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EMINENT DOMAIN - LOUISIANA

City Bar, Inc. v. Edwards

Court of Appeal of Louisiana, First Circuit - August 30, 2022 - So.3d - 2022 WL 3754747 - 2021-1437 (La.App. 1 Cir. 8/30/22)

Bar owners filed class action lawsuit against Governor in his official capacity, alleging that they were uniquely singled out by series of executive orders that closed and restricted the operation of bars statewide for the purpose of slowing the spread of COVID-19, and seeking just compensation for the alleged taking of their property, permits, business operations, and income.

The District Court granted the Governor's peremptory exception of no cause of action. Owners appealed.

The Court of Appeal held that owners plausibly alleged that executive orders closing and restricting operation of bars statewide for purpose of slowing spread of COVID-19 was regulatory taking under State Constitution.

Bar owners plausibly alleged that Governor's conduct, in issuing series of executive orders closing and restricting operation of bars statewide for purpose of slowing spread of COVID-19, constituted taking of their property under Louisiana Constitution, where owners alleged that they had constitutionally protected property rights in lawfully issued alcohol permits and income derived from their business enterprises, owners alleged that their rights were taken and damaged by Governor for express purpose of removing or reducing risk to public health or safety, and owners alleged that orders constituted regulatory takings that damaged their property rights.

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