

# Bradford B. Kuhn

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Brad Kuhn, Chair of Nossaman's Eminent Domain & Valuation Group, guides private and public sector clients through complex real estate development and infrastructure projects – particularly with eminent domain/inverse condemnation, land use/zoning, construction, environmental, and other property and business disputes. Selected to lead some of the largest projects in the nation, Brad has counseled on developments valued at more than \$25 billion.

An accomplished real estate and business litigation lawyer – not only in Southern California but across the United States – Brad focuses on the transportation, energy/gas, water, land use development, and telecommunications sectors. His work has been profiled in numerous publications, including multiple cover features in *Right of Way Magazine*. He is a sought-after speaker and the author of several treatises, including works on ground lease practices, condemnation, and real estate valuation.

Both *Chambers & Partners* and *Best Lawyers in America*® recommend Brad for land use, zoning, and infrastructure matters, commending his “practical, business-minded advice” and his “high level of decorum in dealing with the other sides.” He has earned the CRE® designation by the Counselors of Real Estate® and was recently named Chair of the California (Southern) Chapter, distinguishing him as a leading advisor in complex real property matters.

Some of Brad’s other accolades and recognitions include:

- Recognized as one of the “2021 Visionaries” in Commercial Real Estate by the *Los Angeles Times*;
- Recognized by the *Recorder* as a California Trailblazer, a recognition given to only a “handful of attorneys that are truly agents of change” and have “made significant marks on the practice, policy and technological advancement of their practice”;
- Selected for inclusion in the legal directory *Best Lawyers in America*® in the category of Land Use and Zoning Law;
- Named to the *Daily Journal’s* Top 20 Under 40 list, a recognition given to the top 20 lawyers in California that are on the cutting edge of legal issues, and who are making an impact on changing an industry, region or society;
- Chosen for individual recognition by *Chambers USA* for Real Estate: Zoning/Land Use Law;
- Recognized as the Top Rated Lawyer in Land Use and Zoning by the *American Lawyer*;
- Named the Best Land Use/Zoning Attorney in Orange County by *Orange County Register*;
- Recognized as the Best Eminent Domain Attorney by *US Business News’ Legal Elite*;

- Selected as a Southern California Super Lawyer, and repeatedly acknowledged on Up-and-Coming Top 25 Orange County and Up-and-Coming Top 100 Southern California Rising Stars lists; and
- Awarded an AV-Preeminent Rating by *Martindale-Hubbell*, a rating given to only those attorneys who exhibit the highest level of professional excellence based on a review of their peers.

Brad serves as general counsel and sits on the Advisory Board for Mobility 21, and has served as general counsel to the International Right of Way Association (IRWA), where he was elected as President of the Inland Empire Chapter and named as the organization's "Professional of the Year."

## EXPERIENCE

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### PRIVATE REPRESENTATION

**T-Mobile.** Represent client in a wide-range of real estate and major litigation matters, including landlord/tenant and contract disputes, site upgrade and access rights, relocation claims, construction, property damage, unlawful detainer, eminent domain, and utility disagreements. Represented client in the matter of *D'Aguiar v. T-Mobile USA, Inc.*, at both the California trial court and the California Court of Appeal regarding the enforceability of the arbitration provision in T-Mobile's consumer cell phone contracts. In a complete victory for the client, the trial court and appeals court confirmed that T-Mobile's terms of use and arbitration requirements within its consumer cell phone agreements are legal and enforceable.

**24 Hour Fitness.** Represented one of the world's largest fitness chains in negotiating just compensation for the taking of one of its gyms for a new high school. The settlement resulted in an award of over \$23 million, which included loss of business goodwill, furniture, fixtures and equipment (FF&E), and leasehold bonus value, along with relocation reimbursement to substantially expand and improve another nearby gym and obtain additional parking rights. The complex and successful negotiations allowed the client to keep its club open for several years to assist with the transition of members and minimize business losses.

**Crystal Geyser.** Represented producer of bottled water with respect to the potential acquisition / condemnation of its water rights, including negotiating valuation issues, purchasing additional water rights, and transferring water to the local city for industrial uses. Brad guided a creative and notable resolution that was featured in the *New York Times* article, "A Battle Over Water Comes to a Sweet End."

**Jackson Family Wines.** Currently representing one of the top-10 wine producers in the United States with real estate issues related to the proposed development of its Freemark Abbey winery complex and its Vinwood Cellars property. As part of his work, Brad successfully convinced PG&E to relocate a new gas pipeline that would interfere with the client's proposed development.

**Portola Hotel & Spa v. City of Monterey.** Represented one of Monterey's most recognized hotels located next to Old Fisherman's Wharf, with an inverse condemnation and land use / zoning lawsuit related to the City of Monterey's \$60 million conference center renovation and its attempted changes to surrounding land uses. The matter settled shortly before trial with total monetary consideration and the restoration of significant property rights valued at over \$13 million.

**Winchester 700 v. Western Riverside County Regional Conservation Authority.** Represented owner of a 454-acre property in Riverside County that was sought for conservation purposes. The RCA and the County refused to process the owner's residential development entitlements, yet they never made an offer to purchase, instead "de facto" conserving the property. Under threat of an inverse condemnation action, Brad assisted the owner in an arbitration which ultimately resulted in a settlement for more than \$70 million.

**Penn National Gaming / San Diego Gaming Ventures.** Provided client with real estate and land use advice related to the construction of the \$400-million Hollywood Casino Jamul project in San Diego. Brad successfully represented the client before the County Planning Commission, and defended litigation related to the use of nearby property for construction purposes, which litigation resulted in a judgment in the client's favor and a substantial award of attorneys' fees. Brad also negotiated numerous real estate transactions related to the project and off-site improvements and worked with environmental agencies to solve complex real estate-related matters.

**Makar Properties v. City of Huntington Beach.** Represented developer in connection with a dispute regarding the value of the “Pacific City” beach-front property, which value determined the park-in-lieu fee to be paid as part of its development. The parties were nearly \$50 million apart in their valuation figures. Brad assisted the client at binding arbitration where the three judge panel awarded a value exactly at the client’s appraisal testimony, which equated to a savings of \$20 million in park fees.

**Starr Camargo v. United States.** Represented the operator of the Rio Grande City Port of Entry in defending the Department of Justice’s proposed condemnation of land for the US / Mexico border wall, and advised on a master plan development to expand the port operations.

**Martz v. Morro Bay.** Represented owners of a 50+-acre property against the City of Morro Bay to successfully negotiate a favorable settlement for just compensation and ensuring appropriate development rights moving forward after the City sought to acquire easements over a portion of the property for a \$125 million wastewater treatment facility, the largest infrastructure project in Morro Bay history.

**Orange County Sanitation District v. Sukut Real Properties.** Represented owner of three Fountain Valley office buildings in negotiating sale of property under threat of eminent domain for a settlement approaching \$20 million -- millions of dollars above the public agency’s offer.

**Los Altos School District v. 201 San Antonio Circle.** Represented Mountain View property owner in fending off school district’s efforts to condemn property through various right-to-take challenges and CEQA-challenges. After rejecting the district’s nearly \$90 million offer, the successful defense against condemnation allowed the owner to move forward with securing entitlements for a 450-unit mixed-use residential development.

**Truxtun Court Partners.** Represented commercial property owners in an inverse condemnation action related to the city’s closure of the property’s primary driveway which resulted in a taking of abutter’s rights and a substantial impairment of access. The case settled for \$2 million.

**Caltrans v. Bayport Imperial Promenade.** Represented several restaurants suffering loss of business goodwill as a result of Caltrans’ Imperial Highway grade separation project. At trial, Brad successfully excluded Caltrans’ goodwill appraiser, and subsequent to the jury’s verdict, Caltrans settled the case by paying the business’ attorneys’ fees.

**Santa Barbara Flood Control & Water Conservation District v. Funk Youth Hostel.** Represented property owner in an eminent domain action involving the acquisition of easements for a flood control project. Shortly before trial, Brad successfully convinced the district to partially abandon the broad rights being acquired, and secured a judgment from the court awarding substantial attorneys’ fees and litigation expenses.

**City of Santa Ana v. Pacific Industrial.** Represented owner of industrial site sought to be acquired for a new homeless shelter. After receiving an offer under threat of eminent domain for nearly \$10 million, Brad successfully convinced the city to shift its project to another location by demonstrating potential liability for precondemnation damages and a property value at more than double the city’s offer.

**Construction Matters.** Represent developers, general contractors, and subcontractors with construction-related disputes, including change orders, construction-delay claims, liquidated damages, and other damage issues.

**International Right of Way Association (IRWA).** Served as general counsel to the 10,000+ professional member organization comprised of global infrastructure real estate practitioners from over 15 countries around the world.

## **PUBLIC AGENCY REPRESENTATION**

**San Diego Association of Governments (SANDAG).** Representing SANDAG with property acquisitions for the Mid-Coast Corridor Transit Project, a \$2 billion, 11-mile trolley line extension from downtown San Diego to University City. Also providing strategic advice and oversight related to the Central Mobility Hub / Airport Connectivity, Sorrento to Miramar 2, Downtown Bus Stopover / Multi-Use, South Bay BRT, Inland Rail Trails, Sorrento Valley Double Track, and numerous bike path projects.

- **West Coast v. SANDAG.** Defended SANDAG against lawsuit challenging the award of a contract for a major public works project, and obtained a dismissal of the action after defeating contractor’s request for a preliminary injunction. The first-of-its-kind decision has widespread impacts on public agencies across California, as the

court's decision allows for more bidders and lower proposals on public works projects.

**City of Los Angeles / Los Angeles World Airports (LAWA).** Advised on real property matters related to a \$5 billion program to ease access in and out of LAX airport by developing a consolidated rental car center, an elevated 2.5-mile automated people mover system, intermodal transportation facilities, and a joint station connecting to Los Angeles' rail system.

**Sonoma-Marin Area Rail Transit.** Representing client in class action-related real estate litigation concerning the scope of rights and use of an active rail corridor.

**Honolulu Authority for Rapid Transportation (HART).** Advised client on complex property acquisitions and relocation issues for the Honolulu Rail Transit Project, an \$8 billion, 20-mile elevated rail corridor system running from East Kapolei to Ala Moana Center, with stations at 21 key commuter and visitor destinations.

**Los Angeles County Metropolitan Transportation Authority.** Assisted Metro with acquiring numerous properties for the Purple Line Westside Subway Extension Project, a \$6+ billion, 9-mile subway extension through Beverly Hills and Westwood. Also assisted with the LAX/Crenshaw Transit Corridor Project, a \$2+ billion, 8.5-mile light rail line through the Crenshaw and Inglewood area, and the Rosecrans/Marquardt Grade Separation Project, a project to improve one of the most dangerous intersections in California. Also defended client with numerous inverse condemnation and other real property tort claims.

- **LA MTA v. KBG Associates.** Successfully represented client at the Court of Appeal to defeat property owner's multi-million dollar severance damages claim due to the termination of a license to cross railroad tracks. The decision confirmed eminent domain law regarding the non-compensability of a license, the enforceability of a waiver of the right to just compensation, the scope of the "project influence rule," and the applicability of the substantial impairment of access test.

**Southern California Edison.** Representing Edison with real estate, encroachment dispute, utility relocation, inverse condemnation, and right of way acquisition services for multiple electric transmission projects. Brad also provides SCE with strategic advice on wildfire liability, land use, and other environmental issues, and is defending SCE in the acquisition of thousands of its facilities for a flood inundation project.

- **Edison v. Constant.** Work included the acquisition of a transmission line easement over a portion of commercial property where the property owner sought compensation of over \$6 million and Brad was able to secure a verdict at trial for Edison's appraised value of \$66,000. The verdict was upheld by the Court of Appeal in a significant decision for public utilities across California and later upheld in federal court.

**Exposition Metro Line Construction Authority.** Represented Expo with acquiring properties for the Expo Light Rail Transit Project, a \$2+ billion, 15-mile light rail line connecting downtown Los Angeles with Santa Monica.

- **Expo v. Patchett.** Work included the condemnation of the Bergamot Station Art Center in Santa Monica in which Brad was able to secure favorable settlements with all but one business at the property which claimed damages of over \$10 million. Brad served as lead trial attorney, successfully arguing a legal issues motion and motions *in limine* to exclude the business' real estate, goodwill, and inventory experts which resulted in the case settling for less than 1% of the business' claims.
- **Expo v. 9000 Venice Partners.** Work included the condemnation of a portion of a retail shopping center in which Brad served as lead trial counsel in a three week jury trial as to a real estate claim by the property's owner and a goodwill claim by a Wendy's fast food restaurant. The jury verdict was exactly at Expo's damages figure as to the real estate, and only 5% of the goodwill claim presented by the business. The total verdict was far less than Expo had offered to settle for before trial.

**San Bernardino County Transportation Authority.** Assisted SBCTA with the acquisition of properties for the Downtown San Bernardino Passenger Rail Project/San Bernardino Transit Center and the Redlands Passenger Rail Project, which projects will combine to provide a 10-mile extension of Metrolink rail service in the Inland Empire. Also represented client in acquiring portions of 150+ properties for the sbX E-Street Corridor BRT Project, a first-of-its-kind 15.7-mile bus rapid transit line. Brad was able to secure possession of the entire right of way, under budget, on an incredibly ambitious schedule to ensure the project secured necessary FTA funding.

- **SANBAG v. Luga.** Work included the condemnation of a portion of a gas station where the property/business owner was seeking compensation for nearly 10 times SANBAG's appraised value. On the first day of trial, the court granted SANBAG's motions *in limine* and excluded the owner's appraisers' damages opinions. The case then resolved for a nominal amount above SANBAG's appraised value (an amount far less than SANBAG's previously exchanged final offer of compensation).

**California Water Service Company.** Providing client with real property acquisition advice for a variety of water projects. Also advising client with inverse condemnation, utility relocation, franchise rights, and other legislative issues.

**Southern California Gas Company.** Represent client with property acquisitions and real estate-related issues on several pipeline safety enhancement projects throughout California.

**United States Postal Service.** Advised client on land use, zoning, affordable housing, and title issues impacting the eventual sale of a 25-acre property in Aliso Viejo for over \$30 million.

**Metro Gold Line Foothill Extension Construction Authority.** Advising client on various real property and construction-related issues for the Foothill Gold Line Extension Project, including acquisition of properties for new transit stations throughout Los Angeles County.

**Sacramento Area Flood Control Agency.** Represented client in successfully negotiating the acquisition of an active rail line in order to construct a critical flood control project. Also providing advice on mitigation-related issues.

**California-American Water Company.** Guiding client through the acquisition of numerous real estate holdings to assist in providing community water service, along with assisting with a variety of other real estate disputes.

**County of Amador.** Represented client in securing necessary property for an intersection improvement project. Work included addressing complex title issues, including the clearing of a conservation easement. Also representing client in defending inverse condemnation litigation.

**County of Monterey.** Advising client on flood-related matters and real property disputes.

**City of Alameda.** Representing client in litigation concerning the acquisition of a railroad corridor from Union Pacific. Also advising client on other real estate-related disputes.

**County of Sonoma.** Advising client on securing property rights for the Schellville Trail project.

**Imperial County Transportation Commission.** Advising client in the acquisition of property for the Calexico Border Intermodal project.

**Orange County Transportation Authority.** Providing OCTA with real estate/condemnation advice for various projects. Work included representation in an eminent domain and inverse condemnation action arising from the Placentia Avenue Grade Separation Project where the property owner and two national retail tenants, Home Depot and Sam's Club, cumulatively claimed nearly \$100 million in damages due to OCTA's acquisition and the purported impacts on the ability to redevelop the site. The matter was resolved shortly before trial for approximately 3% of the claimed damages.

**Los Angeles Unified School District.** Represented LAUSD in numerous property acquisitions for school expansion projects. Work included the condemnation of a 24-acre industrial property along the Los Angeles River. The litigation involved issues of contamination, overlapping easements, and undocumented encroachments. After defeating the owner's right-to-take challenge at trial, the matter settled for \$50 million, which was more than \$25 million less than the owner's appraiser's valuation.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Valuation of Easements," IRWA Chapter 1's 30th Annual Valuation Seminar, Downey, CA, 05.24.2022

Speaker, "Balancing the Grantor and Grantee's Rights to Use an Easement," Los Angeles Association of Professional Landmen Meeting, Long Beach, CA, 05.19.2022

Speaker, "Recent and Proposed Legislation Impacting the Eminent Domain & ROW Industry," Eminent Domain and Right of Way Club Clubhouse Lounge Event, 04.05.2022

Speaker, "Transit Proximity and Benefits/Impacts on Property Values," The Counselors of Real Estate, Southern California Chapter Meeting, 10.21.2021

Speaker, "Living on the Edge: Managing Sea Level Rise in California," Nossaman's 2021 Water Webinar Series, 05.27.2021

Co-Speaker, "Project Benefits - Do They Ever Apply, and If So, How Are Benefits Supported?," 6th Annual IRWA Chapter 57 and SCCAI Joint Meeting, 04.21.2021

Speaker, "Business Valuation and Damages: Assessing COVID-19's Economic Impact," International Right of Way Association's Chapter 1 Virtual Luncheon, 12.03.2020

Speaker, "Inverse Condemnation Exposure and Management for the Energy Industry," 2020 American Association of Professional Landmen Annual Meeting, 06.18.2020

Speaker, "A Path to Transit and Transportation Project Success in the Wake of the Pandemic: A Panel Discussion Among Legal Professionals," Nossaman Webinar, 06.03.2020

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

Moderator, "Inverse Condemnation: What it Means for Public Water Agencies," 2019 ACWA Legal Briefing & CLE Workshop, San Diego, CA, 12.03.2019

Speaker, "Recent Updates in Inverse Condemnation Law for the Energy Industry," Los Angeles Association of Professional Landmen November Luncheon, Long Beach, CA, 11.21.2019

Speaker, "How Does the Availability of Data Affect the Appraiser's Analysis?," Southern California Chapter of the Appraisal Institute's 52nd Annual Litigation Seminar, Cerritos, CA, 11.07.2019

Speaker, "Easement Valuation — an Oxymoron? Can Easements Actually be Valued or Are We Throwing Darts?," International Right of Way Association's 65th Annual International Education Conference, Portland, OR, 06.10.2019

Speaker, "Inverse Condemnation & Wildfire Liability," California Water Association's 2019 Spring Conference, Sacramento, CA, 05.23.2019

Speaker, "Managing Publicly Owned Property: Leases, Licenses, and Encroachments," International Right of Way Association's Chapter 11 April Luncheon, San Diego, CA, 04.17.2019

Speaker, "Managing Publicly Owned Property: Leases, Licenses, and Encroachments," International Right of Way Association's Chapter 42 Spring Training Conference, San Jose, CA, 04.05.2019

Speaker, "What To Do When the Cookie Isn't From a Cutter: Unusual Valuation Scenarios From Eminent Domain," International Right of Way Association's Chapter 1 27th Annual Valuation Seminar, Monterey Park, CA, 02.12.2019

Co-Chair, "51st Annual Litigation Seminar," Southern California Appraisal Institute, Los Angeles, CA, 11.01.2018

Panelist, "Managing Publicly Owned Property: Best Practices for Leases, Licenses, and Encroachments," 2018 Northern California Eminent Domain Seminar Hosted by Nossaman LLP and Bender Rosenthal, Inc., Sacramento, CA, 04.18.2018

Panelist, "Managing Publicly Owned Property: Best Practices for Leases, Licenses, and Encroachments," Nossaman's 2018 Southern California Eminent Domain Seminar, Costa Mesa, CA, 03.29.2018

Co-Speaker, "Pre-Condemnation Planning and Procedures for Right of Way Acquisition Projects," American Publics Works Association 2017 Public Works Institute, San Diego & Imperial Counties Chapter, San Diego, CA, 09.12.2017

Co-Speaker, "Claims for Severance Damages and Goodwill Loss During a Period of Construction in a Partial Taking," San Diego County Bar Association's Eminent Domain Roundtable, San Diego, CA, 07.12.2017

Speaker, "The Art of Easements: Crafting an Easement that is Just Right," International Right of Way Association's 63rd International Educational Conference, Anchorage, AK, 06.13.2017

Speaker, "Legal Aspects of Easements," International Right of Way Association's Chapter 27 Monthly Luncheon, West Sacramento, CA, 09.08.2016

Speaker, "The Value of Transit Proximity: Assessing Project Benefits," International Right of Way Association's Chapter 42 Spring Conference, San Jose, CA, 04.29.2016

Speaker, "Project Benefits and Construction Related Impacts – Tangible or Speculative?," International Right of Way Association's Chapter 1 Annual Valuation Seminar, Montebello, CA, 04.26.2016

Speaker, "Transit Proximity: Demonstrating Project Benefits in Condemnation Actions," Nossaman's 2016 Southern California Eminent Domain Seminar, Costa Mesa, CA, 03.03.2016

Speaker, "Eminent Domain Update: Acquiring Right of Way in a New World," Sacramento American Public Works Association Transportation Committee Meeting, Folsom, CA, 02.23.2016

Speaker, "Precondemnation Procedures: Acquiring Right of Way in a New World," 2015 International Right of Way Association Chapter 1 Fall Seminar, Pasadena, CA, 10.09.2015

Speaker, "How Early Acquisition Can Minimize Risks and Reduce Costs," International Right of Way Association's 61st International Educational Conference, San Diego, CA, 06.14.2015

Speaker, "Dos and Don'ts During the Pre-Litigation Process," 2015 CLE Eminent Domain Conference, San Diego, CA, 03.27.2015

Speaker, "Denominators and Bright Lines: The Search for the Relevant Parcel in Eminent Domain and Regulatory Takings," 2015 ALI-CLE Eminent Domain & Land Valuation Conference, San Francisco, CA, 02.06.2015

Speaker, "Precondemnation Planning & Early Acquisition Efforts: Best Practices to Acquire Right of Way Without Blowing Your Project's Budget," Self-Help Counties Coalition Focus on the Future Conference, Santa Clara, CA, 11.18.2014

Speaker, "The Perception of Advocacy and Consequences for the Appraiser," Appraisal Institute Annual Litigation Seminar, Los Angeles, CA, 11.13.2014

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, "When We Need It Now – Multi Parcel Acquisition Programs," CLE International Eminent Domain Conference, Los Angeles, CA, 05.15.2014

Speaker, "Eminent Domain Update," International Right of Way Association's Chapter 57 Luncheon Meeting, Riverside, CA, 10.02.2013

Speaker, "Redevelopment's Future in California," 2013 Southern California Chapter of the Appraisal Institute Conference, Los Angeles, CA, 09.12.2013

Speaker, "Regulatory Takings Claims in California: Advice for Practitioners and Government Agencies," Law Seminars International, 08.19.2013

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

Speaker, "Dry Canyon: So Long Cost to Create Method?," International Right of Way Association's Chapter 11 Luncheon, San Diego, CA, 02.20.2013

Speaker, "Perils in Prejudgment Possession: From Impasse to Construction," International Right of Way Association's Chapter 57 2012 Educational Seminar, Corona, CA, 11.02.2012

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, "The Death (and Rebirth?) of Redevelopment," International Right of Way Association's Chapter 1 2011 Annual Fall Education, Montebello, CA, 10.25.2011

Chairperson, "Renewable Energy – The Shift of Power," International Right of Way Association's Chapter 67 Spring Seminar, Santa Ana, CA, 05.11.2010

Chairperson, "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, "Perils of Prejudgment Possession," International Right of Way Association's Chapter 57 Luncheon, Riverside, CA, 03.11.2009

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, "Forced Sale of a Public Nuisance Property is Not a Taking," *Daily Journal*, 04.25.2022

Co-Author, "Eminent Domain 2021 Year in Review," *The Appraisal Journal*, 04.01.2022

"Summary of Major Eminent Domain Cases & Legislation," *International Right of Way Association Annual Report*, 02.09.2022

Co-Author, "2021 Eminent Domain Case Law Year in Review," *Nossaman Report*, 01.11.2022

"SCOTUS Says Eviction Bans Intrude on a Fundamental Element of Property Ownership," *The Override*, 11.01.2021

Co-Author, "Right-of-Way Acquisition Process," *LexisNexis, A Practical Guidance® Practice Note*, 10.01.2021

Co-Author, "Making the Case," *Valuation Magazine*, 09.01.2021

Co-Author, "Challenges Facing California's Proposed Coastal Property Law," *Law360*, 06.22.2021

Podcast Guest Speaker, "Sea Level Rise, Wildfires, and COVID-19—OH MY!!," *Pendulum Land Podcast*, 02.09.2021

Co-Author, "Unresolved Issues in *Callexico* Inverse Condemnation Ruling," *Law360*, 01.21.2021

Podcast Co-Host, "Valuation and Damages: Assessing COVID-19's Economic Impact," *Digging Into Land Use Law*, 11.20.2020

Co-Author, "Expiration Date: When Can Appraisers Use Data and Information After the Date of Value?," *Valuation*, 07.01.2020

Author, "Navigating COVID-19 for the Right of Way Industry," *Nossaman eAlert*, 03.25.2020

Co-Author, "As California Burns, Inverse Condemnation and Cost Recovery Issues Dominate California's Electric Utilities' Legal Framework," *Daily Journal*, 11.07.2019



Co-Author, "Reconsidering Strict Liability in Light of Recent California Wildfires," *Daily Journal*, 06.11.2019

Author, "Under the Influence," *California Special Districts magazine (reprinted from Valuation Magazine)*, May-June 2019

Author, "Highest and Best Use at Odds," *Valuation Magazine*, 2Q 2019

Author, "Under the Influence," *Valuation Magazine*, 2Q 2018

Revision Author, "Chapter 14 - Condemnation," *Continuing Education of the Bar's Ground Lease Practice (Second Edition)*, 2017

Attorney Reviewer, "The Appraiser as an Expert Witness: Preparation and Testimony," *Appraisal Institute Course*

Attorney Reviewer, "Condemnation Appraising: Principles and Applications," *Appraisal Institute Course*

Author, "The Art of Easements," *Valuation Magazine*, 09.15.2017

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

Author, "Part & Parcel," *Valuation Magazine*, 08.20.2015

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

Co-Author, "U.S. Supreme Court Holds in Favor of Cell Tower Siting Applicants," *Law360*, 02.2015

Author, "Greater Guidance Comes to California for Land Appraisals," *Law360*, 09.05.2014

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, "Shifting the Date of Value for Public Agency Acquisition Appraisal Assignments," *The Appraisal Journal*, 03.17.2014

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

Co-Author, "California High Court Clarifies Scope of Mitigation Fee Act," *Law360*, 10.30.2013

Co-Author, "Precondemnation vs. De Facto: A Cautionary Tale," *Law360*, 09.11.2013

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

Co-Author, "Temporary Regulatory Takings Do Exist In California!," *Law360*, 05.22.2013

Co-Author, "Condemn Now, CEQA-Compliance Later? Maybe," *Law360*, 04.29.2013

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

Co-Author, "Eminent Domain Opinions Focus on 'Just Compensation!'," *Daily Journal*, 01.04.2013

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

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

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

Author, "Precondemnation Damages: Putting Public Projects First," *Daily Journal*, 04.19.2011

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

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

Author, "Adding Some Bite to the Bark," *Daily Journal*, 10.15.2009

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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Recognized as one of the "2021 Visionaries" in Commercial Real Estate, *Los Angeles Times*, 2021

Awarded the CRE® designation by the Counselors of Real Estate®

Included in *The Best Lawyers in America*® for Land Use and Zoning Law, 2021-2022

Listed, *The Legal 500 United States*, Real Estate - Land Use/Zoning, 2020-2021

Recognized as a Top Author by *JD Supra* Readers' Choice Awards in Real Estate, 2020

Selected to the Southern California Super Lawyers list, 2020

Recognized as a California Trailblazer by the *Recorder*, 2019

Named to the *Daily Journal's* Top 20 Under 40 list, 2015

Selected to the Southern California Rising Stars list, 2010-2019

Selected to the Up-and-Coming Top 25 Orange County Rising Stars list, 2015-2019

Selected to the Up-and-Coming Top 100 Southern California Rising Stars list, 2015-2019

Chosen for individual recognition for Real Estate: Zoning/Land Use Law in California by *Chambers USA*, 2015-2019

Recognized as the Best Eminent Domain Attorney by *US Business News'* Legal Elite Awards

Named one of the top five Land Use/Zoning Law attorneys in Orange County by *OC Metro* magazine, 2012-2017

Named a Top Rated Lawyer in Land Use and Zoning by Martindale-Hubbell and American Lawyer Media

Chosen for an AV-Preeminent Rating by Martindale-Hubbell, a significant rating accomplishment given to only those attorneys who exhibit the highest level of professional excellence based on a review of their peers

Named the Professional of the Year by the International Right of Way Association (IRWA)

## COMMUNITY & PROFESSIONAL

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Counselors of Real Estate® - California (Southern) Chapter, Chair

Mobility 21, Advisory Board

International Right of Way Association - Chapter 57, General Counsel, Past-President

Orange County Bar Association, Member

St. Anne School, Board Member

## PRACTICES

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Eminent Domain & Valuation

Business Owners Facing Condemnation

Climate Change & Resiliency

Coastal Development

Commercial Litigation

Construction Law, Claims & Litigation

Environment & Land Use  
Government & Administrative Law  
Infrastructure  
Inverse Condemnation & Regulatory Takings  
Land Use Entitlements & Litigation  
Leasehold & Other Valuation Disputes  
Litigation  
Private Landowners Facing Condemnation  
Project & Right-of-Way Acquisitions  
Public Agency Representation  
Real Estate  
Real Estate Litigation  
Trial Practice  
Water Law

## INDUSTRIES

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Energy & Utilities  
Government & Public Sector  
Real Property  
Telecommunications  
Transportation  
Water  
Renewable & Alternative Energy

## EDUCATION

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Chapman University School of Law, J.D., *magna cum laude*; Chapman Law Review Executive Board Member; Mock Trial Board Member  
University of Southern California, B.S., *cum laude*

## ADMISSIONS

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California