

Retrial ordered in I-310 land case

Owners got \$91,000, wanted \$30 million

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By Matt Scallan

The state 5th Circuit Court of Appeal has ordered a new trial in a case involving land acquisition for Interstate 310 in St. Charles Parish.

The St. Charles Land Syndicate, controlled by the family of hotelier William Monteleone, had sought \$30 million for 153 acres in the LaBranche Wetlands that the state Department of Transportation and Department expropriated in 1987 for the elevated highway. The total included 19 years of interest.

A St. Charles Parish jury awarded the company \$91,672, or \$600 an acre.

The plaintiffs also argued before 29th Judicial District Judge Kirk Granier that the state's failure to maintain three water-control structures contributed to the erosion of property surrounding the highway, limiting the potential for further development. The six-member jury declined to award damages for that claim.

A three-judge panel of the court said some of the jurors were untruthful about their experience with the legal system, improperly discussed the evidence before both sides presented their cases, and were allowed to review the evidence outside the presence of a bailiff and in the presence of an alternate juror.

"Obviously we're delighted," attorney Randall Smith, who represents the landowners, said Tuesday. "We think we proved our case and we will do it again at a new trial."

The ruling was handed down Feb. 6 by a three-judge panel consisting of Greg Guidry, Marion Edwards and Walter Rothschild.

Attorney Gregory D'Angelo, representing the highway department, said Tuesday that the state would ask for a rehearing and appeal to the state Supreme Court if necessary.

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