
INVERSE CONDEMNATION - SOUTH DAKOTA

Marlowe v. South Carolina Department of Transportation

Supreme Court of South Carolina - March 26, 2025 - S.E.2d - 2025 WL 909152

Landowners brought action against Department of Transportation (DOT), alleging inverse condemnation, negligence, and other claims arising from flooding of landowners' home that occurred during major storm events while DOT's construction of stretch of highway adjacent to home was ongoing.

The Circuit Court granted DOT's motion for summary judgment. Landowners appealed. The Court of Appeals affirmed in part, reversed in part, and remanded. DOT petitioned for writ of certiorari, which was granted.

The Supreme Court held that:

- Stormwater Management and Sediment Reduction Act did not immunize DOT from liability, but
- Engineer's testimony on causation was too speculative to preclude summary judgment for DOT on inverse condemnation claim.

Stormwater Management and Sediment Reduction Act did not immunize Department of Transportation (DOT) from liability for flood damage to landowners' home that occurred during major storm events while DOT's construction of stretch of highway adjacent to home was ongoing, where Act provided that nothing contained Act and no action or failure to act under Act could be construed to relieve "the person engaged in the land disturbing activity" of the duties, obligations, responsibilities, or liabilities arising from or incident to the operations associated with the land disturbing activity.

Summary judgment evidence, including summary judgment affidavit of landowners' engineering expert that design of highway construction project adjacent to landowners' home was a "substantial contributor" to flood damage to home, was too speculative on issue of causation to preclude summary judgment for Department of Transportation (DOT) on landowners' inverse condemnation claim arising from flooding of home during major storm events while construction of new four-lane elevated highway was ongoing; expert could only testify there was a possibility that the flooding of home would not have occurred if the new highway had not been constructed as it was constructed.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com