

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

[Mustageem 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 complain 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 statute.
- 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 duplicative 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 issue 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-site 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.

MUNICIPAL ORDINANCE - GEORGIA

[Bailey v. McIntosh County](#)

Supreme Court of Georgia - September 30, 2025 - S.E.2d - 2025 WL 2790676

County brought action against probate court judge for declaratory judgment and writ of prohibition to stop referendum on repeal of zoning which purportedly increased allowable maximum dwelling size in historic district on Sapelo Island.

The Superior Court concluded that county's exercise of its zoning powers was not subject to referendum process, granted county's petition, and issued writ of prohibition against probate judge, but also enjoined enforcement of ordinance pending appeal. County residents and probate judge appealed, and county appealed injunction.

The Supreme Court held that:

- Absence of ordinance in appellate record did not preclude Supreme Court from considering legal question of whether ordinance was subject to referendum procedures in Home Rule Provision of state constitution;
- Ordinance was subject to referendum under Home Rule Provision;
- Probate judge had authority under Home Rule Provision to consider referendum petition and set special election for referendum; and
- Supreme Court could not take judicial notice of ordinance and its predecessor not in appellate record and thus could not consider county's arguments for reversal of injunction.

Home Rule Provision, not the Zoning Provision, of state constitution provided express grant of legislative power enabling county to exercise its zoning power by ordinance, and, thus, county ordinance which purportedly increased allowable maximum dwelling size in historic district on Sapelo Island was subject to referendum under Home Rule Provision; Home Rule Provision did not prohibit county from exercising zoning power, and treating zoning ordinance as subject to Home Rule power did not diminish extent of zoning power granted to counties under the Zoning Provision or render that provision mere surplusage since power granted by Home Rule Provision encompassed more than enacting zoning ordinances, and power granted by Zoning Provision was broader than merely power to enact zoning ordinances.

EMINENT DOMAIN - CALIFORNIA

[Benedetti v. County of Marin](#)

Court of Appeal, First District, Division 4, California - August 29, 2025 - Cal.Rptr.3d - 113 Cal.App.5th 1185 - 2025 WL 2490638 - 2025 Daily Journal D.A.R. 8513

Landowners filed petition for writ of mandate and complaint for declaratory relief against county, alleging that amended coastal program requirement that condition for constructing residential units in agriculturally-zoned lands in coastal zone, requiring landowners to record restrictive covenant in county's favor that would ensure owners of units would be engaged in agriculture, was facial unconstitutional condition and violated their due process rights.

The Superior Court, Marin County, denied petition and complaint. Landowners appealed.

The Court of Appeal held that:

- Challenge could proceed as facial Nollan/Dolan unconstitutional conditions claim;
 - Restrictive covenant condition had the necessary nexus to government's land use interest;
 - Restrictive covenant condition was proportional to each landowners' impact on land-use interest; and
 - Landowners' due process rights were not violated.
-

WATER AND SEWER FEES - DISTRICT OF COLUMBIA

[Capitol Park IV Condominium Association, Inc. v. District of Columbia Water and Sewer Authority](#)

District of Columbia Court of Appeals - September 18, 2025 - A.3d - 2025 WL 2670811

Condominium association, which operated condominium complex that included over 200 individually owned townhomes that were not individually metered for water services, brought action against water and sewer authority, challenging method for calculating charges for stormwater runoff based on impervious surface area of property and seeking declaratory and injunctive relief.

On cross motions for summary judgment, the Superior Court granted authority's motion for summary judgment. Association appealed.

The Court of Appeals held that:

- Authority failed to provide sufficient explanation showing rational connection between how property was metered for water and that property's assessed charge for its impervious surface area pursuant to regulation, and thus, remand was required, but
 - Entry of summary judgment in favor of condominium association was not warranted.
-

MUNICIPAL ORDINANCE - GEORGIA

[WBY, Inc. v. City of Chamblee, Georgia](#)

United States Court of Appeals, Eleventh Circuit - September 23, 2025 - F.4th - 2025 WL 2699142

Owner of former strip club that served alcohol brought action for declaratory and injunctive relief as well as for damages against city, alleging city ordinances relating to the sale of alcohol at adult establishments with nude dancing violated owner's rights under the First Amendment and the Contract Clauses and the Equal Protection Clauses of the United States and Georgia Constitutions.

The United States District Court for the Northern District of Georgia granted in part city's motion to dismiss for lack of standing and granted summary judgment to city on owner's remaining claims. Owner appealed.

The Court of Appeals held that:

- Owner did not have Article III standing to seek equitable relief;
- Owner suffered past injury that was traceable to the ordinances in form of loss of the economic use of its property, as required to have Article III standing to bring action for damages;
- Owner did not have redressable claim, for Article III standing purposes, with respect to ordinance that banned sale of alcohol at establishments offering nude dancing;

- Owner had redressable claim, for Article III standing purposes, with respect to ordinances that required adult establishments at midnight and prohibited fully nude dancing;
 - Strict, rather than intermediate scrutiny applied to owner's First Amendment free speech claims;
 - Ordinances that required adult establishments close for business at midnight and that prohibited fully nude dancing did not violate club owner's First Amendment free speech rights;
 - There was no valid contract between the club and city upon which to base Contracts Clause claims; and
 - City did not violate club owner's equal protection rights.
-

BONDS - OHIO

[State Ex Rel. Springfield City School District Board of Education v. Hamilton](#)

Supreme Court of Ohio - September 25, 2025 - N.E.3d - 2025 WL 2724420 - 2025-Ohi-4427

School district brought mandamus action seeking writ compelling county auditor to place voter-approved bond levy on tax list and duplicate for collection through 2031 to pay debt charges on bonds issued pursuant to the levy.

The Ohio Supreme Court denied auditor's motion for judgment on the pleadings, granted an alternative writ, and set schedule for presentation of evidence and filing of briefs on district's requested writ.

The Supreme Court held that:

- Auditor had no discretion to refuse to place voter-approved property tax levy on tax list and duplicate for collection while voter-approved bonds remained outstanding, but
- District had to pass legislation authorizing collection of taxes "in following year" to trigger auditor's duty for future years.

School district lacked an adequate remedy in ordinary course of law for county auditor's refusal to place voter-approved property tax levy on tax list and duplicate for collection while voter-approved bonds issued by district board of education remained outstanding, as element for mandamus relief, even though it could pursue declaratory-judgment action in common pleas court, where such judgment would not provide full relief unless coupled with mandatory injunction compelling auditor to place bond levy on tax list and duplicate.

Fact that it was county treasurer, not the auditor, who had duty to collect property taxes did not prevent auditor from providing relief sought by school district, as element for mandamus relief, even though district asked for mandamus compelling auditor "to collect the bond levy" approved by voters, where district sought mandamus relief after auditor stated she would not place levy on tax list and duplicate for collection, and under statutory process for levying and collecting general obligation bonds, auditor's placement of bond levy on tax list and duplicate for collection was prerequisite to treasurer's duty to collect the property tax.

County auditor had no discretion under statutory process for levying and collecting general obligation bonds to refuse to place voter-approved property tax levy on tax list and duplicate for collection while voter-approved bonds issued by local school district board of education remained outstanding, based on her determination that levy duration had ended; auditor's duty to place bond levy on tax list and duplicate was ministerial.

County auditor did not have legal duty to include bond levy for voter-approved bond for improving school facilities on tax list and duplicate for collection until school district had passed legislation authorizing collection of taxes “in the following year,” and thus, school district was not entitled to mandamus relief compelling auditor to place voter-approved property tax levy on tax list and duplicate for collection with respect to voter-approved multi-series bonds issued by local school district board of education to be repaid over maximum of 12 years for future years beyond levy’s collection in 2026; governing statute triggered auditor’s duty each year only after the taxing authority passed and filed the necessary legislation by November 30 for the following collection year.

EMINENT DOMAIN - TEXAS

[Mesquite Asset Recovery Group, L.L.C. v. City of Mesquite, Texas](#)

United States Court of Appeals, Fifth Circuit - September 23, 2025 - F.4th - 2025 WL 2700591

Development groups brought action against city in state court, asserting takings claim under federal and Texas constitutions and seeking declaratory relief and attorneys’ fees for breach of contract and other state-law violations, after city allegedly refused to extend time for performance under contract and terminated it.

Following removal, city filed motion to dismiss. United States District Court for the Northern District of Texas granted the motion. Groups appealed.

The Court of Appeals held that:

- Groups failed to state a takings claim, and
- Federal Declaratory Judgment Act claim was subject to dismissal, following remand of claim for breach of contract under Texas law to state court.

PUBLIC EMPLOYMENT - ALABAMA

[Personnel Board of Jefferson County v. City of Trussville](#)

Supreme Court of Alabama - September 12, 2025 - So.3d - 2025 WL 2627723

County personnel board brought action against city, seeking declaration that act allowing certain municipalities to remove themselves from jurisdiction of their county’s personnel board violated Alabama Constitution’s provisions on special and local laws and that city’s subsequent departure from board’s jurisdiction pursuant to that act was void.

In response to motion by city, the Circuit Court dismissed action with prejudice. Board appealed.

The Supreme Court held that:

- Board was within group affected by act, as required for board to have standing to challenge act’s constitutionality pursuant to test for standing as articulated in *Express Enterprise, Inc. v. Waites*, 979 So.2d 754;
- Board’s loss of jurisdiction constituted injury-in-fact under the traditional and default test for

- standing in public-law actions;
- Board's imminent loss of \$300,000 if city were allowed to depart from board's jurisdiction under act constituted injury-in-fact under the traditional and default test for standing in public-law actions;
 - Board's injury-in-fact had direct causal link to act's passage;
 - Board's injury-in-fact was redressable by a favorable court decision; and
 - If it turned out to be true that city was the only municipality in the State that met act's requirements, then Legislature, before act's enactment, had to comply with Alabama Constitution's notice requirements for special and local laws.
-

IMMUNITY - ALABAMA

[Ex Parte Riche](#)

Supreme Court of Alabama - September 19, 2025 - So.3d - 2025 WL 2679931

Football game spectator who claimed that she had been injured in a trip and fall in walkway in stadium owned by city board of education brought action against stadium manager, in his official and individual capacities, and asserted claims of negligence, wantonness, premises liability, negligent and/or wanton undertaking, and "combining and concurring negligence."

The Circuit Court denied manager's motion for summary judgment. Manager petitioned for a writ of mandamus.

The Supreme Court held that:

- Manager, who was an employee of the board, had sovereign immunity from the claims insofar as they were asserted against him in his official capacity;
 - Pursuant to statute providing for State-agent immunity to those exercising judgment in the discharge of duties in educating students, manager had State-agent immunity from the claims insofar as they were asserted against him in his individual capacity; and
 - Manager's alleged failure to follow up regarding the sand that he had put in crack in stadium walkway and the orange cone that he had placed nearby did not defeat finding that he had State-agent immunity.
-

NEGLIGENCE - INDIANA

[Indianapolis Public Transportation Corporation v. Bush](#)

Supreme Court of Indiana - September 15, 2025 - N.E.3d - 2025 WL 2640911

Pedestrian's mother, on behalf of his estate, brought wrongful death action against city public transportation corporation, alleging that when pedestrian was trying to board bus, he fell into the road as the bus left a curbside stop, and was run over and died of his injuries.

Following jury trial, the Superior Court entered judgment for estate, and denied corporation's motion to correct error. Corporation appealed. The Court of Appeals reversed and remanded. Estate petitioned for transfer, which was granted.

The Supreme Court held that:

- As matter of first impression, appropriate standard of review on denial of motion to correct error,

- when the motion asserts a verdict is clearly erroneous as contrary to the evidence, is de novo;
- Video footage created issue for jury of whether pedestrian was contributorily negligent;
 - Evidence of pedestrian's blood alcohol content (BAC) created issue for jury as to whether pedestrian's intoxication was a proximate cause of his injuries;
 - Issue of whether pedestrian violated statute prohibiting pedestrians from suddenly leaving a curb and walking into path of vehicle that is so close as to constitute an immediate hazard was for the jury; and
 - Issue of whether pedestrian violated statute prohibiting a person from being intoxicated when using public transportation and endangering their own life was for the jury.
-

REFERENDA - OHIO

[State ex rel M/I Homes of Cincinnati, L.L.C. v. Clermont County Board of Elections](#)

Supreme Court of Ohio - September 17, 2025 - N.E.3d - 2025 WL 2658638 - 2025-Ohi-4362

Real estate developer requested writ of prohibition to prohibit county board of elections from placing referendum on general-election ballot challenging township board of trustees' approval of developer's application to rezone parcels of property to planned-development district for purposes of residential development or, alternatively, writ of mandamus to compel board of elections to sustain developer's protest against referendum petition.

The Supreme Court held that:

- Average person reading brief summary would have understood that proposal to be voted on would affect zoning status of roughly 120 acres of property spanning three parcels of land;
 - Referendum petition's brief summary accurately stating that affected acreage would be rezoned to "PD" and clarifying that acronym stood for "Planned Development District," complied with governing statute;
 - Petition accurately stating zoning change associated with affected acreage and accurately stating nature and number of homes proposed for development complied with governing statute;
 - Board of elections did not abuse its discretion or clearly disregard applicable law when it denied protest that involved brief summary that did not mention every feature or condition of zoning amendment;
 - Statement from county board of elections' employee, at hearing on developer's protest, that "[t]hese two [maps] were submitted" was sufficient to verify that second map was filed with board of trustees;
 - Map used in obtaining signatures that covered up inset "vicinity" map, but nevertheless displaying larger and more detailed map of affected area—as compared to inset vicinity map—on left side of document, complied with governing statute; and
 - Developer forfeited its argument in reply brief that maps attached to referendum petition were misleading because they were faded and blurry by failing to raise it in its merit brief.
-

EMINENT DOMAIN - TEXAS

[DM Arbor Court, Limited v. City of Houston, Texas](#)

United States Court of Appeals, Fifth Circuit - August 12, 2025 - 150 F.4th 418

Operator of affordable housing apartment complex for low-income residents brought action against city, alleging that city's refusal to grant permits to operator to repair units damaged in hurricane and subsequent flooding was a regulatory taking under the Fifth Amendment.

Following a bench trial, the United States District Court for the Southern District of Texas ruled against owners, concluding property still had economic life despite permit denial. Operator appealed.

The Court of Appeals held that permit denial effected a categorical taking.

City's denial of a repair permit under city's flood control ordinance for property that was located in flood zone left no viable way for operator of affordable housing apartment complex for low-income residents to redevelop property after property was flooded by hurricane, and thus permit denial effected a categorical taking of property, although operator was technically free to redevelop property so long as it complied with elevation requirement, and notwithstanding any speculation as to a sale of the property, or fact that operator's Housing Assistance Payment Contract (HAP Contract) from Department of Housing and Urban Development (HUD) had value, which was a separate and distinct property interest; evidence indicated that permit denial ended property's economic life given that there was currently no identifiable economically feasible redevelopment for property without permit, redevelopment was prohibitively expensive and economically unfeasible because it would have required elevation of property, holding property for investment purposes was not an economically beneficial use.

LIABILITY - ALABAMA

[Ex Parte City of Birmingham](#)

Supreme Court of Alabama - September 19, 2025 - So.3d - 2025 WL 2680098

Motorist who suffered injuries in collision on interstate highway brought action against city, asserting claims of negligence, wantonness/recklessness, and negligent/wanton hiring, training, supervision and/or retention, which claims stemmed from allegation that city failed to maintain working streetlights at the collision site.

After granting city's motion to dismiss the wantonness/recklessness claim, the Circuit Court denied city's motion for summary judgment. City petitioned for writ of mandamus, and motorist conceded in his answer to the petition that the claim for negligent hiring, training, supervision, and/or retention was due to be dismissed.

The Supreme Court held that, as is relevant to statute governing municipal liability for negligence, when a municipality chooses to provide for the public health, safety, and general welfare of its citizenry by voluntarily assuming the responsibility of maintaining the streetlights on an interstate highway, it does not impose upon itself a legal duty of care to an individual who is allegedly injured as the result of inoperable streetlights.

IMMUNITY - GEORGIA

[Bray v. Watkins](#)

Court of Appeals of Georgia - September 4, 2025 - S.E.2d - 2025 WL 2537329

As guardian of child, administratrix of estate of child's father, and in her individual capacity, child's mother sued county sheriff's lieutenant in both her official and individual capacities for damages, alleging that tornado caused tree to fall on bedroom of their home, which tree killed child's father and injured child and herself, and that lieutenant failed to activate a tornado warning system while working in county emergency center.

The Superior Court entered summary judgment for lieutenant and mother appealed. The Court of Appeals affirmed. Mother petitioned for certiorari review. The Supreme Court granted mother's petition for certiorari, vacated, and remanded. On remand, the Court of Appeals adopted the Supreme Court's opinion as its own, vacated the trial court's order, and remanded for trial court to resolve the sovereign immunity issue in the first instance. After remand, mother filed motion requesting that trial court deny lieutenant's motion for summary judgment. The trial court granted lieutenant's motion for summary judgment and found that sovereign immunity applied, and mother appealed.

The Court of Appeals held that:

- Sovereign immunity applied and barred mother's claims against lieutenant in her official capacity, and
- Mother's claims against lieutenant, in her individual capacity, were barred by the public duty doctrine.

EMINENT DOMAIN - IDAHO

[Hansen v. Boise School District #1](#)

Supreme Court of Idaho, Boise, May 2025 Term - August 15, 2025 - P.3d - 2025 WL 2371200

Guardians of minor student, in their individual capacities, as guardians of student, and as class representatives, brought proposed class action against school district for inverse condemnation under state constitution and violation of Fifth Amendment's Takings Clause, under § 1983, alleging fees charged for second half of full-day kindergarten violated Idaho Constitution's free common schools provision and constituted a taking without due process.

The Fourth Judicial District Court granted district's motion to dismiss. Guardians appealed.

The Supreme Court held that:

- Student did not suffer particularized injury-in-fact necessary to have standing, and
- Statute providing that time for the commencement of the action would exclude period while plaintiff was still a minor did not apply to toll limitations period.

Minor student did not suffer a deprivation of property due to tuition charged for second half of full-day kindergarten, and thus did not suffer particularized injury-in-fact necessary to have standing to bring proposed class action against school district for violation of Takings Clause, under § 1983, alleging tuition violated Idaho Constitution's free common schools provision and constituted a taking without due process, where tuition payments were made solely by minor's guardians, using their funds and not any property belonging to minor.

Statute, providing that time for the commencement of the action would exclude the period during which plaintiff was still a minor, did not apply to toll limitations period for proposed class action

brought by guardians of minor student against school district for violation of Takings Clause, under § 1983, alleging tuition charged for second half of full-day kindergarten violated Idaho Constitution's free common schools provision and constituted a taking without due process, where it was guardians, not student, who had standing to bring the takings claim.

PUBLIC UTILITIES - OHIO

[In re Application of Dayton Power and Light Company](#)

Supreme Court of Ohio - August 22, 2025 - N.E.3d - 2025 WL 2421810 - 2025-Ohio-2953

Office of Ohio Consumer's Counsel (OCC) filed appeal from Ohio Public Utility Commission's decision in three cases finding that electric utility's electric security plan resulted in excessive earnings in two years, and that utility could offset its excessive earnings by making future capital investments.

Utility filed cross-appeal, and the cases were consolidated.

The Supreme Court held that:

- Commission's determination that utility could offset its significantly excessive earnings in two years through future committed investments was unlawful;
- Commission's finding that utility could offset its significantly excessive earnings by offsetting its future committed investments based on utility's financial condition was not reasonable or supported by evidence;
- Commission's inclusion of utility's distribution-modernization rider in calculating whether utility's electric security plan resulted in utility having significantly excessive earnings in two years was appropriate;
- Commission's exclusion of rate-stabilization charge amounts from electric utility's earnings was appropriate, in calculating whether utility's electric security plan resulted in utility having significantly excessive earnings in two years; and
- An appellee may defend a lower tribunal's decision by asserting alternative grounds for affirmance than those adopted by the tribunal, without having to file a protective cross-appeal; abrogating *In re Application of Duke Energy Ohio, Inc.*, 50 Ohio St.3d 437, 82 N.E.3d 1148.

PUBLIC UTILITIES - PENNSYLVANIA

[Transource Pennsylvania, LLC v. DeFrank](#)

United States Court of Appeals, Third Circuit - September 5, 2025 - F.4th - 2025 WL 2554133

Electric utility brought action against Pennsylvania Public Utility Commission (PUC) seeking declaratory judgment that PUC's order denying utility's siting applications to build transmission lines, as part of project selected through a federal process aimed at identifying and relieving regional transmission congestion, was preempted under federal law and violated the dormant Commerce Clause.

The United States District Court for the Middle District of Pennsylvania granted utility's motion for summary judgment and denied PUC's cross-motion for summary judgment. PUC appealed.

The Court of Appeals held that:

- Issue preclusion did not apply to preclude litigation of preemption claim;
- PUC's order was preempted as posing obstacles to accomplishing federal objectives in regulating electricity industry; and
- Regional transmission organization (RTO) did not wield eminent-domain power under Pennsylvania law.

Pennsylvania Public Utility Commission's (PUC) order denying electric utility's siting applications to build transmission lines, as part of project selected through a federal process aimed at identifying and relieving regional transmission congestion, posed obstacles to accomplishing federal objectives in regulating the electricity industry, and thus PUC's order was preempted by federal law; Federal Energy Regulatory Commission (FERC) determined that the benefit-cost methodology used by regional transmission organization (RTO) for selecting project was a just and reasonable means by which to measure whether an economic-based enhancement or expansion should be included in a regional transmission expansion plan, and PUC's rejection of that measure arose from PUC's disagreement with constructing project.

Pennsylvania Public Utility Commission's (PUC) order denying electric utility's siting applications to build transmission lines, as part of project selected through a federal process aimed at identifying and relieving regional transmission congestion, was preempted as posing an obstacle to accomplishing federal objectives in regulating the electricity industry, despite argument that PUC's independent determination of public need for project was necessary to prevent a wasteful and counterproductive project due to decrease in congestion in years since project was approved; task of reevaluating need based on changing congestion patterns belonged with RTO and not with PUC since the need determination fell in the first instance to RTO.

Regional transmission organization (RTO) that was responsible for maintaining the bulk electricity transmission system of a 13-state region did not wield eminent-domain power of a public utility under Pennsylvania law when RTO identified areas of transmission congestion and proposed transmission-line construction project as solution to reduce congestion; RTO was not a public utility, and any utility was required to prevail in a condemnation action at the court of common pleas before private property could be condemned.

Even after the Pennsylvania Public Utility Commission (PUC) authorizes an electric utility to exercise the power of eminent domain, a condemnation is far from final; rather, the utility must still prevail in a condemnation action at the court of common pleas.

IMMUNITY - VIRGINIA

[Lytle v. City of Suffolk](#)

Court of Appeals of Virginia, Williamsburg - September 16, 2025 - S.E.2d - 2025 WL 2649524

Motorist brought action against city for declaratory judgment and injunctive relief, alleging that he received speeding ticket in the mail for a fine detected by a photo speed camera, and that city failed to issue a proper summons, failed to follow the appropriate procedures for initiating a traffic case, failed to follow procedures for filing an affidavit for non-liability, committed fraud, and was guilty of maladministration of government.

City filed plea in bar, asserting sovereign immunity, and a demurrer. The Suffolk Circuit Court sustained plea in bar. Motorist appealed.

The Court of Appeals held that:

- City's use of third-party private vendor for administration of photo-speed-monitoring system did not indicate that implementation of system was proprietary function solely for city's benefit, and thus, did not preclude city from raising sovereign-immunity defense;
- City's use of photo-speed-monitoring system involved governmental function, and thus, city was entitled to sovereign immunity;
- Motorist, waived on appeal his argument that under Dillon's Rule there was exception to sovereign immunity by which a plaintiff could seek declaratory judgment against a municipality; and
- Motorist had recourse to challenge process involved in assessing his violation.

IMMUNITY - ALABAMA

[Ex parte City of Montgomery](#)

Supreme Court of Alabama - August 29, 2025 - So.3d - 2025 WL 2487401

Police officer employed by municipality brought action against municipality and other defendants, asserting claims for breach of contract, bad faith, fraudulent misrepresentation, failure to settle, violation of the Alabama Legal Services Liability Act, negligence, wantonness, conspiracy, and failure to procure insurance, based on allegations that municipality voluntarily acted as officer's insurer but refused to satisfy judgment obtained against officer in underlying negligence action brought by motorcyclist injured in collision with officer.

The Circuit Court denied municipality's motions to dismiss. Municipality petitioned for writ of mandamus.

The Supreme Court held that:

- Municipality waived statutory immunity defense that it might have asserted against some of police officer's claims;
- Municipality was not entitled at pleading stage to statutory immunity from police officer's fraudulent-misrepresentation claim; and
- Trial court's denial of municipality's motion to dismiss police officer's claim alleging violation of Alabama Legal Services Liability Act was not reviewable on municipality's petition for mandamus.

EMINENT DOMAIN - FEDERAL

[Anaheim Gardens v. United States](#)

United States Court of Federal Claims - September 5, 2025 - Fed.Cl. - 2025 WL 2573359

Owners of low-income housing projects brought consolidated actions against the United States Department of Housing and Urban Development (HUD), alleging that enactment of Emergency Low Income Housing Preservation Act (ELIHPA) and Low-Income Housing Preservation and Resident Homeownership Act (LIHPRA) constituted temporary regulatory takings under Fifth Amendment in that they prevented owners from exercising their contractual right to prepay government-insured mortgages on their respective housing projects, to terminate government rent restrictions.

The Court of Federal Claims granted summary judgment in favor of government. Property owners appealed. The Court of Appeals affirmed in part, vacated in part, and remanded.

On remand, the Court of Federal Claims held that:

- Owner did not establish that expectation to prepay its mortgage and convert to market rate rentals after 20 years was primary or “but for” reason for its investment;
- Other owner established that expectation to prepay its mortgage and convert to market rate rentals after 20 years was primary or “but for” reason for its investment;
- Expectation of owner to prepay its mortgage and convert to market rate rentals after 20 years was objectively reasonable in view of industry practice as whole;
- Expectation of owner to prepay its mortgage and convert to market rate rentals after 20 years was objectively reasonable in view of testimony from former employees of Department of Housing and Urban Development (HUD) supporting owner’s expectation and language used on owner’s secured note;
- Testimony from certified public accountant (CPA), determining that early tax benefits were more valuable than hypothetical residual 20 years later, did not refute objectively reasonable expectation of owner;
- District court could not credit economic loss calculation of owners’ primary expert who died prior to court’s decision, as adopted and promulgated by secondary financial analyst;
- Methodology of government’s expert for calculating economic loss was consistent, replicable, and reliable, and therefore admissible; and
- Economic impact of LIHPRHA on owners of between 5.9% and 27.4% did not constitute temporary regulatory taking.

EMINENT DOMAIN - IDAHO

[Bear Crest Limited LLC v. State by and through Idaho Transportation Department](#)

Supreme Court of Idaho, Boise, February 2025 Term - September 3, 2025 - P.3d - 2025 WL 2525340

Operator of drive-through wildlife park, property owner that leased land to operator, and owner of both operator and property owner brought action against state, acting by and through Idaho Transportation Department (ITD), for breach of contract and inverse condemnation, alleging that closure of intersection of highway and county road near park was a taking and breached deed, which reserved access to county road connection.

The Seventh Judicial District Court granted ITD’s motion for summary judgment and denied plaintiffs’ motion for partial summary judgment. Plaintiffs appealed.

The Supreme Court held that:

- Property owner had standing to bring claims;
- Property owner had cognizable breach-of-contract claim against ITD based on deed’s reservation for access to connection;
- Deed referenced express reservation of access to connection, not to county road itself;
- Deed’s express reservation of access rights constituted an easement that ran with the land, and thus property owner could enforce easement against ITD through breach-of-contract action.
- Closure of intersection breached express reservation of access rights;

- Closure of intersection constituted taking of access rights that were reserved in deed; and
 - Property owner's right of access as abutting landowner was substantially impaired, and thus a taking occurred.
-

ZONING & PLANNING - MISSISSIPPI

[Busby Outdoor LLC v. City of Jackson](#)

Supreme Court of Mississippi - August 28, 2025 - So.3d - 2025 WL 2475952

City, its former mayor, and a limited liability company (LLC) brought action against the Mississippi Department of Agriculture and Commerce (MDAC) and the operator of a billboard that was owned by MDAC and located on the State Fairgrounds seeking declaratory and injunctive relief based on claims that the billboard violated the city's sign ordinance and a zoning ordinance.

MDAC filed motion to dismiss and billboard operator filed motion to dismiss or for summary judgment.

The Chancery Court denied the motions to dismiss but dismissed former mayor and LLC for lack of standing, found that the billboard violated city's sign ordinance and was therefore a public nuisance, and issued a temporary injunction. MDAC filed motion to clarify or for entry of final judgment and motion for stay pending appeal, and both MDAC and billboard operator filed notices of appeal. The Chancery Court subsequently granted the motion to clarify and denied the motion for stay. Billboard operator petitioned for interlocutory appeal, which was granted, and the appeals were consolidated and the trial court proceedings were stayed.

The Supreme Court held that city's ordinance did not apply to the billboard.

City ordinance governing billboards did not apply to billboard owned by Mississippi Department of Agriculture and Commerce (MDAC) and located on State Fairgrounds; statutes that empowered municipalities to pass and enforce zoning laws such as the ordinance at issue did not specifically provide for such laws to be applicable against the state, and statutes empowering MDAC to use its property, including the State Fairgrounds, did not specifically subject MDAC to municipal zoning laws.

MUNICIPAL ORDINANCE - NEBRASKA

[Nebraska Firearms Owners Association v. City of Lincoln](#)

Supreme Court of Nebraska - August 29, 2025 - N.W.3d - 319 Neb. 723 - 2025 WL 2486649

Firearm owners association and gun owners brought a pre-enforcement action against city and mayor for declaratory and injunctive relief raising state-law preemption challenges to mayor's executive order prohibiting weapons on city property and to ordinances regulating use and possession of firearms and weapons.

The District Court granted motion to dismiss for lack of standing. Association and gun owners appealed, and their petition to bypass was granted.

The Supreme Court held that:

- Association lacked standing to sue on behalf of its members;

- Owners had standing to challenge executive order and ordinance banning weapons on city property including parks;
 - Owners had standing to challenge ordinance requiring reporting of sales of firearms in city;
 - One owner had standing to challenge ordinance prohibiting sale or possession of multiburst trigger activators;
 - Owners had standing to challenge ordinance prohibiting sale or possession of switchblade knives; and
 - Owners lacked standing to challenge ordinance regulating storage of firearms in vehicles.
-

PUBLIC UTILITIES - OHIO

[In re Application of Ohio Power Company](#)

Supreme Court of Ohio - August 27, 2025 - N.E.3d - 2025 WL 2456670 - 2025-Ohio-3034

Power company sought review of Public Utilities Commission decision authorizing electric distribution company's implementation of its fifth electric-security plan, including provisions denying power company's motion to establish a reasonable protective agreement for discovery and authorizing electric distribution company to continue its basic-transmission-cost rider as nonbypassable.

The Supreme Court held that:

- Power company failed to establish that electric distribution company's proposed protective agreement harmed power company;
 - Commission did not abuse its discretion when it authorized electric distribution company to continue the basic-transmission-cost rider as nonbypassable;
 - Electric distribution company was not required to cite to statute in its application to implement a fifth electric-security plan in order for the commission to rely upon statute when issuing authorization of nonbypassable basic-transmission costs rider under statute;
 - Supreme Court lacked jurisdiction to consider power company's argument that the commission should have analyzed transmission rider in electric distribution company's fifth electric-security plan only under repealed electric security plan statute;
 - Commission did not violate administrative code; and
 - Commission's approval of nonbypassable basic-transmission-cost rider did not violate electric policies embodied in state policy statute.
-

PUBLIC RECORDS - PENNSYLVANIA

[Penncrest School District v. Cagle](#)

Supreme Court of Pennsylvania - August 19, 2025 - A.3d - 2025 WL 2400297

Records requester appealed school district's denial of his request for district school board members' social networking website posts and comments related to same sex relations and district, its officials, employees, students, curriculum, physical resources, or electronic resources in an 18-month period.

The Office of Open Records granted relief to requester. District appealed. The Court of Common Pleas affirmed. District appealed. The Commonwealth Court vacated and remanded with instructions.

The Supreme Court held that:

- Resolving whether social media posts of school board members were records within meaning of Right-to-Know Law (RTKL) required consideration of whether information documented transaction or activity of agency and whether information was created, received or retained pursuant to law or in connection with a transaction, business or activity of the contracting agency, and
- Resolving under RTKL whether profile or page on social media website was record “of an agency” required consideration of facts that would be relevant only to that particular form of communication, under those specific facts.

IMMUNITY - ALABAMA

[Rogers v. Cedar Bluff Volunteer Fire Department](#)

Supreme Court of Alabama - August 29, 2025 - So.3d - 2025 WL 2487426

Administratrix of deceased automobile accident victim’s estate brought wrongful-death action against town’s volunteer fire department, county association of volunteer fire departments, and volunteer firefighter, alleging that firefighter negligently or wantonly contributed to victim’s death after responding to accident scene.

In addition to entering summary judgment for association, the Circuit Court also entered summary judgment for town, determining that department was a political subdivision of town and that, therefore, town, under the Volunteer Service Act (VSA), was immune from liability for the negligence of its volunteer firefighters.

Administratrix appealed after her postjudgment motion to alter, amend, or vacate the summary judgment was denied and the circuit court had entered an order certifying its judgment as final under rule on judgment upon multiple claims or involving multiple parties. The Supreme Court dismissed the appeal. In response to stipulations filed by the parties, the Circuit Court then entered an order of pro tanto dismissal, which dismissed all claims against association, and also entered a final consent judgment in favor of administratrix and against volunteer firefighter. Administratrix appealed.

The Supreme Court held that:

- Volunteer fire department was a political subdivision of town;
- Volunteer firefighter was acting within the scope of his official functions and duties as a volunteer; and
- Even if volunteer firefighter’s conduct was wanton, that did not preclude town from having immunity from the wrongful-death claim.

Volunteer fire department was a political subdivision of town and did not exist separately from town, as would support finding under Volunteer Service Act (VSA) that town was vicariously immune from liability for allegedly negligent conduct of volunteer firefighter at scene of automobile accident; department was not a separately incorporated entity, town partially funded department, department’s chief reported directly to town’s mayor, and state statute expressly authorized municipalities to operate and maintain volunteer fire departments.

Volunteer firefighter was acting within the scope of his official functions and duties as a volunteer when he responded to scene of automobile accident, as required for firefighter to have immunity under Volunteer Service Act (VSA) from wrongful-death claim that administratrix of deceased

automobile-accident victim's estate was asserting in regard to firefighter's allegedly negligent conduct at accident scene, even though scene was outside department's service area and department had not dispatched firefighter to scene; firefighter responded to scene after hearing about accident on department-issued radio, and firefighter, after advising that efforts to resuscitate purportedly dead victim should stop, stated over radio that death had occurred.

Even if alleged failure of volunteer firefighter with town's volunteer fire department to provide basic life support and first aid at automobile-accident scene was wanton, which would mean that he lacked immunity under Volunteer Service Act (VSA) from resulting wrongful-death claim, that did not preclude town from having vicarious immunity wrongful-death claim; town could not be liable for the wanton conduct of its servant.

WATER LAW - NEBRASKA

[State ex rel. Seeman v. Lower Republican Natural Resources District](#)

Supreme Court of Nebraska - August 22, 2025 - N.W.3d - 319 Neb. 681 - 2025 WL 2423678

Corporate landowner and individual landowner brought separate mandamus actions against board members and general manager of natural resources district (NRD), challenging NRD's cease-and-desist order reducing certified irrigated acres pursuant to Nebraska Ground Water Management and Protection Act as penalty for tampering with flow meters.

The District Court granted mandamus relief and attorney fees to both landowners. Members and general manager appealed and landowners cross-appealed.

The Supreme Court held that:

- NRD's order was void as to corporate landowner;
- Individual landowner failed to show that NRD's order was void as to him;
- NRD's order was not void as perpetual prohibition against irrigation and upon transfer of title and use of land;
- Individual landowner was not entitled to recover attorney fees; and
- Trial court acted within its discretion in awarding corporate landowner attorney fees.

EMINENT DOMAIN - NORTH CAROLINA

[Town of Apex v. Rubin](#)

Supreme Court of North Carolina - August 22, 2025 - S.E.2d - 2025 WL 2427569

Town brought condemnation action to acquire an easement across landowner's property and to connect sewer access to an adjoining parcel.

After town installed sewer line, the Superior Court found the taking was for a private purpose, and entered judgment for landowner, and denied town's motion for reconsideration. Town appealed, and the Court of Appeals affirmed.

Landowner then filed motion to enforce the judgment, and town commenced separate action seeking a declaratory judgment that it had acquired an easement by inverse condemnation when it installed the sewer line.

Landowner filed motion to dismiss town's inverse condemnation action, and town filed motion for relief from judgment in the condemnation action. The Superior Court, Wake denied landowner's motions and granted town's motion for relief from the judgment. Property owner appealed.

In the condemnation action, the Court of Appeals affirmed in part, reversed in part, and vacated in part, while in the inverse condemnation action, the Court of Appeals affirmed in part, vacated in part, and remanded. Town filed petitions for discretionary review and landowner filed conditional petition for review, which were allowed.

The Supreme Court held that:

- Prior pending action doctrine precluded town's declaratory judgment action regarding inverse condemnation;
- Court's judgment that taking was for a private purpose revested title in the property to landowner;
- Trial court had inherent authority to order mandatory injunctive relief requiring town to remove sewer pipe; and
- Question of the proper remedy, including whether a mandatory injunction was warranted, required remand to the trial court.

CONSTITUTIONAL LAW - NORTH CAROLINA

[Howell v. Cooper](#)

Supreme Court of North Carolina - August 22, 2025 - S.E.2d - 2025 WL 2427597

Bar owners brought action against State, Governor, and other state officials, alleging that the Governor's executive orders issued in response to the COVID-19 pandemic, which closed bars or severely restricted their operations, violated their fundamental rights to earn a living under the "fruits of their labor" and "law of the land" clauses in state Constitution.

The Superior Court denied defendants' motion to dismiss. Defendants appealed. The Court of Appeals affirmed. Defendants' petition for discretionary review was granted.

The Supreme Court held that owners stated a colorable claim for violation of their fundamental right to earn a living under "fruits of their labor" and "law of the land" clauses in the Constitution.

Bar owners' allegations that Governor's executive orders in response to COVID-19 either overtly ordered them to close their facilities or so severely restricted their operations that owners found it no longer practicable to remain open stated a colorable claim against state and state officials for violating owners' fundamental right to earn a living under "fruits of their labor" and "law of the land" clauses in state Constitution; orders to remain closed, and then to not serve alcoholic beverages for onsite consumption and only allowing operation in outdoor seating areas, forced owners to keep doors shuttered either outright or in practice for nine months with no end then in sight.

Bar owners were not required to seek least intrusive remedy to avoid dismissal, based on sovereign immunity, of their claims alleging state and state officials abridged their fundamental right to earn a living under state Constitution's "fruits of their labor" and "law of the land" clauses, when Governor issued executive orders that shuttered their businesses during COVID-19 pandemic; since least intrusive remedy limitation was not incorporated into the test for pleading a valid claim that state action violated a state constitutional right, it could not be the basis for a viable motion to dismiss.

STUDENT HOUSING - SOUTH DAKOTA

[South Dakota Board of Regents v. Madison Housing and Redevelopment Commission](#)

Supreme Court of South Dakota - August 20, 2025 - N.W.3d - 2025 WL 2416180 - 2025 S.D. 50

State university which leased two apartment buildings from city housing and redevelopment commission for student housing brought action against commission, seeking a declaration of its rights under leases and alleging breach of contract regarding university's option to purchase.

Commission counterclaimed for declaratory relief and breach of contract. The Circuit Court granted university's motion for summary judgment, and commission appealed.

The Supreme Court held that:

- Leases did not constitute a single, continuous contract, and thus terms of original lease regarding commission's obligation to maintain reserve account were not still in effect when university exercised its option to purchase, and
- Option to purchase the property "for an amount equal to the then existing mortgage principal and interest balance" referred to the mortgage balance at the time of the exercise of the option.

Multiple leases between state university and city housing and redevelopment commission for two apartment buildings did not constitute a single, continuous contract, and thus terms of original lease regarding commission's obligation to maintain reserve account were not still in effect when university exercised its option to purchase the apartment buildings under lease executed 17 years after original lease; each lease stood on its own, expired on its own terms, and was not dependent upon the execution of another, and addenda to later lease which referenced the original lease were executed to continue the later lease after account dispute arose, and explicitly stated they did not admit any facts and could not be used against the parties.

Student apartment lease between state university and city housing and redevelopment commission which granted university the option to purchase the property "for an amount equal to the then existing mortgage principal and interest balance" referred to the mortgage balance at the time of the exercise of the option, which had been refinanced, rather than the mortgage balance at the time of the original construction of the apartment buildings.

IMMUNITY - FLORIDA

[Huggins v. School District of Manatee County](#)

United States Court of Appeals, Eleventh Circuit - August 15, 2025 - F.4th - 2025 WL 2374371

Community member, who was allegedly removed from public school-board meeting at which he intended to speak about approval of funds for charter school, brought state-court action against public school board and, in their individual and official capacities, school superintendent, board's chief of security, board's communications director, and city police officer for speech restriction and retaliation under the First Amendment, and for violations of the Fourth Amendment, the equal-protection clause of the Fourteenth Amendment, the equal-benefit clause of § 1981, and state laws.

Following removal, defendants moved to dismiss for failure to state a claim. Member moved to amend his complaint. The United States District Court for the Middle District of Florida denied motion to amend and granted motion to dismiss as to federal claims and declined to exercise supplemental jurisdiction over state-law claims. Member appealed.

The Court of Appeals held that:

- Superintendent was not entitled to qualified immunity from member's First Amendment claims;
- Member stated First Amendment speech-restriction claim against superintendent;
- Member stated First Amendment retaliation claim against superintendent;
- Chief of security and police officer were entitled to qualified immunity from member's First Amendment claims;
- Communications director was entitled to qualified immunity from community member's First Amendment retaliation claim;
- Member failed to show that board had opportunity to review superintendent's decision to remove him from board meeting and agreed with both decision and decision's basis, precluding member's Monell claim against board based on ratification theory; and
- Member was not entitled to leave to amend.

ROADS - MASSACHUSETTS

[Town of Concord v. Rasmussen](#)

Supreme Judicial Court of Massachusetts, Suffolk - August 15, 2025 - N.E.3d - 2025 WL 2370204

Town brought action against abutters of disputed road, seeking declaration that public had access and use rights to road.

Following bench trial, the Land Court Department entered judgment in favor of town. Abutters appealed. The Appeals Court modified judgment and affirmed. Abutters sought further appellate review, which was granted.

The Supreme Judicial Court held that:

- Direct, as opposed to circumstantial, evidence documenting that a public way was laid out is not required to support a finding that a particular way is public on basis of layout by a public authority in accordance with statute;
- Evidence was sufficient to support finding that particular portion of road was properly laid out and thus was a public way;
- County commissioners' adjudication that road should be a "private way," pursuant to statute providing for adjudication of way as a private way whenever common convenience and necessity no longer required such way to be maintained in a condition reasonably safe and convenient for travel, did not eliminate public access to road but rather simply removed the requirement that town maintain the road; and
- Trial court acted within its discretion in excluding abutters' proffered evidence as to status of other public roads which had been adjudicated "private ways" pursuant to same statutory provision as was at issue in instant case.

CONTRACTS - MISSISSIPPI

[Retro Metro, LLC v. City of Jackson by and through City Council](#)

United States Court of Appeals, Fifth Circuit - August 7, 2025 - F.4th - 2025 WL 2249348

Commercial property lessor brought breach-of-contract action against city which leased the property after city purportedly terminated the lease.

The United States District Court for the Southern District of Mississippi granted summary judgment to city. Lessor appealed.

The Court of Appeals held that:

- Under Mississippi law, lease was not sufficiently placed in minutes of city council and thus, pursuant to “minutes rule,” was not an enforceable contract;
- Mississippi law rather than federal law applied to determination of whether city was judicially estopped from asserting that lease was invalid based on “minutes rule”;
- Under Mississippi law as predicted by Court of Appeals, city’s admission in prior litigation between same parties that city had entered into lease could not judicially estop city from arguing that lease was invalid based on “minutes rule”; and
- Under Mississippi law as predicted by Court of Appeals, the “minutes rule” is not an affirmative defense that can be waived but rather goes to the issue of whether a contract was ever formed in the first place.

NEGLIGENCE - NEW YORK

[Harris v. New York City Transit Authority](#)

Supreme Court, Appellate Division, Second Department, New York - August 13, 2025 - N.Y.S.3d - 2025 WL 2326682 - 2025 N.Y. Slip Op. 04635

Subway passenger brought action against city transit authority to recover damages for injuries that she allegedly sustained after slipping and falling on snow and ice that accumulated on uncovered staircase at subway station.

The Supreme Court, Kings County, denied transit authority’s motion for summary judgment dismissing the complaint. Transit authority appealed.

The Supreme Court, Appellate Division, held that pursuant to storm-in-progress rule, transit authority was not liable for passenger’s injuries.

At the time that subway passenger slipped and fell on snow and ice that accumulated on uncovered staircase at subway station, less than five hours had passed since the end of an extraordinary snowstorm, and thus, pursuant to storm-in-progress rule, city transit authority was not liable for injuries that passenger allegedly sustained as a result of her fall.

MUNICIPAL ORDINANCE - OHIO

[Huron v. Kisil](#)

Supreme Court of Ohio - August 20, 2025 - N.E.3d - 2025 WL 2404306 - 2025-Ohio-2921

City charged property owner with violating city ordinances requiring properties to be maintained

and kept in clean, safe, and sanitary condition.

The Municipal Court granted property owner's motion to dismiss two of the six counts as unconstitutionally vague. City appealed. The Sixth District Court of Appeals reversed, and certified conflict. Property owner filed notice of certified conflict and notice of appeal.

The Supreme Court held that:

- Alleged condition of owner's property clearly fell within proscriptions of city ordinance requiring vacant structures and land be maintained in clean, safe, secure and sanitary condition, and
- Alleged condition of owner's property clearly fell within proscriptions of city ordinance requiring exterior property be maintained in clean, safe and sanitary condition.

IMMUNITY - UTAH

[Armenta v. Unified Fire Authority](#)

Supreme Court of Utah - August 7, 2025 - P.3d - 2025 WL 2265589 - 2025 UT 26

Patient, who suffered a heart attack one week after being treated for chest pain and shortness of breath by emergency medical technicians (EMTs) for governmental entity who told him everything looked normal, brought negligence action against governmental entity, alleging that failure of EMTs to properly diagnose his condition caused him injuries.

The Third District Court granted governmental entity's motion to dismiss, and patient appealed.

The Supreme Court held that:

- As matter of first impression, having immunized entities engaged in activities involving emergencies of certain type, what legislature had in mind when it enacted the "providing emergency medical assistance" exception to waiver of immunity under Utah Governmental Immunity Act (UGIA) is government's ability to respond to those types of emergencies, and
- As matter of first impression, the "providing emergency medical assistance" exception to waiver of immunity under UGIA did not apply.

PUBLIC UTILITIES - CALIFORNIA

[Center for Biological Diversity, Inc. v. Public Utilities Commission](#)

Supreme Court of California - August 7, 2025 - P.3d - 2025 WL 2253765

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

The First District Court of Appeal granted the petition and affirmed the Commission's decision. Supreme Court granted review.

The Supreme Court held that Court of Appeal erred by upholding Commission's decision under unduly deferential standard of review instead of applying its independent judgment; disapproving *Southern Cal. Edison Co. v. Public Utilities Com.*, 117 Cal.App.4th 1039, 12 Cal.Rptr.3d 441, *The Utility Reform Network v. Public Utilities Com.*, 166 Cal.App.4th 522, 82 Cal.Rptr.3d 791, and *Ames*

v. Public Utilities Com., 197 Cal.App.4th 1411, 128 Cal.Rptr.3d 702.

Court of Appeal, in performing inquiry required by statutory amendments governing judicial review of Public Utilities Commission decisions when making its conclusion on Commission's adoption of successor tariff that utilities paid for energy from solar panel power systems, was required to independently review whether tariff was based on costs and benefits of renewable electrical generation facility as required by customer-generator provision of PUC, rather than apply unduly deferential standard of review, because amendments retained "regularly pursued its authority" standard, to which uniquely deferential review applied, only for decisions pertaining solely to water corporations.

EMINENT DOMAIN - GEORGIA

[Fulton v. Fulton County Board of Commissioners](#)

United States Court of Appeals, Eleventh Circuit - July 31, 2025 - F.4th - 2025 WL 2166416

Property owner brought action against county, alleging county took his horses without justification and without paying for them in violation of the Takings Clause of the Fifth Amendment.

The United States District Court for the Northern District of Georgia denied owner's motion to amend complaint to substitute county for board of commissioners and to add alternative claim directly under the Takings Clause, and dismissed claim against board of commissioners without prejudice. Owner appealed.

The Court of Appeals held that:

- District court had federal question jurisdiction to independently evaluate merits of Takings Clause claim that was not patently without merit;
- Owner's state-law claim for recovery of personal property taken by county seven years previously was barred for not providing that notice to county under state procedural requirement
- Four-year statute of limitations applied to claim directly under Takings Clause in Georgia for recovery of personal property taken by county;
- On issue of first impression, a litigant in Georgia can sue a county, a political subdivision of the state, directly under the Takings Clause to obtain just compensation for a taking;
- On issue of first impression, direct cause of action against county under Takings Clause was available to horse owner;
Georgia, as exclusive forum, unilaterally and unconstitutionally imposed procedural bar on horse owner's Takings claim, assuming owner could have ever sought relief in Georgia courts, because of Monell; and
- On issue of first impression, sovereign immunity did not bar direct cause of action against county under Takings Clause by horse owner.

BOND ISSUANCE - KANSAS

[Vianello v. City of Prairie Village, Kansas](#)

United States District Court, D. Kansas - August 4, 2025 - Slip Copy - 2025 WL 2208041

Plaintiff Marc Vianello filed an action challenging Defendant City of Prairie Village's issuance of general obligation bonds associated with building a new City Hall. Plaintiff challenged the City's ability to issue general obligation bonds without voter approval, bringing claims under 42 U.S.C. § 1983 and Kansas law.

The dispute centered in large part around the City Council's approval of a resolution, which passed on June 16, 2025. The resolution authorized the issuance of general obligation bonds in the amount of up to \$30,000,000.00 to pay for improvements to certain City buildings, including City Hall.

Defendant moved to dismiss for lack of jurisdiction and for failure to state a claim.

Defendant asked the Court to expedite its decision on the motion to dismiss, i.e., give it priority over other pending motions, because it claimed that this action functioned as an injunction and prevented it from issuing bonds and moving forward on its improvement plans. It asserted that "delays on the project would result in an increase in costs of \$120,000 per month, or approximately \$28,000 per week; expediting briefing by even a week could save \$28,000 in taxpayer funds." In contrast, Defendant asserted that Plaintiff would suffer no damage if briefing was expedited.

The premise of Defendant's motion was that it "prevent[s] Defendant from issuing bonds that it is legally entitled to issue." This is because Defendant is required to obtain a non-litigation certificate prior to issuing the bonds authorized by the June 16, 2025 resolution. Defendant contends that "[w]ithout an expedited hearing, Defendant would be prevented from making an offering of bonds, effectively being enjoined from issuing bonds even without a court order that it should be enjoined." And Defendant contended that it would be prevented from issuing bonds in the current market, which it contemplated when preparing to issue them, which could increase the cost of the bonds and construction materials.

The US District Court denied the motion for expedited briefing and ruling on Defendant's motion to dismiss. The Court found the City's assertions of the cost associated with delay are speculative at best, particularly given the short period of time that had passed since the resolution was passed. And Defendant's assertion that the lawsuit operated as an injunction preventing it from issuing bonds that it was legally entitled to issue called for a decision on the merits.

"According to Defendant's own brief, it passed the resolution authorizing these bonds on June 16. Plaintiff filed his federal lawsuit one month later. Defendant quickly moved to dismiss. The normal schedule for briefing on this motion is 21 days to respond and 14 days to reply. Defendant asks the Court to shorten this period to 14 and 7 days, respectfully. Given how quickly this case was filed after the bond resolution, the Court cannot find that expediting the briefing schedule by two weeks is warranted. It is not true that Plaintiff would suffer no damage from expediting deadlines. Plaintiff would be denied an extra week of briefing on this dispositive motion. Once fully briefed, the Court will endeavor to decide the motion to dismiss as soon as practicable given the demands of its caseload."

MUNICIPAL ORDINANCE - NORTH DAKOTA

[Liquid Hospitality, LLC v. Board of City Commissioners of City of Fargo](#)

Supreme Court of North Dakota - July 31, 2025 - N.W.3d - 2025 WL 2166077 - 2025 ND 136

Saloon brought action against city board of commissioners, challenging board's decision to uphold city liquor control board's determination that saloon violated municipal ordinance prohibiting service of alcoholic beverages to obviously intoxicated or impaired persons.

The District Court reversed, finding the ordinance unconstitutionally vague. Board appealed.

The Supreme Court held that:

- Ordinance placing restrictions on serving of obviously intoxicated or impaired persons was not unconstitutionally vague on its face in violation of due process, and
- Evidence supported determination that saloon had served an obviously intoxicated person in violation of city ordinance.

City ordinance placing restrictions on serving of obviously intoxicated or impaired persons was not unconstitutionally vague on its face in violation of due process; whether a person is intoxicated or impaired by alcohol or drugs is something a reasonable person can determine, and the criteria for obvious intoxication was clearly set forth in the ordinance.

REFERENDA - UTAH

[Mathews v. Tooele County](#)

Supreme Court of Utah - August 7, 2025 - P.3d - 2025 WL 2265330 - 2025 UT 30

Sponsors of referendum to repeal site specific zoning ordinance, which had rezoned parcel in unincorporated area of county from agricultural to planned-community zoning, brought action against county and governor after county clerk rejected referendum petition due to lack of signatures.

After ordinance went into effect, and parcel became part of newly-incorporated city, the Third District Court granted summary judgment for county and granted governor's motion for judgment on the pleadings. Sponsors appealed.

The Supreme Court held that:

- Action was moot in light of incorporation of town and the parcel's location within the new town's boundaries, and
- Potential impact on developer's alleged vested rights in zoning ordinance did not save action from mootness.

Action by sponsors of referendum petition rejected by county clerk, which proposed to repeal site specific zoning ordinance rezoning parcel in unincorporated area of county from agricultural to planned-community zoning, in which sponsors sought declaration that petition was legally sufficient and that Governor's actions imposing COVID-19 restrictions, which allegedly hampered signature-gathering, violated their constitutional rights, and sought order requiring placement of the measure on the ballot, was moot in light of incorporation of town and the parcel's location within the new town's boundaries; town, not county, was the current entity regulating the parcel, and had enacted zoning ordinances affecting the property.

Issue of whether nonparty developer had vested rights under county site specific zoning ordinance, which had rezoned parcel in unincorporated area of county from agricultural to planned-community zoning, was not before the Supreme Court on appeal by sponsors of referendum to repeal the

ordinance following summary judgment on their claim that county clerk improperly rejected their referendum petition due to lack of signatures, and thus alleged vested rights could not save appeal from being moot after town was incorporated and took over zoning of the parcel.

Referendum sponsors failed to establish that potential impact on developer's alleged vested rights in zoning ordinance, which had rezoned parcel in unincorporated area of county from agricultural to planned-community zoning, precluded finding that sponsors' action to repeal the ordinance was moot on grounds that town had been formed which encompassed and governed the parcel; sponsors made no legal argument in support assumption that any future successful referendum would strip developer of vested rights, or that vested rights would not remain intact if referendum would repeal the ordinance prospectively only, and any successful referendum would not have retroactive effect.

ZONING & PLANNING - VERMONT

[In re Costco Wholesale Administrative Decision](#)

Supreme Court of Vermont - August 8, 2025 - A.3d - 2025 WL 2264346 - 2025 VT 44

Retail store appealed, and commercial neighbors cross-appealed, state and municipal determinations that amendment to land use permits was not necessary for retail store to begin operating gas station on its property at full-time hours.

Following two-day merits hearing in four coordinated proceedings, the Superior Court, Environmental Division, issued final judgment order stating that store had satisfied all conditions in existing permits and that it did not need an amendment to operate gas station at full-time hours. Neighbors appealed, and store cross-appealed.

The Supreme Court held that:

- Issues related to full-time operation of gas station were not moot;
- Environmental court had jurisdiction to review issues;
- Environmental court addressed all related matters raised in neighbors' statement of questions; and
- Store was not required to obtain permit amendments before it began operating gas station full-time.

Environmental court's determination that traffic mitigation conditions in retail store's state-level land use permit contemplated full-time operation of gas station on the property as part of initially approved project, such that amendment to permit was not required, did not create an invalid condition subsequent; conditions were not open-ended and they did not purport to vest state commission with authority to continuously amend the permit as necessary to redress future state permit violations, thus expropriating another agency's enforcement authority, but instead, they were type of reasonable, evidence-based conditions with prospective application that courts recognized as permissible.

BALLOT INITIATIVE - ARIZONA

[Roundtree v. City of Page](#)

Supreme Court of Arizona - July 30, 2025 - P.3d - 2025 WL 2155408

Residents filed a special action complaint against city and city clerks, challenging city's decision that

an initiative they submitted to decree that a certain street in the city never be narrowed was non-legislative and thus would not be placed on the ballot.

Following an expedited show-cause hearing, the Superior Court, Coconino County denied residents' requests for declaratory, injunctive, mandamus, and other relief, agreed with the city that the subject matter of the initiative was administrative rather than legislative, and entered judgment for city. Residents appealed. The Court of Appeals affirmed. The Supreme Court granted residents' petition for review.

The Supreme Court held that:

- Residents, as qualified electors of city, had the power to propose an initiative on any matter legislative in nature, and
- Initiative set the public policy of preserving the street as it existed and preventing use of public funds to narrow the street was legislative in nature and therefore could proceed to the ballot.

EMINENT DOMAIN - FEDERAL

[United States v. Bennett](#)

United States Court of Appeals, Fifth Circuit- July 24, 2025 - F.4th - 2025 WL 2078190

United States, which built border wall on easement it held on private property abutting the border with Mexico, brought condemnation action to take that portion of the land and areas surrounding it to further build up the wall and make related improvements.

Landowner sought compensation for the value of the wall, contending the United States exceeded the scope of the easement when it built the wall, and sought to introduce expert testimony regarding the value of the wall, which the United States moved to exclude.

The United States District Court for the Southern District of Texas granted the motion to exclude and certified the question for interlocutory appeal.

The Court of Appeals sitting by designation, held that:

- Government built border wall in easement for public purposes and thus was acting through its eminent domain power such that trespass rule could not apply to grant landowner title to the wall, and
- Wall did not exist when the taking occurred, and thus no compensation was due, as the government had not built the wall when it entered into possession.

PUBLIC EMPLOYMENT - MARYLAND

[Nguyen v. State](#)

Supreme Court of Maryland - July 30, 2025 - A.3d - 2025 WL 2155720

Following bench trial, defendant, who was former police officer, was convicted in the Circuit Court of reckless endangerment for failing to prevent unprovoked and spontaneous assault on individual by a third person that occurred in defendant's presence. Defendant appealed.

The Appellate Court affirmed. Defendant filed petition for a writ of certiorari.

The Supreme Court held that:

- State failed to prove that defendant owed duty to protect individual from third person's kicking individual in head, and
- State failed to establish that special relationship existed between defendant and individual for purposes of special relationship exception to public duty doctrine.

EMINENT DOMAIN - MINNESOTA

[Fletcher Properties, Inc. v. City of Minneapolis](#)

Supreme Court of Minnesota - July 30, 2025 - N.W.3d - 2025 WL 2155530

Residential landlords brought action against city, challenging ordinance prohibiting landlords from refusing to rent to tenants because of desire to avoid complying with Section 8 housing voucher program as preempted by state law, for unlawful interference with freedom of contract, and under Due Process, Takings, and Equal Protection Clauses of Minnesota Constitution.

The District Court granted summary judgment to landlords on due process and equal protection claims, and entered permanent injunction against enforcement of ordinance. City appealed. The Court of Appeals reversed and remanded, and the Supreme Court affirmed. On remand, the District Court, Hennepin County, granted city's motion for summary judgment, denied landlords' motion for summary judgment, and dissolved temporary injunction. Landlords appealed. The Court of Appeals affirmed. Landlords petitioned for review.

The Supreme Court held that:

- Ordinance did not cause a "physical taking" under Minnesota Takings Clause by appropriating landlords' right to exclude others from their property by allowing voucher holders to occupy it;
- Landlords failed to establish that ordinance would result in a negative economic impact that would rise to the level of a regulatory taking;
- Ordinance did not interfere with residential landlords' investment-backed expectations;
- The character of the government action weighed against finding that ordinance constituted a regulatory taking;
- Ordinance was not conflict preempted; and
- Minnesota Human Rights Act (MHRA) did not demonstrate any legislative intent to preempt local action by occupying the field of housing discrimination.

NUISANCE - UTAH

[Barrani v. Salt Lake City](#)

Supreme Court of Utah - July 31, 2025 - P.3d - 2025 WL 2177876 - 2025 UT 25

City residents brought public and private nuisance claims against city, alleging city's failure to eliminate unsheltered people's encampments on city-owned land adjoining their properties was interfering with their use and enjoyment of their land.

The Third District Court, Salt Lake County, granted city's motion to dismiss. Residents appealed.

The Supreme Court held that:

- Allegation that city's failure to eliminate encampments constituted a nuisance was a claim that city failed to adequately perform a public duty, and thus the public duty doctrine applied, and
- Special relationship exception to the doctrine did not apply.

City residents' allegation that city's failure to eliminate encampments created by unsheltered people on the city's public land constituted a nuisance was a claim that city failed to adequately perform a public duty, and thus the public duty doctrine applied to the claim; any actions the city could take stemmed from powers it had as a government actor, and city had a duty to exercise its enforcement authority for the benefit of all residents.

City residents did not have a special relationship with city in connection with encampments created by unsheltered people on the city's public land, even if they lived near the land, and thus special relationship exception to the public duty doctrine did not apply to preclude application of the doctrine to residents' claim that the city's failure to eliminate the encampments was a public and private nuisance; virtually all residents of the city "adjoined" city-owned land, encampments and the unsheltered people who lived in them were transient, and city had not done anything to reach out to the residents that would create a special relationship.

LIABILITY - ARIZONA

[Sanchez v. Maricopa County](#)

Supreme Court of Arizona - July 21, 2025 - P.3d - 2025 WL 2025888

Motorists brought action against county for negligence and negligence per se for injuries suffered when deputy sheriff rear-ended their vehicle while he was driving a vehicle owned by the county.

The Superior Court granted county's motion to dismiss for failure to state a claim. Motorists appealed. The Court of Appeals affirmed. The Supreme Court granted review.

As matters of first impression, the Supreme Court held that:

- County was not liable under the doctrine of respondeat superior for any negligence of deputy in rear-ending motorists' vehicle;
- When duties are imposed upon a county sheriff by law rather than by the county, the latter will not be responsible for their breach of duty or for their nonfeasance or misfeasance in relation to such duty; and
- Sheriff was the public entity with whom a notice of claim could have been filed.

PUBLIC UTILITIES - MAINE

[Snakeroot Solar, LLC v. Public Utilities Commission](#)

Supreme Judicial Court of Maine - July 15, 2025 - A.3d - 2025 WL 1934508 - 2025 ME 64

Solar energy company brought petition before the Public Utilities Commission seeking a good-cause exemption from statutory deadline for qualifying its proposed photovoltaic generating facility for participation in state's net energy billing program.

The Maine Public Utilities Commission denied company's petition. Solar energy company appealed.

The Supreme Judicial Court held that:

- PUC’s conclusion that “external delays” that would justify a good-cause exemption meant events that were “external” to, or outside of, the interconnection process was a reasonable interpretation of the statute;
- The record supported PUC’s determination that delays in company’s ability to complete a “cluster study” analyzing all energy projects in the area, and company’s extended upgrade construction schedule, were routine parts of a typical interconnection process and thus not a external delay; and
- PUC did not abuse its discretion when it denied company’s request for a good-cause exemption from operational deadline.

POLITICAL SUBDIVISIONS - MARYLAND

[Trustees of Walters Art Gallery, Inc. v. Walters Workers United](#)

Supreme Court of Maryland - July 29, 2025 - A.3d - 2025 WL 2115486

Labor unions filed complaint against art museum’s board of trustees, board president, and museum director, seeking to compel production of records requested under the Maryland Public Information Act (MPIA).

On cross-motions for summary judgment, the Circuit Court entered summary judgment for unions and directed defendants to respond to the MPIA requests. Defendants appealed, and the Circuit Court stayed its ruling pending appeal. The Appellate Court affirmed. Defendants petitioned for further review.

After granting certiorari, the Supreme Court held that:

- Method and purpose of board’s formation favored finding that board, which had been founded due to a bequest to mayor and city council and whose board of trustees had been incorporated by the General Assembly as an “educational corporation,” was not a government instrumentality;
 - General Assembly’s decision to incorporate board by special act under Maryland Constitution’s provision on formation of corporations did not reflect an intent to create a municipal entity; disapproving *Moberly v. Herboldsheimer*, 276 Md. 211, 345 A.2d 855.
 - “Degree of governmental control” factor weighed against finding that board was a government instrumentality;
 - “Public funding” factor leaned modestly against finding that board was a government instrumentality;
 - “Performance of traditionally governmental functions” factor went against finding that board was a government instrumentality;
 - “Tax treatment” factor leaned in favor, albeit with relatively little weight, of finding that board was a government instrumentality;
 - “Sovereign immunity” factor weighed against finding that board was a government instrumentality; and
- Considering all factors, board was not a government instrumentality and thus was not subject to the MPIA.

EMINENT DOMAIN - MICHIGAN

[Jackson v. Southfield Neighborhood Revitalization Initiative](#)

Supreme Court of Michigan - July 16, 2025 - N.W.3d - 2025 WL 1959046

Former owners of real property that had been subjected to tax-foreclosure process by which county sold their properties to city for the minimum bid through right-of-first-refusal process under former version of General Property Tax Act (GPTA) brought action against city, county treasurer, and other defendants and alleged, among other things, violations of due process, equal protection, the takings clauses of the United States and Michigan Constitutions, and the GPTA, which were claims that all stemmed from former property owners' contention that they were entitled to any surplus proceeds.

The Circuit Court entered summary disposition for defendants. Former property owners appealed. The Court of Appeals affirmed. Former property owners sought leave to appeal. The Supreme Court vacated and remanded in lieu of granting leave to appeal. On remand, the Circuit Court granted defendants summary disposition. Former property owners appealed. The Court of Appeals affirmed in part, reversed in part, vacated in part, and remanded. County sought leave to appeal.

The Supreme Court held that:

- A violation of the Takings Clause of the Michigan Constitution occurs when there are no surplus funds from a public auction but instead the government obtains surplus value from tax-foreclosed properties that were transferred between governmental units for the minimum bid under the right-of-first-refusal process set forth in former version of the GPTA without ever offering the property for sale at a public auction;
- Although GPTA's newly enacted provision that set forth procedure for claimant to seek any surplus proceeds from eventual tax-foreclosure sale applied retroactively to existing claims, provision did not govern relief in the instant case; and
- Recent GPTA amendment that provides that any unit of government exercising its right of first refusal to purchase tax-foreclosed property must pay the foreclosing governmental unit (FGU) the greater of the minimum bid or the fair market value of the property applies only prospectively to claims accruing after the public act became effective.

MUNICIPAL GOVERNANCE - NEW JERSEY

[Bulur v. New Jersey Office of Attorney General](#)

Supreme Court of New Jersey - July 23, 2025 - A.3d - 2025 WL 2055210

In first case, city public safety director and city police chief brought action against Attorney General, Office of Attorney General, and officer in charge appointed to lead city police department, seeking declaratory judgment that Attorney General's decision to supersede control of city police department after officer-involved shooting exceeded his statutory authority, and seeking injunctive relief.

In second case, city mayor and police chief brought action against Attorney General, Office of Attorney General, and officer in charge, seeking declaratory and injunctive relief with respect to actions taken while in charge of police department.

In both cases, the Superior Court granted Attorney General's motion for transfer of venue to the Superior Court, Appellate Division. The Superior Court, Appellate Division, granted plaintiffs' motion to consolidate and reversed Attorney General's decision. Attorney General's petition for certification was granted.

The Supreme Court held that legislature authorized Attorney General's supersession of city police department.

Legislature authorized Attorney General's supersession of city police department after officer-

involved shooting over objection of local authorities; after Attorney General's announcement that he had assumed control over department and appointed an officer in charge to lead department, legislature took affirmative steps to ensure that officer in charge, who was New York police officer, would succeed in his crucial role in that supersession by enacting law that waived training requirements established for New Jersey police officers, and legislature specifically appropriated funds for the State's operation of department during period in which municipal control was superseded.

EMINENT DOMAIN - VIRGINIA

[Association of American Railroads v. Hudson](#)

United States Court of Appeals, Fourth Circuit - July 18, 2025 - F.4th - 2025 WL 2011675

Railroad trade industry association brought pre-enforcement action to challenge Virginia statute establishing streamlined procedures by which internet broadband service providers could access railroad property and lay cable across railroad tracks, alleging federal preemption and an unconstitutional taking.

The United States District Court for the Eastern District of Virginia granted Virginia defendants' motion to dismiss for lack of jurisdiction based on finding that association lacked standing to pursue its claims. Association appealed.

The Court of Appeals held that:

- Association's claim that the Interstate Commerce Commission Termination Act (ICCTA) impliedly preempted the Virginia statute on grounds that the Virginia statute discriminated against railroads did not require participation of the association's individual member railroads, and thus association had standing to bring that claim;
- Association's claim that the ICCTA impliedly preempted the Virginia statute on grounds that the Virginia statute's application, cumulatively and in the aggregate, would unreasonably interfere with rail transportation in Virginia, did not require the participation of the association's individual members, and thus association had standing to bring that claim; and
- Takings challenge to Virginia statute involved individualized proof that required the participation of the association's members, and thus association lacked standing to bring that claim.

ZONING & PLANNING - VIRGINIA

[Oak Valley Homeowners Association, Inc. v. Prince William County Board of Supervisors](#)

Court of Appeals of Virginia, Arlington - July 22, 2025 - S.E.2d - 2025 WL 2043957

Landowners sought declaratory judgment against county board of supervisors to invalidate amendment to comprehensive plan to build data centers, alleging board violated statutory public-hearing requirements by failing to listen to and consider public comments received at hearing before voting to adopt amendment.

The Prince William Circuit Court sustained board's demurrer. Landowners appealed.

The Court of Appeals held that:

- Landowners' allegations were sufficient to establish that they had standing to challenge board's land-use decision, but
- Statute governing advertising and written notice requirements relating to a comprehensive plan, an ordinance, or amendments to a comprehensive plan or ordinance for local governing body's land-use decision does not impose a listen-to-and-consider requirement.

Landowners' allegations were sufficient to establish that they had standing to challenge county board of supervisors' land-use decision, seeking declaratory judgment to invalidate amendment to board's comprehensive plan to build data centers; ten of 11 landowners owned and resided on parcels that abutted land where the comprehensive-plan amendment allowed data centers or owned land that was less than 2,000 feet away, landowners alleged that amendment had already reduced their property values, and they cited quantitative analysis and modeling that data centers would increase noise they currently experienced to over 75 decibels, making it similar to constant noise experienced while standing 50 feet from heavily traveled highway.

COUNTIES - WASHINGTON

[Washington State Association of Counties v. State](#)

Court of Appeals of Washington, Division 2 - July 22, 2025 - P.3d - 2025 WL 2048214

Counties and coordinating agency for county legislative authorities brought action for declaratory and injunctive relief against State, alleging that funding system for indigent defense services provided by counties violated rights to counsel, due process, and equal protection under federal and state constitutions.

The Superior Court granted State's motion to dismiss for failure to state a claim, based on lack of standing. Plaintiffs appealed.

The Court of Appeals held that:

- Counties were within zone of interest for constitutional rights to counsel and equal protection, as component for their standing
- Counties sufficiently alleged an injury in fact, as component for standing; and
- Liberal approach to standing was applicable.

PUBLIC CONTRACTS - LOUISIANA

[23rd Psalm Trucking, L.L.C. v. Madison Parish Police Jury](#)

Supreme Court of Louisiana - June 27, 2025 - So.3d - 2025 WL 1788077 - 2024-00808 (La. 6/27/25)

Garbage collection company brought action against parish police jury for breach of contract and unfair trade practices after police jury terminated company's residential waste collection and disposal contract early.

The District Court granted police jury's motion for summary judgment. Company appealed, and the Second Circuit Court of Appeal affirmed. Company petitioned for certiorari review.

The Supreme Court held that:

- Police jury lacked authority to enter into trash disposal contract absent approval by the State Bond Commission or a non-appropriation clause in the contract, and
- Company did not detrimentally rely upon unequivocal advice from an unusually authoritative source.

Police jury lacked authority to enter into four-year, residential waste collection and trash disposal contract with garbage collection company absent approval by the State Bond Commission or a non-appropriation clause in the contract that would allow the police jury to terminate the contract for lack of funding without a penalty.

Garbage collection company did not detrimentally rely upon unequivocal advice from an unusually authoritative source, and thus could not maintain detrimental reliance claim against parish police jury following early termination of garbage collection contract, where company had the opportunity before executing the contract to seek legal advice from an attorney on the laws applicable to contracting with the police jury, but did not, and neither the police jury nor its attorney issued a legal opinion relating to the contract prior to signing it.

ZONING & PLANNING - GEORGIA

[DeThomas Investments, LLC v. LMRK PropCo, LLC](#)

Court of Appeals of Georgia - July 14, 2025 - S.E.2d - 2025 WL 1923873

Billboard easement holder brought action against owner of property neighboring property on which easement was located, city, and city development authority, asserting fraud, negligent misrepresentation, fraudulent concealment, civil conspiracy, tortious interference with contractual and business relations, nuisance, inverse condemnation, and breach of easement contract, and seeking punitive damages and litigation expenses, relating to alleged destruction of billboard easement through rezoning.

The trial court denied motions to dismiss by neighboring owner and city and authority. Neighboring owner and city and authority brought interlocutory appeals.

The Court of Appeals held that:

- Holder adequately pleaded claims against neighboring owner;
- Acts of city and authority in connection with rezoning were governmental functions, and thus, there was no waiver of sovereign immunity for such acts for holder's claims of fraud, fraudulent concealment, negligent misrepresentation, tortious interference with contract, and fraud-based civil conspiracy; and
- Holder did not state cause of action against city or authority for nuisance, inverse condemnation, or breach of easement contract.

NEGLIGENCE - MARYLAND

[Mayor and City Council of Baltimore v. Wallace](#)

Supreme Court of Maryland - July 17, 2025 - A.3d - 2025 WL 1982241

Bicyclist who fell and sustained injuries while biking home from work on promenade in city park brought negligence action against city.

The Circuit Court denied city's motion for summary judgment, and subsequently entered verdict in bicyclist's favor for \$100,000 following jury trial and denied city's motion for judgment notwithstanding the verdict. City appealed. The Appellate Court affirmed. City's petition for writ of certiorari was granted.

The Supreme Court held that Recreational Use Statute's protection for landowners who make property available to public for recreational purposes did not apply to promenade in city park and thus did not preclude bicyclist's negligence action against city.

EMINENT DOMAIN - MICHIGAN

[Yono v. County of Ingham](#)

Supreme Court of Michigan - July 16, 2025 - N.W.3d - 2025 WL 1957960

Delinquent taxpayer brought action against county, county treasurer, and county land bank authority, alleging unconstitutional taking of property without just compensation after county foreclosed on property to recover delinquent taxes and property failed to sell at public auction.

The Circuit Court granted defendants' motion for summary disposition. Taxpayer appealed. The Court of Appeals affirmed in part, reversed in part, and remanded, directing trial court to calculate surplus owed to property owner. Defendants sought leave to appeal.

The Supreme Court held that because taxpayer's foreclosed real property did not sell at public auction, there were no "surplus proceeds" and, therefore, no taking that required just compensation.

Because delinquent taxpayer's foreclosed real property did not sell at public auction held in compliance with the General Property Tax Act (GPTA), there were no "surplus proceeds" and, therefore, no taking under state constitution that required just compensation; foreclosure sale demonstrated that value of the property interest the government retained was less than what taxpayer owed in property taxes because the property did not sell for the minimum bid, and because there were no proceeds from the sale, taxpayer was not entitled to any compensation.

For purposes of takings claim under state constitution, when property foreclosed upon to recover delinquent property taxes is sold at a public auction, the result of that sale determines the value of the property.

MUNICIPAL GOVERNANCE - NEW JERSEY

[Bulur v. New Jersey Office of Attorney General](#)

Supreme Court of New Jersey - July 23, 2025 - A.3d - 2025 WL 2055210

In first case, city public safety director and city police chief brought action against Attorney General, Office of Attorney General, and officer in charge appointed to lead city police department, seeking declaratory judgment that Attorney General's decision to supersede control of city police department after officer-involved shooting exceeded his statutory authority, and seeking injunctive relief.

In second case, city mayor and police chief brought action against Attorney General, Office of Attorney General, and officer in charge, seeking declaratory and injunctive relief with respect to actions taken while in charge of police department.

In both cases, the Superior Court, Law Division, Passaic County, granted Attorney General's motion for transfer of venue to the Superior Court, Appellate Division. The Superior Court, Appellate Division, granted plaintiffs' motion to consolidate and reversed Attorney General's decision. Attorney General's petition for certification was granted.

The Supreme Court held that legislature authorized Attorney General's supersession of city police department.

Legislature authorized Attorney General's supersession of city police department after officer-involved shooting over objection of local authorities; after Attorney General's announcement that he had assumed control over department and appointed an officer in charge to lead department, legislature took affirmative steps to ensure that officer in charge, who was New York police officer, would succeed in his crucial role in that supersession by enacting law that waived training requirements established for New Jersey police officers, and legislature specifically appropriated funds for the State's operation of department during period in which municipal control was superseded.

MUNICIPAL ORDINANCE - SOUTH CAROLINA

[Whitehurst v. Town of Sullivan's Island](#)

Supreme Court of South Carolina - July 16, 2025 - S.E.2d - 2025 WL 1947815

After denial of her motion to suppress, defendant was convicted in the Municipal Court, Town of Sullivan's Island, of violating town's disorderly conduct ordinance for loudly berating her ride-share driver with profanity and xenophobic epithets on public street in residential area at almost 2:00 a.m.

Defendant appealed. The Circuit Court affirmed. Defendant appealed.

The Supreme Court held that:

- Ordinance was a content-neutral time, place, and manner restriction that did not violate free speech rights as applied;
- Ordinance was not unconstitutionally vague under Due Process Clause; and
- State established sufficient chain of custody to admit video from ride-share driver's dash camera.

FEES - CALIFORNIA

[Dessins LLC v. City of Sacramento](#)

Court of Appeal, Third District, California., (Sacramento) - July 9, 2025 - Cal.Rptr.3d - 2025 WL 1891810

Voter, a property owner who voted against storm drainage fee, filed petition for writ of mandate and complaint against city and city council, alleging that adoption of the fee violated constitutional amendment mandating that all property-related fees be approved by a majority vote of owners of property subject to the fee because city's votes should not have counted toward reaching the required majority approval.

The Superior Court entered judgment for city and city council. Voter appealed.

The Court of Appeal held that city was authorized to vote on fee because it was a "property owner of

property subject to the fee.”

ZONING & PLANNING - GEORGIA

[Berlin v. City of Atlanta Urban Design Commission](#)

Court of Appeals of Georgia - July 2, 2025 - S.E.2d - 2025 WL 1822481

Neighbors filed petition for certiorari challenging decision of city’s urban design commission to approve certificate of appropriateness for the redevelopment of two residential parcels in historic district, naming commission and property owners as defendants and seeking declaratory judgment.

The Superior Court denied neighbors’ motion for summary judgment and granted summary judgment sua sponte to defendants. Neighbors filed application for discretionary appeal, which was granted, and the Court of Appeals reversed and remanded. On remand, neighbors filed an amended certiorari petition challenging the commission’s decisions on substantive grounds and on the ground that the commission did not comply with notice requirements. The Superior Court denied neighbors’ motion for partial summary judgment and granted summary judgment to the defendants, and, following a hearing, issued a detailed final order affirming the commission’s decision. neighbors appealed.

The Court of Appeals held that:

- Standard to evaluate the city’s compliance with notice requirements was substantial compliance;
- City substantially complied with redevelopment ordinance’s notice requirements; and
- Evidence was sufficient to support commission’s approval of certificate of appropriateness.

City urban design commission’s approval of certificate of appropriateness for the redevelopment of two residential parcels in historic district did not constitute rezoning, and thus correct standard to evaluate the city’s compliance with notice requirements was substantial compliance, rather than strict compliance; while city exercising its zoning power when it established the district, the commission was not concerned with use or density but with regulation of external architectural features, which was closer to the scope of the city’s police power rather than its zoning power, and ordinance did not set forth a consequence for non-compliance with the notice provisions or prohibit other modes of proceeding.

City urban design commission, in proceeding for certificate of appropriateness for the redevelopment of two residential parcels in historic district, substantially complied with redevelopment ordinance’s notice requirements, which provided that, before “any” meeting, notice of the application “shall” be published on the city website, signage “shall” be posted on the property, and notice of the hearing “shall” be mailed to nearby property owners, even if sign was posted on the properties before the first hearing, but not the second and third hearings, and notice of the first hearing was mailed to only two of the four neighbors and no notices of the second and third hearings were mailed to any affected property owners; neighbors all either attended or otherwise participated in at least one of the meetings, and were afforded a meaningful opportunity to be heard on the applications.

Evidence was sufficient to support city urban design commission’s approval of certificate of appropriateness for the redevelopment of two residential parcels in historic district; commission adopted a ten-page city staff report, which addressed and examined the property configuration and characteristics of the properties and the general design of each house and analyzed, inter alia, the

use, density, required parking, height limitations, lot coverage, open space, tree removal, and architectural elements.

IMMUNITY - MAINE

[Rinaldi v. Maine Correctional Center](#)

Supreme Judicial Court of Maine - July 8, 2025 - A.3d - 2025 WL 1872908 - 2025 ME 60

Inmate brought action against Department of Corrections, prison, and state, asserting various tort claims arising from injuries sustained in fall on outdoor paved road running through center of prison.

The Superior Court granted inmate's motion for partial summary judgment, concluding that state lacked immunity from suit under Maine Tort Claims Act (MTCA) because inmate's accident fell within MTCA's "public building" exception. State, Department, and prison appealed.

The Supreme Judicial Court held that:

- Road was not physically annexed to any of prison's buildings;
 - Road was not adapted to realty; and
 - Road was not intended to be irremovable from realty.
-

PUBLIC EMPLOYMENT - MARYLAND

[Coates v. Charles County Board of Commissioners](#)

Appellate Court of Maryland - June 30, 2025 - A.3d - 2025 WL 1792907

Two members of board of county commissioners brought action on board's behalf against commissioner for writ of mandamus or prohibition, permanent injunction, and declaratory judgment as to commissioner's authority to vote on termination of county administrator's employment in light of board's previous Prompt and Remedial Action (PRA), which had restricted commissioner's conduct following independent investigation into administrator's personnel complaint against commissioner.

Commissioner asserted counterclaim for declaratory judgment that administrator had been terminated pursuant to board vote in which commissioner had participated. Administrator intervened as party plaintiff. After granting board's motion to quash foreign subpoenas and denying commissioner's motion to compel county attorney's deposition testimony, the Circuit Court granted permanent injunction enforcing PRA, enjoining commissioner and board from taking any action to modify PRA or rescind amendment to board's rules with vote that included commissioner, then denied commissioner's motion for reconsideration and dismissed counterclaim. Commissioner appealed.

The Appellate Court held that:

- Board members had standing to seek declaratory and injunctive relief to resolve internal governance dispute;
- Board members were required to exhaust administrative remedies before seeking declaration that commissioner violated

- Maryland Fair Employment Practices Act (FEPA);
- Action did not present nonjusticiable political question;
- PRA was administrative in nature;
- As a matter of apparent first impression, administrator was not “appointee on the policy making level” under Title VII or FEPA;
- Trial court did not abuse its discretion by consolidating hearing on preliminary injunction with merits of claim for permanent injunction; and
- Whether investigation’s findings justified board’s adoption of PRA was irrelevant to parties’ claims.

County administrator was not “appointee on the policy making level,” and thus, was not excluded from definition of “employee” in Title VII and Maryland Fair Employment Practices Act (FEPA); administrator acted primarily as administrative vessel for programs and policy priorities of county board of commissioners, having inward-focused duties concerning day-to-day management and operation of county government and execution and implementation of board’s directives, initiatives, and policies, administrator’s exercise of discretion largely involved internal affairs, referral of enforcement actions, and management of day-to-day operations, and board had not entrusted administrator with policymaking and decisionmaking authority or discretion as to high-impact issues of public interest.

CITY CHARTER - OHIO

[State ex rel. Maumee v. Lucas County Board of Elections](#)

Supreme Court of Ohio - July 17, 2025 - N.E.3d - 2025 WL 1983414 - 2025-Ohio-2516

City and qualified elector filed action against county board of elections for writ of prohibition preventing board from placing petitions for recall of mayor and six city councilmembers on special-primary election ballot and writ of mandamus ordering board to grant city’s and elector’s protests against recall petitions.

Recall petitioners intervened as respondents.

The Supreme Court held that:

- City charter did not foreclose recall as method of removing elected officials from office, and
- City’s home-rule charter did not incorporate statute permitting removal of elected officials via recall petition, and, thus, mayor and councilmembers could not be removed through recall petition.

PREVAILING WAGE LAWS - CALIFORNIA

[Palm Springs Promenade, LLC v. Department of Industrial Relations](#)

Court of Appeal, Fourth District, Division 1, California - June 13, 2025 - Cal.Rptr.3d - 111 Cal.App.5th 1294 - 2025 WL 1671615 - 2025 Daily Journal D.A.R. 5065

Developer filed petition for writ of mandate challenging determination by Department of Industrial Relations that redevelopment project which included public and private improvements in charter city’s downtown tourist area was not subject to city ordinance exempting projects deemed municipal affairs from state prevailing wage law pursuant to city’s home rule authority.

City joined petition and filed position statement. The Superior Court, Riverside County, denied writ. Developer appealed.

The Court of Appeal held that:

- As a matter of first impression, where a charter city contributes money for construction of public improvements within a private development project, that undertaking does not necessarily transform the project into a “municipal affair” that may be exempted from the prevailing wage law pursuant to the city’s home rule authority;
- First phase of redevelopment project was a public works project, as required for prevailing wage law to apply;
- De minimis exception to public works definition under prevailing wage law did not apply to redevelopment project; and
- As matter of first impression, redevelopment project was not a municipal affair.

Where a charter city contributes money for construction of public improvements within a private development project, that undertaking does not necessarily transform the project into a “municipal affair” that may be exempted from the prevailing wage law pursuant to the city’s home rule authority.

First phase of redevelopment project that included public and private improvements in charter city’s downtown tourist area was a “public works project,” as required for prevailing wage law to apply to project, where city contributed city tax dollars toward constructions, alteration, and/or demolition of subject property.

De minimis exception to public works definition under prevailing wage law did not apply to redevelopment project that included public and private improvements in charter city’s downtown tourist area, where city’s contribution of funds toward project was more than 2% of total project cost, and financing agreement between developer and city was entered into before date specified in exception.

Redevelopment project that included public and private improvements in charter city’s downtown tourist area was not a “municipal affair,” within meaning of city ordinance exempting municipal affair projects from prevailing wage law pursuant to city’s home rule authority, even though city’s contribution of about \$51.36 million for project was not insignificant and included funds for public infrastructure constructions; developer contributed almost three times the city’s contribution, selected contractors, entered into construction contracts for project, bore risk of any cost overruns for redevelopment of private improvements, and retained substantial control over how its funds were spent, and project was primarily built to enhance value of developer’s private improvements.

PUBLIC EMPLOYMENT - CALIFORNIA

[Brown v. City of Inglewood](#)

Supreme Court of California - July 7, 2025 - P.3d - 2025 WL 1860244

Elected city treasurer brought action against city, its mayor, and city council members, alleging retaliation, in violation of statute providing whistleblower protections to employees, for reporting purported illegal activity.

The Superior Court denied city and its officials’ motion to strike complaint under anti-SLAPP statute. On appeal by city and its officials, the Court of Appeal reversed, finding that anti-SLAPP statute

applied and that treasurer was not “employee” entitled to whistleblower protections. The Supreme Court granted review.

The Supreme Court held that:

- Whether or not elected officials were included in statutory definition of “employee” for whistleblower statute was unclear from text of statute alone;
- Treasurer was not “employee” entitled to protections of statute; and
- Common law employment test was not applicable to determination of whether statutory definition of “employee” for whistleblower statute included elected officials.

IMMUNITY - GEORGIA

[Guy v. Housing Authority of City of Augusta](#)

Supreme Court of Georgia - June 24, 2025 - S.E.2d - 2025 WL 1737207

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 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. Tenant filed petition for writ of certiorari, which was granted.

The Supreme Court held that Court would remand for consideration of the issue of authority’s sovereign immunity under the proper analytical approach of examining common law of England as adopted by the General Assembly.

Supreme Court would remand for consideration of issue of city housing authority’s sovereign immunity under proper analytical approach of examining common law of England as adopted by the General Assembly, on appeal in premises liability action against authority brought by tenant in low-income apartment complex owned by authority, where, because of framing of question in the Court of Appeals, briefing on issue of sovereign immunity did not engage with common law in a way that would aid the Supreme Court’s consideration of the question under proper analysis, no court had yet performed an analysis of the common law for the Supreme Court to review, and it would be imprudent for the Supreme Court to reach out and decide that question in the first instance based on briefing before it.

ZONING & PLANNING - MARYLAND

[County Council of Prince George's County v. Robin Dale Land LLC](#)

Supreme Court of Maryland - July 3, 2025 - A.3d - 2025 WL 1833494

Landowners petitioned for judicial review of district council’s adoption of sectional map amendments on court-ordered remand in proceeding concerning district council’s comprehensive rezoning for two subregions of county, alleging that district council improperly downzoned their properties following a work session on remand without giving them notice and opportunity to be heard, and in a manner inconsistent with remand instructions.

The Circuit Court reversed and remanded. District council appealed. The Appellate Court affirmed and remanded. District council petitioned for writ of certiorari, which was granted.

The Supreme Court held that:

- Countywide rezoning after work session was not a comprehensive rezoning reflecting substantive change in law with retroactive application;
- Countywide rezoning after work session did not moot landowners' assertions of error in underlying appeal;
- District council's enactment of sectional map amendments on remand did not comply with laws on notice and right to a hearing;
- District council did not comply with remand instructions; and
- Work session was not the effective equivalent of a public hearing.

ANNEXATION - NEW JERSEY

[Whiteman v. Township Council of Berkeley Township](#)

Supreme Court of New Jersey - July 10, 2025 - A.3d - 2025 WL 1900914

Residents of barrier island community filed complaint in lieu of prerogative writs, seeking judicial review of township council's denial of their petition for deannexation from township.

The Superior Court, Law Division, entered judgment for residents and ordered deannexation. Township appealed. The Superior Court, Appellate Division, affirmed. Certification was granted.

The Supreme Court held that:

- Trial court's finding that township's denial of residents' deannexation petition was arbitrary and unreasonable under deannexation statute due to bias was supported by competent, relevant, and reasonably credible evidence;
- Substantial evidence supported trial court's finding that residents of barrier island community met their burden of establishing that township's denial of their deannexation petition was detrimental to economic and social well-being of a majority of residents of area sought to be deannexed; and
- Trial court's finding that deannexation of barrier island community would not have caused substantial economic or social harm to township was supported by competent, relevant, and reasonably credible evidence.

RELIGIOUS FREEDOM ACT - TEXAS

[Perez v. City of San Antonio](#)

Supreme Court of Texas - June 13, 2025 - S.W.3d - 2025 WL 1675639 - 68 Tex. Sup. Ct. J. 1197

Members of Native American church brought action alleging that city's development plan for public park prevented them from performing ceremonies essential to their religious practice, in violation of Free Exercise Clause, Texas Religious Freedom Restoration Act (RFRA), and the Religious Services Clause of the State Constitution.

The United States District Court for the Western District of Texas granted motion for preliminary injunction in part. Members appealed. The Court of Appeals certified question.

As matters of first impression, the Supreme Court held that:

- Force of Religious Services Clause is absolute and categorical, but Scope of Clause is not unlimited, and it does not extend to governmental actions for preservation and management of public lands.

When the Religious Services Clause of the State Constitution applies, its force is absolute and categorical, meaning it bars a governmental prohibition or limitation on religious services without regard to whether the prohibition or limitation passes strict scrutiny or any other test that balances the right against the government's interests.

Scope of the Religious Services Clause of the State Constitution, forbidding a law or governmental decision that prohibits or limits certain religious services, is not unlimited, and the Clause does not reach governmental actions taken to preserve and maintain public property for the safety and enjoyment of the public.

IMMUNITY - ALABAMA

[Ex parte McGuire](#)

Supreme Court of Alabama - June 27, 2025 - So.3d - 2025 WL 1776553

Arrestee brought action against city police chief and arresting officer, asserting claims that included ones for assault and battery, false arrest, defamation, and libel, all of which related to her arrest for theft and attempting to elude police.

The Circuit Court denied motion by police chief and officer for summary judgment based on immunity. Police chief and officer petitioned for a writ of mandamus.

The Supreme Court held that:

- Arresting officer had State-agent and statutory peace-officer immunity from arrestee's claims, and
- Police chief had State-agent and statutory peace-officer immunity from arrestee's claims.

EMINENT DOMAIN - GEORGIA

[eCBI Warner, LLC v. Patrick](#)

Court of Appeals of Georgia - June 24, 2025 - S.E.2d - 2025 WL 1742187

City contractors, which contracted with city to create a fiber optic wide area network, filed petition for writ of mandamus against city and related individual defendants to obtain right-of-way access permits to 48 fiber optic lines that contractors had placed that were seemingly not addressed by parties' contract.

After contractors dismissed with prejudice their federal action against the same defendants, city terminated lease agreement between city development authority and one of the contractors for 12 additional fiber optic lines, and contractors amended their complaint to include facts and claims based on the lease termination, seeking appointment of a receiver, a permanent injunction, and a writ of mandamus and asserting claims for inverse condemnation, breach of contract, nuisance, and expenses of litigation.

The Superior Court, Houston County granted defendants' motion for summary judgment. Contractors appealed. The Court of Appeals affirmed in part and reversed in part. On remand, the Superior Court granted defendants' motion to dismiss. Contractors appealed.

The Court of Appeals held that:

- Contractors stated a new claim for inverse condemnation of the 12 leased lines that was not barred by res judicata based on the dismissal with prejudice of the federal action;
- Contractors failed to state a claim for private nuisance based on the lease termination;
- Issuance of writ of mandamus requiring city to acknowledge that contractors owned originally asserted 48 lines was not warranted;
- Issuance of writ of mandamus requiring city to acknowledge the lease was not warranted; and
- Final judgment in federal action precluded the assertion in state court of any claims, federal or state, that were asserted in the federal action or were related to claims asserted therein.

IMMUNITY - GEORGIA

[Paulk v. Wilson](#)

Court of Appeals of Georgia - June 25, 2025 - S.E.2d - 2025 WL 1751914

Plaintiff filed complaint against county sheriff in his official capacity, alleging injuries caused by deputy's negligent operation of sheriff's department vehicle.

The trial court denied sheriff's motion to dismiss on grounds of sovereign immunity. Sheriff filed application for interlocutory review, which was granted.

The Court of Appeals held that statutes waiving sovereign immunity for certain motor vehicle claims against local government entities permitted claim against sheriff in his official capacity.

Statutes waiving sovereign immunity for certain motor vehicle claims against local government entities permitted plaintiff's claim against county sheriff in his official capacity alleging injuries caused by deputy's negligent operation of sheriff's department vehicle, although statutes did not permit claim against sheriff in his individual capacity for deputy's alleged negligence because sheriff was local government officer whose sovereign immunity was not waived by statutes; plaintiff's action against sheriff in his official capacity constituted claim against county itself, and county was local government entity whose sovereign immunity was waived under statutes.

BRIDGES - NEBRASKA

[County of Hayes v. County of Frontier](#)

Supreme Court of Nebraska - June 6, 2025 - 319 Neb. 98 - 21 N.W.3d 474

County filed petition in error for review of decision of board of commissioners of adjoining county denying county's claim under county bridge statutes for reimbursement for one-half of cost of replacing bridge.

The District Court denied and dismissed petition. County appealed.

The Supreme Court held that:

- Broad legal conclusion in petition in error was insufficient to raise claims about due process and board's closed session, and
 - Board's determination that bridge was not located on road on county line was not arbitrary and capricious.
-

POLITICAL SUBDIVISIONS - TEXAS

[Baumgardner v. Brazos River Authority](#)

Supreme Court of Texas - June 27, 2025 - S.W.3d - 2025 WL 1779081

River authority brought action against landowner in state court seeking permanent injunction requiring landowner to remove portions of boat ramp and on-water boat dock facility located on, over, or above lake managed by authority.

The District Court granted river authority's request for permanent injunction. Landowner appealed to the Waco Court of Appeals, Tenth District. The Tenth Court determined that the appeal fell within the exclusive intermediate appellate jurisdiction of the Court of Appeals, Fifteenth District. Following Supreme Court's transfer of appeal to the Fifteenth Court, river authority moved to re-transfer appeal to Tenth Court.

The Supreme Court held that:

- River authority was a political subdivision, rather than an agency in the executive branch of the state government;
- noscitur a sociis canon of statutory production, providing that the meaning of a word or phrase, especially one in a list, should be known by words immediately surrounding it, did not apply; and
- Exceptions to Fifteenth Court's exclusive appellate jurisdiction for certain proceedings that could have involved counties, local governmental entities, and other political subdivisions did not imply that the legislature intended for all other proceedings involving local governmental entities and political subdivisions, including river authorities, to fall within Fifteenth Court's exclusive jurisdiction.

River authority was a political subdivision, rather than an agency in the executive branch of the state government, for purposes of Fifteenth Court of Appeals' exclusive intermediate appellate jurisdiction over matters brought by or against the state or an entity in the executive branch of the state government; governing statutes implied that, at least for the jurisdictional statute at issue, authority existed not as part of the state government but as an entity distinct from, and subordinate to, the state, jurisdiction of authority was geographically limited, authority could have taxing powers, though it did not currently exercise them, and authority did not receive state appropriations, but instead was funded primarily through water sales and water-treatment-related services.

PUBLIC UTILITIES - VIRGINIA

[Zinner v. Washington Gas Light Company](#)

Court of Appeals of Virginia, Fairfax - July 1, 2025 - S.E.2d - 2025 WL 1799975

Natural gas local distribution company petitioned for certiorari review of county board of zoning appeals' (BZA) determination that a proposed high-pressure natural gas pipeline under road in landowners' neighborhood was a transmission line that required a special exception under zoning

ordinance, and company also filed separate action seeking declaratory judgment that state law preempted zoning ordinance as applied to pipeline.

The Fairfax Circuit Court affirmed BZA's finding that landowners had standing, reversed BZA's determination that a special exception was required, and dismissed declaratory judgment action as moot. Landowners and company each appealed, and appeals were consolidated.

The Court of Appeals held that:

- One landowner had standing via loss of driveway access during workday for up to a week during pipeline construction;
- Proposed pipeline was a distribution line exempt from requirement of a special exception for transmission lines;
- Special exception did not require a distribution line to be a low-pressure line connected directly to customers' homes;
- Doctrine of judicial restraint precluded consideration of whether company's entire system qualified as exempt distribution lines;
- Circuit court properly declined to defer to BZA's interpretation of zoning ordinance;
- Declaratory judgment action was moot; and
- Capable-of-repetition exception to mootness doctrine did not apply.

Proposed high-pressure natural gas pipeline under road in neighborhood was a "distribution line" and not a "transmission line," and thus the pipeline was exempt from requirement of a special exception under county zoning ordinance; pipeline was not connected to a gathering line, storage facility, or large-volume customer that was not down-stream from a distribution center, natural gas company that sought pipeline was a local distribution company that only delivered gas to ultimate consumers of gas, company did not produce or resell gas, company would not operate pipeline at pressures that exceed threshold for designating it a transmission line, and company had not and would not voluntarily designate pipeline as a transmission line.

MUNICIPAL ORDINANCE - FLORIDA

[Martinez v. City of Lantana](#)

District Court of Appeal of Florida, Fourth District - April 23, 2025 - So.3d - 2025 WL 1172818

Homeowner brought action against city, seeking declaratory and injunctive relief arising from pending fines for code violations related to homeowner's driveway, fence, and parking, alleging that the fines violated constitutional prohibition on excessive fines.

The Circuit Court granted summary judgment to city. Homeowner appealed.

The District Court of Appeal held that accumulated fine totaling over \$160,000 did not violate constitutional prohibition on excessive fines.

Accumulated fine totaling over \$160,000 for homeowner's code violations related to her driveway, fence, and parking did not violate constitutional prohibition on excessive fines, where per diem amount of fines ranged from \$75 to \$250.

LIABILITY - GEORGIA

[Dates v. City of Atlanta](#)

Supreme Court of Georgia - June 10, 2025 - S.E.2d - 2025 WL 1632201

Mother, individually and as son's parent and guardian, brought personal injury action against city after son was injured when a large tree branch fell on him while he was playing on property owned and managed by city.

The State Court granted city's motion to dismiss. Mother appealed, and the Court of Appeals affirmed. Mother sought certiorari, which was granted.

The Supreme Court held that minor tolling provision's extension of time does not apply to toll time in which minor must provide ante litem notice to municipality.

PUBLIC EMPLOYMENT - IOWA

[Rheeder v. Gray](#)

Supreme Court of Iowa - June 6, 2025 - N.W.3d - 2025 WL 1599759

Female police department employee brought action against police chief, deputy chief, and her superior, alleging she experienced sexual harassment and retaliation in violation of the Iowa Civil Rights Act (ICRA).

The District Court denied defendants' motions for summary judgment. Defendants sought interlocutory review, which was granted.

The Supreme Court held that:

- Deputy chief's alleged conduct was not actionable sexual harassment;
- Chief's memorandum directive to employee and deputy chief did not amount to an "adverse action" that would support a retaliation claim; and
- Superior's alleged actions did not constitute a "materially adverse action."

MUNICIPAL GOVERNANCE - MICHIGAN

[Hackel v. Macomb County Board of Commissioners](#)

Supreme Court of Michigan - June 16, 2025 - N.W.3d - 2025 WL 1689298

County commission, in response to county executive's complaint against it for declaratory relief concerning certain matters, filed a counterclaim for declaratory relief and a writ of mandamus ordering executive to comply with Michigan's Uniform Budgeting and Accounting Act (UBAA), county charter, and particular ordinance by granting commission or its designee real-time, read-only access to the county's financial-management software to the commission's director of legislative affairs.

After dismissal of executive's initial complaint, the parties filed cross-motions for partial summary disposition of commission's counterclaim. The Circuit Court denied commission's motion, granted executive's motion, determined that the ordinance at issue unlawfully infringed on executive's

authority under the charter, and dismissed all remaining claims in the counterclaim by stipulation of the parties. Commission appealed by right. The Court of Appeals affirmed. Commission sought leave to appeal.

The Supreme Court held that county ordinance requiring that executive give commission or commission's agent real-time, read-only access to county's financial-management software was a valid exercise of commission's legislative powers under county charter.

County ordinance requiring that county executive give county commission or commission's agent real-time, read-only access to county's financial-management software was a valid exercise of commission's legislative powers under county charter; charter stated that executive's management and supervisory authority could be limited as otherwise provided by charter or law, ordinance imposed a degree of restriction upon executive's control over county's information-technology and finance departments, and there was no suggestion that ordinance was otherwise in conflict with or preempted by another charter provision or state law.

JURISDICTION - MISSISSIPPI

[Promenade D'Iberville, LLC v. Jacksonville Electric Authority](#)

Supreme Court of Mississippi - June 12, 2025 - So.3d - 2025 WL 1659903

Developer of retail shopping center in Mississippi brought action against Florida municipal utility, alleging that use of defective soil stabilizer product using material from utility's power plant in construction of shopping center caused extensive property damage.

The Circuit Court adopted special master's recommendation and denied utility's motion to dismiss for lack of subject matter jurisdiction based on sovereign immunity, denied utility's motion for summary judgment, and denied both parties' motions for partial summary judgment.

Following the United States Supreme Court's decision in *Franchise Tax Board of California v. Hyatt (Hyatt II)*, 578 U.S. 171, 136 S. Ct. 1277, 194 L.Ed. 2d 431, the Circuit Court granted utility's motion to reconsider, granted utility's motion for partial summary judgment, and denied developer's motion to amend the complaint.

After initially granting developer's motion for interlocutory appeal, the Mississippi Supreme Court subsequently dismissed and remanded for consideration based on the United States Supreme Court's decision in *Franchise Tax Board of California v. Hyatt*. On remand, the Circuit Court, Schmidt, J., granted utility's motion to dismiss for lack of subject matter jurisdiction based on sovereign immunity. Developer appealed.

The Supreme Court held that:

- Florida municipal utility did not enjoy interstate sovereign immunity from developer's action in Mississippi, and
- Allowing developer to proceed with its product liability claims against Florida municipal utility in a Mississippi court would not be either arbitrarily or fundamentally unfair to utility and would not be hostile to the Full Faith and Credit Clause or to Florida law.

Florida municipal utility did not enjoy interstate sovereign immunity from developer's action in Mississippi, alleging utility supplied a defective product which caused property damage to retail shopping center; utility was not an arm of the State of Florida for purposes of the Eleventh

Amendment, but rather an electric utility operated by city and was an instrumentality of that municipality, and enjoyed only a limited waiver of statutory immunity under Florida law.

Allowing developer of shopping center to proceed with its product liability claims against Florida municipal utility in a Mississippi court would not be either arbitrarily or fundamentally unfair to utility and would not be hostile to the Full Faith and Credit Clause or to Florida law; utility was an instrumentality of a city and not entitled to sovereign immunity, there were genuine issues of material fact as to whether utility's product was designed in a defective manner which rendered it unreasonably dangerous such that it was the proximate cause of developer's damages, there was evidence that utility knowingly shipped its product to Mississippi, and developer asserted claims and sought damages in Mississippi similar to those that would be allowed against a public utility in Florida.

FEES - CALIFORNIA

[Gluck v. City and County of San Francisco](#)

Court of Appeal, First District, California - May 30, 2025 - Cal.Rptr.3d - 2025 WL 1540871

Property owners brought class action against city and county challenging constitutionality of sewer charges, alleging that city's new sewer rate structure, specifically regarding stormwater, violated state constitution's voter approval requirement and proportionality requirement for property related fees.

The Superior Court sustained city's demurrer to complaint without leave to amend. Property owners appealed.

The Court of Appeal held that:

- A city's combined wastewater and stormwater system is a "sewer," and thus subject to exception to voter approval requirement;
- Court would deny property owners' request for judicial notice of legislative history materials on senate bill providing guidance on how term "sewer" should be interpreted;
- Leave to amend was not warranted following the trial court sustaining demurrer with regard to owners' claims for violation of voter approval requirement;
- Owners stated claim that sewer rates violated proportionality requirement; and
- Issue of whether sewer rate structure violated proportionality requirement could not be resolved at demurrer phase because of factual dispute.

ZONING & PLANNING - CONNECTICUT

[High Watch Recovery Center, Inc. v. Planning and Zoning Commission of Town of Kent](#)

Supreme Court of Connecticut - May 27, 2025 - A.3d - 352 Conn. 120 - 25 WL 1478736

Operator of residential treatment program for substance use disorders sought review of town planning and zoning commission's denial of operator's application for special permit to build therapeutic greenhouse in connection with its preexisting nonconforming use of property for agricultural therapy.

The Superior Court dismissed. Operator appealed. The Appellate Court reversed and remanded. Commission petitioned for certification to appeal, which was granted.

The Supreme Court held that:

- Substantial evidence supported determination that proposed use of greenhouse would impermissibly expand a nonconforming use;
- Commission's failure to cite impermissible intensification of a seasonal nonconforming use did not preclude affirmance of its decision;
- Preexisting nonconforming use of property for agricultural therapy was not a year-round use; and
- A seasonal limitation on outdoor agricultural therapy program was implicit in scope of preexisting nonconforming use.

POLITICAL SUBDIVISIONS - NEVADA

[Matter of Public Records Requests to Las Vegas Metropolitan Police Department](#)

Supreme Court of Nevada - May 29, 2025 - P.3d - 2025 WL 1535023 - 141 Nev. Adv. Op. 26

Metropolitan police department filed petition under Judicial Confirmation Law (JCL) seeking an advisory opinion about its disclosure obligations under Nevada Public Records Act (NPRO) after media outlets requested records about police investigation of an alleged sexual assault by professional athlete, and alleged victim filed answer and counterclaim seeking declaratory relief that certain documents that were subject of prior federal ruling were not privileged.

The District Court granted motion to dismiss petition for failure to state a claim, denied motion to amend petition to assert claim for declaratory relief, and dismissed counterclaim. Police department appealed, and alleged victim cross-appealed.

The Supreme Court held that:

- As matter of first impression, police department was not a "municipality" with a governing body that could seek advisory opinion under JCL;
- As matter of first impression, sheriff was not a "governing body" under JCL section on advisory opinions;
- As matter of first impression, Nevada Public Records Act (NPRO) does not allow a governmental entity to seek declaratory relief in response to records request;
- Trial court properly denied police department's motion to amend petition;
- Alleged victim lacked standing to answer petition;
- Alleged victim was not a "party" who could file counterclaim for declaratory relief; and
- Issue preclusion barred counterclaim for declaratory relief.

IMMUNITY - TEXAS

[City of Houston v. Manning](#)

Supreme Court of Texas - May 23, 2025 - S.W.3d - 2025 WL 1478506 - 68 Tex. Sup. Ct. J. 995

Motorist brought action against city, asserting various claims including negligence and negligence

per se and invoking the waiver of immunity in the Texas Tort Claims Act (TTCA) in connection with collision at intersection between motorist's vehicle that was traveling westbound and fire truck that was traveling southbound.

The 127th Judicial District Court denied city's summary judgment motion. City filed interlocutory appeal. The Houston Court of Appeals affirmed. City petitioned for review, which was granted.

The Supreme Court held that TTCA waived governmental immunity from suit for injuries caused by negligence per se alleged by motorist; disapproving *Thoele v. Tex. Dep't of Crim. Just.*, 2020 WL 7687864; *Tex. Dep't of Crim. Just. v. Parker*, 2020 WL 5833869.

Texas Tort Claims Act (TTCA) waived governmental immunity from suit for injuries caused by negligence per se alleged by motorist against city in connection with claim that fire truck driver violated standards in statute providing that operator of an authorized emergency vehicle may proceed past a red or stop signal or stop sign after slowing as necessary for safe operation and in statute providing that operators are not relieved from duty to operate an authorized emergency vehicle with appropriate regard for safety of all persons, relating to collision that occurred when driver of fire truck that was traveling southbound above the posted speed limit when en route to an emergency call proceeded into intersection and struck vehicle driven by motorist who was traveling westbound on roadway; statutory standards of care used to measure negligence per se merely defined more precisely what conduct breached common-law standard of reasonable care, so that violating the statutory standards would have also been negligence under the common law; disapproving *Thoele v. Tex. Dep't of Crim. Just.*, 2020 WL 7687864; *Tex. Dep't of Crim. Just. v. Parker*, 2020 WL 5833869. *Tex. Civ. Prac. & Rem. Code Ann.* § 101.021(1); *Tex. Transp. Code Ann.* §§ 546.001(2), 546.005(1).

EMINENT DOMAIN - VIRGINIA

[City of Virginia Beach v. Mathias](#)

Court of Appeals of Virginia, Hampton - June 10, 2025 - S.E.2d - 2025 WL 1634117

City filed condemnation petition, seeking to acquire property for construction and alteration of public road. The Virginia Beach Circuit Court invalidated city's certificate of take and dismissed the petition without prejudice. City appealed.

The Court of Appeals held that, as matters of first impression:

- Statutory amendment to condemnation laws requiring a condemnor to conduct an examination of title, to provide a report of the examination of title, and provide owners a copy of all recorded instruments identified in the report applied to city's action;
- City's act in providing landowners with a title commitment that included some of the documents from the 60-year chain of title did not comply with statutory requirement that city provide 60-year history;
- City's act in providing landowners with a title commitment did not comply with statutory requirement that city provide a examination of title; and
- City was required to strictly comply with statutory requirements.

CHARTER SCHOOLS - CALIFORNIA

Napa Valley Unified School Dist. v. State Bd. of Education

Court of Appeal, Third District, California - March 14, 2025 - 110 Cal.App.5th 609 - 331 Cal.Rptr.3d 763 - 2025 Daily Journal D.A.R. 3072

School district and school boards association filed separate complaints and petitions for writs of mandate against State Board of Education, challenging Board's decision finding that school district board of education and county board of education abused their discretion in denying charter school proponent's petition to establish charter middle school.

The Superior Court granted petitions and issued peremptory writ of mandate commanding Board to set aside its decision. Charter school proponent appealed grant of both petitions, and appeals were consolidated.

The Court of Appeal held that:

- Evidence was insufficient to support finding that district board's process was unfair on basis that it was not in accord with statute prohibiting denial of petition unless board made written factual findings;
- Evidence was insufficient to support finding that district board's process was unfair on basis that board members prejudged charter school petition;
- Evidence was insufficient to support finding that district board's process was unfair on basis that board members did not consider evidence rebutting report by district board's, evidence presented at public hearing, or public comments favoring approval of petition;
- Evidence was insufficient to support finding that district board's process was unfair on basis that it "discredited" petition because lead petitioners were parents, and not experienced school administrators;
- Evidence was insufficient to support finding that county board's denial was ineffective on basis that it failed to make written factual findings;
- Proponent perfected submission of its petition no earlier than date it sent email to school district superintendent, thus, county board's denial of petition was timely; and
- Evidence was sufficient to support county board's factual finding that charter school was demonstrably unlikely to serve interests of community, as statutory grounds for denying petition.

PUBLIC UTILITIES - COLORADO

American Heritage Railways, Inc. v. Colorado Public Utilities Commission

Supreme Court of Colorado - May 27, 2025 - P.3d - 2025 WL 1499006 - 2025 CO 27

Railroad appealed decision of the Public Utilities Commission (PUC) which adopted ALJ's determination that PUC had jurisdiction over county's petition for declaratory ruling and that railroad's changes to train station's parking lot had to comply with county's land use code.

The District Court affirmed. Railroad appealed.

The Supreme Court held that:

- PUC had jurisdiction to interpret land use statute;
- County had standing to bring action;
- Railroad had adequate notice that ALJ would consider the issue of whether changes to station constituted extensions, betterments, or additions to buildings, structures, or plant or other equipment; and

- Enlargement of station parking lot was an extension, betterment, or addition to a building, structure, or plant or other equipment.
-

WATER LAW - COLORADO

[Application for Water Rights of Town of Firestone v. BCL Colorado LP](#)

Supreme Court of Colorado - May 27, 2025 - P.3d - 2025 WL 1499979 - 2025 CO 33

Town filed a water rights application and augmentation plan in connection with planned water system expansion, and wastewater service provider opposed the application.

Following a bench trial, the Water Court entered an order partially granting and partially denying provider's motion for involuntary dismissal, and dismissed without prejudice three of five claims for groundwater well fields from town's application and revised its augmentation plan accordingly. Town appealed.

The Supreme Court held that:

- Town was not entitled to use water court's retained jurisdiction to improperly delay its burden of demonstrating non-injury to senior water rights holders until after its conditional groundwater rights had been approved;
 - Water court was within its discretion to allow provider to contest the issue of non-injury despite pretrial stipulation that the proposed depletion patterns were adequate to prevent injury; and
 - Sufficient evidence supported water court's finding that town failed to meet its burden of demonstrating non-injury as to some of the proposed well sites.
-

MUNICIPAL ORDINANCE - ILLINOIS

[Village of Lincolnshire v. Olvera](#)

Supreme Court of Illinois - May 22, 2025 - N.E.3d - 2025 IL 130775 - 2025 WL 1461453

In prosecution by village, defendant was convicted following a bench trial in the Circuit Court, of driving under the influence (DUI) of cannabis, which conviction turned on issue of whether defendant could safely drive during driver's education lesson in high school.

Defendant appealed. The Appellate Court affirmed. Defendant petitioned for leave to appeal.

The Supreme Court held that:

- Although Vehicle Code provides that a municipality must have written permission from the state's attorney to prosecute a violation of the Code, Code does not impose an affirmative duty on a municipality to provide evidence of its written permission in the record of such a prosecution, and
 - Evidence was sufficient to support DUI conviction.
-

CHARTER SCHOOLS - MISSOURI

[Board of Education of City of Saint Louis v. Missouri Charter Public School](#)

Commission

Missouri Court of Appeals, Eastern District - April 22, 2025 - S.W.3d - 2025 WL 1161476

City board of education filed petition for declaratory judgment and injunctive relief against Missouri Charter Public School Commission and Missouri State Board of Education, challenging establishment of a charter school within its school district.

The Circuit Court issued judgment dismissing city board's petition for lack of standing. City board appealed.

The Court of Appeals held that city board had legally protectable interests that were sufficient to confer standing to bring underlying action for declaratory judgment and injunctive relief.

City board of education had legally protectable interests that were sufficient to confer standing to bring action for declaratory judgment and injunctive relief against Missouri Charter Public School Commission and State Board of Education, challenging establishment of a charter school within its district; city board had legally protectable interests, conferred by statute governing proposed charter requirements, in receiving a copy of any charter school application within its school district, in filing objections to any such application, and in Commission following its official policies and procedures when Commission was sponsor of charter, and city board was directly and adversely affected by alleged failures of Commission and State Board to follow procedures outlined in that statute.

PUBLIC RECORDS - NEW HAMPSHIRE

Ortolano v. City of Nashua

Supreme Court of New Hampshire - May 29, 2025 - A.3d - 2025 N.H. 23 - 2025 WL 1521653

Records requestor brought action against city and private for-profit corporation formed by city-owned non-profit corporation to aid city in federal tax credit process for construction of performing arts center, seeking to compel production of records under Right-to-Know Law.

The Superior Court granted defendants' motions to dismiss and denied requestor's motion to amend her complaint. Requestor appealed.

The Supreme Court held that:

- Requestor failed to allege sufficient facts to establish an independent claim against city;
- Plain language of the Right-to-Know Law did not control whether for-profit corporation was exempt from Right-to-Know Law;
- Trial court was required to conduct a "government function" analysis to determine whether for-profit corporation was required to comply with Right-to-Know Law request for documents; and
- Records requestor was not entitled to amend her complaint to add allegations that did not cure any defect.

IMMUNITY - OHIO

Castner v. Jefferson County

Court of Appeals of Ohio, Seventh District, Jefferson County - April 11, 2025 - N.E.3d - 2025

WL 1096937 - 2025-Ohio-1309

Resident who was injured after stepping on unsecured meter-well cover on his neighbor's property following county repair to water line brought negligence action against county and three employees.

The Court of Common Pleas granted summary judgment to defendants, finding that county was immune from suit because water and sewer district was not performing proprietary function in making repair. Resident appealed.

As matter of first impression, the Court of Appeals held that maintenance of water supply system not operated by municipal corporation was not proprietary function.

Maintenance of water supply system operated by county regional water and sewer district was not proprietary function, and, thus, county was immune from suit in negligence action brought by injured resident following repair of water line; while statutory list of proprietary functions was non-exhaustive, specific reference to "municipal corporation water systems" evinced intent to exclude water supply systems operated by other entities, interpreting statute as providing that operation of water supply system was proprietary function regardless of operator would render modifier "municipal corporation" as surplusage, and there was no support for resident's claim that there was no reason to treat municipal corporation water supply systems differently than regional water and sewer districts.

LIABILITY - ARIZONA

[Sanchez-Ravuelta v. Yavapai County, Town of Dewey-Humboldt State](#)

Supreme Court of Arizona - May 19, 2025 - P.3d - 2025 WL 1427953

Adult and minor passengers, who were injured in multi-vehicle collision allegedly caused by intoxicated driver after he left bar, brought negligence action against state, town, and county, alleging that Department of Liquor Licenses and Control had statutory duty of care to take reasonable measures to prevent bar with liquor license from overserving customers, thereby creating hazardous conditions, and that Department breached such duty.

The Superior Court, Maricopa County, entered judgment that granted state's and county's motions to dismiss and town's motion for judgment on pleadings, dismissing all claims with prejudice, but then, after plaintiffs moved for new trial, entered second judgment, responding to minor plaintiffs' prior motion to dismiss their claims without prejudice, dismissing minor plaintiffs' claims against state and county without prejudice and all other claims with prejudice. After plaintiffs appealed both judgments, the Superior Court entered order vacating second judgment, granted in part and denied in part plaintiffs' motion for new trial, and issued third judgment, dismissing minor plaintiffs' claims without prejudice and adult plaintiffs' claims with prejudice. The Superior Court, Julian, J., thereafter entered fourth judgment, clarifying that it was entered as final judgment with no further matters pending. Plaintiffs appealed and town cross-appealed. The Court of Appeals affirmed in part, vacated in part, and remanded. Supreme Court granted further review.

The Supreme Court held that:

- Trial court's fourth judgment, rather than third judgment, was "final judgment" for purpose of determining timeliness of town's notice of cross-appeal;
- Plaintiffs complied with procedural rule governing notice of appeal filed during pendency of new trial motion and, thus, appellate jurisdiction was suspended and trial court retained jurisdiction to

rule on new trial motion;

- Trial court judgment dismissing plaintiffs' claims did not, by failing to address their motion for new trial, deny such motion by operation of law;
- Permissive liquor statutes did not establish enforceable public policy duty of care on part of Department;
- Statute requiring director of Department to establish separate investigations unit whose sole responsibility was investigation of compliance with liquor laws did not create enforceable public policy duty;
- Statute providing that spirituous liquor license "shall" be issued by Department only after satisfactory showing of, among other things, capability, qualifications and reliability of applicant did not establish duty enforceable in plaintiffs' negligence case; and
- Statutes expressly regulating conduct of licensees in serving selling, or furnishing spirituous liquor to patrons did not regulate conduct of, or impose any penalty on, Department so as to establish public policy duty of care.

ZONING & PLANNING - IDAHO

[Idaho Association of Realtors, Inc. v. City of Lava Hot Springs](#)

Supreme Court of Idaho, Boise, January 2025 Term - May 21, 2025 - P.3d - 2025 WL 1450018

Property owners and real estate agent association brought action against city, seeking declaratory judgment that city's short-term rental ordinance, which only allowed non-owner or manager occupied vacation rentals in commercial zones, violated state law and exceeded city's statutory authority, and writ of prohibition precluding enforcement of ordinance.

The Sixth Judicial District Court granted city's motion for summary judgment. Property owners and association appealed.

The Supreme Court held that vacation rental ordinance violated the Short-term Rental and Vacation Rental Act.

City short-term vacation rental ordinance which prohibited vacation rentals in residential zones except for owner or manager-occupied bed and breakfasts, but allowed rentals in commercial zones subject to regulation, violated the Short-term Rental and Vacation Rental Act, which precluded the city from enacting any ordinance that has the express effect of prohibiting short-term rentals in the city.

MUNICIPALITIES - MAINE

[City of Portland v. Lesperance](#)

Supreme Judicial Court of Maine - May 20, 2025 - A.3d - 2025 WL 1439488 - 2025 ME 43

City park ranger issued summons and complaint to dog owner for violating city ordinances requiring dogs to be leashed in city and specific city park.

Following dispositional hearing, the Portland District Court issued judgment fining dog owner \$500. Dog owner appealed.

The Supreme Judicial Court held that city park ranger that issued citation to dog owner was at least a “de facto” officer under the de facto officer doctrine.

City park ranger that issued citation to dog owner for violating city ordinances requiring dogs to be leashed in city park was at least a “de facto” officer under the de facto officer doctrine and, thus, any uncertainty regarding the extent of park ranger’s legal authority to enforce the ordinances was not a defense to the citation; issue as to whether a park ranger appointed as a constable under the city code was required to satisfy the training requirements of law enforcement officer to enforce a city ordinance was unresolved.

ENVIRONMENTAL LAW - NEW YORK

[Glen Oaks Village Owners, Inc. v. City of New York](#)

Court of Appeals of New York - May 22, 2025 - N.E.3d - 2025 WL 1458090 - 2025 N.Y. Slip Op. 03101

Group of building owners brought action against city, claiming local emissions law, intended to combat climate change and improve air quality and public health by imposing penalties for violating building emission limits, was preempted by state Climate Leadership and Community Protection Act (CLCPA), and otherwise violated the Due Process Clause.

The Supreme Court, New York County, granted city’s motion to dismiss. Owners appealed. The Supreme Court, Appellate Division, affirmed as modified. City moved for leave to appeal, which the Appellate Division granted and certified question.

The Court of Appeals held that:

- CLCPA did not preempt city’s local emissions law through field preemption, and
- CLCPA’s savings clause did not only apply to local laws other than greenhouse gas emissions reduction measures.

State legislature neither expressed nor implied any intent to preempt field of regulating greenhouse gas emission in passing state Climate Leadership and Community Protection Act (CLCPA), and thus CLCPA did not preempt city’s local emissions law through field preemption; although CLCPA represented wide-ranging, statewide effort to address climate change that was, to some degree, forward-looking and aspirational in nature, establishing ultimate goals of reduction of greenhouse gas emissions and leaving mechanism for implementation of those goals to further study and eventual regulation, it was not so broad and detailed in scope as to require determination that it had precluded all local regulation in the area, particularly where local law would have only furthered State’s policy interests.

Savings clause of state Climate Leadership and Community Protection Act (CLCPA), which addressed public’s continuing obligation to comply with other applicable laws and regulations, whether federal, state, or local, in conjunction with section preserving existing authority of state entities to adopt and implement greenhouse gas emissions reduction measures, did not only apply to local laws other than greenhouse gas emissions reduction measures, as would support building owners’ claim that the CLCPA preempted field of regulating greenhouse gas emissions with respect to city’s local emissions law; given text of savings clause and CLCPA’s structure and purpose, it was not reasonable to read savings clause as requiring compliance with federal emissions guidelines but not with local emissions requirements.

EMINENT DOMAIN - NORTH DAKOTA

[Short v. Billings County](#)

United States Court of Appeals, Eighth Circuit - May 28, 2025 - F.4th - 2025 WL 1511037

Landowners brought action in diversity against county and members of county board of commissioners, asserting claims including breach of contract, promissory estoppel, and claims for declaratory judgment, arising from county's use of quick take eminent domain process to condemn their land for construction of river bridge despite parties' settlement agreement stating county would not condemn any of the property.

The United States District Court for the District of North Dakota granted landowners' motion for preliminary injunction, and county appealed.

The Court of Appeals held that district court abused its discretion in preliminarily enjoining county and its agents from entering landowners' property.

County's power of eminent domain was hallmark of sovereignty that could not be contracted away, and thus district court abused its discretion in preliminarily enjoining county and its agents from entering landowners' property during pendency of federal eminent domain case and parallel state proceeding based on county's alleged breach of settlement agreement with owners in which it agreed not to pursue any legal action to condemn their property in connection with bridge project.

EMINENT DOMAIN - VIRGINIA

[Norfolk Southern Railway Company v. State Corporation Commission](#)

Supreme Court of Virginia - May 22, 2025 - S.E.2d - 2025 WL 1461804

Railroad appealed decision of the State Corporation Commission which rejected railroad's challenge to the constitutionality of a state statute permitting broadband providers to install fiber optic cables across the railroad's property.

The Supreme Court held that taking was not for a "public use," and thus the statute was unconstitutional as applied.

For-profit broadband service provider's installation of fiber optic cables across railroad's right of way, pursuant to statute permitting broadband service providers to install fiber optic cables across railroad property, was not for a "public use," and thus the statute was unconstitutional as applied; taking was by a private company for a private use, even if the public benefited from the taking.

INDENTURE TRUSTEE - WASHINGTON

[UMB Bank, N.A. Trustee v. Eagle Crest Apartments, LLC](#)

Court of Appeals of Washington, Division 3 - May 15, 2025 - Not Reported in Pac. Rptr. - 2025 WL 1411267

In 2013, John Sessions formed Eagle Crest Apartments, LLC (the limited liability company) to finance, construct, and operate a 168-unit multifamily Eagle Crest Apartments and related facilities in Williston ("Eagle Crest Project").

UMB Bank serves as the successor trustee for bonds issued by the City of Williston to finance the construction of the project.

In 2015, the limited liability company defaulted on its note securing repayment of the bonds. In 2019, UMB brought suit on the debt in North Dakota District Court, the Peace Garden State's court of general jurisdiction. After securing summary judgment on its foreclosure claim, UMB credit bid its judgment and acquired title to the Eagle Crest Project. The bid did not satisfy the entire debt. Based on evidence from a UMB representative regarding the remaining debt, the court entered a deficiency judgment against the limited liability company for \$20,129,475.97.

Sessions also incorporated a variety of entities in North Dakota and Washington, including Historic Flight Foundation (HFF), a Washington nonprofit corporation, that subsequently became a judgment debtor.

On April 8, 2022, and before the North Dakota Supreme Court affirmed the judgment against John Sessions and his entities, UMB registered the North Dakota judgment in Spokane County Superior Court under the Uniform Enforcement of Foreign Judgments Act, RCW 6.36.035.

On August 2, 2022, HFF and the other defendants agreed to the appointment of an ancillary receiver for HFF and several other entities in King County Superior Court. HFF never challenged the validity of the North Dakota judgment in the receivership proceeding.

On July 20, 2023, HFF filed a motion, under CR 60(b)(5), in Spokane County Superior Court to vacate the registration of the foreign judgment.

HFF contended that the North Dakota judgment was void because the Washington State Attorney General did not receive notice of the North Dakota lawsuit required under RCW 24.03A.944 and .946. In so arguing, HFF emphasized that the North Dakota Constitution provides that the state district courts possess general jurisdiction over all matters "except as otherwise provided by law." In turn, North Dakota courts would look to Washington law to determine notice needed in a suit against a Washington nonprofit corporation. HFF argued that, due to the lack of notice to the Washington Attorney General, the North Dakota District Court lacked subject-matter jurisdiction over HFF.

On December 14, 2023, the Spokane County Superior Court denied HFF's motion to vacate the North Dakota judgment registered in Washington State. The superior court reasoned that Washington courts must recognize the North Dakota judgment under the Full Faith and Credit clause of the United States Constitution. U.S. Const., Art IV, § 1. Whereas a party may collaterally attack a foreign judgment if the issuing state lacked subject matter jurisdiction or personal jurisdiction, the North Dakota District Court possessed both.

On appeal, HFF asked this court to reverse the superior court's denial of his motion to vacate the judgment registered in Washington State.

In response to HFF's appeal, UMB argues, among other contentions, that HFF waived any right to object to the jurisdiction of the North Dakota court because HFF never argued a lack of jurisdiction before the North Dakota courts.

UMB also contended that, even if the Washington notice statutes, on which HFF relies, demanded notice of the North Dakota suit on the Washington State Attorney General, the statutes are not jurisdictional. Washington courts disfavor collateral attacks based on allegations of defective notice. Furthermore, UMB asserted that the North Dakota court needed to only apply its state's law, not Washington law, when assessing the need to serve interested parties.

The Court of Appeals stated that, “We do not address these alternative arguments because we agree with UMB that RCW 24.03A.944 and .946 do not require notice of the North Dakota lawsuit be given the Attorney General even assuming the North Dakota court should have applied Washington law.

“The North Dakota suit was an action to collect a debt owed by the Washington nonprofit corporation, HFF. RCW 24.03A.944 demands no notice to the Attorney General when a creditor or a bond trustee sues a nonprofit corporation in Washington State or in any other state. RCW 24.03A.944 does not read that its provisions extend to a suit in a foreign jurisdiction.”

PUBLIC UTILITIES - WEST VIRGINIA

[Huntington Sanitary Board v. Public Service Commission of West Virginia](#)

Supreme Court of Appeals of West Virginia - May 23, 2025 - S.E.2d - 2025 WL 1482207

City sanitary board sought review of Public Service Commission’s designation of sanitary board as the most suitable capable proximate utility to acquire and resume operations of nearby subdivision sewer district.

The Supreme Court of Appeals held that:

- Commission had continuing jurisdiction over subdivision’s sewer district;
- Commission adequately considered alternatives to acquisition of sewer district by sanitary board;
- Commission did not err in determining that sanitary board was the most suitable capable proximate utility to acquire sewer district; and
- Fact that requiring sanitary board to acquire sewer district would have required city’s council to approve the capital investment, enact a bond ordinance, and exercise eminent domain did not preclude designation of sanitary board as most suitable capable proximate utility to acquire sewer district.

Fact that requiring city sanitary board to acquire failing sewer district for nearby subdivision would have required city’s council to approve the capital investment, enact a bond ordinance, and exercise eminent domain to obtain sewer district’s property did not preclude designation of sanitary board as most suitable capable proximate utility to acquire sewer district under Distressed and Failing Utilities Act; Commission considered those difficulties associated with the city’s approval and participation in selecting sanitary board and directed that Commission staff would assist in navigating those difficulties.