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EMINENT DOMAIN - DELAWARE

Lawson v. State

Supreme Court of Delaware - April 23, 2014 - A.3d - 2014 WL 1622687

Property owners filed motion for litigation expenses and costs for successfully defending against State's condemnation proceeding. The Superior Court the denied motion. Owners appealed.

The Supreme Court of Delaware held that:

- Order dismissing without prejudice State's condemnation proceeding was a "final judgment" that entitled property owners to litigation expenses;
- State did not initiate proceedings in bad faith as was necessary to warrant award of litigation expenses and costs under bad faith exception to the American Rule; and
- Remand was necessary for trial court to make explicit determination as to owners' entitlement to statutory costs.

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