

Brooks Pierce Case Recognized As One of N.C.'s Largest Eminent Domain Verdicts in 2018

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North Carolina Lawyers Weekly recently published a list of the largest eminent domain verdicts and settlements of 2018. Topping the list was a Brunswick County case in which a jury awarded over \$2.6 million to a pair of landowners represented by Brooks Pierce attorneys Brian McMillan, Bob King and Kimberly Marston.

The case involved land seized by the North Carolina Department of Transportation (NCDOT) in connection with the construction of Interstate 140. NCDOT filed two separate cases and estimated the damages to be a total of \$130,728. Pursuant to N.C.G.S. Sec. 136-108, the Brooks Pierce attorneys filed a motion to expand and consolidate the parent tracts. That motion was granted, after a two-day hearing and a site visit by presiding Judge Ola Lewis, and the consolidated cases went to trial in October 2018. At trial, NCDOT introduced evidence, based on the expanded and consolidated parent tract, that the total damages incurred by the property owners were between \$516,000 and \$577,000. The Brooks Pierce lawyers introduced evidence of noise-related damage to the property and damages, for land taken and damage to the remainder, of between \$2.5 million and \$3 million. After a five-day trial and about two-and-a-half hours of deliberation, the jury awarded damages of over \$2.6 million. In addition, the landowners are entitled to interest on the difference between the original NCDOT deposit and the jury award, which added upwards of six-figures to the total judgment.

North Carolina Lawyers Weekly considers the difference between the original compensation offered pretrial and the amount awarded in trial when compiling the list of top settlements.

The write up in *North Carolina Lawyers Weekly* can be found [here](#). More information about the case is available online [here](#).

PEOPLE

Robert King III

Kimberly M. Marston

Brian McMillan

SERVICES

Class Action

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Land Use & Zoning