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Practice Groups
Eminent Domain and Inverse
Condemnation

California Bar Number
146285

Education
UC College of the Law, San Francisco, JD,
1989

University of California at Berkeley, BA
History and Political Science, 1984

Practicing Since: 1990

For more than 35 years, David Skinner has focused on representing public entities in Eminent Domain and Inverse Condemnation actions at Meyers Nave. He is widely regarded as one of California's leading attorneys in these areas of law. He represents clients throughout California on a wide variety of public acquisitions, including major projects for cities, counties, special districts, transportation entities, water districts, and housing authorities.

Above all, David's extensive trial experience sets him apart—he has tried 33 cases throughout the state, including 20 jury trials and 13 bench trials. As a respected leader, David lectures extensively on various legal issues and has developed a reputation for partnering with public entities on large, regional infrastructure projects involving complex and high-stakes issues.

He appears in closed session with city councils, county boards and other legislative bodies regarding highly publicized litigation. He has also represented clients in several appeals that have established important legal precedents.

David served as has been Managing Principal for Meyers Nave from since January 2011 through 2025.

Professional Affiliations and Awards

- Member, The State Bar of California
- *The Best Lawyers in America*, Eminent Domain and Condemnation Law, 2023
- Recipient, Northern California Super Lawyer; 2005, 2006

Published Decisions

- *City of San Diego v. Barratt American* (4th Dist. 2005) 128 Cal.App. 4th 917
- *City of San Diego v. Barratt American* (4th Dist. 2005) Appeal Action No. D042582
- *City of San Diego v. D.R. Horton Holding Company* (4th Dist. 2005) 126 Cal.App. 4th 668
- *Regents of the University of California v. Sheily* (2nd Dist. 2004) 122 Cal.App.4th 824
- *City of Saratoga v. Hinz* (6th Dist. 2004) 115 Cal.App.4th 1202
- *City of San Diego v. Rancho Penasquitos Partnership* (4th Dist. 2003) 105 Cal.App.4th 1013
- *City of South San Francisco v. Mayer* (1st Dist. 1998) 67 Cal.App.4th 1350
- *City of Hollister v. McCullough* (6th Dist. 1994) 26 Cal.App.4th 289
- *Contra Costa County Flood Control and Water Conservation District v. Lone Tree Investments* (1st Dist.1992) 7 Cal.App.4th 930

Presentations and Publications

- Interviewed, “Alameda County Excited to Proceed with Caution into Orange Tier,” KTVU FOX 2 News, March 30, 2021
- Presenter, “Motions in Limine and CCP §1260.040 Motions: Government Agency Perspective,” 22nd Annual California Eminent Domain Conference, CLE International, San Diego, CA 2020
- Presenter, “A Valuation Conundrum: Considering Pre-Condemnation Damages and Disregarding Project Influence on the Date of Value,” 20th Annual Northern California Eminent Domain Conference, CLE International, 2018
- Presenter, “When Construction of the Project Changes: Legal Obligations,” 19th Annual Northern California Eminent Domain Conference, CLE International, 2017
- Presenter, “Don’t Get Eliminated By In Limine: What Are Those ‘Motions’ to Exclude...You,” Appraisal Institute, Northern California Chapter, Annual Spring Litigation Conference, 2017
- Presenter, “You Can’t Get it Right if You Get the Project Wrong,” International Right of Way Association, Los Angeles County Chapter Annual Valuation Seminar, 2017
- Presenter, “Eminent Domain: Emerging Flashpoints in a Unique Kind of Civil Action,” Appellate Judicial Attorneys Institute, 2017
- Quoted, “California high court favors landowners in tunnels case,” *Bloomberg BNA’s Daily Environment Report*, July 21, 2016
- Presenter, “Legal Considerations for Consideration of the Project in Eminent Domain,” CLE International, 18th Annual Eminent Domain Conference, 2016

- Presenter, “Every Community Needs a Stadium – How Can you Build one, Finance one and Make it Successful?” International Municipal Lawyers Association, 80th Annual Conference, 2015
- Author, “New Professional Sports Arenas: A Game Plan to Prepare for and Overcome a Myriad of Legal and Regulatory Challenges,” International Municipal Lawyers Association, 80th Annual Conference, 2015
- Presenter, “Rights of Entry” and “Temporary Severance Damages,” CLE International, 17th Annual Eminent Domain Conference, 2015
- Presenter, “Temporary Takings: When Do They Give Rise to a Claim for Damages?” CLE International, 14th Annual Eminent Domain Conference, 2012
- Presenter, “Considerations for Effective Trial Testimony,” Federal Agency Update: International Right of Way Association, 2010
- Presenter, “Temporary Construction Easements and Severance Damages,” California Continuing Legal Education Seminar, 2009
- Presenter, “Extended Term Temporary Construction Easements,” Northern California Appraisal Institute, Spring Litigation Conference, 2009
- Presenter, “Eminent Domain Process for Upside Down Mortgages,” Federal Agency Update: International Right of Way Association, 2009
- Presenter, “Severance Damages from Temporary Construction Easements,” California Continuing Legal Education Seminar, 2008
- Presenter, “Expert Witness Testimony in Eminent Domain Trials,” California Continuing Legal Education Seminar, 2008
- Presenter, “Implications of Proposition 98 and Proposition 99 on Eminent Domain Law,” International Right of Way Association, Chapter 2, 2008
- Presenter, “New Standards for Acquiring ‘Probability of Rezoning’ Under Campus Crusade for Christ case and Trial Preparation,” Northern California Appraisal Institute Annual Retreat, 2008
- Presenter, “Implications of Proposition 98 on Eminent Domain Law,” testified before California State Senate Judiciary Committee, 2008
- Presenter, “Implications of Propositions 98 and Proposition 99 on Eminent Domain Law,” Meyers Nave Sponsored Seminar, 2008
- Presenter, “Trial Strategies in Eminent Domain Law,” California Continuing Legal Education Seminar, 2007
- Presenter, “Trial Preparation,” Northern California Appraisal Institute Presentation, 2007
- Presenter and Moderator, “Eminent Domain in California,” Lorman Education Services, Eminent Domain Seminar, Oakland, CA, 2007

- Presenter, “New Requirements for Obtaining Orders for Possession,” International Right of Way Association, Chapter 2, 2007
- Presenter, “Opening Statement and Closing Argument at Trial,” California Continuing Legal Education Seminar on Eminent Domain in California, 2006
- Presenter, “Implications of Proposition 90 on Eminent Domain Law,” National Airport Association Annual Seminar, 2006
- Co-author, “Will Eminent Domain for Redevelopment Purposes Survive Legislative Changes After Kelo?,” *California Real Property Journal* (Vol. 24, No. 2), 2006
- Presenter, “Challenges Facing Public Entities in Eminent Domain Litigation,” California Special Districts Association Annual Retreat, 2006

Representative Experience

- Defended the City of Los Angeles in a class action filed in federal court alleging that the City failed to comply with the Americans with Disabilities Act with regard to its curb ramps and sidewalks.
- Represented the City of Sacramento with regard to the Sacramento Kings’ threat to move its National Basketball Association team to Seattle, including the City’s prosecution of a high-profile eminent domain case involving a former Macy’s Department Store site that was vital for the development and construction of a new downtown sports arena and entertainment complex.
- Representing numerous public entities in water and utility related projects, including sanitation districts in acquiring properties for wastewater treatment plants and sewer trunkline projects; Kirkwood Meadows Public Utility District in the acquisition of a gasoline/propane facility and electrical transmission system; and California American Water Company in the acquisition of a water facility in Felton, CA, a lawsuit filed in Santa Cruz County relating to Cal Am’s water rates, and a local public water district’s desire to take over Cal Am’s water utility operations.
- Represented the Santa Clara Valley Transportation Authority in numerous eminent domain actions for the BART-Silicon Valley 10-Mile Extension Project. The acquisitions range from full takes of multi-acre industrial parks containing numerous multi-tenant masonry buildings to complicated acquisitions involving highest and best use and project influence issues. The favorable multi-million dollar jury verdict in the first trial for the BART project, which was a three-week trial in Santa Clara County Superior Court, allowed VTA to continue with its property acquisition process on budget and on time.
- Successfully defended (after trial) the Santa Clara Valley Transportation Authority (VTA) in a legal challenge by General Growth Properties – the largest owner and operator of retail shopping malls in the United States. The company challenged VTA’s environmental review of, and property acquisition efforts for, a light rail project in San Jose.
- Successfully defended (after trial) the Rancho Cordova Redevelopment Agency (Sacramento

County) in a legal challenge by a developer which challenged the Redevelopment Agency's efforts to acquire and redevelop a 10-acre parcel of land for a community college and transit-oriented development project.

- Representing the Transportation Agency for Monterey County in a 16-mile Commuter Rail extension project in the “pre-condemnation” acquisition phase, including advising on all eminent domain, valuation, project timeline, and coordination issues, as well as assisting with several hardship acquisitions.
- Representing the Los Angeles Metropolitan Transportation Authority on various large eminent domain actions to acquire property for the 8.5-mile Crenshaw/LAX Transit Corridor Project and for the Metro Purple Line Westside Subway Extension Project. The Purple Line Westside Subway Extension Project involved acting as lead counsel in two significant jury trials and one bench trial concerning subsurface subway tunnel easements located in Beverly Hills.

Partial List of Trial Experience

- ***Santa Clara Valley Transportation Authority v. IAC at Cupertino, LLC – Bench Trial April 8, 2025.*** This is an eminent domain case where the Santa Clara Valley Transportation Authority (“VTA”) seeks to acquire fee title and a 3-year temporary construction easement (“TCE”) in and to a portion of a hotel property located near Apply Park, known as the Apple Campus 2, in Cupertino, California. VTA needs the property for the I-280/Wolfe Road Interchange Improvement Project. The first phase of a bifurcated trial include a bench trial to resolve the landowner’s “right-to-take objection.” The landowner claimed that VTA failed to comply with Government Code §7267.2’s requirements relating to a public entity’s obligation (prior to adopting a resolution of necessity) to appraise property; to make a written offer to the landowner based upon the appraised value; and to negotiate in good faith with the landowner. The trial court overruled the landowner’s right-to-take objection and ruled in VTA’s favor.
- ***San Diego Gas & Electric Company v. City of San Diego – Appeal June 11, 2024.*** This was a lawsuit between City of San Diego and SDG&E over which party had the legal responsibility to pay approximately \$100,000,000 for SDG&E to relocate certain electric and gas facilities located within City streets. The relocation of SDG&E’s facilities was necessary to accommodate new pipelines for a City project converting wastewater to potable water. The trial court ruled in SDG&E’s favor, granting SDG&E’s motion for summary judgment, and denying the City’s motion for summary judgment. David and Meyers Nave were retained by the City to appeal the trial court’s ruling. David and his team successfully persuaded the appellate court to reverse the trial court’s ruling in full, and to enter judgment in favor of the City.
- ***Los Angeles County Metropolitan Transportation Authority v. Wilshire-Linden Properties, Ltd. – Jury Trial November 2, 2023.*** David was lead counsel for LACMTA in an eminent domain case involving the acquisition of a subsurface tunnel easement in Beverly Hills for the construction Westside Purple Line Subway Extension Project, from Downtown Los Angeles through Beverly Hills and Century City. A jury trial in the Los Angeles County

Superior Court (Downtown) occurred in November 2023. LACMTA's appraised value was \$90,000. The landowner's appraise value was initially over \$35 million. After LACMTA successfully filed motions in limine, the Landowner's appraiser reduced his opinion of value to over \$25 million. The jury verdict was in the sum of \$235,000.

- ***Los Angeles County Metropolitan Transportation Authority v. Beverly Hills Unified School District – Bench Trial December 2019; Jury Trial July 2022.*** David was lead counsel for LACMTA in companion eminent domain cases to acquire subsurface subway tunnel easements beneath the Beverly Hills High School and Beverly Hills Unified School District Administration Building for the same Westside Purple Line Subway Extension Project from Downtown Los Angeles to Westwood/UCLA. The trial was bifurcated. The initial trial, conducted as a “bench trial” in December 2019, related to BHUSD’s “right to take objections,” challenging LACMTA’s legal right to acquire the subsurface easements by eminent domain. After a 2-week bench trial, the trial court confirmed LACMTA’s right to acquire the subsurface easements by eminent domain as a “compatible” public use and as a “more necessary” public use under the California Eminent Domain Law. The second trial was a “jury trial” on the issue of just compensation and damages. This trial was a month-long trial in July 2022. LACMTA’s appraised value was just over \$500,000. BHUSD’s initial appraised value was over \$74 million. LACMTA prevailed on motions in limine, and BHUSD’s appraiser lowered his appraised value to just over \$53 million. The jury verdict was in the sum of \$1,046,000.
- ***City of Sacramento v. CalPERS, et al. and related actions: 2013-2015.*** In 2013, the Sacramento Kings (NBA Team) threatened to move to Seattle unless the City of Sacramento secured a site for the construction of a new basketball arena. The NBA then gave the City a deadline to secure a site and construct a new arena. The NBA would approve the Kings’ move to Seattle if the City did not meet the NBA’s deadline. The City of Sacramento retained Meyers Nave as lead counsel to handle all land use and environmental litigation relating to CEQA and other challenges to the now Golden 1 Center. The City also retained Meyers Nave as lead counsel to handle all eminent domain litigation relating to the acquisition of a portion of a mall site (including a Macy’s building). The eminent domain litigation commenced in January 2014. The court granted the City’s motion for prejudgment possession in March 2014. The court overruled all of the landowner’s right-to-take objections. The City prevailed on all CEQA and eminent domain arguments. Meyers Nave was able to secure site control prior to the NBA’s deadline. The Sacramento Kings moved into the Golden 1 Center in time for the 2016-2017 season.
- ***Stanislaus County v. McGrane – Jury Trial February 2015.*** David was lead counsel for Stanislaus County in an eminent domain action to acquire a 3.21-acre portion of agricultural land from a 57-acre parcel for a road-widening project. The landowners sought \$385,000 for the part taken, plus \$3,500,000 in severance damages for the alleged damage to the remainder parcel. The County’s appraiser valued the part taken at \$241,000, with \$0 in severance damages. The jury awarded \$288,900 for the value of the part taken, and \$0 in severance damages.
- ***Dowd v. City of Los Angeles – Jury Trial January 2014.*** David was co-lead trial counsel in defending the City of Los Angeles in a jury trial in Federal Court (United States District

Court, Central District of California) in Los Angeles. The plaintiffs included 11 street musicians and performers at the Venice Beach Boardwalk. The City enacted an ordinance to regulate the time and noise level for the performances. After the District Court ruled (on summary judgment) that the City's ordinance was too stringent, the performers sought (by way of a jury trial) over \$1 million dollars in damages. The jury awarded just \$1 to each performer.

- ***Santa Clara Valley Transportation Authority v. 1523 Gladding Court LLC (Herzstein) – Jury Trial August 2013.*** David was lead counsel for VTA on numerous eminent domain cases filed by VTA to acquire numerous properties for the Bay Area Rapid Transit District's (BART) 10-mile extension project to the Silicon Valley. The acquisitions range from full takes of multi-acre industrial parks containing numerous multi-tenant masonry buildings to complicated acquisitions involving highest and best use and project influence issues. In one case, after a jury trial, the jury verdict was \$6.75 million less than that claimed by the landowner's appraiser.
- ***Santa Clara Valley Transportation Authority v. Eastridge Shopping Center – Bench Trial January 2013.*** David was lead counsel for VTA in an eminent domain action to acquire a portion of the Eastridge Shopping Center in San Jose for the construction of the Capitol Expressway Light Rail Project. The owner of the Shopping Center (represented by Gibson Dunn & Crutcher) asserted 10 separate right to take challenges, claiming that VTA did not have the legal right to acquire the property by eminent domain. After a bench trial, VTA prevailed on all challenges.
- ***Community Redevelopment Agency of the City of Rancho Cordova v. The Lily Company – Jury Trial on Property Valuation June 2011; Bench Trial on Landowner's Right to Take Objection October 2010.*** David was lead counsel on one of the last (if not the last) eminent domain trials involving a redevelopment agency's acquisition of property for redevelopment purposes under the former California Community Redevelopment Law. The landowner asserted several right to take objections, challenging the Redevelopment Agency's eminent domain authority. After a court trial in October 2010, the trial court overruled the landowner's challenges. The case then went to a jury trial in June 2011 on the issue of the property's fair market value. The jury returned verdict, but (in January 2012) the Redevelopment Agency filed a Notice of Abandonment due to the dissolution of the California Community Redevelopment Law.
- ***Alameda County Flood Control & Water Conservation District, Zone 7 v. Legacy Pleasanton Land, LLC - Jury Trial January 2010.*** David was lead counsel for Alameda County (Zone 7) in an eminent domain action to acquire 2.5-acres from. 556-parcel located for a well and water treatment plant project. Zone 7's appraiser valued the property at \$27,500. The landowner's appraiser valued the property at \$1,680,000. (A second appraiser valued the property at \$488,927.). The jury verdict was \$67,500.
- ***Speights v. City of Oceanside – Bench Trial December 2008.*** David was lead counsel for the City of Oceanside in an inverse condemnation action. A developer of a proposed apartment project in the City of Oceanside (San Diego County) filed an inverse condemnation action against the City, seeking in excess of \$12 million in damages. The developer alleged that it obtained a "vested rights" to complete the apartment project, but

that the City's stormwater drainage requirements amounted to a physical taking, a regulatory taking, and unreasonable precondemnation conduct. The developer's lawsuit survived two demurrers and one motion for summary judgment filed by the City. Ultimately, the City prevailed in its second summary judgment motion. The developer appealed, but the Court of Appeal (in an unpublished opinion) affirmed the trial court's ruling in June 2009. *Speights v. City of Oceanside*, D054122 (Cal. App. 6/18/2009)

- ***Alameda County Flood Control & Water Conservation District, Zone 7 v. Ferreri Family Trust – Jury Trial June 2008.*** David was lead counsel for Alameda County, Zone 7, in another eminent domain action. The property was a 34-acre parcel. The landowner had previously taken steps to obtain entitlements for a “business park.” Zone 7 sought to acquire a 1.41-acre strip of land for a permanent pipeline easement, and a 2.8-acre strip of land for a 39.5-month temporary construction easement (TCE). The primary valuation issue was whether (in the wake of the California Supreme Court's decision in *Metropolitan Water District v. Campus Crusade for Christ* (2007) 41 Cal.4th 954, and the appellate court's decision in *City of Fremont v. Fisher* (2008) 160 Cal.App.4th 666 there were “temporary severance damages” to the remainder parcel caused by the TCE and, if so, the amount of temporary severance damages. The landowner's appraiser initially valued temporary severance damages at \$2.35 million. After legal rulings by the trial court, the landowner's appraiser reduced his opinion of temporary severance damages to \$1.89 million. Zone 7's appraiser found no temporary severance damages. Before trial, the landowner's total “final offer” was in the sum of \$2 million. The issue was tried before a jury, and the jury completely agreed with Zone 7's appraiser, finding that there were no temporary severance damages caused by the TCE.
- ***Alameda County Flood Control & Water Conservation District, Zone 7 v. Land Factors, Inc. – Jury Trial April 2008.*** David was lead counsel for Alameda County, Zone 7 in another eminent domain action. The property was a 10.8-acre parcel which the landowner had previously obtained conditional approvals to construct a self-storage facility. Zone 7 sought to acquire a 12,311-square foot pipeline easement, and a 2.65-acre, 39.5-month temporary construction easement (“TCE”). The issues at trial related to the subject property's “highest and best use;” the value of the permanent pipeline easement; the value of the TCE; severance damages, if any, to the remainder parcel caused by the pipeline easement; and “temporary severance damages,” if any, to the remainder parcel caused by the TCE. This case was tried prior to the “Ferreri” case listed above, but also involved application of the recent holdings in the *Campus Crusade for Christ* and *Fisher* relating to the temporary severance damages. The landowner had two appraisers who had a total appraised value of \$3.82 million and \$3.93 million, respectively. Zone 7's appraiser had a total appraised value of \$593,000. The total amount awarded by the jury was \$1,351,344.
- ***Yamagiwa v. City of Half Moon Bay – Bench Trial November 2007.*** David was lead trial counsel for defendant City of Half Moon Bay in Federal Court (United States District Court, Northern District of California (San Francisco)). The City had previously denied a commercial development application on grounds that “wetlands” were present on the property. The developer therefore sued the City, arguing that the City's faulty stormwater system caused the wetlands condition. The Court agreed with the developer.

- ***Sacramento Housing and Redevelopment Authority v. Rashid, et al. – Jury Trial August 2006.*** David was lead counsel for the Sacramento Redevelopment Agency in several eminent domain actions to acquire parcels for redevelopment purposes. In one case, the site was improved with a former gasoline service station and mini-mart business. Valuation issues included highest and best use, the value of the real estate and improvements, and entitlement to loss of business goodwill. Landowner's total appraised value at trial was \$919,000. After a bench trial on entitlement to loss of business goodwill, and a jury trial on the value of the land and improvements, the jury awarded \$492,000. Landowner's motion for litigation expenses for over \$250,000 was also denied.
- ***City of San Diego v. Gondor Investments LLC – Jury Trial February 2004.*** David was lead counsel for the City of San Diego in several eminent domain actions to acquire properties for the State Route 56 Freeway Project. The subject property was a 32.5-acre parcel of unimproved land which was entitled for suburban density development. The City sought to acquire 5.21 acres. The issues at trial related to highest and best use and fair market value of the property taken, severance damages and project benefits. The property owner's total appraised value was \$15,980,000. The City's total appraised value was \$2,605,000. The jury verdict was \$7,100,000.
- ***City of San Diego v. Barratt American – Jury Trial November 2003.*** David was lead counsel for the City of San Diego in another eminent domain action to acquire 8.32 acres in fee, and 3.25 acres as a TCE, from a 26.3-acre site for State Route 56. The property owner's total appraised value was \$15,200,000. The City's total appraised value was \$3,845,000. The jury verdict was \$7,500,000. Legal rulings from the trial court were affirmed by the appellate court in a published decision. *City of San Diego v. Barratt American* (4th Dist. 2005) 128 Cal.App.4th 917.
- ***City of San Diego v. D.R. Horton Holding Company – Jury Trial August 2003.*** David was lead counsel for the City of San Diego in another eminent domain action. The jury verdict was favorable to the City. However, the landowner subsequently appealed this case, and the case was settled later for a higher amount.) The appellate court was asked to clarify whether this alleged inconsistent verdict was properly within the range of values testified to by the appraisers in a published decision. *City of San Diego v. D.R. Horton Holding Company* (4th Dist. 2005) 126 Cal.App.4th 668.
- ***Santa Clara Valley Transportation Authority v. R & S Properties, Inc. – Jury Trial July 2003.*** David was lead counsel for the Santa Clara Valley Transportation Authority in an eminent domain action to acquire fee title in and to a 67,902 square-foot parcel of property located in the City of Campbell for the Vasona Light Rail Project. The property owner's total appraised value was \$5,260,000. VTA's total appraised value was \$2,852,000. The jury verdict was \$2,852,000 - right on VTA's numbers.
- ***Aetna Realty v. City of South San Francisco – Bench Trial June 2003.*** David was lead counsel for the City of South San Francisco on this inverse condemnation/regulatory takings case. Aetna Realty, a developer, owned an approximate 25-acre parcel on "Sign Hill" in South San Francisco. The subject property includes slopes on Sign Hill in excess of 35%. Over an approximate 10-year period, Aetna submitted three applications for a general plan amendment, zoning change, and tentative map approval with the City. Aetna sought to build

a 93-185 unit condemnation project on the steep slope of Sign Hill. The City deemed each of Aetna's applications as incomplete. Aetna failed to provide sufficient engineering and other information in any of its three applications. Aetna filed suit against the City, claiming that the City effectuated a regulatory taking without just compensation. After a 4-week bench trial, the trial court ruled in favor of the City.

- ***Redevelopment Agency of the City of Livermore v. Jung H. Choi, et al. – Jury Trial February 2002.*** David was lead counsel for the Redevelopment Agency in an eminent domain action to acquire the leasehold interest of a dental practice operating at a medical office building located at 1221 East Stanley Boulevard, Livermore, California. The Redevelopment Agency needed the property for the construction of the Valley Care Health System Expansion Project. The primary issue at trial related to the dental practice's claim for loss of business goodwill. The dental practice claimed it had \$167,000 in business goodwill, and lost it all as a result of the Agency's project. The Redevelopment Agency argued that the dental practice had \$220,000 in business goodwill, but lost just \$28,000 in business goodwill as a result of the project. The jury verdict for loss of business goodwill was \$40,000. This is \$127,000 less than the dental practice's appraised value and \$12,000 more than the Agency's appraised value.
- ***Regents of the University of California v. Aaron S. Sheily. DDS – Bench Trial January 2002.*** David was lead counsel for The Regents of the University of California sought to acquire the leasehold interest of a dental practice operating at a medical office building located at 1502 Wilshire Boulevard, Santa Monica, California. The Regents needed the property for the Santa Monica/UCLA Hospital Expansion Project. The issue in the first phase of a bifurcated trial related to the dental practice's "entitlement" to make a claim for loss of business goodwill. After a bench trial, the trial court held that the dental practice was not "entitled" to make a claim for loss of business goodwill. In the first published decision interpreting CCP §1263.510(a)(2), the appellate court affirmed. *Regents of the University of California v. Sheily* (2nd Dist. 2004) 122 Cal.App.4th 824.
- ***Redevelopment Agency of the City of South San Francisco v. Kaul/Rizzetto – Bench Trial September 2001.*** David acted as lead counsel for the Redevelopment Agency in an eminent domain action to acquire property for the City of South San Francisco Downtown Central Redevelopment Project. The sole issue at trial related to the claim for loss of business goodwill of a welding and metal sales business. The welding business' goodwill appraiser valued the loss of goodwill at \$900,000. The Redevelopment Agency's business goodwill appraiser believed there was no loss of business goodwill. The parties stipulated to a bench trial. After trial, the Court agreed with the Redevelopment Agency - the welding business had no loss of business goodwill. The trial in this matter commenced on September 24, 2001 and took approximately a week-and-a-half to conclude.
- ***Santa Clara Valley Transportation Authority v. Patel – Jury Trial September 2001.*** David acted as lead counsel in an eminent domain case to acquire property for the Vasona Light Rail Project. VTA's appraiser valued the property at \$1,835,000. The property owner's appraiser valued the property at \$3,200,000. The jury found that the fair market value the property was \$1,835,000 – right on VTA's appraised value.

- ***City of San Diego v. Rancho Penasquitos Partnership – Jury Trial January 2001.*** David acted as lead counsel in another eminent domain case for the City of San Diego to acquire property for the SR 56 project. The City sought to acquire 10.94 acres of a 106 acre site. The landowner's appraised value was \$8,450,000. The City's total appraised value was \$2,406,200. The jury's total award was \$3,906,210. The case went to appeal on certain trial court rulings. (City of San Diego v. Rancho Penasquitos Partnership, (4th Dist. 2003) 105 Cal.App.4th 1013.)
- ***City of Livermore v. Miklyn Development – Jury Trial May 1999.*** David acted as the City's lead counsel in an eminent domain case to acquire a portion of an unimproved parcel for the Vasco Road Widening and Improvement Project. The sole issue at the jury trial related to the property owner's claim for severance damages. The City's appraiser believed there were no severance damages. The owner's appraiser opined that there was over \$400,000 in severance damages. The jury verdict was "zero" severance damages.
- ***City of Suisun City v. Suisun Shores Development – Jury Trial May 1997.*** David acted as the City's lead counsel in an eminent domain case to acquire approximately 11 acres of unimproved property for the Highway 12 Improvement and Wetlands Mitigation Project. The City's appraiser estimated total compensation at approximately \$1,290,000. The owner's appraiser estimated total compensation at over \$3,320,000. The jury verdict was \$1,300,000.
- ***City of South San Francisco v. Mayer – Bench Trial December 1997.*** David acted as the City's lead counsel in an eminent domain case where the City was a lessee of the South San Francisco Conference Center, but sought to acquire the landlord's interest to own the Conference Center outright. The trial court ruled in the City's favor, and the court of appeal affirmed. (City of South San Francisco v Mayer (1998) 67 Cal. App.4th 1350.)
- ***City of Belmont v. Rosing – Jury Trial April 1996.*** David was lead counsel in an eminent domain action to acquire an established car wash site for Caltrain Grade Separation Project. The case went to jury trial. However, no verdict was reached as the judge declared a mistrial due to the judge's own error on the law and prejudicial statements to the jury. The case thereafter settled.
- ***City of Salinas v. Swanson – Bench Trial January 1996.*** David acted as lead counsel for the City in an eminent domain action to acquire a portion of unimproved property for the expansion of a stormwater retention/detention basin. The case went to trial over the owner's Klooping claim - i.e., alleging that the City engaged in unreasonable precondemnation conduct which caused the owner to suffer precondemnation damages. The trial court found in favor of the City of Salinas.
- ***Scotts Valley Water District v. Barnett – Bench Trial June 1995.*** David acted as the Water District's lead counsel in an eminent domain action to acquire a portion of a residentially zoned site for the expansion of its water treatment facilities. The property owner asserted a "right to take objection," challenging the District's ability to exercise its eminent domain authority. A court trial was held in Santa Cruz County. The trial court found in favor of the Water District
- ***Gardner v. City of Sebastopol – Bench Trial June 1994.*** David was co-counsel in a lawsuit brought by a developer of a proposed 48-unit multifamily housing project. The City denied

the project and the developer sued the City on ground of discrimination against affordable housing. After a 9-day bench trial, the court ruled against the developer and in favor of the City.

- ***Redevelopment Agency of San Ramon v. Sghayer – Jury Trial December 1991.*** David acted as second chair in this eminent domain action for a redevelopment agency to acquire property in San Ramon for a redevelopment project. There was a right to take trial on the landowner's claim that a City zoning restriction was invalid, both facially and as applied, to his property. On summary judgment, handled by David, the trial court held that Government Code section 65009(c)'s statute of limitations barred both claims. The court of appeal confirmed in an unpublished decision. (*Redevelopment Agency of San Ramon v. Sghayer* (1993) 21 Cal.Rptr.2d 183 (not published in official reports)).