

LEGAL ISSUES

- I. WHETHER THE TRIAL COURT LACKED SUBJECT MATTER JURISDICTION BECAUSE THE DESCRIPTION OF THE PROPERTY TO BE TAKEN IN THE CITY'S PETITION WAS STATUTORILY AND CONSTITUTIONALLY INSUFFICIENT.

The trial court determined that the description was sufficient to satisfy jurisdictional requirements.

- II. WHETHER MISSOURI RIVER WAS DENIED A FAIR TRIAL BECAUSE:

- A) THE CITY FURNISHED FALSE DISCOVERY TO THE LANDOWNER AND FAILED TO DISCLOSE TO THE TRIAL COURT AND COUNSEL AT THE PRE-TRIAL HEARING THAT THE ASSUMPTIONS OF BOTH THE CITY'S AND THE LANDOWNER'S APPRAISERS REGARDING THE NATURE AND EXTENT OF THE TAKING WERE INCORRECT AND INCONSISTENT WITH EVIDENCE THE CITY INTENDED TO PRESENT AT TRIAL;

- B) THE CITY FAILED TO SUPPLEMENT ITS DISCOVERY RESPONSES TO CORRECT THE FALSE AND MISLEADING DISCOVERY PRODUCED TO THE LANDOWNER BEFORE TRIAL;

- C) THE CITY EFFECTIVELY AMENDED THE TAKING AFTER THE LANDOWNER HAD RESTED ITS CASE.

The trial court ruled that the City's furnishing of false discovery, failure to supplement discovery, failure to disclose information at the pretrial hearing and effective amendment of the taking did not deny Missouri River a fair trial.