

SUPREME COURT OF UTAH

Wintergreen Group, LC v. Utah Department of Transportation

2007 UT 75 · No. No. 20060338 · Decided September 18, 2007

SUMMARY

The Utah Supreme Court held that the district court prematurely dismissed Wintergreen Group's state and federal inverse condemnation claims based on the consolidation of UDOT's direct condemnation actions. The court vacated the dismissal and remanded for consideration of whether the constitutional claims should proceed as a counterclaim or independent action, along with other unresolved issues.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Nehring; Chief Justice Durham; Associate Chief Justice Wilkins; Justice Durrant; Justice Parrish
JURISDICTION	Utah
DECIDED	September 18, 2007
DOCKET	No. 20060338
DISPOSITION	vacated
PROCEDURAL POSTURE	Wintergreen appealed the district court's dismissal under Utah Rule of Civil Procedure 12(b)(6) of its state and federal inverse-condemnation claims after the court consolidated three direct condemnation actions brought by UDOT.
STANDARD OF REVIEW	Dismissal under Utah Rule of Civil Procedure 12(b)(6) is reviewed for correctness. The court accepts the complaint's factual allegations as true and interprets them, and all reasonable inferences, in the light most favorable to the nonmoving plaintiff.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Utah; precedential.
PARTIES	Wintergreen Group, LC v. Utah Department of Transportation

TOPICS

- motions to dismiss
- pleadings
- eminent domain
- takings clause
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court improperly dismissed Wintergreen's inverse-condemnation claims at the pleading stage on the ground that the consolidated direct-condemnation action preempted or functionally absorbed those claims.
2. Whether Wintergreen sufficiently pleaded that the direct-condemnation process might be unavailable or inadequate to provide the full compensation required by the state and federal constitutions.
3. Whether a statutory condemnation scheme can preempt a constitutional cause of action merely because it provides an enforcement mechanism for the same constitutional right.

HOLDINGS

1. The district court erred by dismissing Wintergreen's inverse-condemnation claims solely because UDOT had filed direct condemnation actions that were later consolidated. At the motion-to-dismiss stage, Wintergreen was entitled to develop its claims and attempt to show that the constitutional claims were independently viable.
2. A constitutional cause of action cannot be preempted by a statute merely because the statute codifies or provides procedures for enforcing the constitutional right. The constitutional claim is presumptively superior to a conflicting or incomplete statutory formulation.
3. The district court could not dismiss the § 1983 claims on the ground that a comprehensive statutory scheme automatically preempted them. To foreclose a § 1983 remedy, the defendant must establish that Congress expressly withdrew the remedy or that allowing the action would be inconsistent with a carefully tailored congressional scheme.

KEY QUOTATIONS

“Thus, where a direct condemnation action has been filed, an inverse condemnation claim will not be ripe until the direct condemnation action has ended because, as long as the direct condemnation action is active, there is a very real possibility that the landowner will receive just compensation from the government.” (¶ 10)

“A constitutional cause of action rooted in the organic law of our state is presumptively superior to and must displace any statutory iteration that either conflicts with it or gives it less than full effect.” (¶ 14)

“This difficult burden signals to us that the preemption of claims based on underlying constitutional rights is disfavored.” (¶ 15)

FACTUAL BACKGROUND

Wintergreen owned approximately 121 acres in Tooele, Utah, consisting of parcels on both sides of State Road 36 that it intended to develop as an integrated shopping center. UDOT filed three separate condemnation actions to acquire portions of the property for a road-widening and related construction project, reducing the holdings by more than four and one-half acres and imposing temporary and permanent easements. Wintergreen alleged that

the serial condemnations fragmented its holdings and could result in less compensation than a single condemnation proceeding, so it filed an inverse-condemnation action asserting federal and state takings claims.

PROCEDURAL HISTORY

UDOT filed three condemnation actions seeking portions of Wintergreen's property and obtained orders of immediate occupancy. Wintergreen then filed an inverse-condemnation action asserting claims under 42 U.S.C. § 1983 and the Utah Constitution. The district court consolidated the three direct condemnation actions and dismissed the inverse-condemnation action on the ground that the statutory condemnation process provided all available relief. The Utah Supreme Court vacated the dismissal and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the dismissal of Wintergreen's inverse-condemnation action and remand for continued proceedings. The district court must determine whether the inverse-condemnation action should be treated as a counterclaim or as an independent action and should address UDOT's sovereign-immunity argument and other unresolved issues.

CASES CITED

- Oakwood Village LLC v. Albertsons, Inc., 2004 UT 101, ¶ 9, 104 P.3d 1226
- Williamson County Regional Planning Commission v. Hamilton Bank, 473 U.S. 172, 194-97 (1985)
- Ruckelshaus v. Monsanto Co., 467 U.S. 986, 1013, 1018 & n.21 (1984)
- Ivers v. Utah Department of Transportation, 2007 UT 19, ¶ 8, 154 P.3d 802
- Middlesex County Sewerage Authority v. National Sea Clammers Association, 453 U.S. 1, 20 (1981)
- Golden State Transit Corp. v. City of Los Angeles, 493 U.S. 103, 106-07 (1989)
- Smith v. Robinson, 468 U.S. 992, 1012 (1984)
- Wright v. Roanoke Redevelopment & Housing Authority, 479 U.S. 418, 423-24 (1987)