



## DOUGLAS DENNINGTON

### Partner

Land Use and Entitlement

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Orange County

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Douglas Dennington is a land-use partner specializing in trial and appellate litigation, mediations and administrative proceedings. He has extensive experience in eminent domain, inverse condemnation and regulatory takings, and currently chairs Rutan & Tuckers Condemnation and Property Valuation Practice Group. Mr. Dennington frequently litigates constitutional claims for regulatory takings, and similar economic litigation. Most recently, Mr. Dennington has represented the Apartment Association of Greater Los Angeles, as well as numerous housing providers, seeking to invalidate and/or procure damages awards stemming from local and state eviction moratoria adopted during the COVID-19 pandemic.

Mr. Dennington represents a diverse clientele, ranging from relatively small “individual” property owners, to much larger, publicly-traded corporations. Mr. Dennington also represents a number of public entities and private interests in connection with public acquisitions of real property through the eminent domain process. Mr. Dennington represented the successful litigant in three published eminent domain cases, including:

- *City of San Diego v. Rancho Penasquitos Partnership*, 105 Cal.App.4th 1013 (2003)
- *City of San Diego v. D.R. Horton San Diego Holding Company, Inc.* 126 Cal.App.4th 668 (2005)
- *City of San Diego v. Barratt American, Inc.*, 128 Cal.App.4th 917 (2005)

Mr. Dennington has achieved significant success in his inverse condemnation and regulatory takings practice, obtaining successful trial court rulings finding inverse condemnation “takings” liability for various government-compelled “physical occupations,” and permanent and temporary “regulatory takings” caused by the government’s regulation of private property. Mr. Dennington is currently litigating a number of these claims as they relate to government shut-down orders and eviction moratoria adopted during the course of the COVID-19 pandemic.

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### Related Services

- Land Use and Entitlement
- Government and Regulatory
- Appellate Practice Group
- Condemnation and Property Valuation
- Land Use and Natural Resources
- Municipal Law General and Special
- COVID-19 Resources
- Real Property Litigation

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### Related Industries

- Builders and Land Developers
- Food and Beverage
- Public Entities and Municipalities
- Water

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### Bar & Court Admissions

- State Bar of California
- United States Supreme Court
- U.S. Court of Appeals for the

Mr. Dennington also represents both private and public clients in connection with real estate disputes pertaining to encroachments and property boundaries, easements, adverse possession, prescription, revocable and irrevocable licenses, and related real estate issues. Through his eminent domain and real estate litigation practice, Mr. Dennington has obtained particular expertise in real property valuations and the acceptable methodologies employed to value private property. Mr. Dennington has taken several of these cases through trial and appeal.

Finally, Mr. Dennington also specializes in the defense of ADA and/or California Disabled Persons Act claims relating to facility and website accessibility. Mr. Dennington has defended a large number of such claims, including a federal court jury trial on a novel accessibility claim relating to a City's obligation to provide on-street accessible parking spaces.

## Areas of Focus

- Defense of Accessibility Claims Under the ADA, Section 504 of the Rehabilitation Act, California Disabled Persons Act and the California Unruh Act
- Eminent Domain
- Inverse Condemnation
- Regulatory Takings
- Writs of Administrative Mandamus
- Declaratory Relief
- Quiet Title
- Prescription and Adverse Possession Disputes
- Disputes Over the Creation, Existence and/or Scope of All Types of Easements including Implied Easements, Easements by Necessity, Recorded Easements, Conservation Easements, and Equitable Easements
- Disputes Concerning the Existence and/or Scope of "Covenants Running with the Land"
- Title Disputes
- Partition Actions
- Subdivision Map Act Disputes
- Real Estate Purchase and Sale Disputes
- Real Estate Valuation Disputes
- Franchisor and Franchisee Disputes
- Business Valuation Disputes
- California Administrative Procedures Act
- Unlawful Enforcement of Underground Regulations by State Agencies
- Land-Use Entitlement Representation
- Administrative Enforcement of Statutory and Regulatory Schemes by State Agencies
- Representation Concerning State and Local Agency Compliance with Relocation Advisory Assistance and Compensation Benefits for Individuals, Businesses and Farm Operations "Displaced" as a Result of a Public Project
- Property Tax Appeals

Ninth Circuit

- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California

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## Education

- Pepperdine University School of Law (J.D., 1994), magna cum laude
- Recipient American Jurisprudence Award for Contracts
- Member, Pepperdine Law Review, 1992-1994
- California Polytechnic State University (B.S., 1990), cum laude, Civil Engineering
- Tau Beta Pi, Chi Epsilon, Golden Key Honor Societies

## Presentations

- Navigating the Seemingly Endless Evolution of Local and State COVID-19-Related Eviction Moratoria in California, MCLE In-House Series, September 2020.
- Breakdown of AB 3088 (COVID-19 Small Landlord and Homeowner Relief Act and COVID-19 Tenant Relief Act of 2020), webinar to AAGLA Membership, September 2020.
- Breakdown of SB 91 (COVID 19 Tenant Relief Act of 2021), webinar to AAGLA Membership, February 2021.
- A Primer on ADA Access Requirements and Litigation Involving Commercial Facilities and Places of Public Accommodation, MCLE In-House Series, October 2015
- Public Entity Obligations Under Title II of the ADA in the Absence of Adopted Technical Design Standards, Land Use and Natural Resources Practice Group, Rutan & Tucker, 2014
- Overview of Regulatory Takings, Development Exactions and Precondemnation Damages, Land Use and Natural Resources Practice Group, Rutan & Tucker, 2012
- Boundary Law Issues in California, Lorman Education Services, 2003 and 2004
- Lead Attorney, Mock Eminent Domain Trial Sponsored by International Right-of-Way Association

## Publications

- Landlord Group Seeks Federal Court Stay of LA's Eviction Ban, the Daily Journal, September 2020
- Landlord Group Threatens to Sue California Cities Over Coronavirus Eviction Bans, San Jose Mercury News, May 2020
- San Jose Could Face Lawsuit Over its Rent Freeze, San Jose Spotlight, February 2021
- LA Sued Over COVID-19 Eviction Moratorium, Rent Freeze, Law360, June 2020
- Apartment Association of Greater Los Angeles Appeals Lower District Court's Decision, Bloomberg News, December 2020
- Upland Repeals Ban on Evictions After Landlords Threaten to Sue City, Daily Bulletin, April 2020
- Zip Line Operators Object to New Rules, the Daily Journal, March 2014

## Community Affiliations

- Trabuco Canyon Little League

## Memberships & Associations

Orange County Bar Association