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EMINENT DOMAIN - INDIANA

Indiana Land Trust #3082 v. Hammond Redevelopment Commission

Court of Appeals of Indiana - January 31, 2025 - N.E.3d - 2025 WL 351997

Landowners brought action against city, its mayer, city redevelopment commission, and commission members, alleging eminent domain action against landowners' property constituted abuse of process because the taking was for private, false ends.

The Superior Court granted defendants' motion to dismiss for failure to state a claim. Landowners appealed.

The Court of Appeals held that:

- Trial court was not collaterally estopped from finding that risk of inconsistent orders on same issues from two different courts warranted dismissal of landowners' action against defendants;
- Landowners could pursue their abuse of process claim separately from eminent domain action;
- Landowners stated abuse of process claim; and
- Issue of whether mayor and commission members were immune from prosecution under Indiana Tort Claims Act (ITCA) could not be resolved at motion to dismiss phase.

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