

Bond Case Briefs

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INVERSE CONDEMNATION - LOUISIANA

Sid-Mar's Restaurant & Lounge, Inc. v. State ex rel. Governor

Court of Appeal of Louisiana, Fifth Circuit - December 9, 2015 - So.3d - 2015 WL 8543950 - 15-326 (La.App. 5 Cir. 12/9/15)

Restaurant owners brought action against state for inverse condemnation, alleging that their restaurant property was commandeered/taken by executive order of the Governor for a flood control project after Hurricane Katrina.

Following bench trial for compensation, the District Court entered judgment in favor of restaurant owners for approximately \$2.02 million and a separate judgment for attorney fees of approximately \$850,000. State moved for suspensive appeal, and owners and estate answered appeal.

The Court of Appeal held that:

- Amendment to eminent domain provision of state constitution and statute did not apply retroactively;
- Owners were not entitled to an award of damages for mental anguish;
- Trial court did not abuse its discretion in awarding ten years of economic damages;
- Interest was due from the date the state took the restaurant's land;
- Owners were not entitled to recover attorney fees that they incurred in related federal litigation; and
- Owners were not entitled to recover appellate attorney fees.