

Carter Ledyard Obtains Favorable Decision on Motion For Attorney and Expert Fees in Condemnation Matter

December 16, 2022

In connection with its long representation of the County of Suffolk arising out of the County's Fire Island Dune Restoration Project (the "FIMI Project"), Carter Ledyard recently received a favorable decision from the New York Supreme Court, Suffolk County, on behalf of the County, relating to a motion filed by a claimant in a condemnation matter seeking to recover attorney and expert fees and costs. Under New York Eminent Domain Law, a court has discretion to reimburse a claimant for some or all of the fees it incurs pursuing a claim for additional compensation on account of an acquisition.

Defending against this post-trial motion, Carter Ledyard successfully persuaded the Court to award claimant less than one-third of the fees and costs she sought because the Court in its trial decision had rejected most of the evidence and legal arguments put forth by claimant seeking additional compensation due to an easement the County acquired on her property related to the FIMI Project. In the decision, rendered after a trial where Carter Ledyard represented the County, the Court awarded just 8% of the \$2,113,000 in additional compensation sought by the claimant. On the motion the Court agreed that only a fraction of the fees were warranted since most of the claimant's arguments and evidence served only to inflate her claimed damages and thus a full award was not necessary to achieve just compensation.

Suffolk County was represented by Carter Ledyard partner John Casolaro, counsel Lee Ohliger, and counsel Madelyn White.

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