

# **Bond Case Briefs**

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## **EMINENT DOMAIN - WISCONSIN**

### **Erickson v. Village of Yorkville**

**United States District Court, E.D. Wisconsin - July 11, 2023 - F.Supp.3d - 2023 WL 4489512**

Property owners brought § 1983 action against village and one of its board members alleging violations of their rights under the Takings, Due Process, and Equal Protection Clauses of the Constitution by denying them full and fair use of their property through a failure to consider a conditional use permit for property owners to implement development plans.

Property owners also alleged that, because board member acted maliciously toward them, they should be awarded punitive damages under Wisconsin law. Defendants moved for summary judgment.

The District Court held that:

- Statement of town clerk upon which owners premised regulatory taking claim was inadmissible hearsay;
- Regulatory taking claim was not ripe;
- Equal protection claim was not ripe;
- Equal protection claim failed on merits;
- Due process claim was not ripe; and
- Board member did not display personal animus against property owners for purposes of entitlement to punitive damages.