

# **Bond Case Briefs**

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## **INVERSE CONDEMNATION - MISSISSIPPI**

### **Hardin v. Town of Leakesville**

**Supreme Court of Mississippi - June 9, 2022 - So.3d - 2022 WL 2070950**

Homeowner brought action against town alleging that town negligently failed to maintain its drainage ditches around her home resulting in structural damage caused by water seeping up from ground into crawlspace during heavy rains.

The Circuit Court granted summary judgment for town. Homeowner appealed.

In a case of first impression, the Supreme Court held that:

- Homeowner's claim required specialized knowledge of an expert to establish proximate cause, and
- Homeowner's summary judgment evidence was too speculative to create factual issue on proximate cause.

Homeowner's claim that town negligently failed to maintain its drainage ditches around her home, resulting in structural damage caused by water seeping up from ground into crawlspace during heavy rains, required specialized knowledge of an expert to establish proximate cause, where neither homeowner nor her witnesses observed water seep or flow into crawlspace underneath home.

Home inspection reports of town's expert, who was a summary judgment affiant, did not contain contradictions or a statement against interest that would corroborate homeowner's speculative summary judgment deposition testimony to create a triable issue of fact on proximate cause sufficient to defeat summary judgment on homeowner's claim that town negligently failed to maintain its drainage ditches around her home resulting in structural damage caused by water seeping up from ground into crawlspace during heavy rains, where expert's second report reaffirmed his conclusions and opinions in first report, and neither report corroborated homeowner's testimony.