



Contra Costa County Superior Court Decision Supports Unanimous Jury Defense Verdict Secured by Burke

Martinez, CA (Business Wire) – A Statement of Decision issued in a civil suit filed in Contra Costa County Superior Court advanced the findings of a unanimous jury verdict previously secured by a Burke, Williams & Sorensen, LLP **Inverse Condemnation** litigation team. The defense team was led by Burke partners **Brenda Aguilar-Guerrero** and **Chad W. Herrington**.

On February 8, 2022, plaintiffs Jane Kappel and Bryan Kappel filed a first amended complaint asserting two claims for inverse condemnation, and claims for dangerous condition of public property and nuisance against defendant Central Contra Costa Sanitary District. The Plaintiffs were seeking \$25M for damages they allege were caused to their Walnut Creek home from two separate main sewer line overflows. A unanimous jury trial verdict rendered on April 24, 2024, found for the District, rejecting the dangerous condition of public property and nuisance claims. The court then had to decide the two remaining inverse condemnation causes of action that alleged the public improvements were a substantial cause of injuries to the plaintiffs. On August 9, presiding Contra Costa County Superior Court Judge John P. Devine issued a Statement of Decision, ruling that the plaintiffs failed to show that the public improvements were a substantial cause of the plaintiffs' injuries and that any remaining issues in the suit were thereby moot.

Lead defense counsel Aguilar-Guerrero was gratified by Judge Devine's determination that there was an "absence of testimony or exhibits supporting causation" of the argued sewage damage incidents to the plaintiffs' home. "This outcome justifiably averted claims on the District exceeding \$25 million" she added.

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