

# Michael YOSHIBA

## Shareholder

### LOS ANGELES

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Michael represents cities, public entities and private property owners in all phases of the eminent domain process from the pre-acquisition phase, through trial and post-judgment proceedings. Michael litigates a variety of real estate and condemnation issues including challenges to a public entity's right to take real property, claims for severance damages, loss of business goodwill, precondemnation damages, valuation issues, and inverse condemnation claims. He has also served as a relocation assistance appeals hearing officer for several public entities.

## WORK FOR CLIENTS

Michael has served as lead counsel on real estate, contract and tort matters including acquisition, relocation assistance and eminent domain matters for the San Bernardino County Transportation Authority and Mountains Recreation Conservation Authority, and the cities of Agoura Hills, La Mirada, Manhattan Beach, Seal Beach, Torrance, Rancho Cucamonga, and Yucaipa. He also served as lead counsel on real estate and eminent domain matters for the Burbank-Glendale-Pasadena Airport Authority, Los Angeles Unified School District, and State of California, Department of Transportation. Private clients have included Ameron International, LeFiell Mfg. Company, and D.R. Horton.

## PROFESSIONAL EXPERIENCE

Prior to joining Richards, Watson & Gershon in 2001, Michael represented the State of California, Department of Transportation, in its Legal Division for over six years as a Deputy State Attorney and before that, as a right-of-way agent for over ten years.

### PRACTICE AREAS

Eminent Domain

Litigation

Real Estate

### FOCUS AREAS

Acquisitions & Dispositions

Condemnation Actions

Eminent Domain (Litigation)

Grade Separations

Infrastructure Projects

Inverse Condemnation

Rail Projects

Real Estate Acquisition & Right-of-Way

Relocation Assistance

### EDUCATION

J.D., University of West Los Angeles

B.S., California State University, Long Beach

## HONORS & AWARDS

Professional of the Year, International Right of Way Association, Chapter 1 (2013-2014)

## PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, Los Angeles County Bar Association

Member & Law Chair, International Right of Way Association, Chapter 1

Member, Japanese American Bar Association

Board Chair, Asian American Drug Abuse Program, Inc.

## EXPERIENCE

- ▶ ***Alvis v. County of Ventura.*** Along with other lawyers at Richards, Watson and Gershon, represented County of Ventura in two lawsuits brought by over 80 plaintiffs in connection with the 2005 landslide in La Conchita, California that resulted in 10 deaths and destruction of 16 homes. Prevailed against allegations of liability for damages based on theories of dangerous condition of public property, wrongful death, nuisance and inverse condemnation resulting from negligence in approving plans for a retaining wall intended to protect against such a landslide. Court granted summary adjudication in favor of County based on design immunity, finding substantial evidence that county reasonably approved design of the wall, including considerations for future changed conditions. The ruling, which resulted in the dismissal of all personal injury claims, is the first appellate decision in two decades to address the approval element of design immunity, and clarified the type of defects that can be claimed in changed condition.
- ▶ ***State of California v. Ameron International.*** Represented of property owner in pre-condemnation matter involving claims for severance damages, flooding, and loss of business goodwill. Resulted in favorable settlement for client and State.
- ▶ ***Prairie Associates v. State of California.*** Represented the State of California as lead trial counsel in an inverse condemnation action filed by an owner claiming \$5.5 million in monetary damages caused by the unreasonable conduct by the State. After a ten-day jury trial in Los Angeles County Superior Court, the jury verdict found the State's conduct reasonable and no liability for damages.
- ▶ ***State of California v. ZML – Orange, et al.*** Represented the State of California as lead trial counsel in an eminent domain proceeding involving a sports bar's claim of loss of goodwill. After a seven-day jury trial in Orange County Superior Court, the jury's verdict was entered in favor of the State, finding no loss of goodwill.

- ▶ ***State of California v. Lahey/Bendure.*** Represented the *State of California* as lead trial counsel in two eminent domain proceedings involving claims of reasonable probability of zone change and valuation. After an eight-day jury trial in San Bernardino County Superior Court, the jury's verdict was below the State's statutory offer.
- ▶ ***O'son v. State of California.*** Represented the *State of California* as lead trial counsel in an inverse condemnation proceeding involving a gas station's claim of loss of business goodwill. After a five-day bench trial in Orange County Superior Court, the court entered judgment at the State's pre-trial offer to compromise.
- ▶ ***City of La Mirada.*** Represented the City on the acquisition of multiple-property interests from owners and tenants, including fee takes, partial acquisition, and permanent and temporary construction easements for the Valley View Grade Separation Project.
- ▶ ***City of Yucaipa.*** Represented the City on the acquisition of multiple-property interests from 12 properties, owners and tenants, including fee takes, partial acquisitions, and permanent and temporary construction easements in connection with the Yucaipa Boulevard Widening Project.
- ▶ ***City of Agoura Hills.*** Assisted the City to acquire multiple-property interests from 23 properties, owners and tenants, including fee takes, partial acquisitions, and permanent and temporary construction easements for the Agoura Road Widening Project.

## NEWS

Michael Yoshiба on the Value of Sound Legal Advice in Right of Way Magazine

02.20.2020

Michael Yoshiба Published in Right of Way Magazine

10.17.2019

## PUBLICATIONS

The Mystery of Harlem Place Alley

*Right of Way Magazine*, September/October 2019

When Sound Legal Advice Made a Difference

*Right of Way Magazine*, January/February 2020

A Creative Mediation

*Right of Way Magazine*, September/October 2017