

# LITIGATION REPORT AND CASE SUMMARY

Wisconsin Department of Transportation  
RE1651 10/2018

<b>To:</b>
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<b>Attorney-Client Privilege</b>
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## Section 1 CASE DETAILS

Date	Region	Litigation Agent	
Parties of Interest/Type of Interest (owner, mortgagor, etc.)		County	
Project ID and Termini	Parcel #	Federal Money in Right of Way <input type="checkbox"/> Yes <input type="checkbox"/> No	Project Highway
Interests Acquired [Fee, TLE, PLE, etc. (ac./s.f.)]	Amount Of		Recording Date
	Award                    \$		
	Conveyance            \$		

## Commission/Court

Appeal Date	Appealed to	Appellant
Date of Service	Docket/Case #	Date of Hearing/Trial
Date	Amount	Attorney(s) (Name, Address & Telephone Number for each)  For Owner
<input type="checkbox"/> Dismissed		
<input type="checkbox"/> Judgment	\$	
<input type="checkbox"/> Settlement	\$	For Condemnor
Name		
<input type="checkbox"/> Commission Chair		
<input type="checkbox"/> Circuit Court Judge		

<u>Briefly</u> describe the property in the before condition (size, type, present use, etc.)
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<u>Briefly</u> describe the property in the after condition (size, type, use changes, etc.)
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**ATTACH** a property sketch (property lines red, fee acquisition yellow, temporary interests blue).

**ATTACH** a copy of the plat page and plan/profile if appropriate.

**ALSO HELPFUL:** additional pictures that are not in the appraisal taken either before or after construction; video before and after; any other charts, plats, diagrams, etc.

## **SUMMARY OF THE CASE IN DETAIL**

Consider the complexities of the case. Include such items as severance damages; special benefits (can be used to offset \$); problems with highest and best use (what's probable, legally possible, local/county zoning trends, zoning change, etc.); access issues; appraiser competency; appraisal review; procedural problems; owner's problems during negotiations; potential appeal reasons; new issues with owner after condemnation not in diary; market conditions now; new area sales; thoughts about the main issue(s) of property owner; identify issue(s) most important in court; what's good/not good with our appraisal/owner's appraisal; note errors or misconceptions; did owner's appraisal include points we didn't; is a motion in liminie in order to keep out non-compensable issues; note any new information/hearsay about owner or property; list any potential witnesses and why they'd be good; and, list any other notable points.

*(Continue additional pages, as necessary)*

**Section 2 - WITNESSES/TESTIMONY** (completed by litigation coordinator after hearing/court)

VALUATION WITNESSES	BEFORE	AFTER	DAMAGES	REMARKS	TESTIFIED	
					YES	NO
<b>FOR State</b>						
	\$	\$	\$			
	\$	\$	\$			
<b>FOR OWNER</b>						
	\$	\$	\$			
	\$	\$	\$			

**Award**

<input type="checkbox"/> Condemnation Commission <input type="checkbox"/> Circuit Court <input type="checkbox"/> Appellate Court	\$
Increase or Decrease Over Award/Deed	Increase \$ _____ Decrease \$ _____

**Other Witnesses and Purpose of Testimony**

Briefly discuss the owner's contentions and approach to damage as contrasted with the \_\_\_\_\_'s contentions.

**Section 3 - RECOMMENDATION OF COUNSEL** (completed by Counsel)

Explain recommendation. Briefly describe any differences between the \_\_\_\_\_'s appraisal, which the offering price was based, and \_\_\_\_\_'s appraiser's testimony at trial. Explain if verdict/award should be appealed. Comment on witnesses and weight of evidence.

X \_\_\_\_\_  
(StateCounsel) (Date)

**Section 4 - RECOMMENDATION (if disapproval is recommended, region shall return this form to counsel for rebuttal prior to forwarding to BTS-RE (central office))**

Comments
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X \_\_\_\_\_  
 (Regional Real Estate Manager) (Date)

**Section 5 - FILE CLOSURE (Complete as applicable)**

Date Payment Made		
Payable to		
Check #		
Date Judgment Entered		
Was a 1099 necessary for attorney's fees?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Date Satisfaction of Judgment Filed		
Date of Stipulation and Order for Dismissal		

**Project Resources (Litigation Coordinator, Attorney(s), Appraiser(s), , Construction  
Project Manager, Engineer, Permit Coordinator, etc.**