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LITIGATION

## Jury sides with property owners

By Jason W. Armstrong  
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In a fiercely litigated eminent domain case, a jury ordered San Diego Gas & Electric to pay a pair of local property owners \$8 million for seizing a chunk of their 115 acres for a power line extending between Imperial and San Diego counties.

The panel dismissed the utility's argument that the taking was worth \$701,400 and agreed with landowners Arnold Schmidt and Luis Naranjo's claims that their property was worth millions more because it contained the types of granite deposits used in concrete, asphalt and other construction projects.

In the two-week trial before San Diego County Superior Court Judge Timothy B. Taylor, the men's lawyer, Rutan & Tucker LLP partner David B. Cosgrove, argued that SDG&E's condemnation of a 300-foot right of way across the middle of the site for high-voltage power lines and towers destroyed potential mining uses and caused extensive



Dave Cosgrove

Courtesy Photo

“severance damages.”

Cosgrove said the jury on June 14 disagreed with the utility's assessment that the property in San Diego County's unincorporated Lakeside region fell under a “low-density residential” valuation.

“The jury ... gave our clients the higher valuation they felt was fair,” he said.

SDG&E's lawyer, Linda D. Bartz of The Bartz Law Firm APC, was unavailable for comment.

“Just compensation” claims often emerge when a public entity tries to seize private property through eminent domain. But Cosgrove said such cases usually get settled early, and it's unusual for them to reach trial.

The jury ordered San Diego Gas & Electric to pay the property owners \$8 million for seizing a chunk of their 115 acres for a power line extending between Imperial and San Diego counties.

The issues in eminent domain valuation cases “are usually a bit narrower than the issues we had,” he said. “Our case had pretty widely divergent views of what the property was usable for, and those differences resulted in a pretty large swing in value differences.”

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