

LITIGATION REPORT AND CASE SUMMARY

Wisconsin Department of Transportation
RE1651 04/2015

To: Attorney General's Office, PO Box 7857, Madison, WI 53707-7857
Office of General Counsel, Room 115B, Hill Farms

Attorney-Client Privilege

Section 1 CASE DETAILS

Date	Region Region, Office	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	Project Highway	
Interests Acquired [Fee, TLE, PLE, etc. (ac./s.f.)]	Amount Of Award \$ Conveyance \$	Recording Date		

Commission/Court

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

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

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. Include such items as severance damages; special benefits (can be used to offset \$); problems with highest and best use (what's probable, legally possible, local/county zoning trends, zoning change, etc.); access issues; appraiser competency; appraisal review; procedural problems; owner's problems during negotiations; potential appeal reasons; new issues with owner after condemnation not in diary; market conditions now; new area sales; thoughts about the main issue(s) of property owner; identify issue(s) most important in court; what's good/not good with our appraisal/owner's appraisal; note errors or misconceptions; did owner's appraisal include points we didn't; is a motion in limine in order to keep out non-compensable issues; note any new information/hearsay about owner or property; list any potential witnesses and why they'd be good; and, list any other notable points.

(Continue additional pages, as necessary)

Section 2 - WITNESSES/TESTIMONY (completed by litigation coordinator after hearing/court)

VALUATION WITNESSES	BEFORE	AFTER	DAMAGES	REMARKS	TESTIFIED	
FOR STATE					YES	NO
	\$	\$	\$			
	\$	\$	\$			
FOR OWNER					YES	NO
	\$	\$	\$			
	\$	\$	\$			

Award

☐ Condemnation Commission ☐ Circuit Court ☐ Appellate Court	\$
Increase or Decrease Over Award/Deed	Increase \$ Decrease \$

Other Witnesses and Purpose of Testimony

Briefly discuss the owner's contentions and approach to damage as contrasted with the state's contentions.
--

Section 3 - RECOMMENDATION OF COUNSEL (completed by Counsel)

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

X _____
(State Counsel) (Date)

Section 4 - REGION RECOMMENDATION (if disapproval is recommended, region shall return this form to counsel for rebuttal prior to forwarding to BTS-RE (central office))

Comments

X _____
(Regional Real Estate Manager) (Date)

Section 5 - FILE CLOSURE (Complete as applicable)

Date Payment Made		
Payable to		
Check #		
Date Judgment Entered		
Was a 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.