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Vorys, Sater, Seymour and Pease Team Prevails on Behalf of Developer in Civil Rights Action

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In a case brought before the U.S. District Court in the Southern District of Ohio, Judge Algenon Marbley agreed with Wedgewood Limited Partnership (Wedgewood), when he issued a ruling saying that Wedgewood's federal civil rights were violated by Liberty Township.

The ruling came during a protracted four-year battle in state and federal courts over the township's efforts to stop construction of a Wal-Mart on a 34-acre site in Delaware County. The site was part of a planned unit development, and had been zoned for 220,000 square feet of commercial use since 1991.

After Wedgewood filed an application in 2003 to build the Wal-Mart store, township trustees passed new regulations limiting the square footage of permissible development on the site, which zoned out the large Wal-Mart store, and gave the township veto power over any further development on the site.

Wedgewood's Vorys legal team filed a federal civil rights action, arguing that the new regulations denied the developer due process and were unconstitutional. After extensive discovery and numerous pre-trial motions, the court agreed, striking down the new regulations and restoring the 1991 development plan.

"The court's decision vindicates a developer's right to rely on the zoning in place, which can only be altered by compliance with



(Vorys, Sater, Seymour and Pease Team Prevails on Behalf of Developer in Civil Rights Action Continued)

procedures mandated by Ohio law,” said Bruce Ingram, a partner at Vorys and attorney for Wedgewood. “It’s a shame that Liberty Township’s actions not only infringed our client’s civil rights, but also open its taxpayers to footing the bill for that infringement.”

The deal to bring a Wal-Mart to this location is dead as earlier in the year Wal-Mart chose not to renew its contract to purchase the site for more than \$5.2 million. Wedgewood will be entitled to compensatory damages, and Ingram says they anticipate asking for attorneys fees.