

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **INVERSE CONDEMNATION - CALIFORNIA**

### **Nisevic v. City of Los Angeles**

**Court of Appeal, Second District, Division 5, California - October 16, 2013 - Not Reported in Cal.Rptr.3d - 2013 WL 5636483**

City of Los Angeles appealed from the judgment of \$5,053,548 entered in favor of plaintiff for inverse condemnation based on damage caused when sewage backed up into his home.

The City argued the ruling of the trial court on liability was not supported by substantial evidence. According to the City, there is no evidence the City's sewer system was designed or constructed in the manner described at trial or that the City, or any of its contractors, damaged or removed a portion of the sewer system. Also, there was no evidence that the City's maintenance program of the sewer system contributed to the conditions on the date of the injury to the property. The City therefore contended that plaintiff did not prove causation, an essential element of inverse condemnation.

The Court of Appeal disagreed, affirming the judgment. "Contrary to suggestions in the City's brief that the trial court's ruling was based on imagination, hunch, and a guesstimate, the record demonstrates the court was fully engaged in the fact finding process, questioning witnesses for both parties in an effort to resolve disputed factual issues, and reached a thoughtful conclusion amply supported by the evidence."