

# Rick E. Rayl

Partner | Orange County

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Rick Rayl is an experienced litigator on a broad range of complex civil litigation issues. His practice is concentrated primarily on eminent domain, inverse condemnation, and other real-estate-valuation disputes. His public agency clients have built some of the largest public infrastructure projects in California, including Orange County's cutting edge 68-mile toll road system, Los Angeles County's Alameda Corridor, and the Los Angeles Unified School District's massive school expansion program. He currently works with three of the largest regional transportation agencies in California on their projects: San Bernardino County Transportation Authority (SBCTA), San Diego Association of Governments (SANDAG), and Orange County Transportation Authority (OCTA).

Rick also represents property owners and lessees in all aspects of real-estate-valuation disputes, including:

- Precondemnation planning, offers, and negotiations;
- Right-to-take challenges and disputes concerning prejudgment possession;
- Relocation claims and disputes;
- Fair market value disputes;
- Claims for loss of business goodwill and other business claims;
- Claims for precondemnation damages and blight;
- Inverse condemnation and other property-damage claims; and
- Regulatory takings.

Rick also advises developers and property owners on various aspects of land use entitlement disputes, commercial unlawful detainers and other lease disputes, and other types of real property disputes.

He speaks several times each year to national audiences, the most recent of which was a July 2016 presentation in Washington D.C. at the Transportation Research Board's 55th Annual Workshop on Transportation Law. He also regularly comments on news, events, and policy impacting eminent domain in California on the California Eminent Domain Report blog.

Rick is also active with the following organizations: International Right of Way Association, Chapter 67 (Past President), Appraisal Institute of Southern California (Associate Member).

## EXPERIENCE

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**San Bernardino County Transportation Authority (SBCTA).** Currently representing SBCTA with right-of-way acquisition/ eminent domain services for portions of 150+ properties for the sbX E-Street Corridor Bus Rapid Transit Project, a 15.7-mile bus rapid transit line designed to shape the future of public transit in the Inland Empire.

**San Diego Associated Governments ("SANDAG").** Currently representing SANDAG with right-of-way acquisition/ eminent domain services for the Sorrento Valley Double Track, Inland Rail Trail, South Bay BRT, and Mid-Coast Projects, major rail, bus, and bike lane projects within San Diego County.

**Caltrans v. Bayport Imperial Promenade** Represented four business owners in condemnation action against Caltrans involving view and construction impacts resulting from Caltrans' part taking of property for construction of a new bridge on Imperial Highway. Caltrans made no offers of compensation to the businesses. Two cases settled prior to trial (a Golden Spoon and an Italian Restaurant) for more than \$400,000; two went to trial. Acted as lead trial attorney in month-long jury trial on compensation in which the trial court excluded Caltrans' business-goodwill appraisal. Settled one matter for a Subway restaurant for \$225,000 following a successful jury verdict (Caltrans' final offer before trial was \$50,000; Subway's final demand before trial was \$125,000); the other matter remains pending.

**City of Anaheim v. Yoder** Represented City of Anaheim in condemnation action to acquire parcel of land for road widening. Acted as lead attorney in a case that settled in 2009 before the exchange of expert reports.

**Kelly-Wright Hardwoods v. Placentia-Yorba Linda Unified School District** Represented lumber company in inverse condemnation case in which District initially made no offer of compensation despite having forced the business to relocate under threat of eminent domain. Business owner demanded \$400,000 before litigation, and the parties ultimately settled for nearly three times that amount.

**Alameda Corridor Transportation Agency v. Gautier Land Company** Represented public agency in the acquisition through eminent domain of a parcel of land in Vernon, California. Acted as lead trial counsel in a month-long jury trial, obtaining a favorable result on real estate value, and a complete victory on the tenant's business goodwill claim.

**Lincoln Center, LLC v. Ross Dress for Less, Inc.** Represented landlord in a commercial lease dispute resulting in unlawful detainer action against tenant. Following extensive discovery, the parties settled just weeks before trial, resulting in a new lease on more favorable terms for the landlord.

**Riverside County Flood Control and Water Conservation District.** Member of the Nossaman team responsible for dozens of eminent domain cases on behalf of the Flood Control District. Served as lead trial attorney on several cases that reached settlements favorable to the District both before and during trial.

**City of Anaheim.** Represented the City in a large, complex, inverse-condemnation/tort action, which included two separate three-month-long jury trials. The action arose out of a landslide that was alleged to have damaged dozens of properties, including the complete loss of approximately twenty homes, and involved approximately 100 parties.

**Las Galinas Valley Sanitation District v. Silveira, et al.** Member of the Nossaman team representing landowner in a multi-million dollar eminent domain proceeding. The condemning agency's pre-litigation offer was \$650,000. The jury verdict amounted to \$14,660,000, which was the largest condemnation verdict in the state for 2000, and one of the largest of any kind in Marin County. Client also won a substantial litigation expense award.

**Garden Grove Agency for Community Development v. Dionisie and Daniela Goia, Garden Grove Auto Care and Care Rent-A-Car** Represented land and business owners in four week condemnation jury trial. The Agency's pre-litigation offer was \$636,000. The verdict and attorneys' fees award totaled \$1.6 million. Following trial, represented property owner in successful appeal in which the Court upheld the jury's award in its entirety.

**NOLP v. Holmes** Represented national real estate syndication company in a partnership dispute involving a shopping center in Arizona. Claims included usurping partnership opportunities, mismanagement, fraud, and others. Case ultimately settled after two phases of the arbitration proceedings.

**Building Industry Defense Foundation v. Superior Court** Represented developer and BILD in petition for writ of mandate to overturn City Council's refusal to process development applications on the ground that moratorium precluded such action. Court issued writ to compel city to process development applications without regard for moratorium.

### SPEAKING ENGAGEMENTS

"Navigating COVID-19 for the Right of Way Industry," Nossaman Webinar, 04.01.2020

Panelist, "The First Steps: Precondemnation Planning Through Possession," Nossaman's 2019 Northern California Eminent Domain Seminar, San Francisco, CA, 03.26.2019

Speaker, "The First Steps: Precondemnation Planning Through Possession," Nossaman's 2019 Southern California Eminent Domain Seminar, Los Angeles, CA, 03.19.2019

Speaker, "Case Law Update: The Latest Developments," CLE International's 21st Anniversary Southern California Eminent Domain Conference, Los Angeles, CA, 01.31.2019

Speaker, "Case Law Year-in-Review," Nossaman's 2018 Southern California Eminent Domain Seminar, Costa Mesa, CA, 03.29.2018

Speaker, "Recent Legal Developments: 2017-2018," CLE International's 20th Anniversary Southern California Eminent Domain Conference, Los Angeles, CA, 01.18.2018

Speaker, "Legal Aspects of Easements," Nossaman's 2017 Southern California Eminent Domain Seminar, Los Angeles, CA, 03.02.2017

Speaker, "Design-Build Issues: Liability for Design Defects and for Delays in Property Acquisition," Transportation Research Board's 55th Annual Workshop on Transportation Law, Washington, DC, 07.19.2016

Speaker, "Condemning Privately-Owned Utilities: Unique Right-to-Take and Valuation Issues," Nossaman's 2016 Southern California Eminent Domain Seminar, Costa Mesa, CA, 03.03.2016

Speaker, "Legal Constraints with Early Right of Way Entry Requirements," IRWA's 61st Annual International Education Conference, 06.16.2015

Speaker, "Valuation, Cleanup Costs, & Other Scary Things: Acquiring Contaminated Property," Nossaman's 2015 Southern California Eminent Domain Seminar, Costa Mesa, CA, 03.05.2015

Speaker, "Redevelopment's Future in California: How We Got Here and Where We're Headed," American Planning Association California Conference, Anaheim, CA, 09.15.2014

Speaker, "Eminent Domain Update / Year in Review," Nossaman's 2014 Eminent Domain Seminar, Costa Mesa, CA, 03.20.2014

Speaker, "Acquiring Right-of-Way Teleconference," National Business Institute, 04.16.2013

Speaker, "The Condemnation of Underwater Mortgages: Will it Float?," International Right of Way Chapter 1 Annual Fall Seminar, Montebello, CA, 10.23.2012

Speaker, "Update on the Redevelopment Dissolution Process," International Right of Way Association Chapter 57 Luncheon Meeting, Riverside, CA, 10.03.2012

Speaker, "Who Pays for What? The Intersection of Condemnation and Contamination," 2012 IRWA Annual Education Conference, Seattle, WA, 06.12.2012

Speaker, "Going Forward Without a CRA," Affordable Housing Management Association's Pacific Southwest's Annual Seminar & Trade Show, Los Angeles, CA, 05.20.2012

Speaker, "Multi-Parcel Acquisitions & Case Studies," International Right of Way Association's Chapter 1 Annual Valuation Seminar, Montebello, CA, 04.24.2012

Speaker, "Not Just Another End of Redevelopment Story," International Right of Way Association's Chapter 11 San Diego Luncheon, San Diego, CA, 04.18.2012

Speaker, "Everything You Need to Know About Appraisals for Litigation," American Society of Appraisers Seminar, Costa Mesa, CA, 03.21.2012

Speaker, "Expert Engagement Contract Overview Strategies for Larger Acquisition Valuation Assignments," Southern California Appraisal Institute's 44th Annual Litigation Seminar, Los Angeles, CA, 11.10.2011

Speaker, "The Effective Witness, Best Practices," Southern California Appraisal Institute's 43rd Annual Litigation Seminar, Los Angeles, CA, 11.17.2010

Speaker, "101 Ways to Get Your Agency in Hot Water: Trip-ups and Traps," IRWA Chapter 67 Meeting, 11.09.2010

Speaker, "Regulatory Takings and the Effects of *Guggenheim*," CLE International's 12th Annual Eminent Domain Conference, San Francisco, CA, 10.28.2010

Speaker, "The Interrelationship Between Goodwill, Relocation and Reestablishment," International Right of Way Association Chapter 1 – 2010 Fall Education Seminar, Montebello, CA, 10.26.2010

Chairperson, "Eminent Domain Meets Renewable Energy: When Grandma's House Get in the Way of Windmills," International Right of Way Association's Chapter 67 Spring Seminar, Santa Ana, CA, 05.11.2010

Speaker, "Perils of Prejudgments Possession," IRWA Chapter 27 Monthly Meeting, Roseville, CA, 02.11.2010

Speaker, "Eminent Domain: Where Are We, and Where Have We Been?," 42nd Annual Appraisal Institute Litigation Seminar, Garden Grove, CA, 11.18.2009

Speaker, "Property Acquisition, Appraisal, and Relocation in an Upside Down Market," International Right of Way Association's Chapter 67 Spring Seminar, Santa Ana, CA, 05.12.2009

Speaker, "Valuation Issues in a Depressed Market: How Market Conditions Impact Eminent Domain Practitioners," Southern California Chapter Appraisal Institute and IRWA Chapter 1, Commerce, CA, 03.24.2009

Speaker, "Everything You Were Never Taught About Litigation Appraisal – A Hands On Approach," Southern California Appraisal Institute, Irvine, CA, 03.04.2009

## **PUBLICATIONS**

Co-Author, "California Right of Entry Ruling Keeps Public Projects on Track," *Law360*, 08.24.2016

Co-Author, "No Recovery in California for Views Blocked by Public Projects," *Law360*, 05.02.2016

Co-Author, "Scope of California's Mello-Roos Now Includes Eminent Domain," *Law360*, 04.22.2015

Co-Author, "Recent Trends in Eminent Domain – And What to Expect Next," *Law360*, 04.03.2014

Co-Author, "Ruling May Put the Brakes on Some CEQA Investigations," *Law360*, 03.31.2014

Co-Author, "Proportionality, Nexus Don't Matter if it's not a Taking," *Daily Journal*, 01.31.2014

Author, "Sometimes a Taking is not Really 'Taking'," *Law360*, 08.30.2013

Co-Author, "Judge or Jury? A Critical Eminent Domain Question Answered," *Law360*, 08.16.2013

Co-Author, "The Grapes of Wrath Crack High Court Precedent," *Law360*, 06.18.2013

Co-Author, "Big Year for Published Eminent Domain Decisions," *Daily Journal*, 01.15.2013

Co-Author, "Options, Agreements, and Prior Appraisals: Admissibility Issues in Eminent Domain Trials," *The Real Estate Finance Journal*, 12.17.2012

Co-Author, "Court Clarifies Rules Concerning Litigation Expenses in Eminent Domain," *Daily Journal*, 03.08.2012

Co-Author, "The State of Eminent Domain for the New Year," *Daily Journal*, 01.23.2012

Author, "Regulatory Takings Claim: A Rare Win for Property Owners," *Daily Journal*, 01.12.2012

Co-Author, "It's the End of Redevelopment as We Know It," *Daily Journal*, 01.04.2012

Author, "Redevelopment Remains in Limbo," *Daily Journal*, 08.18.2011

Co-Author, "Whose Business Goodwill Is It?," *Daily Journal*, 06.16.2011

Co-Author, "When a Stipulated Judgment Goes Awry," *Daily Journal*, 02.17.2011

Co-Author, "Eminent Domain 2010: Year in Review," *Daily Journal*, 01.24.2011

Co-Author, "9th Circuit Reverses Course on Rent Control," *Daily Journal*, 01.10.2011

Co-Author, "Eminent Domain Case Clarifies Test for Determining Litigation Expenses," *Daily Journal*, 11.05.2010

Co-Author, "Redevelopment Plan Invalidated For Insufficient 'Blight' Finding," *Daily Journal*, 06.22.2010

Co-Author, "Buyer Beware: Improper Sale Documentation Results in Waiver of Inverse Condemnation Claim," *Daily Journal*, 05.18.2010

Author, "Scope of Mechanic's Lien, Not a Clear Cut Question," *Daily Journal*, 03.31.2010

Co-Author, "9th Circuit Revisits 2009 Trailer Park Opinion," *Daily Journal*, 03.23.2010

Author, "Eminent Domain: A Year's Highlights," *Daily Journal*, 01.21.2010

Author, "Erosion Control, or Coney Island South?," *Daily Journal*, 12.15.2009

Co-Author, "Closing the Litigation Floodgates," *Daily Journal*, 04.07.2009

Co-Author, "Goodwill Hunting," *Daily Journal*, 01.02.2009

## HONORS & RECOGNITIONS

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Named one of the top five Real Estate attorneys in Orange County in 2010 and one of the top Litigation attorneys in 2012 and 2013 by *OC Metro* magazine

Selected to the Super Lawyers list for 2004-2006

## COMMUNITY & PROFESSIONAL

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Orange County Bar Association  
California Bar Association  
International Right of Way Association, Chapter 67 (Secretary)  
Appraisal Institute of Southern California, Associate Member

## PRACTICES

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Eminent Domain & Valuation  
Litigation  
Real Estate

## INDUSTRIES

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Government & Public Sector  
Real Property  
Transportation

## EDUCATION

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University of California, Berkeley School of Law, J.D., 1994, Associate Editor, *California Law Review*; Member, Moot Court Board

University of California, Irvine, B.A., 1991, *magna cum laude*

## ADMISSIONS

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California