

Successfully Represented a Government Agency on a Motion for Partial Summary in an Eminent Domain Action

Dan Faust successfully represented a government agency on a motion for partial summary in an eminent domain action in which the landowner argued that the compensation owed to her included the value of an adjacent parcel acquired by the government from her in a different but related case, because the instant case was filed prior to second case. Under Indiana law, the “date of take” usually governs the date upon which property acquired through eminent domain should be valued. The “date of take” is usually the date upon which a complaint is filed. The government argued, and the court agreed, that the doctrine of issue preclusion prevented the court from assigning value to the adjacent parcel. The court’s order reduced the area upon which the landowner claimed damages from more than 17 acres to less than 1 acre.

PROFESSIONALS

Daniel Faust
Senior Counsel

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