



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Stormwater Flow/Adjacent Properties: Complaint Filed in Lonoke, Arkansas Circuit Court Seeking Injunctive Relief/Damages

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Cedar Lake Estates, LLC, Robert Dunn, John Belden, and Jeff Evans (collectively, "Plaintiffs") filed a November 8th Complaint against Leruss Holdings, LCC ("LH") alleging damages. See Case No. 43CV-24-1070.

The alleged damage is stated to be due to LH's undertaking:

...alterations to its land adjacent to land owned by landowner Plaintiffs without exercising due care and in such a manner as to cause unnecessary injuries and damages to landowner Plaintiffs, and has diverted substantial amounts of stormwater, silt, and sediment on to the lands of landowner Plaintiffs...

The Plaintiffs are stated to own various real property located in Cedar Lake Estates neighborhood in Lonoke County, Arkansas. Cedar Lake Estate, LLC is stated to maintain and manage Richmond Pond which is described as an approximately 7-acre waterbody in Austin, Arkansas. The referenced neighborhood property owners are stated to fish and "spend time on and around the pond".

The Complaint states that LH has purchased land adjacent to the Plaintiffs. Further, LH is stated to have begun in late February 2022, to initiate construction of properties which included clearing trees and native vegetation, earth moving and leveling dirt, and other disturbance of the native vegetation and earth.

Plaintiffs allege that LH has failed to implement proper stormwater detention, silt fencing, and sediment controls. This is alleged to have resulted in trespass and damage to the Plaintiffs' properties. Further damage is alleged to have affected Richmond Pond. In addition, it is alleged that the properties of Plaintiffs Robert Dunn, John Belden, and Jeff Evans have been adversely affected by flooding due to the alleged failure of LH to implement appropriate stormwater best management practices.

The Complaint alleges the following causes of action:

- Damage to real property.
- Negligence.
- Trespass.
- Private nuisance.

Relief requested includes:

- Injunctive relief (i.e., requiring LH to modify the development of the property and construct appropriate features that will retain or convey surface water away from property in such a manner as not to increase the volume and velocity of surface water flows).
- Compensatory damages.
- Expense associated with correcting flooding, silt, and sediment problems.
- Plaintiffs' loss of use and enjoyment of their property, and other vegetation and wildlife destroyed.
- Punitive damages.

A copy of the Complaint can be downloaded [here](#).