

Senate Bill No. 634

CHAPTER 102

An act to amend Sections 1250.410 and 1258.220 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 13, 1999. Filed with Secretary of State July 13, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 634, Kelley. Eminent domain.

Existing law specifies the time period within which various documents must be exchanged in eminent domain proceedings absent an agreement thereto. It also specifies the time period in which the plaintiff must file its final offer of compensation and in which the defendant must file its final demand for compensation.

This bill would revise these time periods, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 1250.410 of the Code of Civil Procedure is amended to read:

1250.410. (a) At least 20 days prior to the date of the trial on issues relating to compensation, the plaintiff shall file with the court and serve on the defendant its final offer of compensation in the proceeding and the defendant shall file and serve on the plaintiff its final demand for compensation in the proceeding. Such offers and demands shall be the only offers and demands considered by the court in determining the entitlement, if any, to litigation expenses. Service shall be in the manner prescribed by Chapter 5 (commencing with Section 1010) of Title 14 of Part 2.

(b) If the court, on motion of the defendant made within 30 days after entry of judgment, finds that the offer of the plaintiff was unreasonable and that the demand of the defendant was reasonable viewed in the light of the evidence admitted and the compensation awarded in the proceeding, the costs allowed pursuant to Section 1268.710 shall include the defendant's litigation expenses.

In determining the amount of such litigation expenses, the court shall consider the offer required to be made by the plaintiff pursuant to Section 7267.2 of the Government Code and any other written offers and demands filed and served prior to or during the trial.

(c) If timely made, the offers and demands as provided in subdivision (a) shall be considered by the court on the issue of determining an entitlement to litigation expenses.



SEC. 2. Section 1258.220 of the Code of Civil Procedure is amended to read:

1258.220. For the purposes of this article, the “date of exchange” is the date agreed to for the exchange of their lists of expert witnesses and statements of valuation data by the party who served a demand and the party on whom the demand was served or, failing such agreement, a date 60 days prior to commencement of the trial on the issue of compensation or the date set by the court on noticed motion of either party establishing good cause therefor.

