

Bill Bookout

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Subject: Public Law Blog

August 25, 2010

Mr. Matthew Lavrinets-The Public Blawg

Please be advised that in the case of Bookout v State of California, is being appealed to the California Supreme Court! The information about this case can be seen on the following websites. Your Statement: ***"This case is a good result for public entities because it confirms that property owners must generally bring suit for inverse condemnation within three years of when the damage to their property occurs. Such lawsuits can be costly for public entities because plaintiffs who prevail in them are entitled to their attorneys' fees."*** Is very interesting as exhibit # 1768 show Caltrans and OCSD changing any Statute of limitations and showing that the flooding can be abated! The Second Appellate Court in their decision show this in evidence of December 2002!

www.oceanonursery.com

www.lieutenantgovernorabelmaldonado.com

www.governorbrown.net

www.senatorsamblakeslee.com

www.governorjerrybrown.net

www.lieutenantgovernormaldonado.com

Judge Martin J. Tangeman would not allow all of the evidence in that the County Of San Luis Obispo chose to withhold from trial! This is very unfortunate as the Second Appellate Court is very aware of this evidence that San Luis Obispo Superior Court Judge Martin J. Tangeman withheld from us at trial and then Stated September 12, 2008 in regards to some of the evidence and (Redacted) whiteness statements, questionnaires withheld from discovery! *"No further information was forthcoming and now the questionnaires are here I guarantee they are voluminous, I haven't even read through all of them."* *"But I think it's incumbent to demonstrate to the court exactly which factual assertion and which witness would actually produce evidence which would result in a basis for a new trial."*

www.unitedstatessupremecourt.net

www.governormegwhitman.co

www.unitedstatessupremecourt.com

Caltrans and the Oceano Community Service District in December 2002 abated my complaint in exhibit # 579 however both Caltrans and the Oceano Community Service District chose to leave the OCSD Well # 8 PVC pipe discharging 2500 gallons of debris and well water a minute daily into this

storm water drainage system! We began flooding in 2004!



The photos above show local news media knowledge of how government is now allowed to use this storm water drainage system as seen on these websites!

www.inversecondemnation.net

www.californiasupremecourt.info

www.californiasupremecourts.com

www.secondappellatecourt.com

www.supremecourtcalifornia.com

www.supremecourtcalifornia.com

www.supremecourtjustices.net



The Second Appellate Court July 28, 2010 published decision completely ignores Statute Of Limitations changes as seen in exhibit # 579 "Did you observe likely causes of the flooding, such as clogged culverts under roads, catch basins filled with dirt, no place for water to flow?" On Exhibit # 579 withheld from discovery by the County Of San Luis Obispo it was stated--- "*Hwy 1 Not Adequate drainage on Hwy 1 under the train track & Overlay from Caltrans in 2001 on*

Hwy 1"

The Second Appellate Court Justice--Steven Z. Perren---Kenneth R. Yegan---Arthur Gilbert---Paul Coffee would not talk about these photos that went with exhibit # 579 that Superior Court Judge Martin J. Tangeman did not feel were needed as evidence as he and Union Pacific Railroad stated "And for the purpose of the exhibits we don't need the photographs." The Court States: "All Right" In regards to these photos the County of San Luis Obispo asks on their Community Drainage and Flood Control Study Questionnaire---"Are there Any other comments regarding drainage and flooding that you would like to make?" It was written "Yes" showing these photos that Judge Martin J. Tangeman told the Railroad they did not have to include with exhibit # 579. This prejudicial error shows Causation and no Date of Stabilization!



Public Law: Municipal Lawyer

Monday, August 23, 2010, 08:37:44 AM

Three-Year Statute of Limitations Confirmed for Inverse Condemnation Causes of Action

In *Bookout v. State of California*, 2d Civil No. B214906, the California Court of Appeal, Second Appellate District, confirmed that a three-year statute of limitations applies to a cause of action against a public entity for damage to private property based upon a theory of inverse condemnation. In the case, the appellant filed suit against Caltrans, San Luis Obispo County, the Oceano Community Services District and Union Pacific Railroad in 2006, alleging that they had caused his property to flood, which resulted in damage sometime in 2002 or before. In finding at trial that the appellant's case was time-barred, the trial court noted that for inverse condemnation causes of action, the three-year limitations period under California Code of Civil Procedures section 338(j) generally applies, and a five-year statute of limitations applies only where a public entity has physically entered and exercised dominion and control over some portion of the plaintiff's property. Additionally, the trial court found that the appellant's property had not sustained repeated damage incident to a public improvement so as to avail the appellant of a longer limitations period. The Court of Appeal confirmed the trial court's findings in full.

This case is a good result for public entities because it confirms that property owners must generally bring suit for inverse condemnation within three years of when the damage to their property occurs. Such lawsuits can be costly for public entities because plaintiffs who prevail in them are entitled to their attorneys' fees.

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