

# Court Denies Certification of Alleged Takings Class Action Based on Noise from Third Runway at Seattle-Tacoma International Airport

Legal Alert  
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*Foster Garvey Newsroom*

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A recent court order definitively denied class certification in an “inverse condemnation” lawsuit by three property owners against the Port of Seattle. The case focuses on alleged property value impacts from operations on Seattle-Tacoma International Airport’s Third Runway after it opened in late 2008.

Plaintiffs’ lawsuit alleges that the Port’s opening of the Third Runway resulted in increased noise, vibrations, and emissions at their residential properties, causing decreased values on their properties and others. The Port denies plaintiffs’ claims and contends that each property owner must pursue any claim on its individual facts.

King County Superior Court Judge Bruce Heller denied an earlier motion for class certification, but allowed plaintiffs another opportunity to establish that a class should be certified. In denying the renewed motion, Judge Heller found that the case could not proceed as a class action because, among other things, (1) the named plaintiffs were not adequate class representatives, (2) the claims involved predominantly individual issues of fact and law, and (3) the class action was not a superior method for resolving the inverse condemnation claims. Property owners seeking to assert a claim against the Port of Seattle related to Third Runway noise, vibrations or emissions must now sue and prove their claims on an individual basis.

View a more detailed account of Judge Heller’s ruling [here](#).

Foster Garvey prosecutes and defends inverse condemnation cases, including actions relating to property taking through regulation or failure to issue land use permits, as well as noise

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and odor complaints. We also represent clients who need to acquire or use real property owned by private or other public entities. We focus on developing and executing the most time-efficient and cost-efficient property acquisition strategies for public entities.

For more information about the Third Runway case, please contact [Tim Filer](mailto:tim.filer@foster.com) (tim.filer@foster.com | 206.447.2904) or [Adrian Urquhart Winder](mailto:adrian.winder@foster.com) (adrian.winder@foster.com | 206.447.8972) of Foster Garvey PC.