**LITIGATION REPORT AND CASE SUMMARY**

lpa1651 2/2008 (Replaces LPA7002)

 **Attorney-Client Privilege**

**Section 1 - CASE DETAILS**

|  |  |  |
| --- | --- | --- |
| Date      | Region      | Litigation Agent      |
| Parties of Interest/Type of Interest (owner, mortgagor, etc.)      | County      |
| Project ID and Termini      | Parcel #      | Federal Money in Right of Way [ ]  Yes [ ]  No | STH      orUSH       |
| Interests Acquired [Fee, TLE, PLE, etc. (ac./sq. ft.)]      | Amount 0f[ ]  Award $      [ ]  Deed $      [ ]  Settlement $       | Recording InformationDate      Vol./Reel Pg/Image           Document #       |

**Commission/Court**

|  |  |  |
| --- | --- | --- |
| Appeal Date      | Appealed to      | Appellant      |
| Date of Service      | Docket/Case #      | Date of Hearing/Trial      |
|  Date Amount[ ]  Dismissed      [ ]  Judgment       $      [ ]  Settlement       $       | Attorney(s) (Name, Address & Telephone Number for each)For Owner       |
|  Name[ ]  Commission Chair      [ ]  Circuit Court Judge       | For Condemnor       |

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| Briefly describe the property in the before condition (size, type, present use, etc.)      |

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| Briefly describe the property in the after condition (size, type, use changes, etc.)      |

ATTACH a property sketch (property lines red, fee acquisition yellow, temporary interests blue).

ATTACH a copy of the plat page and plan/profile if appropriate.

ALSO HELPFUL - additional pictures that are not in the appraisal taken either before or after construction; video before and after; any other charts, plats, diagrams, etc.

**SUMMARY OF THE CASE IN DETAIL**

Consider the complexities of the case and include such items as: severance damages, special benefits (can be used to offset $), problems concerning highest and best use (what is probable as well as legally possible, what are the trends of the local/county zoning, is a zoning change probable?), access issues, appraiser competency, appraisal review, procedural problems, what was the owner’s problem during negotiations, reason for the appeal, anything new taken place with the owner after condemnation that isn’t in the diary, what’s the market like now, are you aware of any new sales in the area, what do you think is the main issue(s) of the property owner, what issues will be of most importance in court, what’s good/not so good with our appraisal/the owner’s appraisal, where are the errors or misconceptions, what issues did the owner’s appraisal include that we didn’t, is a motion in liminie in order to keep out non-compensable issues, is there any new information/hearsay about the owner or his property, are there any potential witnesses and why would they be good witnesses, and any other trivia you can think of - because it might not be.

*(Continue additional pages, as necessary)*

**Section 2 - WITNESSES/TESTIMONY** (to be completed by the litigation coordinator after the hearing/court)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **VALUATION WITNESSES** | **BEFORE** | **AFTER** | **DAMAGES** | **REMARKS** | **TESTIFIED** |
| **FOR MUNICIPALITY** | YES | NO |
|       | $      | $      | $      |       | [ ]  | [ ]  |
|       | $      | $      | $      |       | [ ]  | [ ]  |
| **FOR OWNER** | YES | NO |
|       | $      | $      | $      |       | [ ]  | [ ]  |
|       | $      | $      | $      |       | [ ]  | [ ]  |

Award

|  |  |
| --- | --- |
| [ ]  Condemnation Commission[ ]  Circuit Court[ ]  Supreme Court | $      |
| Increase or Decrease Over Award/Deed: | Increase$      | Decrease$      |

**Other Witnesses and Purpose of Testimony**

|  |
| --- |
| **FOR MUNICIPALITY** |
|       |
|       |
| **FOR OWNER** |
|       |
|       |

|  |
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| Briefly discuss the owner’s contentions and approach to damage as contrasted with the municipality’s contentions.      |

**Section 3 - RECOMMENDATION OF COUNSEL** (to be completed by counsel - attach additional pages if necessary)

Explain your recommendation. Briefly describe any differences between the municipality’s appraisal, on which the offering price was based, and the municipality’s appraiser’s testimony at trial. Explain whether the verdict/award should be appealed. Comment on the witnesses and the weight of evidence.

 X

 Counsel Date

**Section 4 - MUNICIPAL RECOMMENDATION** (If disapproval is recommended, the municipality shall return this form to counsel for rebuttal.)

|  |
| --- |
| It is requested that the recommendation of counsel be:[ ]  **Approved**[ ]  **Disapproved** |

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| Comments:      |

**Section 5 - FILE CLOSURE** (complete as applicable)

 X

 Municipality Date

|  |  |
| --- | --- |
| Date Payment Made |       |
| Payable to |       |
| Check # |       |
| Date Judgment Entered |       |
| Was an additional 1099 necessary for attorney’s fees? | Yes [ ]  | No [ ]  |
| Date Satisfaction of Judgment Filed |       |
| Date of Stipulation and Order for Dismissal |       |

**Project Resources** (Litigation Coordinator, Attorney(s), Appraiser(s), RE Supervisor, Construction Project Manager, Engineer, Permit Coordinator, etc.

|  |  |  |  |
| --- | --- | --- | --- |
| **NAME** | **TELEPHONE NUMBER** | **E-MAIL ADDRESS** | **MAILING ADDRESS** |
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