

Carter Ledyard Client, Suffolk County, New York, Defeats Preliminary Injunction Motion

November 22, 2017

On behalf of its client, Suffolk County, Carter Ledyard successfully defeated an application by certain oceanfront property owners on Fire Island to preliminarily enjoin the County from acquiring easements on their properties. The easements are necessary to implement the Fire Island Inlet to Moriches Inlet Project, a stabilization project being undertaken by the County, the State and the Army Corps of Engineers intended to create, restore and maintain sand dunes damaged by Superstorm Sandy along the 12.5 mile coastline of Fire Island. The federal district court for the Eastern District of New York agreed with Carter Ledyard that the plaintiffs were not able to demonstrate the requisite likelihood of irreparable harm, among other failures. The finding that acquisition of the required easements did not constitute irreparable injury required the court to distinguish Second Circuit authority holding that improper acquisition of property by eminent domain necessarily causes irreparable injury. Suffolk County was represented by CLM partner John Casolaro, counsel Lee Ohliger, and associate Michael Bauscher.

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