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Practice Areas & Industries

- Eminent Domain and Valuation
- Environment and Land Use
- Litigation
- Real Estate

Bradford B. Kuhn | Partner

Brad Kuhn serves as Chair of Nossaman's Eminent Domain and Valuation Practice Group, likely the largest group of skilled eminent domain attorneys in California and the United States. Brad is a recognized leader in advising on all real property aspects of infrastructure and development projects, and has led some of the largest projects in the nation, cumulatively totaling in excess of \$20 billion. He represents public and private sector clients with real estate and business litigation matters, including eminent domain, inverse condemnation, land use/zoning, landlord/tenant, and construction disputes.

Mr. Kuhn's work and accomplishments have been profiled in numerous publications. He has been featured on the cover of Right of Way Magazine, and he has been called upon to present across the country and oversee multiple treatises and courses on litigation appraisals and real estate valuation. Chambers & Partners, the guide to the world's best lawyers, recommends him for the full span of land use and infrastructure matters -- particularly eminent domain and valuation disputes -- and commends his "*practical, business-minded advice*" and his "*high level of decorum in dealing with the other sides.*" Some of Mr. Kuhn's other accolades and recognitions include:

- Named to the *Daily Journal's* [Top 20 Under 40](#) list, a recognition given to the top 20 lawyers in California that are on the cutting edge of legal issues, and who are making an impact on changing an industry, region or society;
- Chosen for [individual recognition](#) by *Chambers USA* for Real Estate: Zoning/Land Use Law;
- Recognized as the Top Rated Lawyer in Land Use and Zoning by the *American Lawyer*;
- Named the Best Land Use/Zoning Attorney in Orange County by *OC Metro/Orange County Register*;
- Included on this year's Up-and-Coming Top 25 Orange County and this year's Up-and-Coming Top 100 Southern California Rising Stars lists; and
- Awarded an AV-Preeminent Rating by *Martindale-Hubbell*, a rating given to only those attorneys who exhibit the highest level of professional excellence based on a review of their peers.

Mr. Kuhn is actively involved in California's real estate and transportation industries. He is general counsel to the International Right of Way Association (IRWA), where he has also served as President of the Inland Empire Chapter and has been named the Professional of the Year. He is also the only attorney serving on the Advisory Board to Mobility 21, where he works with industry leaders to solve the transportation challenges facing Southern California.

Private Representation

- **T-Mobile.** Represent client in a wide-range of real estate and major litigation matters, including landlord/tenant and contract disputes, site upgrade and access rights, relocation claims, construction, property damage, unlawful detainer, eminent domain, and utility disagreements.
- **Portola Hotel & Spa v. City of Monterey.** Represented owners of the Portola Hotel & Spa with an inverse condemnation and land use / zoning lawsuit related to the City of Monterey's \$60 million conference center renovation and its attempted changes to surrounding land uses. The matter settled shortly before trial for well in excess of \$3 million in total consideration, plus the restoration of significant property rights valued at over \$10 million.

- ***Winchester 700 v. Western Riverside County Regional Conservation Authority.*** Represented the owner of a 454-acre property in Riverside County that the RCA sought for conservation purposes. The RCA and the County refused to process the owner's development entitlements, yet they never made an offer to purchase, instead "de facto" conserving the property. Under threat of an inverse condemnation action, Mr. Kuhn assisted the owner in an arbitration which ultimately resulted in a settlement for more than \$70 million.
- ***Penn National Gaming / San Diego Gaming Ventures.*** Provided client with real estate and land use advice related to the construction of the \$400-million Hollywood Casino Jamul project in San Diego. Mr. Kuhn successfully represented the client before the County Planning Commission, and defended litigation related to the use of nearby property for construction purposes, which litigation resulted in a judgment in the client's favor and a substantial award of attorneys' fees. Mr. Kuhn also negotiated numerous real estate transactions related to the project and off-site improvements and worked with environmental agencies to solve complex real estate-related matters.
- ***Makar Properties v. City of Huntington Beach.*** Represented developer in connection with a dispute regarding the value of the "Pacific City" beach-front property, which value determined the park-in-lieu fee to be paid as part of its development. The parties were nearly \$50 million apart in their valuation figures. Mr. Kuhn assisted the client at binding arbitration where the three judge panel awarded a value exactly at the client's appraisal testimony, which equated to a savings of \$20 million in park fees.
- ***Orange County Sanitation District v. Sukut Real Properties.*** Represented owner of three Fountain Valley office buildings in negotiating sale of property under threat of eminent domain for a settlement approaching \$20 million -- millions of dollars above the public agency's offer.
- ***Los Altos School District v. 201 San Antonio Circle.*** Represented Mountain View property owner in fending off school district's efforts to condemn property through various right-to-take challenges and CEQA-challenges. After rejecting the district's nearly \$90 million offer, the successful defense against condemnation allowed the owner to move forward with securing entitlements for a 450+ unit mixed-use residential development.
- ***Caltrans v. Northridge Properties.*** Represented Burbank property owner in an eminent domain action filed by Caltrans as part of its I-5 widening project. Caltrans initially offered \$1.8 million for the partial acquisition of the multi-acre property. The matter settled days before trial for \$4.5 million.
- ***Truxtun Court Partners/Young.*** Represented commercial property owners in an inverse condemnation and writ action related to the city's closure of the property's primary driveway which resulted in a taking of abutter's rights and a substantial impairment of access. The case settled for \$2 million.
- ***Caltrans v. Bayport Imperial Promenade.*** Represented several restaurants suffering loss of business goodwill as a result of Caltrans' Imperial Highway grade separation project. At trial, Mr. Kuhn successfully excluded Caltrans' goodwill appraiser, and subsequent to the jury's verdict, Caltrans settled the case by paying the business' attorneys' fees.
- ***Santa Barbara Flood Control & Water Conservation District v. Funk Youth Hostel.*** Represented property owner in an eminent domain action involving the acquisition of easements for a flood control project. Shortly before trial, Mr. Kuhn successfully convinced the district to partially abandon the broad rights being acquired, and secured a judgment from the court awarding substantial attorneys' fees and litigation expenses. The matter ultimately settled with total compensation and litigation expenses in excess of \$1 million.
- ***City of Santa Ana v. Pacific Industrial.*** Represented owner of industrial site sought to be acquired for a new homeless shelter. After receiving an offer under threat of eminent domain for nearly \$10 million, Mr. Kuhn successfully convinced the city to shift its project to another location by demonstrating potential liability for precondemnation damages and a property value at more than double the city's offer.

- **Sprint/Nextel Corporation.** Represented client in numerous real estate litigation matters involving landlord/tenant and breach of contract disputes, real-property tort claims, unlawful detainer actions, and eminent domain proceedings. Work included securing judgment and attorneys' fees in Sprint's favor related to its right to terminate leases for the nationwide decommissioning of Nextel cell sites.
- **International Right of Way Association (IRWA).** Serves as general counsel to the 10,000+ professional member organization comprised of global infrastructure real estate practitioners from over 15 countries around the world.

Public Agency Representation

- **City of Los Angeles / Los Angeles World Airports (LAWA).** Advising on real property matters related to a \$5 billion program to ease access in and out of LAX airport by developing a consolidated rental car center, an elevated 2.5-mile automated people mover system, intermodal transportation facilities, and a joint station connecting to Los Angeles' rail system.
- **Honolulu Authority for Rapid Transportation (HART).** Advising client on complex property acquisitions and relocation issues for the Honolulu Rail Transit Project, an \$8 billion, 20-mile elevated rail corridor system running from East Kapolei to Ala Moana Center, with stations at 21 key commuter and visitor destinations.
- **Los Angeles County Metropolitan Transportation Authority.** Assisting Metro with acquiring numerous properties for the Purple Line Westside Subway Extension Project, a \$6+ billion, 9-mile subway extension through Beverly Hills and Westwood. Also assisting with the LAX/Crenshaw Transit Corridor Project, a \$2+ billion, 8.5-mile light rail line through the Crenshaw and Inglewood area, and the Rosecrans/Marquardt Grade Separation Project, a project to improve one of the most dangerous intersections in California. Also defending client with numerous inverse condemnation and other real property tort claims.
 - **LA MTA v. KBG Associates.** Successfully represented client at the Court of Appeal to defeat property owner's multi-million dollar severance damages claim due to the termination of a license to cross railroad tracks. The decision confirmed eminent domain law regarding the non-compensability of a license, the enforceability of a waiver of the right to just compensation, the scope of the "project influence rule," and the applicability of the substantial impairment of access test.
- **San Diego Association of Governments (SANDAG).** Representing SANDAG with property acquisitions for the Mid-Coast Corridor Transit Project, a \$2 billion, 11-mile trolley line extension from downtown San Diego to University City. Also provided real estate/condemnation services for the Downtown Bus Stopover, South Bay BRT, Inland Rail Trails, Sorrento Valley Double Track, and Bayshore Bikeway Projects.
 - **West Coast v. SANDAG.** Defended SANDAG against lawsuit challenging the award of a contract for a public works project, and obtained a dismissal of the action after defeating contractor's request for a preliminary injunction. The first-of-its-kind decision has widespread impacts on public agencies across California, as the court's decision allows for more bidders and lower proposals on public works projects.
- **Exposition Metro Line Construction Authority.** Represented Expo with acquiring properties for the Expo Light Rail Transit Project, a \$2+ billion, 15-mile light rail line connecting downtown Los Angeles with Santa Monica.
 - **Expo v. Patchett.** Work included the condemnation of the Bergamot Station Art Center in Santa Monica in which Mr. Kuhn was able to secure favorable settlements with all but one business at the property which claimed damages of over \$10 million. Mr. Kuhn served as lead trial attorney, successfully arguing a legal issues motion and motions *in limine* to exclude the business' real estate, goodwill, and inventory experts which resulted in the case settling for less than 1% of the business' claims.

- **Expo v. 9000 Venice Partners.** Work included the condemnation of a portion of a retail shopping center in which Mr. Kuhn served as lead trial counsel in a three week jury trial as to a real estate claim by the property's owner and a goodwill claim by a Wendy's fast food restaurant. The jury verdict was exactly at Expo's damages figure as to the real estate, and only 5% of the goodwill claim presented by the business. The total verdict was far less than Expo had offered to settle for before trial.
- **San Bernardino County Transportation Authority.** Assisting client with the acquisition of properties for the Downtown San Bernardino Passenger Rail Project/San Bernardino Transit Center and the Redlands Passenger Rail Project, which projects will combine to provide a 10-mile extension of Metrolink rail service in the Inland Empire. Also represented client in acquiring portions of 150+ properties for the sbX E-Street Corridor BRT Project, a first-of-its-kind 15.7-mile bus rapid transit line. Mr. Kuhn was able to secure possession of the entire right of way, under budget, on an incredibly ambitious schedule to ensure the project secured necessary FTA funding.
 - **SANBAG v. Luga.** Work included the condemnation of a portion of a gas station where the property/business owner was seeking compensation for nearly 10 times SANBAG's appraised value. On the first day of trial, the court granted SANBAG's motions *in limine* and excluded the owner's appraisers' damages opinions. The case then resolved for a nominal amount above SANBAG's appraised value (an amount far less than SANBAG's previously exchanged final offer of compensation).
- **California Water Service Company.** Providing client with real property acquisition advice for a variety of water projects.
- **United States Postal Service.** Advised client on land use, zoning, affordable housing, and title issues impacting the eventual sale of a 25-acre property in Aliso Viejo for over \$30 million.
- **Southern California Edison.** Representing Edison with right of way acquisition services for multiple electrical transmission projects. Work has included defeating multiple property owners' right to take challenges, successfully defeating precondemnation damages claims, and securing favorable rulings on significant legal issues motions.
- **Metro Gold Line Foothill Extension Construction Authority.** Advising client on various real property and construction-related issues for the Foothill Gold Line Extension Project.
- **County of Amador.** Represented client in securing necessary property for an intersection improvement project. Work included addressing complex title issues, including the clearing of a conservation easement.
- **Orange County Transportation Authority.** Providing OCTA with real estate/condemnation advice for various projects. Work included representation in an eminent domain and inverse condemnation action arising from the Placentia Avenue Grade Separation Project where the property owner and two national retail tenants, Home Depot and Sam's Club, cumulatively claimed nearly \$100 million in damages due to OCTA's acquisition and the purported impacts on the ability to redevelop the site. The matter was resolved shortly before trial for approximately 3% of the claimed damages.
- **Los Angeles Unified School District.** Represented LAUSD in numerous property acquisitions for school expansion projects. Work included the condemnation of a 24-acre industrial property along the Los Angeles River. The litigation involved issues of contamination, overlapping easements, and undocumented encroachments. After defeating the owner's right-to-take challenge at trial, the matter settled for \$50 million, which was more than \$25 million less than the owner's appraiser's valuation.

Awards & Honors

- Named to the *Daily Journal's* Top 20 Under 40 list for 2015.
- Selected to the Up-and-Coming Top 25 Orange County and to the Up-and-Coming Top 100 Southern California Rising Stars lists for 2015-2018.

- Chosen for [individual recognition](#) for Real Estate: Zoning/Land Use Law in California by *Chambers USA*.
- Recognized as the Top Rated Lawyer in Land Use and Zoning by the *American Lawyer* and *Martindale-Hubbell*
- Named the Best Land Use/Zoning Attorney in Orange County by *OC Metro/Orange County Register*.
- Selected to the Rising Stars list for 2010-2018, a designation only given to the top 2.5% of attorneys in California.
- Chosen for an AV-Preeminent Rating by *Martindale-Hubbell*, a significant rating accomplishment given to only those attorneys who exhibit the highest level of professional excellence based on a review of their peers.
- Named the Professional of the Year by the International Right of Way Association (IRWA).

Professional Affiliations

- Mobility 21, Advisory Board
- International Right of Way Association, General Counsel; Chapter 57, Past-President
- Eminent Domain and Land Use Committee Member of the Transportation Research Board
- California Wireless Association
- Orange County Bar Association

Presentations

- Speaker, "The Art of Easements: Crafting an Easement that is Just Right", IRWA Annual Education Conference, Anchorage, Alaska, June 13, 2017
- Speaker, "Legal Aspects of Easements," IRWA Chapter 27 Monthly Luncheon, Sacramento, CA, September 8, 2016.
- Speaker, "The Value of Transit Proximity: Assessing Project Benefits," IRWA Chapter 42 Spring Conference, April 29, 2016.
- Speaker, "Project Benefits and Construction Related Impacts – Tangible or Speculative?" IRWA's Annual Valuation Seminar, April 26, 2016.
- Speaker, "Transit Proximity: Demonstrating Project Benefits in Condemnation Actions," Nossaman's 2016 Eminent Domain Seminar, March 3, 2016.
- Speaker, "Eminent Domain Update: Acquiring Right of Way in a New World," Sacramento American Public Works Association Transportation Committee Meeting, February 23, 2016.
- Speaker, "Precondemnation Procedures: Acquiring Right of Way in a New World," International Right of Way Association Chapter 1 Fall Seminar, October 9, 2015.
- Speaker, "How Early Acquisition Can Minimize Risks and Reduce Costs," International Right of Way Association's 61st International Educational Conference, June 14-17, 2015.
- Speaker, "When We Need it Now – Multi Parcel Acquisition Programs," CLE International Eminent Domain Conference, May 15, 2015.
- Speaker, "Dos and Don'ts During the Pre-Litigation Process" 2015 CLE Eminent Domain Conference, March 27, 2015.
- Speaker, "Denominators and Bright Lines: The Search for the Relevant Parcel in Eminent Domain and Regulatory Takings," ALI-CLE Eminent Domain & Land Valuation Conference, February 5-7, 2015.
- Speaker, "Precondemnation Planning & Early Acquisition Efforts: Best Practices to Acquire Right of Way Without Blowing Your Project's Budget," Self-Help Counties Coalition Focus on the Future Conference, November 18, 2014.
- Speaker, "The Perception of Advocacy and Consequences for the Appraiser," Appraisal Institute Litigation Seminar, November 13, 2014.
- Speaker, "Redevelopment's Future in California: How We Got Here and Where We're Headed," American Planning Association California Conference, September 15, 2014.

- Speaker, "When We Need It Now – Multi-Parcel Acquisition Projects," CLE International Eminent Domain Conference, May 15, 2014.
- Speaker, "Eminent Domain Updates," International Right of Way Association (IRWA) Chapter 57 Luncheon, October 2, 2013.
- Speaker, "Redevelopment's Future in California," 2013 Southern California Chapter of the Appraisal Institute Conference, September 12, 2013
- Speaker, "Regulatory Takings Claims in California: Advice For Practitioners And Government Agencies," Law Seminars International, August 19, 2013.
- Speaker, "Acquiring Right-of-Way Teleconference," National Business Institute, April 16, 2013.
- Speaker, "Dry Canyon: So Long Cost to Create Method?" International Right of Way Association (IRWA) Chapter 11 Luncheon, February 20, 2013.
- Speaker, "Perils in Prejudgment Possession: From Impasse to Construction," International Right of Way Association (IRWA) Chapter 57 Fall Seminar, November 2, 2012.
- Speaker, "Multi-Parcel Acquisitions & Case Studies," International Right of Way Association (IRWA) Chapter 1 Annual Valuation Seminar, April 24, 2012.
- Speaker, "Not Just Another End of Redevelopment Story," International Right of Way Association (IRWA) Chapter 11 Meeting, April 18, 2012.
- Speaker, "Everything You Need to Know About Appraisals for Litigation," American Society of Appraisers Seminar, March 21, 2012.
- Speaker, "Supreme Court Upholds Elimination of Redevelopment in California – Now What?" International Right of Way Association Chapter 57 Meeting, January 11, 2012.
- Speaker, "The Death (and Rebirth?) of Redevelopment," International Right of Way Association Chapter 1 - Los Angeles County 2011 Annual Fall Seminar, October 25, 2011.
- Chairperson, "Renewable Energy – The Shift of Power," International Right of Way Association (IRWA) Chapter 67 Spring Seminar, May 11, 2010.
- Chairperson, "Property Acquisition, Appraisal, and Relocation in an Upside Down Market," International Right of Way Association (IRWA) Chapter 67 Spring Seminar, May 12, 2009.
- Speaker, "Perils of Prejudgment Possession," International Right of Way Association (IRWA) Chapter 57 Luncheon, March 11, 2009.
- Speaker, "Everything You Were Never Taught About Litigation Appraisal – A Hands On Approach," Southern California Appraisal Institute, March 4, 2009.

Publications

- Author, "Under the Influence," Appraisal Institute's *Valuation* magazine, 2Q 2018
- Revision Author, "Chapter 14 - Condemnation," *CEB Ground Lease Practice (Second Edition)*, 2017
- Attorney Reviewer, "The Appraiser as an Expert Witness: Preparation and Testimony," *Appraisal Institute Course*
- Attorney Reviewer, "Condemnation Appraising: Principles and Applications," *Appraisal Institute Course*
- Author, "The Art of Easements," Appraisal Institute's *Valuation* magazine, Q3 2017.
- Co-Author, "Calif. Right Of Entry Ruling Keeps Public Projects On Track," *Law360*, August 4, 2016.
- Author, "Part & Parcel," Appraisal Institute's *Valuation* magazine, August 20, 2015.
- Co-Author, "Scope of Calif.'s Mello-Roos Now Includes Eminent Domain," *Law360*, April 22, 2015.
- Co-Author, "U.S. Supreme Court Holds in Favor of Cell Tower Siting Applicants," *Law360*, February 2015.
- Co-Author, "Greater Guidance Comes to Calif. For Land Appraisals," *Law360*, September 5, 2014.
- Co-Author, "Recent Trends in Eminent Domain – And What To Expect Next," *Law360*, April 3, 2014.

- Co-Author, "Ruling May Put the Brakes on Some CEQA Investigations," *Daily Journal*, March 31, 2014.
- Co-Author, "Shifting the Date of Value for Public Agency Acquisition Appraisal Assignments," *The Appraisal Journal*, March 17, 2014.
- Co-Author, "Proportionality, nexus don't matter if it's not a taking," *Daily Journal*, January 31, 2014.
- Co-Author, "Calif. High Court Clarifies Scope of Mitigation Fee Act," *Law360*, October 30, 2013.
- Co-Author, "Precondemnation Vs. De Facto: A Cautionary Tale," *Law360*, September 11, 2013.
- Co-Author, "Judge Or Jury? A Critical Eminent Domain Question Answered," *Law360*, August 16, 2013.
- Co-Author, "Temporary Regulatory Takings Do Exist In Calif.," *Law360*, May 22, 2013.
- Co-Author, "Condemn Now, CEQA-Compliance Later? Maybe," *Law360*, April 29, 2013.
- Co-Author, "Big Year for Published Eminent Domain Decisions," *Daily Journal*, January 15, 2013.
- Co-Author, "Eminent Domain Opinions Focus on 'Just Compensation,'" *Daily Journal*, January 4, 2013.
- Co-Author, "Options, Agreements, and Prior Appraisals: Admissibility Issues in Eminent Domain Trials," *The Real Estate Finance Journal*, Winter 2012.
- Co-Author, "Court Clarifies Rules for Litigation Expenses in Eminent Domain," *Daily Journal*, March 8, 2012.
- Co-Author, "The State of Eminent Domain for the New Year," *Daily Journal*, January 23, 2012.
- Co-Author, "It's the End of Redevelopment as We Know It," *Daily Journal*, January 4, 2012.
- Co-Author, "Whose Business Goodwill Is It?" *Daily Journal*, June 16, 2011.
- Author, "Precondemnation Damages: Putting Public Projects First," *Daily Journal*, April 19, 2011.
- Co-Author, "When a Stipulated Judgment Goes Awry," *Daily Journal*, February 17, 2011.
- Co-Author, "Eminent Domain 2010: Year in Review," *Daily Journal*, January 24, 2011.
- Co-Author, "9th Circuit Reverses Course on Rent Control," *Daily Journal*, January 10, 2011.
- Co-Author, "Eminent Domain Case Clarifies Test for Determining Litigation Expenses," *Daily Journal*, November 5, 2010.
- Co-Author, "Redevelopment Plan Invalidated For Insufficient 'Blight' Finding," *Daily Journal*, June 22, 2010.
- Co-Author, "Buyer Beware: Improper Sale Documentation Results In Waiver of Inverse Condemnation Claim," *Daily Journal*, May 18, 2010.
- Co-Author, "9th Circuit Revisits 2009 Trailer Park Opinion," *Daily Journal*, March 23, 2010.
- Author, "Adding Some Bite to the Bark," *Daily Journal*, October 15, 2009.
- Co-Author, "Closing the Litigation Floodgates," *Daily Journal*, April 7, 2009.
- Co-Author, "Goodwill Hunting," *Daily Journal*, January 2, 2009.
- Author, "California Court of Appeal Opens The Door to Regulatory Takings Claims," *California Real Estate Journal*, November 3, 2008.
- Author, "Sliding into Home," *Daily Journal*, October 17, 2008.
- Co-Author, "California Voters Pass Eminent Domain Reform Initiative," *California Special District Magazine*, July/August 2008.
- Co-Author, "California Voters Pass Eminent Domain Reform Initiative - But Is There Any Real Reform?" *California Real Estate Journal*, June 23, 2008.
- Author, "Changing Eminent Domain: Five Laws vs. Proposed Initiative," *Daily Journal*, October 25, 2006.
- Author, "Eminent Domain Reform Arrives in California Ahead of Election Day," *California Real Estate Journal*, October 23, 2006.

Education

J.D., Chapman University School of Law, magna cum laude

Chapman Law Review; Mock Trial Board Member; Full Academic Scholarship
B.S., University of Southern California, cum laude

Admissions

California