KRIEG | DEVAULT

Municipal and Governmental Litigation

Krieg DeVault's Municipal and Governmental Litigation team is an integral part of the firm's well-respected Municipal and Governmental Law Practice. We have a long history of partnering with state agencies and political subdivisions, including cities, towns, and counties as well as local boards, authorities, commissions, and councils, in the handling of their legal disputes.

The nature of disputes that municipalities and other governmental agencies often face – as a plaintiff or a defendant – can be widely varying, ranging from routine ordinance violations to complex constitutional issues. We work closely with in-house attorneys and, for smaller entities, function as an outside general counsel advising mayors and other key officials on such matters. Our lawyers are cognizant of the unique sensitivities and political implications involved in municipal and governmental litigation. We strive to achieve the balance required to support the client's immediate and long-term objectives, while maintaining a positive impression in the community and reducing exposure. Our team takes a holistic approach to each case and taps our vast resources across multiple practice groups, including our employment, tax, real estate and land planning, and municipal attorneys to achieve our client's desired outcomes.

Representative Experience

- Defended state agency in multiple cases brought by disappointed bidders who were not awarded $4.4 billion in state contracts. Involved preliminary injunction proceedings and motion practice on complex issues of administrative law, governmental discretion in contracting, and availability of private rights of action under various state and federal statutes. Secured dismissal with prejudice in each case.
- Defended state agency in putative class actions alleging that various programs and practices violated the Americans with Disabilities Act and other state and federal laws and regulations.
- Represented state agency in two-week jury trial involving claims brought against a private contractor for breach of contract, fraud, and state and federal RICO violations. Favorable verdict in the amount of $1.2 million rendered.
- Represented Australian and Spanish consortium that leased a public state toll road for $3.8 billion in successfully defending against claims brought by private citizens challenging the validity and constitutionality of the lease between the consortium and the state.
- Obtained favorable ruling on a motion to dismiss federal lawsuit brought by a plaintiff against emergency medical service medic, claiming that the medic committed negligence, negligent infliction of emotional distress, and a Fourth Amendment violation by purportedly failing to intervene to defend the plaintiff or prevent plaintiff from an alleged beating by a police officer at the scene. Involved legal briefing and analysis on novel issues related to the duty of first responders, qualified immunity, and what constitutes an unreasonable search and seizure under the Fourth Amendment.
- Successfully defended city against constitutional challenge to its non-discrimination ordinance on freedom of speech and freedom of religion grounds.

- Successfully represented town in dispute with a neighboring airport authority over zoning jurisdiction and land use issues. Case was decided on appeal as a matter of first impression in Indiana.
- Represented city in filing and favorably resolving lawsuit against contractor to recover on a six-figure bid bond following the discovery of alleged mistakes in the contractor's bid.
- Represented city in resolving complex litigation against general contractor and subcontractors involving design and construction of protective lake armor wall.
- Defended city in federal litigation involving constitutional free speech challenges to municipal sign ordinances.

Focus Areas

Annexations and mergers

Appeals from decisions made by boards, authorities, commissions, councils, and other sub-agencies of government Code enforcement, including litigation-avoidance strategies for violators

Constitutional challenges on a variety of matters, including challenges to city ordinances and enforcement decisions based on freedom of speech, freedom of religion, equal protection, due process, and other constitutional arguments

Economic development commission and redevelopment commission litigation, including litigation involving economic matters and public works projects

Eminent Domain and other land disputes

Employment matters, including EEOC claims

Environmental matters, including administrative and judicial proceedings

Non-party discovery, including subpoenas for documents and testimony

Public Access: Indiana's Open Door Law and Access to Public Records Act, including representation before the Indiana Public Access Counselor

Public works projects litigation, including bidding issues, bonding issues, contractual disputes, Indiana Miller Act Claims, and other disputes arising out of public construction projects

Tort claims, including defense of same by and through the Indiana Tort Claims Act

Utility matters, including matters involving the Indiana Utility Regulatory Commission Zoning and land use, including signage regulation