



Caution

As of: February 7, 2019 10:38 PM Z

[Sabal Trail Transmission, LLC v. +/- 1.127 Acres of Land](#)

United States District Court for the Middle District of Florida,
Jacksonville Division

June 15, 2017, Decided; June 15, 2017, Filed

Case Nos: 3:16-cv-263-J-20PDB; 3:16-cv-264-J-32MCR*;
3:16-cv-265-J-32PDB; 3:16-cv-266-J-25JRK; 3:16-cv-267-J-32MCR; 3:16-cv-268-J-25JBT; 3:16-cv-269-J-20JBT; 3:16-cv-271-J-39JRK; 3:16-cv-272-J-39MCR; 3:16-cv-273-J-25JBT; 3:16-cv-274-J-32JBT; 3:16-cv-275-J-32MCR; 3:16-cv-276-J-32JRK; 3:16-cv-277-J-34JBT; 3:16-cv-278-J-39JBT; 3:16-cv-282-J-20JRK; 3:16-cv-283-J-34JRK; 3:16-cv-285-J-39PDB; 3:16-cv-286-J-25MCR; 3:16-cv-287-J-20JBT; 3:16-cv-288-J-32JRK; 3:16-cv-289-J-39MCR; 3:16-cv-291-J-20JRK; 3:16-cv-293-J-39JRK; 3:16-cv-296-J-25PDB; 3:16-cv-297-J-39PDB; 3:16-cv-300-J-34PDB; 3:16-cv-301-J-20MCR; 3:16-cv-302-J-34PDB; 3:16-cv-303-J-20MCR; 3:16-cv-304-J-39PDB; 3:16-cv-307-J-25JBT; 3:16-cv-309-J-39PDB; 3:16-cv-311-J-20JBT; 3:16-cv-313-J-39JRK; 3:16-cv-314-J-32PDB; 3:16-cv-315-J-25JBT; 3:16-cv-317-J-34MCR; 3:16-cv-318-J-32JRK; 5:16-cv-155-Oc-39PRL; 5:16-cv-162-Oc-39PRL; 5:16-cv-170-Oc-32PRL; 5:16-cv-173-Oc-32PRL; 5:16-cv-180-Oc-39PRL; 5:16-cv-201-Oc-39PRL; 5:16-cv-203-Oc-39PRL; 5:16-cv-207-Oc-32PRL; 5:16-cv-210-Oc-32PRL; 5:16-cv-227-Oc-32PRL

Reporter

2017 U.S. Dist. LEXIS 92003 *

SABAL TRAIL TRANSMISSION, LLC, Plaintiff, vs. +/- 1.127 ACRES OF LAND IN HAMILTON COUNTY, FLORIDA, HAMILTON ENERGY RESOURCE OPPORTUNITIES, LLC, et al., Defendants.

Subsequent History: Partial summary judgment granted by [Sabal Trail Transmission, LLC v. 0.589 Acres of Land in Hamilton Cty., Fla., 2018 U.S. Dist. LEXIS 29988 \(M.D. Fla., Feb. 26, 2018\)](#)

Motion granted by, in part, Motion denied by, in part, Reserved by [Sabal Trail Transmission, LLC v. 1.823 Acres of Land in Hamilton Cty., 2018 U.S. Dist. LEXIS 89517 \(M.D. Fla., May 30, 2018\)](#)

Motion granted by, in part, Motion denied by, in part, Motion denied by [Sabal Trail Transmission, LLC v. 0.589 Acres of](#)

[Land, 2018 U.S. Dist. LEXIS 129709 \(M.D. Fla., Aug. 2, 2018\)](#)

Partial summary judgment granted by, in part [Sabal Trail Transmission, LLC v. +/- 3.504 Acres of Land in Suwannee Cty., 2018 U.S. Dist. LEXIS 150015 \(M.D. Fla., Sept. 4, 2018\)](#)

Prior History: [Sabal Trail Transmission, LLC v. +/- 2.87 Acres of Land in Hamilton County Fla., 2016 U.S. Dist. LEXIS 74770 \(M.D. Fla., June 8, 2016\)](#)
[Sabal Trail Transmission, LLC v. 72 Acres of Land, 2016 U.S. Dist. LEXIS 62857 \(M.D. Fla., May 12, 2016\)](#)

Core Terms

licensees, attorney's fees, pipeline, projects, substantive law, landowners, juries, cases, measure of compensation, full compensation, state law, adopts

Counsel: [*1] For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00263-HES-PDB): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Hamilton Energy Resource Opportunities, LLC, Defendant (3:16-cv-00263-HES-PDB): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00273-HLA-JBT): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

Lisa A. Mitchell, Defendant (3:16-cv-00273-HLA-JBT), Pro se, Irvington, NJ.

Annie Collier Ray, Defendant (3:16-cv-00273-HLA-JBT), Pro se, Titusville, FL.

Jacqueline M. Laster, Defendant (3:16-cv-00273-HLA-JBT), Pro se, Valdosta, GA.

Lavel I. Marshall, Sr., Defendant (3:16-cv-00273-HLA-JBT), Pro se, Valdosta, GA.

Betty J. Holmes, Defendant (3:16-cv-00273-HLA-JBT), Pro se, Titusville, FL.

Cynthia Mitchell, heir of Clabe Collier, Sr. and Nellie Collier, Interested Party (3:16-cv-00273-HLA-JBT), Pro [*2] se, Newark, NJ.

are listed.

* To save space, the numbers but not the style of the remaining cases

Sabal Trail Transmission, LLC v. +/- 1.127 Acres of Land

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00274-TJC-JBT): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Jeff Paul, Ileana Lopez, Defendants (3:16-cv-00274-TJC-JBT): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv275): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL, USA.

For Asa D. Smith, Defendant (3:16cv275): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL, USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv276): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL, USA.

For Carolyn W. Mcculley, Richard N. Mcculley, Defendants (3:16cv276): Andrew Prince Brigham, [*3] Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL, USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv277): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Samuel R. Panilag, as co-Trustee of the Samuel R. Panilag and Maria L. Panilag Declaration of Trust dated April 8, 2005, Maria L. Panilag, as Co-Trustee of the Samuel R. Panilag and Maria L. Panilag Declaration of Trust dated April 8, 2005, Defendants (3:16cv277): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv278): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Violeta P. Lara, Defendant (3:16cv278): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv282): [*4] Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For William J. Sapp, Patricia C. Sapp, Defendants (3:16cv282): Thomas Patrick Callan, LEAD ATTORNEY, Callan Law Firm, PA, Orlando, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv283): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Ronald G. Knight, also known as Ronald George Knight, Denise A. Knight, also known as Denise A. Parnell, also known as Denise Annette Parnell, Defendants (3:16cv283): Thomas Patrick Callan, LEAD ATTORNEY, Callan Law Firm, PA, Orlando, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv285): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Louisette Denson, Doug Denson, Defendants (3:16cv285): Thomas Patrick Callan, LEAD ATTORNEY, Callan Law Firm, PA, Orlando, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv286): Bruce M. Harris, Edgar Lopez, Felecia G. [*5] Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Georgette Mcdowell, Defendant (3:16cv286): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00264): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Bruce Musgrove, Debbie B. Musgrove, Defendants (3:16-cv-00264): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, Llc (3:16cv287, 3:16cv288, 3:16cv289, 3:16cv291, 3:16cv293), Plaintiff: Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL, USA.

For Vincent G. Thornton, Bernadine K. Thornton, Defendants (3:16cv287): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS,

Sabal Trail Transmission, LLC v. +/- 1.127 Acres of Land

Brigham Property Rights Law Firm, PLLC, Jacksonville, FL, [*6] USA.

For Marlon Brammer, Nicole Brammer, Defendants (3:16cv288): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL, USA.

For Donna Ellison, also known as, Donna Sue Ellison, Defendant (3:16cv289): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL, USA.

For Homer F. Ratliff, Defendan (3:16cv291): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL, USA.

For Wesley Donald Sapp, Deborah D. Sapp, also known as, Debra D. Sapp, Defendants (3:16cv293): Thomas Patrick Callan, LEAD ATTORNEY, Callan Law Firm, PA, Orlando, FL, USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv296): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

Nicole L. Purdy, Defendant (3:16cv296), Pro se, Lake Worth, FL.

Jimmie Williams, Defendant (3:16cv296), Pro se, Lake Worth, FL.

Amy Williams Blye, Defendant (3:16cv296), Pro se, West Palm Beach, FL.

[*7] For Sabal Trail Transmission, Llc, Plaintiff (3:16cv297): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEY, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For United Vision Ventures, Llc, Defendant (3:16cv297): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv300): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEY, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Manuel Deguzman, Yolanda S. Deguzman, Raulito Deguzman, Ruby Deguzman, Defendants (3:16cv300): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property

Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv301): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEY, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Suzanne Bass, as Trustee of the Suzanne Bass Living Trust, a Revocable Living Trust, Defendant (3:16cv301): Andrew Prince Brigham, Edward [*8] Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv302): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEY, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Elizabeth Bolton, also known as Elizabeth B. Bolton, also known as Elizabeth Bass Post, also known as Elizabeth Bass Bolton, also known as Verna Elizabeth Bass Post, Defendant (3:16cv302): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For James M. Post, as trustee of the Elizabeth B. Bolton Trust dated May 13,2008, Defendant (3:16cv302): Andrew Prince Brigham, LEAD ATTORNEY, Kerry Cooper Collins, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00265-TJC-PDB): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Maxine Sullivan, also known as, Maxine G. Sullivan, Lynn S. Chappell, Wade G. Sullivan, Defendants [*9] (3:16-cv-00265-TJC-PDB): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, Llc (3:16cv303, 3:16cv304, 3:16cv307, 3:16cv309, 3:16cv311), Plaintiff: Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Clyde Bass Family Limited Partnership, a FL Limited Partnership, Defendant (3:16cv303): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEY, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Rufus Burton Fletcher, Jr., also known as, Rufus B. Fletcher, Jr., Defendant (3:16cv304): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

Sabal Trail Transmission, LLC v. +/- 1.127 Acres of Land

For Jerpat Properties, Llc, Defendant (3:16cv307): Blake H. Gaylord, LEAD ATTORNEY, Gaylord Merlin Ludovici & Diaz, Tampa, FL USA.

For Unknown Owners, If Any, Defendant (3:16cv307): Blake H. Gaylord, LEAD ATTORNEY, Gaylord Merlin Ludovici & Diaz, Tampa, FL USA.

For Alfreda Lusk, Defendant (3:16cv309): [*10] Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEY, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Paul D. Vezina, Defendant (3:16cv311): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv313): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For James R. Voss, Virginia A. Voss, Mark James Voss, Defendants (3:16cv313): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv314): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Debra K. Kolwyck, Shaylynn D. Kolwyck, Defendants (3:16cv314): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal [*11] Trail Transmission, Llc, Plaintiff (3:16cv315): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Thomas F. Van Brunt, Jr., Susan Van Brunt, Defendants (3:16cv315): Andrew Prince Brigham, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Mortgage Electronic Registration Systems, Inc. a Delaware Corporation as nominee for Pacific Union Financial, LLC, Defendant (3:16cv315): Sharee Dominique Eriks, LEAD ATTORNEY, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Ft Lauderdale, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (3:16cv317): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H.

Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Mary R. Fridman, Defendant (3:16cv317): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff: Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, [*12] Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Teddy Rucker, Jr., Sherry Rucker, Defendants (3:16cv318): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For First Florida Credit Union, Defendant (3:16cv318): Jack E. Kiker, III, LEAD ATTORNEY, Williams, Gautier, Gwynn, DeLoach & Sorenson, PA, Tallahassee, FL USA.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00266-HLA-JRK): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Clinton Carter, Michelle M. Carter, Defendants (3:16-cv-00266-HLA-JRK): Andrew Prince Brigham, LEAD ATTORNEY, Kerry Cooper Collins, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv155): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Enrique J. Alejo, Enrique M. Alejo, John Alejo, Randy B. Alejo, Randy Alejo, Defendants (5:16cv155): Rachael Mahaffey Crews, V. Nicholas Dancaescu, [*13] LEAD ATTORNEYS, GrayRobinson, PA, Orlando, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv162): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Juan Quintana, Defendant (5:16cv162): Andrew Prince Brigham, LEAD ATTORNEY, Kerry Cooper Collins, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL; Edward Scott Copeland, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv170): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

Sabal Trail Transmission, LLC v. +/- 1.127 Acres of Land

For Diamond Bar Ranch, Inc. A Florida Corporation, Defendant (5:16cv170): Igmedio E. Pantaleon, LEAD ATTORNEY, Manson Bolves Donaldson, P.A., Orlando, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv173): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Carl Johns, Defendant (5:16cv173): Thomas Patrick Callan, LEAD ATTORNEY, Callan Law Firm, PA, Orlando, [*14] FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv180): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Steven Kuharske, Dana Kuharske, Defendants (5:16cv180): Rachael Mahaffey Crews, V. Nicholas Dancaescu, LEAD ATTORNEYS, GrayRobinson, PA, Orlando, FL USA.

For Bank of America, NA, Defendant (5:16cv180): Spencer Gollahon, LEAD ATTORNEY, Gladstone Law Group, P.A., Boca Raton, FL USA.

For Christopher A. Kuharske, Defendant (5:16cv180): Igmedio E. Pantaleon, LEAD ATTORNEY, Manson Bolves Donaldson, P.A., Orlando, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv201): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Barney J. Padgett, Defendant (5:16cv201): Kent Lee Hipp, Rachael Mahaffey Crews, Summer Elaine DeGel, V. Nicholas Dancaescu, LEAD ATTORNEYS, GrayRobinson, PA, Orlando, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv203): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris [*15] Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For 32.82 Acres of Land in Marion County Florida, Defendant (5:16cv203): Jeffrey L. Hinds, LEAD ATTORNEY, Smolker Bartlett Loeb Hinds & Sheppard, PA, Tampa, FL USA.

For Oregon E. Lybass, T.G. Lybass Limited Partnership, J.H. Lybass, Jr., Family Llc, a Florida Limited Liability Company, Defendants (5:16cv203): Jay J. Bartlett, Jeffrey L. Hinds, LEAD ATTORNEYS, Smolker Bartlett Loeb Hinds & Sheppard, PA, Tampa, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv207): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For 26.02 Acres of Land in Marion County Florida, Defendant (5:16cv207): Jeffrey L. Hinds, LEAD ATTORNEY, Smolker Bartlett Loeb Hinds & Sheppard, PA, Tampa, FL USA.

For Sandy McBride, as Trustee under Trust Agreement dated July 7, 2003, McBride Management-Bbr, Llc, Defendants (5:16cv207): Jay J. Bartlett, Jeffrey L. Hinds, LEAD ATTORNEYS, Smolker Bartlett Loeb Hinds & Sheppard, PA, Tampa, FL USA.

For Blue Run Ranches Property Owner's Association, Inc., Consol Defendant (5:16cv207): Jay J. Bartlett, Jeffrey L. Hinds, LEAD [*16] ATTORNEYS, Smolker Bartlett Loeb Hinds & Sheppard, PA, Tampa, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv210): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Blue Run Ranches Property Owner's Association, Inc., Defendant (5:16cv210): Jay J. Bartlett, Jeffrey L. Hinds, LEAD ATTORNEYS, Smolker Bartlett Loeb Hinds & Sheppard, PA, Tampa, FL USA.

For Renasant Bank, Inc., Defendant (5:16cv210): Linda Gayle Pisani, LEAD ATTORNEY, Trow & Dobbins, PA, Ocala, FL USA.

For Sabal Trail Transmission, Llc, Plaintiff (5:16cv227): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL USA.

For Walton Acquisitions Fl, Llc, Defendant (5:16cv227): Joel E. Roberts, LEAD ATTORNEY, Brian Edward Smith, Baker & Hostetler, LLP, Orlando, FL USA.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00267-TJC-MCR): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Danny L. Carter, also known [*17] as Danny Lamar Carter, Susan R. McLeod, also known as Susan Renee McLeod, Defendants (3:16-cv-00267-TJC-MCR): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Bank of America, N.A., Defendant (3:16-cv-00267-TJC-MCR): Paul James Sodhi, LEAD ATTORNEY, Blank Rome,

Sabal Trail Transmission, LLC v. +/- 1.127 Acres of Land

LLP, Ft. Lauderdale, FL; Joseph F. Poklemba, Mager Paruas, LLC, Hollywood, FL.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00268-HLA-JBT): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Richard A. Sheehy, Stacey A. Sheehy, Defendants (3:16-cv-00268-HLA-JBT): Andrew Prince Brigham, LEAD ATTORNEY, Kerry Cooper Collins, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00269-HES-JBT): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Minnie B. Bell, Defendant (3:16-cv-00269-HES-JBT): Andrew Prince Brigham, Edward Scott Copeland, Kerry Cooper Collins, LEAD [*18] ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00271-BJD-JRK): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Sabal Trail Transmission, LLC, Plaintiff (3:16-cv-00272-BJD-MCR): Bruce M. Harris, Edgar Lopez, Felecia G. Ziegler, Gordon H. Harris, Kurtis T. Bauerle, LEAD ATTORNEYS, Harris Harris Bauerle Ziegler Lopez, Orlando, FL.

For Unknown heirs of Lewis Wright, Deceased, and beneficiaries, Unknown heirs of Mary Lee Wright Littles, Deceased, and beneficiaries, Defendants (3:16-cv-00272-BJD-MCR): Andrew Prince Brigham, Edward Scott Copeland, LEAD ATTORNEYS, Brigham Property Rights Law Firm, PLLC, Jacksonville, FL.

Judges: TIMOTHY J. CORRIGAN, United States District Judge.

¹ Sabal Trail argues that this case is distinguishable from the leading case of *Georgia Power Co. v. Sanders*, 617 F.2d 1112 (5th Cir. 1980) (en banc) (holding that state law supplied the measure of compensation where a licensee took land under the *Federal Power Act*, or "FPA," 16 U.S.C. § 814), because under the FPA, the Federal Energy Regulatory Commission can clear a licensee to undertake a project only if it determines that the project does not affect the development of water resources to the degree that the United States should undertake the project, 16 U.S.C. § 800. "Thus, by definition, a licensed [FPA] project does not implicate the interests of the United States to the degree that it is thought desirable that the project be undertaken by the United States itself." *Georgia Power*, 617 F.2d at

Opinion by: TIMOTHY J. CORRIGAN

Opinion

ORDER

These cases came before the Court for the resolution of two questions: first, whether federal common law or Florida substantive law supplies the federal rule for determining compensation when a licensee exercises the power of eminent domain under the *Natural Gas Act ("NGA")*, 15 U.S.C. § 717, *et seq.*, and second, whether juries or a commission should [*19] try the issue of compensation. The Court has considered the parties' briefs and the relevant authorities, and also heard oral argument on June 9, 2017, at which the Court and the parties thoroughly explored these issues. (E.g., Case No. 3:16-cv-263-J-20PDB, Doc. 55).

A few days before oral argument, on June 5, 2017, Judge Mark Walker of the Northern District of Florida issued a well-reasoned opinion in which he decided the identical issues before this Court. Judge Walker held that the NGA adopts Florida substantive law as the federal measure of compensation. *Sabal Trail Transmission, LLC v. Real Estate*, 255 F. Supp. 3d 1213, 2017 WL 2434533 at *2-7 (N.D. Fla. Jun. 5, 2017). Judge Walker further ruled that juries, not a commission, would try the issue of compensation. 2017 U.S. Dist. LEXIS 85961, [WL] at *7.

This Court adopts Judge Walker's opinion and will follow its reasoning (and includes some further discussion in footnotes 1 and 2 to address two points not specifically covered in Judge Walker's opinion). For the reasons stated therein, when a private licensee like Sabal Trail takes private property in Florida to construct a pipeline under the NGA, Florida substantive law provides the measure of compensation, which the Florida Constitution refers to as "full compensation," *Fla. Const., art. X, § 6(a)*.¹ In turn, Florida's definition of "full

¹¹¹⁸. Under the NGA, by contrast, private licensees carry out all pipeline projects. Sabal Trail interprets this difference to mean that all pipeline projects implicate the interests of the United States to a greater extent than projects undertaken by private licensees under the FPA.

A more plausible interpretation is that Congress simply did not think that any one pipeline project would be so vital to the public interest that the United States itself should carry it out. Indeed, Congress knows how to reserve critical projects for the United States, as it did under the FPA. If Congress thought some pipeline projects were so vital to the United States' interests, it could either have (a) reserved vital projects for the federal government, or (b) given NGA licensees

Sabal Trail Transmission, LLC v. +/- 1.127 Acres of Land

compensation" encompasses [*20] the landowners' attorney's fees, *Joseph B. Doerr Trust v. Cent. Fla. Expressway Auth.*, 177 So. 3d 1209, 1215 (Fla. 2015), and reasonable expert costs, *Florida E. Coast Ry. Co. v. Martin*, 171 So. 2d 873, 877 (Fla. 1965).² Therefore, the landowners will be entitled to attorney's fees (as calculated under *Fla. Stat. § 73.092*) and costs (as calculated under *Fla. Stat. § 73.091*) because they are part of the federal rule of compensation applicable in this case.

With respect to whether juries or a commission should try the compensation issue, the Court honors the landowners' request that juries should be employed. As Judge Walker noted, commissions can be expensive and time consuming. *Sabal Trail*, 2017 U.S. Dist. LEXIS 85961, 2017 WL 2434533 at *7 (citing *Fed. R. Civ. P. 71.1(h)(2)*, Adv. Cmte. Note; *United States v. Del., L. & W.R. Co.*, 264 F.2d 112, 115 (3d Cir. 1959)). More basically, private property rights are fundamental and landowners whose property is being condemned should be able to avail themselves of a jury trial whenever possible. The Court is confident that any logistical concerns with jury trials can be readily resolved. Regarding cases that are assigned to judges other than myself, I will leave it to each judge's

the same condemnation powers as the United States. But Congress did neither. For example, Congress has not given pipeline companies "quick take authority," i.e., the power to take possession before paying compensation. *Transwestern Pipeline Co. v. 17.19 Acres*, 550 F.3d 770, 774-75 (9th Cir. 2008). Instead, a pipeline company must either pay compensation or satisfy the requirements for a preliminary injunction before taking possession. See *E. Tenn. Natural Gas Co. v. Sage*, 361 F.3d 808 (4th Cir. 2004). The discrepancy between the eminent domain powers enjoyed by the United States and the powers enjoyed by pipeline companies suggests that Congress did not think projects undertaken by the two are of equivalent urgency.

Furthermore, when Congress passed *15 U.S.C. § 717f(h)*, it intended the NGA's eminent domain provision to mirror the eminent domain provision applicable to licensees under the FPA. S. Rep. No. 80-429 at 4, 1st Sess. (1947). This suggests that Congress considered NGA licensees to stand in similar shoes as FPA licensees, with the implication that NGA licensees act in the public interest only to the same extent as FPA licensees. Thus, the Court does not find Sabal Trail's efforts to distinguish the FPA and NGA in this respect to be persuasive.

² The Court briefly addresses Sabal Trail's fallback argument that even if the NGA adopts Florida law as the federal rule of compensation, the Court still cannot award attorney's fees — despite being part of the measure of "full compensation" - because doing so would conflict with the American Rule. This argument is circular. It ignores that the very reason why the choice-of-law dispute arises in cases like *United States v. Kimbell Foods, Inc.*, 440 U.S. 715, 99 S. Ct. 1448, 59 L. Ed. 2d 711 (1979), *Georgia Power*, and this one is because there is some conflict between federal common law and state substantive law: if there were no difference, there would be no choice of law dispute in

informed discretion whether to use juries or a commission.

Accordingly, it is hereby **ORDERED**:

1. The NGA adopts Florida substantive law of "full compensation" as the federal rule for measuring [*21] compensation in these cases. With the consent of my colleagues, this holding applies to all cases captioned in this Order.³
2. I will empanel juries to try the compensation issue as to those cases assigned to me.⁴ Each judge will exercise his or her own discretion with respect to whether jury trials or commissions will be employed.

DONE AND ORDERED at Jacksonville, Florida this 15th day of June, 2017.

/s/ Timothy J. Corrigan

TIMOTHY J. CORRIGAN

United States District Judge

the first place. Anytime a court adopts state substantive law over federal common law, it raises the possibility that state law will vary from federal common law. As such, the inconsistency between Florida's measure of "full compensation" and the American Rule does not give Sabal Trail an independent ground for a favorable ruling; such conflicts are intrinsically part of applying *Kimbell Foods* and *Georgia Power*.

Sabal Trail also argues that the outcome of *Georgia Power* would have been different had the state's measure of compensation included attorney's fees. The Court is unconvinced. *Georgia Power* observed that attorney's fees might be part of the state's measure of just compensation, and it instructed the trial judge on remand to resolve "[a]ny questions concerning the exact parameters of Georgia law on this issue." *617 F.2d at 1115 n.4*. The court did not say that resolution of the attorney's fee issue would influence its holding that state law supplies the applicable rule. Indeed, if there were any chance that the right to attorney's fees could have affected *Georgia Power's* choice-of-law analysis, it would be strange for the court to nevertheless proceed with that analysis without first resolving whether state law entitled owners to attorney's fees. The court's directive on remand implies that, having found that state law supplies the applicable rule, if the state's measure of compensation includes attorney's fees, a landowner would be entitled to such fees.

³ The Court **GRANTS** Sabal Trail's motions to strike references by the landowners to Sabal Trail's settlement practices. The Court did not consider such information in deciding this matter

⁴ There may be opportunities to have one jury decide compensation for multiple properties.

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