

Bond Case Briefs

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EMINENT DOMAIN - ALABAMA

Portersville Bay Oyster Company, LLC v. Blankenship

Supreme Court of Alabama - August 29, 2018 - So.3d - 2018 WL 4124504

Limited-liability company (LLC) that was in the oyster-farming business and its members brought inverse-condemnation action against Commissioner of the state Department of Conservation and Natural Resources in his official capacity, which was a claim that related to the Department's decision to contract with construction company to build a breakwater and marsh for coastal protection, which allegedly caused sediment and silt to kill the oysters being farmed in LLC's oyster beds in the shellfish aquaculture easement held by LLC's members.

The Circuit Court. LLC and members appealed.

The Supreme Court of Alabama held that LLC and members stated an inverse-condemnation claim against Commissioner; overruling *Ex parte Carter*, 395 So.2d 65.

Limited-liability company (LLC) that was in the oyster-farming business and its members stated an inverse-condemnation claim against Commissioner of the state Department of Conservation and Natural Resources in his official capacity, where the action was based on the Department's decision to contract with construction company to build a breakwater and marsh for coastal protection, which allegedly caused sediment and silt to kill the oysters being farmed in LLC's oyster beds and in the shellfish aquaculture easement held by LLC's members, and complaint alleged that the Department knew that the project would or could carry excess sediment and silt onto the oyster beds; overruling *Ex parte Carter*, 395 So.2d 65.

Limited-liability company (LLC) that was in the oyster-farming business and its members stated an inverse-condemnation claim against Commissioner of the state Department of Conservation and Natural Resources in his official capacity, where the action was based on the Department's decision to contract with construction company to build a breakwater and marsh for coastal protection, which allegedly caused sediment and silt to kill the oysters being farmed in LLC's oyster beds and in the shellfish aquaculture easement held by LLC's members, and complaint alleged that the Department knew that the project would or could carry excess sediment and silt onto the oyster beds; overruling *Ex parte Carter*.