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Burke Secures Eminent Domain Jury Verdict for San Gabriel Valley Council of Governments

Los Angeles – A Burke, Williams & Sorensen, LLP Eminent Domain litigation team obtained a jury verdict in a Los Angeles Superior Court that awarded under six percent above the taking agency's expert valuation of the property, and less than the agency's final settlement offer prior to trial. The case, entitled San Gabriel Valley Council of Governments v. Sahagun, et al., LASC Case No. 1926CV22715, involved a full fee take by the San Gabriel Valley Council of Governments (SGVCOG) of commercial property that was needed to construct the agency's grade separation project in the City of Montebello. The project is part of SGVCOG's safety improvements and grade separations to multiple at-grade crossings involving Union Pacific Railroad tracks throughout the San Gabriel Valley. The project will reduce crossing collisions, queuing, and congestion as well as reduce vehicle emissions.

SGVCOG's team was led by Burke Eminent Domain law partners Alan A. Sozio and Chad W. Herrington. The Burke team successfully eliminated the property and business owner's specious $3.5 million lost business goodwill claim on grounds that the owner failed to take reasonable steps to mitigate his damages. Prior to trial, the agency had made a final offer of $1,420,000 for the value of the property, while the property owner made a final demand of $3,000,000. After a five-day trial, the jury returned a verdict awarding the owner $1,372,000 in just compensation, which was approximately six percent above the agency's expert valuation of the property and less than the agency's final pretrial offer to the property owner.

Mr. Sozio noted, "We believe this favorable trial outcome reflected our team's use of significant discovery and pre-trial motions to successfully temper the claims put forward by the defendants, which were ultimately found to be unsupported."