiana, Third Circuit - November 26, 2025 - So.3d - 2025 WL 3289819 - 2025-184 (La.App. 3 Cir. 11/26/25)

Student and his mother brought action against parish school board to recover damages for injuries that student allegedly sustained after being thrown off of car that he was sitting on, which was in motion in campus parking lot after school hours, asserting that board was negligent and failed to exercise reasonable supervision of its students.

The District Court granted board's motion for summary judgment. Plaintiffs appealed.

The Court of Appeal held that:

- Fact issues existed as to whether board violated its school policy provisions relating to adult supervision of students on school grounds, precluding summary judgment on negligent-supervision element;
- Fact issues existed as to whether student was permitted to be on campus at the time of the incident, precluding summary judgment on negligent-supervision element;
- Fact issues existed regarding number of students in campus parking lot and length of lack of supervision on date of student's incident, precluding summary judgment on negligent-supervision element;
- Testimony of car driver created fact issue as to whether there was a causal link between lack of supervision and student's injuries, precluding summary judgment on causal-connection element; and
- Fact issues existed regarding foreseeability of student's accident, precluding summary judgment on foreseeability element.

ANNEXATION - UTAH

Erda Community Association, Inc. v. Baugh

Supreme Court of Utah - November 20, 2025 - P.3d - 2025 WL 3237652 - 2025 UT 56

Sponsors who led campaign to incorporate new city filed petition for extraordinary relief against city recorder of neighboring city that was seeking to annex some of new city's land and against Lieutenant Governor challenging the proposed annexation on both statutory and constitutional

grounds.

The Third District Court granted city recorder's motion to dismiss, finding that sponsors lacked standing. Sponsors appealed.

The Supreme Court held that:

- Rule authorizing extraordinary relief where "a person has failed to perform an act required by law as a duty of office, trust or station" did not apply to sponsors' statutory claims, and
- Sponsors had a plain, speedy, and adequate remedy available for their constitutional claims.

Rule authorizing extraordinary relief where "a person has failed to perform an act required by law as a duty of office, trust or station" did not apply to the statutory claims asserted by sponsors who led campaign to incorporate new city against city recorder of neighboring city that was seeking to annex some of new city's land; sponsors did not seek to compel city recorder to do her duty, which was to determine if annexation petition met statutory requirements and certify or reject it accordingly, but rather sponsors alleged that she had misinterpreted or misapplied those requirements and sought to compel her to withdraw certification and reject the petition.

Sponsors who led campaign to incorporate new city, and who challenged the proposed annexation of some of new city's land by neighboring city, had a plain, speedy, and adequate remedy available for their claims that former provision of annexation code that allowed annexation of an area proposed for incorporation was unconstitutional, namely a declaratory judgment action, and thus sponsors could not seek relief under rule governing petitions for extraordinary relief; though sponsors lacked statutory standing to challenge the proposed annexation under the annexation code, only traditional standing was required for their constitutional claims.

IMMUNITY - GEORGIA

Fraser v. Glynn County

Court of Appeals of Georgia - November 3, 2025 - S.E.2d - 2025 WL 3071906

Person who acquired interest in reverter and heir of person who previously conveyed causeway and roads to county brought declaratory judgment action against county, challenging legality of abandonment and transfer of real property on and around barrier island to private company.

The Superior Court, Glynn County, dismissed the action, finding it was barred by sovereign immunity. Those persons appealed. Person who acquired interest in reverter to causeway and roads filed petition under state's Land Registration Law to assert her claim to property on and around barrier island that had been abandoned by county to private company. County and purported company owners of property moved to dismiss.

The Superior Court granted county's motion to dismiss but denied company owners' motion, issued certificate of immediate review, and Court of Appeals granted owners' application for interlocutory appeal. Appeals were consolidated.

The Court of Appeals held that:

- Valid waiver of sovereign immunity was not demonstrated;
- Actual or justiciable controversy sufficient to support declaratory judgment against county was not pleaded;

- Lack-of-subject-matter-jurisdiction dismissal had to be without prejudice;
- Registration action under Land Registration Law against private company could proceed only if all tenants in common joined application; and
- Person who acquired reverter interest did not plead in registration action that she was “possessing land” in which she sought to establish interest.

IMMUNITY - GEORGIA

Howard v. Coffee Regional Medical Center, Inc.

Court of Appeals of Georgia - November 3, 2025 - S.E.2d - 2025 WL 3073948

Hospital patient’s wrongful death beneficiary brought action for wrongful death against hospital, physician, and physician’s group, predicated on medical malpractice, arising out of patient’s death due to defendants’ failure to move him to intensive care unit (ICU), after he presented to emergency room with altered mental status, despite order that he be moved to ICU, and failure to monitor him accordingly, after which his blood pressure dropped to level that was inconsistent with life, as well as his temperature and oxygen level.

The trial court granted defendants’ motions for summary judgment, and beneficiary appealed.

The Court of Appeals held that:

- Hospital was not auxiliary emergency management worker entitled to immunity from liability under Georgia Emergency Management Act (GEMA);
- Governor’s COVID-19 executive order could not be construed as extending immunity from liability under GEMA to hospital;
- Hospital’s nurses’ immunity from liability under GEMA did not extend vicariously to hospital;
- Fact issues precluded summary judgment for physician on defense that she entitled to immunity under GEMA;
- Georgia COVID-19 Pandemic Business Safety Act (PBSA) did not apply retroactively to alleged medical malpractice that resulted in patient’s death that occurred before PBSA’s enactment; and
- Hospital’s brief, isolated assertion in footnote of reply to beneficiary’s opposition to hospital’s motion for summary judgment that Public Readiness and Emergency Preparedness Act (PREP Act) “provide[d] further grounds for immunity” was insufficient to raise issue as alternative basis for summary judgment.

PUBLIC EMPLOYMENT - ILLINOIS

Moreland v. Retirement Board of Policemen's Annuity and Benefit Fund of City of Chicago

Supreme Court of Illinois - November 20, 2025 - N.E.3d - 2025 IL 131343 - 2025 WL 3237801

Injured police officer sought judicial review of a decision of the city retirement board that denied officer’s application for duty disability benefits.

The Circuit Court affirmed the board’s decision. Officer appealed. The Appellate Court reversed. Board petitioned for leave to appeal, which was allowed.

The Supreme Court held that:

- Before a pension board may award a disability pension to a police officer, the board must receive an opinion on the officer's disability status from at least one board-appointed doctor; overruling *Nowak v. Retirement Board of the Firemen's Annuity & Benefit Fund of Chicago*, 315 Ill. App. 3d 403, 248 Ill.Dec. 129, 733 N.E.2d 804, and
- Board's finding that officer could return to duty was not against manifest weight of evidence.

IMMUNITY - ILLINOIS

Haase v. Kankakee School District 111

Supreme Court of Illinois - November 20, 2025 - N.E.3d - 2025 IL 131420 - 2025 WL 3237814

Student, who allegedly was injured by second student while playing indoor soccer during gym class in junior high school, and his parent brought action against school district and teacher, asserting claim that teacher engaged in wilful and wanton conduct in failing to supervise class and that school district was vicariously liable and a claim for damages under Family Expense Act for parent's payment of student's medical expenses.

The Circuit Court granted school district and teacher's motion for summary judgment based on immunity under Local Governmental and Governmental Employees Tort Immunity Act. Student and parent appealed. The Appellate Court reversed and remanded. School district and teacher filed petition for leave to appeal, which was granted.

The Supreme Court held that:

- Failure of student and parent to plead in their complaint that school district had duty to inform teachers about second student's history of physical aggression and breached that duty precluded question of whether district acted willfully and wantonly in failing to disseminate history from being genuine issue of material fact;
- Failure of student and parent to refute teacher's sworn deposition testimony that teacher did not know about second student's history of physically violent behavior toward other students required trial court to accept deposition testimony as true; and
- Teacher's failure to be attentive to students when they were playing soccer did not rise to level of willful and wanton conduct, and thus teacher and school district were immune from liability.

EMINENT DOMAIN - OHIO

State ex rel. Boggs v. Cleveland

Supreme Court of Ohio - November 13, 2025 - N.E.3d - 2025 WL 3166369 - 2025-Ohio-5094

Homeowner brought mandamus action against city seeking to compel institution of appropriation proceedings for home located at edge of neighboring township near city's airport, alleging that low overhead flights and other airport operations interfered with occupants' use and enjoyment of home to such extent that a taking resulted.

The Court of Common Pleas granted city's motion for summary judgment. Homeowner appealed. The Court of Appeals affirmed. Homeowner sought further review.

The Supreme Court held that:

- Appropriation statute's section permitting municipality to appropriate property for establishing airports, landing fields, or other air navigation facilities did not apply, but
- Homeowner had standing to pursue action to obtain just compensation for government taking.

Appropriation statute's section permitting municipality to appropriate property for establishing airports, landing fields, or other air navigation facilities did not provide basis for homeowner's inverse-condemnation claim for home located at edge of neighboring township near city's airport, alleging that low overhead flights and other airport operations interfered with occupants' use and enjoyment of home to such extent that a taking resulted; section permitted appropriation of land or water only for purposes of establishing airport or landing field, but homeowner alleged a physical invasion of airspace by an already established airport.

Homeowner had standing to pursue mandamus action for inverse condemnation of home located at edge of neighboring township near city's airport, alleging that low overhead flights and other airport operations interfered with occupants' use and enjoyment of home to such extent that a taking resulted; while the home-rule provision of the Ohio Constitution was generally interpreted as limiting a municipality's authority to institute eminent-domain proceedings to appropriate property outside its boundaries, that did not mean that municipality was relieved of its duty to pay compensation under Constitution's eminent-domain provision if it did in fact take private property outside its borders.

OPEN MEETINGS - TEXAS

Webb County v. Mares

Court of Appeals of Texas, Houston (14th Dist.) - November 13, 2025 - S.W.3d - 2025 WL 3165692

Director of county department brought action against county, alleging inadequate notice under Texas Open Meetings Act (TOMA) that her department might be restructured, her position changed, and her salary reduced at county commissioners' court meeting.

County subsequently terminated her employment, and director added claims for age discrimination, First Amendment retaliation under § 1983, retaliation under labor code, and alternative claim under Texas Whistleblower Act, and sought back pay and lost retirement benefits through declaratory judgment claim.

After county removed the action to federal court, the United States District Court for the Southern District of Texas granted the county's motion for summary judgment on all of director's claims except under TOMA and the Texas Whistleblower Act, remanding those claims back to state court. On remand, director dropped her Whistleblower Act claim and proceeded only on the TOMA claim. The 111th District Court, Webb County granted summary judgment to director on her TOMA claim, denied the county's cross-motion for summary judgment, granted director's motion for attorney's fees and costs, and entered a final judgment awarding director monetary damages for back pay and lost retirement benefits. County appealed.

The Court of Appeals held that:

- Mootness doctrine did not deprive trial court of subject-matter jurisdiction;
- Meeting notice was inadequate under TOMA to alert director that her department might be

divided, her position changed, and her salary reduced;
- There was no evidence that county's action taken at meeting fell under its authority for budget preparation;
- County's statutory power to make changes to proposed budget did not insulate it from TOMA claim;
- TOMA did not waive county's immunity for director's declaratory judgment claim for back pay and lost retirement benefits;
- Monetary damages for TOMA violation were not available to director through injunctive or mandamus relief; and
- Trial court did not abuse its discretion in awarding attorney's fees and costs to director.

LIABILITY - GEORGIA

City of Blue Ridge v. BR 01035, LLC

Court of Appeals of Georgia - October 30, 2025 - S.E.2d - 2025 WL 3033289

Property owner sued city and city officials, alleging claims of trespass, continuing nuisance, inverse condemnation, and for attorney fees relating to ongoing water runoff from city property.

The trial court denied the city's motion to dismiss, but granted certificate of immediate review. City appealed.

The Court of Appeals held that owners' notice to city stating that runoff had resulted in continuing and ongoing damages to owners' property in the amount of $1.5 million "to date" did not sufficiently notify city of specific amount of damages that owners sought as an offer of compromise.

Property owners' ante litem notice to city stating that water runoff allowed by city had resulted in continuing and ongoing damages to owners' property in the amount of $1.5 million "to date" did not sufficiently notify city of specific amount of damages that owners sought as an offer of compromise, as would have been required to satisfy ante litem notice statute in action for trespass, continuing nuisance, and inverse condemnation; owners' notice advised that water runoff issue was continuous and ongoing, making it clear that damages incurred from such runoff were continuing, and notice did not state that owners sought only $1.5 million from city.

MUNICIPAL ORDINANCE - GEORGIA

Philip v. Pollock

Court of Appeals of Georgia - October 30, 2025 - S.E.2d - 2025 WL 3033331

Visitor brought personal injury action against dog's owner, owner's son, and dog's keeper, seeking to recover for injuries sustained when dog bit him as he stood outside owner's house waiting to take son on a planned outing.

The State Court denied visitor's motion for summary judgment, and granted defendants' motion. Visitor appealed.

The Court of Appeals held that:

- Fact issues existed as to whether dog's owner knew of dog's vicious propensity, and

- Fact issues existed as to whether county ordinance required that dog be restrained on leash at time of bite incident.

IMMUNITY - IOWA

In re Davenport Hotel Building Collapse

Supreme Court of Iowa - November 7, 2025 - N.W.3d - 2025 WL 3116270

Plaintiffs in multiple lawsuits brought negligence and nuisance claims against city and city employees, among others, relating to partial collapse of apartment building in which three people were killed and others suffered bodily or property injury.

The District Court consolidated lawsuits and denied city's and employees' pre-answer motion to dismiss on basis of qualified immunity. City and employees appealed.

The Supreme Court held that plaintiffs' claims were not based on "right, privilege, or immunity secured by law."

Plaintiffs' claims were not based on "right, privilege, or immunity secured by law," as would support application of qualified immunity under Iowa Municipal Tort Claims Act to city and city employees in actions against city and employees, among others, relating to partial collapse of apartment building in which three people were killed and others suffered bodily or property injury; plaintiffs asserted claims for common law negligence and nuisance, rather than state constitutional tort claims or claims for violation of specific statutory right.

BOND VALIDATION - KANSAS

Vianello v. City of Prairie Village, Kansas

United States District Court, D. Kansas - November 3, 2025 - Slip Copy - 2025 WL 3062462

The City Council of the City of Prairie Village, Kansas approved – without public vote – Resolution 2025-04, which passed on June 16, 2025. The resolution authorized the issuance of general obligation bonds in the amount of up to $30 Million to pay for improvements to certain City buildings.

Plaintiff Marc Vianello filed an action in federal court challenging City's issuance of the bonds, arguing that the City was required to put Resolution 2025-04 to public vote due to City's obligations under the voter approval requirements and debt limitations of Kansas law (K.S.A. § 13-1024a).

Plaintiff argued that City illegally opted out of these requirements when it passed Charter Ordinance 28 titled, "A Charter Ordinance Exempting the City of Prairie Village, Kansas from the Provisions of K.S.A. § 13-1024a and Providing Substitute and Additional Provisions on the Same Subject Relating to the General Improvements and the Issuance of Bonds for the Purpose of Paying for Said Improvements; and Repealing Charter Ordinance 25."

Plaintiff asserted seven violations of his federal constitutional rights. Each of Plaintiff's federal claims concerned the same action taken by City: whether City legally exempted itself from K.S.A. § 13-1024a, and, in turn, acted legally when it then passed Resolution 2025-04.

Plaintiff did not allege a single instance of City taking an action that, irrespective of Kansas state

law, violated a federal statute or constitutional right. Each request for declaratory judgment invoked a violation of Kansas state law with a purported federal cause of action stemming from that initial state law violation.

City moved to dismiss for lack of jurisdiction and for failure to state a claim.

The Court begins its analysis with City's Rule 12(b)(1) argument that Plaintiff lacked standing to bring any of his federal constitutional law claims. The Court agreed that Plaintiff lacked standing.

"In sum, the Court is unable to find standing for federal claims that effectively ask this Court to determine whether a municipality's actions violate state law. Federal court is not an appropriate forum for municipal taxpayers to challenge whether their municipality properly followed state law. To find otherwise would effectively allow for any municipal taxpayer to challenge any municipal spending action in federal court under the guise of constitutional injury. Such a finding would also run afoul of § 1983's prohibition of liability based solely on a violation of state law. Accordingly, the Court finds Plaintiff has failed to establish standing to bring his federal claims, and thus the Court lacks subject matter jurisdiction."

EMINENT DOMAIN - SOUTH CAROLINA

Gulfstream Café, Inc. v. Georgetown County

Supreme Court of South Carolina - October 29, 2025 - S.E.2d - 2025 WL 3019559

Restaurant owner that held easement rights over shared parking lot in planned development brought action against county challenging validity of ordinance allowing construction of new restaurant in planned development, alleging due process and takings claims and a claim that ordinance was invalid due to county councilmember's improper involvement with original application for new restaurant.

After a bench trial, Circuit Court entered judgment for county, denied restaurant owner's claim for attorney fees, and granted county's motion for costs. Restaurant owner appealed.

The Supreme Court held that:

- Restaurant owner's easement rights were nonexclusive;
- Ordinance did not violate substantive due process;
- Ordinance was not a per se taking;
- Ordinance was not a regulatory taking;
- Ordinance was not a taking on theory of regulatory inverse condemnation;
- Ordinance was not invalid due to councilmember's improper involvement with original application; and
- Procedural due process was satisfied.

County ordinance allowing construction of new restaurant in same planned development as existing restaurant whose owner held nonexclusive easement rights over shared parking lot with 62 parking spaces was not a "regulatory taking"; county advanced legitimate land use concerns in approving new restaurant in a safer building that complied with modern day building and fire codes, new

restaurant would serve the growing tourist population in area, restaurant owner was still able to operate its restaurant and enjoy its nonexclusive easement, restaurant owner did not lose access to any parking spaces, and there was no interference with restaurant owner's investment-backed expectations.

CONTRACTS - CALIFORNIA

County of Los Angeles v. Quinn Emanuel Urquhart & Sullivan, LLP

Court of Appeal, Second District, California - October 23, 2025 - Cal.Rptr.3d - 2025 WL 2984701 - 2025 Daily Journal D.A.R. 10,029

County, sheriff's department, and sheriff brought declaratory judgment action against law firm, seeking declaration that there was no valid agreement to arbitrate fee dispute under engagement agreement between sheriff and law firm.

The Superior Court issued preliminary injunction enjoining arbitration, granted summary judgment to county, and denied law firm's motion for leave to file a cross-complaint. Law firm then filed new complaint against county for breach of contract, quantum meruit, promissory estoppel, and open book account, arising out of same fee dispute.

The Superior Court, Los Angeles County, sustained county's demurrer and dismissed complaint. Law firm appealed and cases were consolidated.

The Court of Appeal held that:

- Sheriff did not have authority to execute engagement agreement with law firm on behalf of county board of supervisors to retain firm and set attorney fees that county would pay firm;
- Firm's proposed cross-claims were compulsory and required to be alleged in a cross-complaint;
- Trial court did not err in denying firm's motion for leave to file cross-complaint under compulsory cross-complaint statute; and
- Firm's alleged notices of client's right to fee arbitration that it sent to county, sheriff, and sheriff's department did not satisfy presentation requirements of Government Claims Act.

EMINENT DOMAIN - CALIFORNIA

Pena v. City of Los Angeles

United States Court of Appeals, Ninth Circuit - November 4, 2025 - F.4th - 2025 WL 3074588

Shop owner filed suit against city under § 1983, seeking compensatory damages under Takings Clause for destruction of shop property and inventory when city police fired dozens of tear gas canisters through officers fired dozens of tear gas canisters through the walls, door, roof and windows of shop after armed fugitive that officers were pursuing barricaded himself within shop.

The United States District Court for the Central District of California denied shop owner's motion for partial summary judgment and shop owner appealed.

As matter of first impression, the Court of Appeals held that police officers' destruction of shop property and inventory in course of pursuit of armed fugitive came within "necessity exception" to

compensable taking under Takings Clause.

Destruction of shop owner's property and inventory by city police officers during pursuit of armed fugitive who barricaded himself within shop, caused by officers' firing of dozens of tear gas canisters through shop's walls, door, roof, and windows, was necessary for protection of public, and thus, came within "necessity exception" to compensable taking under Takings Clause; shop was seized by hostile force outside city's control, namely, armed fugitive, and city was required to act, or otherwise risk abdication of its role as defender of public safety if it failed to do so.

DECLARATORY JUDGMENT - GEORGIA

Gwinnett County v. State

Court of Appeals of Georgia - October 31, 2025 - S.E.2d - 2025 WL 3041523

County brought action against state, seeking a declaratory judgment and injunctive relief based on allegations that senate bill providing for the creation of a city within the county was unconstitutional.

The trial court, after considering stipulation of facts filed by parties, granted state's motion to dismiss. County appealed.

The Court of Appeals held that:

- Consideration of matters outside pleadings in ruling on motion constituted treatment of the motion as one for summary judgment, and thus Court of Appeals would review grant of motion as grant of a motion for summary judgment;
- County's action satisfied Declaratory Judgment Act's actual-controversy requirement;
- County's action fell within constitutional waiver of sovereign immunity for superior-court actions seeking declaratory relief for alleged state acts outside the scope of lawful authority or in violation of state laws, state constitution, or federal constitution; and
- Court of Appeals would decline to exercise its discretion under right-for-any-reason rule to affirm based on state's argument that a county could never dispute the constitutionality of a state act.

County faced uncertainty as to its own future conduct arising from the various mandates imposed upon it by allegedly unconstitutional senate bill creating city within county, and thus the Declaratory Judgment Act's actual-controversy requirement was satisfied as to county's action against state seeking declaration that the bill was unconstitutional; bill required county to participate in two-year transition of services and government functions to city, to refrain from making any zoning modifications within city limits during transition period, and to renegotiate several of its intergovernmental agreements to account for city.

EMINENT DOMAIN - INDIANA

Hadley v. City of South Bend, Indiana

United States Court of Appeals, Seventh Circuit - October 7, 2025 - 154 F.4th 549

Homeowner brought § 1983 action in state court against city and county, alleging a taking without compensation stemming from city and county law enforcement officers' execution of search warrant at home, which allegedly caused significant damage to home. Case was removed.

The United States District Court for the Northern District of Indiana granted defendants' motion to dismiss for failure to state claim. Homeowner appealed.

The Court of Appeals held that alleged property damage to home was not a taking that would require just compensation.

Alleged property damage to home, including destruction of items from toxic gas fumes and damage to internal security cameras, resulting from city and county law enforcement officers' execution of valid search warrant, as part of officers' attempt to find a fugitive that officers incorrectly believed was inside the home, was not a "taking" of homeowner's property that would require just compensation, regardless of whether homeowner had any connection to the sought-after suspect; officers' actions were performed under police power rather than power of eminent domain.

CHARTER SCHOOLS - LOUISIANA

Daniels v. State

Court of Appeal of Louisiana, Fourth Circuit - September 16, 2025 - So.3d - 2025 WL 2674504 - 2024-0833 (La.App. 4 Cir. 9/16/25)

Former high school students and their parents brought putative class action against state and parish school boards, non-profit charter foundation that operated public high school, foundation's insurers, and organization that temporarily acted as foundation's CEO, alleging fraud, negligence, and gross mismanagement of the educational process caused severe emotional distress and economic damages.

The District Court granted school boards' exceptions of no cause of action. On students and parents' appeal, the Fourth Circuit Court of Appeal reversed and remanded. Students and parents voluntarily dismissed school boards and organization from action and filed motion for class certification. On remand, the District Court certified class. Foundation and insurers appealed.

The Court of Appeal held that:

- Numerosity requirement for class certification was met;
- Commonality requirement for class certification was met;
- Typicality requirement for class certification was met;
- Proposed class representatives would adequately and fairly protect interests of all class members;
- Proposed class definition was sufficiently defined; and
- Students and parents identified common issue that predominated over any individual issues.

ZONING & PLANNING - CALIFORNIA

Save Our Access v. City of San Diego

Court of Appeal, Fourth District, Division 1, California - October 17, 2025 - Cal.Rptr.3d - 2025 WL 2945714

Nonprofit organization petitioned for writ of mandate against city, challenging city's approval of ballot measure to remove coastal zone building height limit from community planning area under California Environmental Quality Act (CEQA).

The Superior Court, San Diego County, denied organization's petition. Organization appealed.

The Court of Appeal held that:

- City failed to analyze potential impact of ballot measure on noise levels in area;
- City failed to analyze potential impact of ballot measure on air quality in area;
- City failed to analyze potential impact of ballot measure on biological resources in area;
- City failed to analyze potential impact of ballot measure on geological conditions in area; and
- Deferral of full environmental analysis of ballot measure until individual site-specific projects were proposed was not adequate.

ZONING & PLANNING - GEORGIA

Tussahaw Reserves, LLC v. Butts County

Supreme Court of Georgia - October 21, 2025 - S.E.2d - 2025 WL 2955817

Landowners, after their rezoning applications were denied, filed pleading in which they sought declaratory judgment and injunctive relief against county and a writ of certiorari against county board of commissioners and the individual commissioners, in their official capacities, as the respondents-in-certiorari, and county as defendant-in-certiorari.

The Superior Court granted county's motion to dismiss. Landowners filed an application for appeal in the Supreme Court, which transferred the application to the Court of Appeals. The Court of Appeals affirmed. The Supreme Court granted landowners' petition for certiorari review.

The Supreme Court held that:

- Court would not consider landowners' constitutional argument regarding provision of state constitution waiving sovereign immunity for certain claims against the government by exclusively naming government as a defendant, and
- Landowners' failure to comply with provision did not deprive trial court of subject-matter jurisdiction to rule on pending motions to drop respondents-in-certiorari from case.

REFERENDUM - MONTANA

Cummings v. Kelly

Supreme Court of Montana - April 2, 2025 - 421 Mont. 289 - 566 P.3d 523 - 2025 MT 68

City residents brought action against city commissioners, city attorney, and city, seeking to annul or void election that authorized city to levy additional 15 mills to provide funds for operation, maintenance, and capital needs of city's public library, alleging mathematical error in ballot language and various election irregularities violated their rights of suffrage and due process.

City officials filed motion to dismiss for failure to state a claim, and after briefing was complete, residents moved for leave to amend petition. The District Court dismissed residents' petition and denied them leave to amend. Residents appealed.

The Supreme Court held that:

- Residents failed to state a claim for violation of right of suffrage;

- Residents suffered no due process violation from alleged errors and discrepancies;
- Residents were not entitled to hearing under statute related to challenges to local government bond elections;
- Residents were not entitled to relief under statutory provisions providing court with authority to void elections or enjoin acts prohibited or compelled by election laws; and
- Amendment of the petition would substantially prejudice defendants.

IMMUNITY - OHIO

Durig v. Youngstown

Supreme Court of Ohio - October 16, 2025 - N.E.3d - 2025 WL 2933709 - 2025-Ohio-4719

Executor of motorcyclist's estate brought action against city and city employees, asserting claims for survivorship, wrongful death, and negligent, reckless, and/or wanton hiring, retention, training, or supervision that alleged motorcyclist sustained serious injuries from tree falling on him on city street, which led to his death.

The Court of Common Pleas denied executor's motion for partial summary judgment and denied city leave to amend its answer to assert political subdivision immunity defense. City appealed. The Court of Appeals affirmed. City appealed.

The Supreme Court held that:

- City's assertion of defense of failure to state a claim upon which relief can be granted in its answer did not preserve the defense of political-subdivision immunity, and
- Trial court's denial of city's motion for leave to amend its answer to assert defense of political-subdivision immunity was not an abuse of discretion.

CIVIL RIGHTS - PENNSYLVANIA

Montanez v. Price

United States Court of Appeals, Third Circuit - October 8, 2025 - 154 F.4th 127

Inmate brought pro se action against Commonwealth, prison officials and medical personnel, private company contracted by Commonwealth to provide medical services in its prisons, and four employees of company, alleging under § 1983 that defendants were deliberately indifferent to his serious medical needs, and asserting claims under Title II of Americans with Disabilities Act (ADA) and Rehabilitation Act (RA).

The United States District Court for the Middle District of Pennsylvania granted defendants' motions to dismiss for failure to state claim and denied inmate's motion for leave to amend complaint. Inmate appealed.

The Court of Appeals held that:

- Inmate's spinal cord stenosis and edema, which caused paralysis requiring surgery, sudden incontinence, and herniated disc qualified as "serious medical needs," as supported § 1983 Eighth Amendment claim for inadequate medical care;
- Inmate stated § 1983 Eighth Amendment claims based on inadequate medical care and unsanitary conditions of confinement against physician who allegedly abandoned him in cell for three days

while he was paralyzed and uncontrollably urinating on himself;
- Alleged actions of physician in denying inmate pain medication could not form basis of § 1983 Eighth Amendment claim based on inadequate medical care;
- Inmate failed to state § 1983 Eighth Amendment claim based on inadequate medical care against company;
- Neither officials nor employees were subject to suit in their personal capacities under Title II of ADA;
- Inmate stated claims for disability discrimination against Commonwealth and company under RA and Title II of ADA; and
- As matter of first impression, a state has obligation to ensure compliance with RA and Title II of ADA even when it contracts out operations of its programs, services, or activities to third parties.

IMMUNITY - VIRGINIA

Brooks-Buck v. Wahlstrom

Supreme Court of Virginia - October 16, 2025 - S.E.2d - 2025 WL 2934033

Former school administrator brought action against school board chairperson and school board member, asserting claims for defamation and defamation per se, based on allegedly defamatory statements in narrative attached to notice addressing disciplinary violations by another school board member.

Chairperson and board member filed demurrers, alleging that they were entitled to legislative, sovereign, and statutory immunity. The Suffolk Circuit Court overruled chairperson’s and member’s demurrers in part, finding no immunity. Chairperson and board member petitioned for interlocutory review, which was granted.

The Supreme Court held that:

- As matter of first impression, a local legislative body engages in a legislative act when it disciplines one of its members;
- School board chairperson and member were not entitled to common law legislative immunity;
- School board chairperson and member were not entitled to sovereign immunity; and
- School board chairperson and member were not entitled to statutory immunity.

OPEN MEETINGS - CALIFORNIA

Berkeley People's Alliance v. City of Berkeley

Court of Appeal, First District, California. - September 30, 2025 - Cal.Rptr.3d - 2025 WL 2787867 - 2025 Daily Journal D.A.R. 9405

Citizens’ group brought action against city council members alleging violations of the Brown Act’s open meeting requirements.

The Superior Court, Alameda County, sustained members’ demurrer without leave to amend. Group appealed.

The Court of Appeal held that city council’s conduct did not fall within exception to Brown Act allowing them to order meeting room cleared and continue in session.

City council’s conduct in recessing meeting and reconvening it in another room without members of the public who were attending the meeting did not comply with exception to Brown Act’s open meeting requirements allowing members of a legislative body to order meeting room “cleared and continue in session” in event of disorderly conduct of the general public.

ZONING & PLANNING - CALIFORNIA

New Commune DTLA LLC v. City of Redondo Beach

Court of Appeal, Second District, California. - October 10, 2025 - Cal.Rptr.3d - 2025 WL 2886322

Developers brought action against charter city, challenging city’s housing element and seeking writ of mandate and declaratory relief.

The Superior Court, Los Angeles County denied developers’ petition and complaint. Developers appealed.

The Court of Appeal held that:

- City’s residential overlay zone permitting construction of housing on sites otherwise zoned for commercial and industrial use was subject to mandatory minimum density requirements under Housing Element Law;
- Overlay zone failed to comply with statutory requirements;
- Presumption of validity for housing element was rebutted by failure of overlay zone;
- Substantial evidence supported city’s identification of parking lot as site that could accommodate 486 lower income housing units; but
- Substantial evidence did not support city’s determination that existing use of other parking lot would be discontinued or not impede development of 175 housing units.

STATUTE OF LIMITATIONS - GEORGIA

Villeda v. City of Morven

Court of Appeals of Georgia - October 14, 2025 - S.E.2d - 2025 WL 2910472

Personal-injury plaintiff brought action against city, alleging city was liable for his injuries.

The trial court granted city’s motion to dismiss, holding that plaintiff did not comply with statutory requirements for service of an ante litem notice against city because the notice was addressed to city’s former mayor rather than its current mayor. Plaintiff appealed.

The Court of Appeals held that service of ante litem notice to city’s former mayor, instead of current mayor, was statutorily sufficient.

Personal-injury plaintiff’s service of ante litem notice to city’s former mayor, instead of current mayor, was sufficient under statute governing claims for money damages against municipal corporations on account of injuries to person or property; even if notice was addressed to post office box rather than street address, included name of former mayor, and referred to title of “mayor” rather than office of “mayor” on the envelope, and was signed for by a person other than the mayor, notice was addressed to formal office of mayor and delivered to the office where the mayor worked.

UTILITY FEES - GEORGIA

Homewood Associates, Inc. v. Unified Government of Athens-Clarke County

Supreme Court of Georgia - October 15, 2025 - S.E.2d - 2025 WL 2919059

County government brought action against property owner in the Magistrate Court, Athens-Clarke County, to recover delinquent stormwater utility charges and property owner counterclaimed for declaratory judgment and injunctive relief.

After transfer to Superior Court, property owner and other owners of developed property in the county filed separate complaint for damages and declaratory and injunctive relief against county government alleging that the stormwater utility charge violated their rights under the taxation uniformity provision of the state constitution and the Takings Clause of the Fifth Amendment.

On the parties' joint motion, the actions were consolidated. The Superior Court granted county government's motion for summary judgment and denied property owners' motion for partial summary judgment. Property owners appealed.

The Supreme Court held that:

- Supreme Court would decline to overrule its prior holding that county's stormwater utility charge was a fee rather than a tax, and
- Stormwater utility charge did not violate property owners' rights under the Fifth Amendment's Takings Clause.

Supreme Court would decline to overrule its prior holding that county's stormwater utility charge was a fee rather than a tax subject to state constitution's taxation uniformity provision, even if some members of Court had doubt as to the correctness of its analysis; prior holding, which involved the same stormwater utility charge and some of the same parties, implicated strong reliance interests, and holding was not so clearly wrong that considerations of correctness outweighed other stare decisis considerations.

ANNEXATION - GEORGIA

Pilato v. State

Supreme Court of Georgia - October 15, 2025 - S.E.2d - 2025 WL 2918741

City and residents whose property was annexed by city brought action against State, challenging law providing that when corporate limits of city are extended by annexation into the boundaries of county school district, the boundaries of city school district shall not be extended to be coextensive therewith, as violating state constitution's Single Subject Rule.

The Superior Court granted motion to intervene filed by county school district, denied motions to dismiss filed by district and State, granted plaintiffs' motion for declaratory judgment and permanent injunction, and denied plaintiffs' request for default judgment against State. State and district appealed and plaintiffs cross-appealed.

The Supreme Court held that plaintiffs failed to establish an actual controversy sufficient to reach merits of their claims for declaratory judgment.

City and residents whose property was annexed by city failed to establish an actual controversy sufficient to reach merits of their declaratory judgment claims, in action against State, challenging law providing that boundaries of city school district would not be extended to be coextensive with extended city limits, as violating state constitution's Single Subject Rule; plaintiffs asserted that decision of city school district declining to enroll residents' children, not any enforcement action of the State, resulted in the alleged infringement of rights about which they complained, and thus a decision as to whether challenged law was constitutional would not resolve the disputed rights they asserted as the basis for their action.

ELECTIONS - PENNSYLVANIA

In re Appointment to Fill Vacancy in Office of County Commissioner

Supreme Court of Pennsylvania - October 20, 2025 - A.3d - 2025 WL 2952835

County commissioner filed petition challenging procedures set forth in county home rule charter for filling vacancy on county board of commissioners.

A three-judge panel of the Court of Common Pleas denied petition, and commissioner appealed. The Commonwealth Court affirmed. Commissioner's petition for review was granted in part.

The Supreme Court held that:

- Procedure set forth in county home rule charter for filling vacancy on county board of commissioners did not conflict with Supreme Court rule, and
- Charter did not impermissibly intrude on Supreme Court's powers to regulate procedure and supervise judiciary.

Procedure set forth in county home rule charter for filling vacancy on county board of commissioners did not conflict with Supreme Court rule setting forth procedures for court of common pleas to follow when filling vacancy in elected office pursuant to statutory duty, and thus rule—as law of state-wide application—did not override charter, even though charter required court to choose from three candidates identified by executive committee of appropriate political party, and rule required court to receive applications from "any interested candidates"; both required appointment of member of same political party as vacating commissioner, and rule did not purport to be exclusive, but instead reflected desire to be sufficiently flexible to accommodate many different triggering statutes.

Procedure set forth in county home rule charter for filling vacancy on county board of commissioners did not impermissibly intrude on Supreme Court's powers to regulate procedure and supervise judiciary, even if charter conflicted with Supreme Court rule setting forth procedures for court of common pleas to follow when filling vacancy in elected office pursuant to statutory duty; state constitution provided that procedure for filling vacancies in elected county offices was, at its core, legislative, not judicial, function.

BOND VALIDATION - CALIFORNIA

Alliance San Diego v. California Taxpayers Action Network

Court of Appeal, Fourth District, Division 1, California - October 3, 2025 - Cal.Rptr.3d - 2025 WL 2813618

Taxpayer advocacy organizations filed petition for writ of mandate and a reverse validation complaint, seeking determination that city's resolution declaring that a voters' ballot measure for hotel tax increase to fund expansion of city's convention center, address homelessness, and repair streets had passed was invalid.

City then filed a validation action seeking determinations that its resolution and related bond resolutions were valid. After consolidation, the Superior Court, San Diego County, granted organizations' motion for judgment on the pleadings. City appealed. The Court of Appeal reversed and remanded. After a bench trial, the Superior Court entered judgment for city. Organizations appealed.

The Court of Appeal held that:

- Trial court had subject matter jurisdiction over city's validation action;
- Validation action was ripe for adjudication;
- Special fund doctrine applied to exempt bond resolutions from two-thirds vote requirement for general obligation bonds;
- Measure was a citizens' initiative that required only a simple majority vote to pass;
- City did not have substantial control over measure that would preclude measure from being a citizens' initiative;
- Statements in newspaper articles were not admissible under hearsay exception for admissions by a party-opponent; and
- Any error in exclusion of hearsay statements in newspaper articles was harmless.

Trial court had subject matter jurisdiction over city's validation action seeking determinations of the validity of its resolution declaring that a voters' measure imposing hotel tax increase to fund expansion of city's convention center, address homelessness, and repair streets had passed and the validity of related bond resolutions, even though there were no specific bonds ready to be issued pursuant to measure or additional resolutions authorizing issuance of bonds based on provisions of measure; resolutions expressly authorized and approved preliminary steps necessary for, and therefore were inextricably bound up with, the ultimate issuance of specific bonds.

City's validation action seeking determinations of the validity of its resolution declaring that a voters' ballot measure imposing hotel tax increase to fund expansion of city's convention center, address homelessness, and repair streets had passed and the validity of related bond resolutions presented a dispute that was sufficiently concrete to be ripe for adjudication, even though city had not authorized or approved issuance of any existing bonds, where city passed other resolutions expressly authorizing and approving issuance and sale of bonds pursuant to provisions of measure.

City would suffer a hardship from the withholding of jurisdiction, and thus the second prong of ripeness doctrine was satisfied for city's validation action seeking determinations of the validity of its resolution declaring that a voters' ballot measure imposing hotel tax increase to fund expansion of city's convention center, address homelessness, and repair streets had passed and the validity of related bond resolutions; measure's programs and projects depended on bond revenues to be repaid by the special taxes imposed by measure, and if trial court did not adjudicate validation action, city might not have been able to proceed toward issuance of bonds for those programs and projects or their issuance at reasonable interest rates due to possibility of future litigation causing a chilling effect on third-party lenders.

Special fund doctrine applied to exempt city's bond resolutions related to voters' ballot measure for hotel tax increase to fund expansion of city's convention center, address homelessness, and repair streets from requirement under State Constitution and city charter of assent of two-thirds of voters

for general obligation bonds; bonds related to measure would not be “general obligation bonds,” since resolutions did not obligate city to make payments on bonds out of its general funds or any funds other than the special tax funds established by measure.

Special fund doctrine, as an exception to state constitutional provision requiring assent of two-thirds of voters for a municipality to incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, is not limited to obligations only of a specific agency that would be benefited, as opposed to a special fund overseen by a local agency.

Mere fact of a city government official’s involvement in a voter initiative imposing a special tax does not necessarily convert the voter initiative into a local government initiative that would need two-thirds supermajority vote to pass rather than a simple majority vote.

Hotel tax increase measure passed by voters to fund expansion of city’s convention center, address homelessness, and repair streets was not a “city-sponsored ballot measure” but rather was a bona fide “citizens’ initiative” that required only a simple majority vote to pass and not a two-thirds supermajority vote, where individual proponents of measure published a notice of intent to circulate an initiative petition, proponents filed notice with city clerk, and proponents subsequently submitted petitions signed by requisite number of city voters, and measure was thereafter placed on ballot for election and received 65.24 percent of the votes.

A local government entity or official’s support of a citizens’ initiative to adopt a special tax does not convert the citizens’ initiative into a government-sponsored measure that would need two-thirds supermajority vote to pass rather than a simple majority vote.

City and nonprofit convention center corporation controlled by city did not have substantial control over a hotel tax increase measure passed by voters to fund expansion of convention center, address homelessness, and repair streets, and thus the measure qualified as a bona fide “citizens’ initiative” that required only a simple majority vote to pass and not a two-thirds supermajority vote, even though one proponent of measure was both vice president of city’s regional chamber of commerce that was primary sponsor of measure and a volunteer member of corporation’s board, and another board member voted in favor of board resolution supporting measure; vice president did not openly cite her unpaid board membership as a proponent of measure, the voting board member was not involved in proposing measure, and corporation’s only action was a resolution passed by board supporting measure.

Statements in newspaper articles purportedly showing involvement of board members of nonprofit convention center corporation controlled by city in sponsoring and/or supporting voters’ ballot measure imposing hotel tax increase to fund expansion of city’s convention center were not admissible under hearsay exception for admissions by a party-opponent, in city’s validation action seeking determinations of the validity of its resolution declaring that the measure had passed and the validity of related bond resolutions; neither member was a named party to the action, and their statements in articles were not authorized by a party to the action.

Statements that board members of nonprofit convention center corporation controlled by city made in newspaper articles were not admissible under hearsay exception for statements of a declarant’s then existing mental or physical state, in city’s validation action seeking determinations of the validity of its resolution declaring that a voters’ ballot measure imposing hotel tax increase to fund expansion of city’s convention center had passed and the validity of related bond resolutions, where proponent of statements did not show that members were unavailable to testify as witnesses or that the hearsay evidence was offered to prove or explain their conduct.

Statements that board members of nonprofit convention center corporation controlled by city made in newspaper articles were not admissible under hearsay exception for statements of a declarant's previously existing mental or physical state, in city's validation action seeking determinations of the validity of its resolution declaring that a voters' ballot measure imposing hotel tax increase to fund expansion of city's convention center had passed and the validity of related bond resolutions, where proponent of statements did not show that members were unavailable to testify as witnesses or that the hearsay evidence was offered to prove or explain their conduct.

Any error in trial court's exclusion of hearsay statements that board members of nonprofit convention center corporation controlled by city made in newspaper articles was harmless, in city's validation action seeking determinations of the validity of its resolution declaring that a voters' ballot measure imposing hotel tax increase to fund expansion of city's convention center had passed and the validity of related bond resolutions; there was no showing that it was reasonably probable that taxpayer advocacy organizations, as proponents of statements, would have received a more favorable result at trial had the error not occurred.

ZONING & PLANNING - CALIFORNIA

New Commune DTLA LLC v. City of Redondo Beach

Court of Appeal, Second District, California - October 10, 2025 - Cal.Rptr.3d - 2025 WL 2886322

Developers brought action against charter city, challenging city's housing element and seeking writ of mandate and declaratory relief.

The Superior Court denied developers' petition and complaint. Developers appealed.

The Court of Appeal held that:

- City's residential overlay zone permitting construction of housing on sites otherwise zoned for commercial and industrial use was subject to mandatory minimum density requirements under Housing Element Law;
- Overlay zone failed to comply with statutory requirements;
- Presumption of validity for housing element was rebutted by failure of overlay zone;
- Substantial evidence supported city's identification of parking lot as site that could accommodate 486 lower income housing units; but
- Substantial evidence did not support city's determination that existing use of other parking lot would be discontinued or not impede development of 175 housing units.

ZONING & PLANNING - NEVADA

Reno Real Estate Development, LLC v. Scenic Nevada, Inc.

Supreme Court of Nevada - October 16, 2025 - P.3d - 2025 WL 2936256 - 141 Nev. Adv. Op. 48

Scenic preservation organization petitioned for writ of mandamus and/or prohibition, challenging development agreement between city and developers for mixed-use entertainment area based on argument that area identification signs contemplated by agreement constituted billboards that violated city codes.

The District Court issued writ preventing city from issuing building permits for, and developers from erecting, two of three challenged signs. Parties filed cross-appeals.

The Supreme Court held that:

- Under city land use code, area identification signs existed independently from on-premises or off-premises advertising displays and thus did not need to meet the commercial interest requirement for advertising displays;
- City's classification of signs as "area identification signs" rather than advertising displays was not a manifest abuse of discretion;
- Organization did not have a beneficial interest in obtaining writ relief and thus did not have standing;
- Organization did not have standing on behalf of the public to challenge city's development agreement; and
- Organization's settlement agreement with city regarding billboards did not confer standing on organization to challenge development agreement.

OPEN MEETINGS - COLORADO

Sentinel Colorado v. Rodriguez

Supreme Court of Colorado - October 7, 2025 - P.3d - 2025 WL 2835119

Public-media corporation filed complaint against city records custodian seeking release of recording of city council executive session about censure charges against council member, alleging council committed Colorado Open Meetings Law (COML) violations at that executive session.

The District Court, upon reconsideration from initial order to release session recording, determined that COML violations were cured by a subsequent public city council meeting and ordered custodian not to release recording. Corporation appealed. The Court of Appeals reversed, but denied corporation's request for prevailing party attorney fees. Parties cross-petitioned for certiorari review, which petitions were granted.

The Supreme Court held that:

- As a matter of first impression, plain meaning of COML provision, along with legislative history, supported conclusion that corporations, including media organizations, are entitled to reasonable attorney fees when they are prevailing parties;
- City council did not waive attorney-client privilege by publishing special counsel's letter containing factual assertions; and
- Corporation was entitled to seek attorney fees related to litigation in Supreme Court and the court of appeals.

IMMUNITY - NEW YORK

Brown v. City of New York

Supreme Court, Appellate Division, Second Department, New York - October 8, 2025 - N.Y.S.3d - 2025 WL 2845341 - 2025 N.Y. Slip Op. 05493

Student, by his mother, brought action against city and other defendants to recover damages for

injuries that student allegedly sustained when he attempted to do a cartwheel during gym class at school.

The Supreme Court, Kings County, granted defendants' motion for summary judgment dismissing the complaint. Student appealed.

The Supreme Court, Appellate Division, held that defendants were not liable for student's injuries.

IMMUNITY - OHIO

Durig v. Youngstown

Supreme Court of Ohio - October 16, 2025 - N.E.3d - 2025 WL 2933709 - 2023-Ohio-4719

Executor of motorcyclist's estate brought action against city and city employees, asserting claims for survivorship, wrongful death, and negligent, reckless, and/or wanton hiring, retention, training, or supervision that alleged motorcyclist sustained serious injuries from tree falling on him on city street, which led to his death.

The Court of Common Pleas denied executor's motion for partial summary judgment and denied city leave to amend its answer to assert political subdivision immunity defense. City appealed. The Court of Appeals affirmed. City appealed.

The Supreme Court held that:

- City's assertion of defense of failure to state a claim upon which relief can be granted in its answer did not preserve the defense of political-subdivision immunity, and
- Trial court's denial of city's motion for leave to amend its answer to assert defense of political-subdivision immunity was not an abuse of discretion.

STUDENT HOUSING - ALABAMA

Campus Crest at Tuscaloosa LLC v. City of Tuscaloosa

Supreme Court of Alabama - October 3, 2025 - So.3d - 2025 WL 2810889

Taxpayers, who alleged that they were out-of-state owners, operators, or lessees of multifamily housing developments that city had designated as student-oriented housing developments (SOHDs), brought action against city, seeking declaratory judgment that city ordinance imposing enhanced business-license fees on SOHDs with more than 200 bedrooms was invalid and further seeking a refund of taxes collected under ordinance.

The Circuit Court entered judgment dismissing action for failure to state a claim. Taxpayers appealed.

The Supreme Court held that:

- Complaint contained sufficient factual averments that, if developed, could show that city had no rational basis for ordinance, and thus taxpayers stated a claim for a judgment declaring that ordinance violated equal protection;
- Taxpayers had standing to seek a judgment declaring that ordinance was void for vagueness on due-process grounds;

- Taxpayers stated claim that ordinance was void for vagueness on due-process grounds;
- Taxpayers stated claim that violated dormant Commerce Clause; but
- Ordinance was not effectively a zoning ordinance, and thus city was not required to adhere strictly to statutory notice and hearing requirements for zoning ordinances before adopting ordinance.

REFERENDUM(B) - CALIFORNIA

Move Eden Housing v. City of Livermore

Court of Appeal, First District, California. - October 7, 2025 - Cal.Rptr.3d - 2025 WL 2837353

Advocacy organization filed petition for writ of mandate seeking to compel city and city clerk to process referendum petition for purpose of proposed referendum on city's resolution authorizing development project that included construction of public park.

The Superior Court, Alameda County, denied petition. Organization appealed. The Court of Appeal reversed and directed trial court to issue peremptory writ of mandate. After trial court issued writ of mandate on remand, city repealed resolution and issued new resolution for same development, but without park project. Organization moved for order compelling compliance with writ of mandate. The Superior Court granted motion. City appealed.

The Court of Appeal held that:

- City "entirely repealed" resolution that adopted development agreement, within meaning of referendum statute;
- City's adoption of second resolution approving development agreement without park provision did not violate stay provision of referendum statute; and
- As a matter of apparent first impression, in determining whether a subsequent enactment is essentially the same as the original enactment within meaning of stay provision of referendum statute, the relevant comparison is with the legislative act or acts in the original enactment that made the enactment subject to the referendum power.

MUNICIPAL GOVERNANCE - CALIFORNIA

People ex rel. Alameda County Taxpayers' Association, Inc. v. Brown

Court of Appeal, First District, Division 4, California - September 30, 2025 - Cal.Rptr.3d - 2025 WL 2787891

Taxpayer advocacy organization and residents brought quo warranto action against county supervisor appointed by county board of supervisors to fill vacancy, seeking judgment removing supervisor from office for allegedly failing to satisfy prior and continuous residency requirements.

The Superior Court ruled that prior residency requirement did not apply to vacancy appointments, and the Superior Court found continuous residency issue moot after supervisor's term ended and entered judgment in favor of supervisor. Organization and residents appealed and supervisor filed motion to dismiss appeal as moot.

The Court of Appeal held that:

- Court of Appeal would not take judicial notice of newspaper editorial, newsletter, or statute;

- Public interest exception to mootness doctrine applied;
- County administrative code's one-year prior residency requirement did not apply to a supervisor appointed to fill a vacancy;
- Remand was warranted for trial court to address whether supervisor satisfied requirement under county charter and county administrative code to reside in district during his term; and
- Trial court was not required to consider substance of motion by organization and residents for judgment on the pleadings.

EMINENT DOMAIN - GEORGIA

Department of Transportation v. 5.85 Acres of Land and Certain Easements Rights

Court of Appeals of Georgia - October 2, 2025 - S.E.2d - 2025 WL 2801669

Property owner appealed condemnation of 5.85 acres of property by Department of Transportation (DOT), which planned to use the condemned property to construct a bypass around the city and offered owner $37,200 as just and adequate compensation.

Following a jury verdict in owner's favor, awarding damages in the amount of $1,500,000, the Superior Court denied DOT's motion for new trial. DOT appealed.

The Court of Appeals held that jury's award to owner of $1,500,000 was so excessive as to justify inference of gross mistake or undue bias.

Jury's award to property owner of $1,500,000 was so excessive as to justify inference of gross mistake or undue bias, in proceeding, pursuant to takings clauses of federal and state constitutions, regarding condemnation of 5.85 acres of property by Department of Transportation (DOT) to construct bypass around city; considering possibility that jury applied cost of $124,565 per acre, the highest comparable sale amount used by an expert, 5.85 acres taken would only equal $728,705.25, expert who testified about setback did not assign a value to it, nor was she certain about size of setback, highest estimated value as to consequential damages was $445,600, leaving $325,694.75 unaccounted for, and any upward deviation for consequential damages in that amount was unsupported by evidence.

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