



Taking of Industrial Property for Real and Entertainment Center

Type: Verdict-Plaintiff

Amount: \$12,493,283

State: California

Venue: Alameda County

Court: Superior Court of Alameda County, Oakland, CA

Case Type:

- *Land Use* - Eminent Domain
- *Government* - Eminent Domain

Case Name: Emeryville Redevelopment Agency v. Harcros Pigments, Inc., No. 7943586

Date: December 20, 1999

Plaintiff(s):

- Emeryville Redevelopment Agency (0 Years)

Plaintiff Attorney(s):

- Natalie West; McDonough, Holland & Allen; Oakland CA for Emeryville Redevelopment Agency
- Richard G. Rypinski; McDonough, Holland & Allen; Oakland CA for Emeryville Redevelopment Agency

Plaintiff Expert (s):

- Earl James; Geology; San Francisco, CA called by: Richard G. Rypinski
- Sally Morgan; Archaeology; San Francisco, CA called by: Richard G. Rypinski
- Patrick Idiart; Real Estate; Petaluma, CA called by: Natalie West

Defendant(s):

- Harcros Pigments, Inc.

Defense Attorney(s):

- James M. Berg; Berg & Parker; San Francisco, CA for Harcros Pigments, Inc.
- Jeffrey Kischenbaum; Berg & Parker; San Francisco, CA for Harcros Pigments, Inc.

**Defendant
Expert(s):**

- Floyd Clevenger; Appraisal; Santa Clara, CA called by: for James M. Berg
- James Butler Esq.; Insurance; Los Angeles, CA called by: for Jeffrey Kischenbaum
- James Levine; Environmental; Emeryville, CA called by: for Jeffrey Kischenbaum
- Miley Holman; Archaeology; San Francisco, CA called by: for James M. Berg
- Mr. Arthur A. Gimmy; Appraisal; Sausalito, CA called by: for James M. Berg

Facts:

November 1, 1998, plaintiff took defendant's (a pigment manufacturing firm) 13-acre industrial site property for the purposes of selling it to a developer as part of an assemblage for the construction of a retail and entertainment center. Prior to development, the property required demolition and toxins mitigation. During demolition, Native American remains and artifacts were discovered.

Plaintiff contended that the property and its contents were valued at \$5,750,000.

Defendant contended that the property and its contents were valued at \$18,000,000.

Result:

Settlement talks:

Demand \$12,500,000. Offer \$6,000,000 (CCP 998 Sec.1250.410)

Result: \$12,493,283

Attorney fees were awarded to the defendant pursuant to CCP Sec. 1250.410.

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Plaintiff filed an appeal on April 4, 2000.

Defendant filed a motion for reconsideration.

Defendant filed a cross-appeal on April 26, 2000.

Trial Information:

Judge: Ronald M. Sabraw

Trial Length: 4 weeks

**Trial
Deliberations:** 2 days

Writer