

CASE STUDY

Protecting Private Property from Unjustified Government Seizure, in a First Test

“It just shows that the city cannot just come in and bully everybody.”

—Victor Nunez, board member of the Community Youth Athletic Center, as quoted by station KGTV about Pillsbury’s victory



Client:	Community Youth Athletic Center
Industry:	Nonprofit organization
Area of Law:	Constitutional law, eminent domain
Venue:	California Superior Court (San Diego)
Result:	In the first test of California’s eminent domain reforms, Pillsbury helped to establish that an underlying “blight” designation was invalid and unenforceable



After the controversial U.S. Supreme Court decision in *Kelo v. City of New London*—holding economic development a permissible reason for a city to transfer real property between private owners—many states adopted new laws to prevent abuses of eminent domain. In the first case to test California’s eminent domain reforms, Pillsbury helped a nonprofit preserve its community center for at-risk youth.

The Community Youth Athletic Center (CYAC) runs a boxing gym and education center in National City, California, a community of 58,000 residents just south of San Diego. In 2007, CYAC learned that its property had been labeled as “blighted,” along with 692 others. That would have enabled eminent domain seizures of these properties under the City’s redevelopment plan.

CYAC contested the blight designation at the City’s public hearing, to no avail. So Pillsbury, working pro bono as co-counsel with the Institute for Justice, a public interest law firm, helped CYAC challenge the City’s designation.

The case ultimately went to trial in San Diego. Pillsbury lawyers and co-counsel argued that National City had failed to produce the “specific, quantifiable evidence” as required under California law, of “physical and economic conditions [] so prevalent and substantial that, collectively, they seriously harm the entire project area.” Moreover, even if this definition of “blight” had been met, National City had failed to show that these conditions could only be corrected through the use of eminent domain.

The Court agreed and, in a 50-page decision, held the original blight designation invalid and unenforceable. The court also found that National City had violated CYAC’s constitutional due process rights by denying the nonprofit a meaningful opportunity to be heard at the only public hearing on the matter.

“The city can have redevelopment, but that has to be done through private negotiation, not by government force,” said Clemente Casillas, president of the CYAC.