

Bond Case Briefs

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Haggart v. United States

United States Court of Appeals, Federal Circuit - June 22, 2022 - F.4th - 2022 WL 2231886

Landowners filed rails-to-trails class action against United States, claiming that conversion of their properties into recreational trail pursuant to National Trails System Act resulted in taking without just compensation.

After parties reached settlement agreement, the Court of Federal Claims granted landowners' motion to approve settlement and entered final judgment. Two class members objected to settlement and appealed. The United States Court of Appeals for the Federal Circuit vacated and remanded. On remand, the Court of Federal Claims again granted landowners' motion for approval of settlement. Government appealed. The Court of Appeals affirmed. Landowners then filed five separate motions for statutory attorney fees and costs, pursuant to Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). The Court of Federal Claims granted motions in part, and upon reconsideration denied landowner's motion for attorney fees and costs for legal work performed by her husband, who was attorney, joint owner of subject property, and co-plaintiff. Landowner appealed.

The Court of Appeals held that:

- Landowner was not entitled under URA to attorney fees, but
- Landowner's lack of entitlement to attorney fees did not preclude her from seeking recovery of certain expenses.

Landowner was not entitled under Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) to attorney fees for legal work performed by her husband, who was an attorney, following settlement of rails-to-trails class action alleging that conversion of properties into recreational trail resulted in taking without just compensation; there was absence of attorney-client relationship, even if there was attorney-client relationship, underlying claim was about taking of a property interest that was owned jointly by landowner and her husband as community property, and they pursued essentially unitary claim jointly, as co-plaintiffs, such that legal work amounted to pro se representation.

Landowner's lack of entitlement to attorney fees under Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) for legal work performed by her husband, who was an attorney, joint owner of subject property, and co-plaintiff, did not preclude her from seeking recovery of certain expenses under the URA, following settlement of rails-to-trails class action alleging that conversion of properties into recreational trail resulted in taking without just compensation, even if such expenses were related to legal work, since URA treated attorney fees and expenses separately.