EMINENT DOMAIN - CALIFORNIA

Weiss v. People ex rel. Department of Transportation

Supreme Court of California - July 16, 2020 - P.3d - 2020 WL 4012230 - 20 Cal. Daily Op. Serv. 7056

Property owners brought action against Department of Transportation and county transportation authority, claiming inverse condemnation, trespass, and nuisance, based on the construction of sound barriers.

After sustaining a demurrer to the trespass claim, the Superior Court granted Department's and authority's motion for legal determination of liability, which was based on a procedure for eminent domain cases, and entered judgment for Department and authority. Owners appealed. The Fourth District Court of Appeal reversed. Department's and authority's petition for review was granted.

The Supreme Court held that:

- Eminent Domain Law motion would not be judicially imported to inverse condemnation proceedings, disapproving *Dina v. People ex rel. Dept. of Transportation*, 151 Cal.App.4th 1029, 60 Cal.Rptr.3d 559, and
- Entry of judgment based on motion from Eminent Domain Law improperly supplanted motion for summary adjudication or possibly bench trial.

Eminent Domain Law motion for requesting a ruling on evidentiary or other legal issue affecting determination of compensation would not be imported into inverse condemnation proceedings; nothing indicated Legislature intended motion procedure to be used in inverse condemnation actions, inverse condemnation actions did not have same need for speedy resolution as eminent domain actions, and there was little risk that motion would replace dispositive motion or bench trial in eminent domain actions, but motion would often be dispositive in inverse condemnation cases; disapproving *Dina v. People ex rel. Dept. of Transportation*, 151 Cal.App.4th 1029, 60 Cal.Rptr.3d 559.

Trial court's entry of judgment in inverse condemnation action against Department of Transportation and county transportation authority, based on motion for legal determination of liability from Eminent Domain Law, improperly supplanted motion for summary adjudication or possibly bench trial; motion presented mixed question of law and fact concerning whether damage was peculiar to property owners' properties, and, had Department and authority filed a motion for summary adjudication, parties would have been required to submit separate statements clarifying which facts were disputed and trial court's order would have employed familiar summary judgment standard, specifying reasons for its decision with reference to evidence showing whether a triable issue of fact existed.

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