

# **Bond Case Briefs**

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## **INVERSE CONDEMNATION - NORTH CAROLINA**

### **Beroth Oil Co. v. North Carolina Dept. of Transp.**

**Supreme Court of North Carolina - April 11, 2014 - S.E.2d - 2014 WL 1477931**

Landowners brought action against North Carolina Department of Transportation (NCDOT), alleging inverse condemnation and seeking declaratory relief after NCDOT identified transportation corridors for the construction of a highway project known as the Northern Beltway. The Superior Court denied landowners' motion for class certification. Landowners appealed. The Court of Appeals affirmed. Landowners petitioned for discretionary review.

The Supreme Court of North Carolina held that:

- As a matter of first impression, findings of fact in a class-certification order are binding on appeal if supported by competent evidence;
- As a matter of first impression, conclusions of law in a class-certification order are reviewed de novo;
- Unique nature of parcels of land combined with diversity of proposed class precluded trial court from analyzing merits of claims when determining issue of class certification; and
- Individual issues predominated over common issues, and thus certification of class was unwarranted.

Unique nature of parcels of land combined with diversity of proposed class precluded trial court from analyzing merits of landowners' inverse-condemnation claims against NCDOT when determining issue of class certification.

Individual issues predominated over common issues regarding landowners' inverse-condemnation claims against NCDOT, and thus certification of class was unwarranted. Proposed class included over 800 landowners, not all of the landowners had same property interests and expectations, and each individual parcel was uniquely affected by NCDOT's actions.