

# **Bond Case Briefs**

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## **EMINENT DOMAIN - MISSISSIPPI**

### **Young v. Board of Supervisors of Humphreys County, Mississippi**

**United States Court of Appeals, Fifth Circuit - June 21, 2019 - F.3d - 2019 WL 2559794**

Landowner brought § 1983 action in state court against county Board of Supervisors and its president, alleging violations of landowner's Fifth and Fourteenth Amendment rights by instructing county building inspector to post a condemnation notice on one of landowner's properties, declaring each of the properties unsafe and ordering all persons to keep out as long as the notice remained posted.

Following removal to federal court, and a jury verdict in favor of landowner, the United States District Court denied Board's motion for judgment as a matter of law (JMOL), or in the alternative, a new trial. Board appealed.

The Court of Appeals held that:

- Evidence was sufficient for a reasonable jury to conclude that the Board ratified the unlawful initiation of condemnation proceedings, and thus that Board was subject to § 1983 municipal liability;
- Instruction permitting jury to decide whether the Board gave president final policymaking authority was harmless;
- Instruction that jury could find Board liable if it found that the Board ratified the actions of the Board's president after the fact did not warrant a new trial;
- Jury instruction that landowner had to prove that he was deprived of his property rights in an arbitrary and capricious manner, rather than in a deliberately indifferent manner, could not have affected the outcome of case; and
- District court's refusal to give Board's proffered jury instruction, that landowner needed to prove an official policy or widespread custom to support landowner's § 1983 municipal liability claim, did not warrant a new trial.