

SPSK ATTORNEYS JOHN URSIN AND RYAN GALLAGHER

WIN LAWSUIT**CHALLENGING THE SCOPE OF A PUBLIC UTILITY COMPANY'S EASEMENT***New Jersey - Schenck Price Smith & King LLP*

SPSK represented a public water utility company that has an easement running through the property of a townhouse community. The Plaintiff townhouse community filed a claim attempting to limit the subject easement to prevent our client from providing water services to an adjacent proposed development.

The Plaintiff argued that the easement was limited and conveyed only for the purpose of servicing the townhouse community. Therefore, Plaintiff sought declaratory judgment barring our client from providing water services to the proposed neighboring development.

On Summary Judgment, Ryan Gallagher successfully argued that the easement was defined broadly and did not limit the public water utility company's ability to expand its system to serve new customers. The trial court agreed with Mr. Gallagher and held that our client may extend its water system using the easement area to service other consumers.

This result was achieved early in the case, sparing our client significant legal fees. The result was of great import in that an adverse ruling could have blocked the ability of the public water utility company to serve new consumers and increased future expenses associated with expansion.

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