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INVERSE CONDEMNATION - CALIFORNIA

Ching Lung Hsu v. Riverside County Transportation Commission

Court of Appeal, Fourth District, Division 2, California - May 22, 2013 - Not Reported in Cal.Rptr.3d

Plaintiffs brought inverse condemnation action to recover additional severance damages for their property.

Defendant Riverside County Transportation Commission (RCTC) filed a motion for summary judgment. It alleged that plaintiffs' action was barred by res judicata and collateral estoppel because plaintiffs had already received severance damages for the same property in an earlier eminent domain action.

Although plaintiffs argued that there were many factual issues to be tried, the trial court granted the motion for summary judgment. It found that the drainage and flooding issues were considered in the eminent domain action and that the severance damages awarded in the eminent domain action compensated plaintiffs for all reasonably foreseeable damage to their property caused by the proposed improvements.

Plaintiffs appealed, contending that the trial court erred because the issue of flooding was not raised in the prior action, there are material factual issues, and the flooding was not a reasonably foreseeable result of the proposed project.

Finding at least three material factual issues, the appeals court reversed the trial court's granting of the summary judgment motion.