



Joe A. Conner

Shareholder

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Joe A. Conner has significant experience in a wide range of commercial litigation, with a focus on representing utilities and businesses in eminent domain actions.

Mr. Conner regularly represents clients on such topics as eminent domain, zoning, property development and regulatory affairs. His eminent domain practice is national in scope representing utility companies and businesses on both complex right to take and valuation phases of condemnation actions for optimal results.

Representative Matters

- Represented one of the largest U.S. water utilities in an eminent domain action filed by the City of Pekin, Illinois. Takeover found not to be in the public interest and the complaint was dismissed.
- Represented the state court appointed receiver of the Jefferson County, Alabama wastewater system, the largest municipal wastewater utility in Alabama with 144,000 customers.
- Represented a real estate investment and development company in an eminent domain action filed by Metropolitan Development and Housing Agency in Nashville, Tennessee, to acquire 5.1 acres of property owned by the company for the construction of a new convention center. The jury awarded our client \$30.4 million (\$15.6 million more than the government offered).
- Represented a Tennessee electric power board in two actions instituted by a national cable company and the state cable trade association to block their entry into the internet and cable television business. Both cases were summarily dismissed and affirmed on appeal.
- Represented a New Hampshire water utility in a condemnation action filed by the City of Nashua, New Hampshire. The New Hampshire Public Utilities Commission valued the 25,000-customer water system at \$203 million (approximately \$8,000 per customer) and awarded an additional \$40 million in severance damages. In March 2010, the New Hampshire Supreme Court affirmed the entire valuation award.
- Represented a California water utility in a condemnation action filed by the San Lorenzo Valley Water District. The utility's Felton water system fair market value was set at \$13.4 million (approximately \$10,300 per customer).
- Represented an Illinois water utility in a takeover action instituted by City of Peoria, Illinois, under a franchise buyout option. The city placed the value at \$95 million. The issue of fair market value was arbitrated before a panel of three appraisers in January 2005. The company was valued at \$220 million and the city then ended its efforts to buy the IAW assets in Peoria District after voters rejected the takeover by a margin of 82-18 percent.
- Obtained summary judgment on res judicata grounds in a \$4 million contract dispute.
- Obtained a \$20.3 million verdict on behalf of a privately owned water utility company in a five-day jury trial in Indiana, in which a municipality sought to take the water utility through eminent domain. This verdict was over 200 percent of the \$9.5 million valuation advocated by the municipality at trial.
- Represented a water company in a declaratory judgment action filed by the town of Hingham, Massachusetts, over the interpretation of a water system pricing formula. Obtained judgment resulting in system price of \$88.6 million, far above the town's \$50 million proof at trial. Successfully briefed and won two appeals filed by the town.
- Represented a large, privately owned water utility company in Montana in an eleven day "right-to-take" condemnation trial, and subsequent six day "valuation" trial. Obtained judgment of \$88.6 million plus attorney's fees – far above the condemnor's proof at trial of a \$45 million value.

- Won a \$3.3 million ruling, plus attorney's fees and statutory interest, in a federal lawsuit in South Carolina on behalf of a subcontractor for money owed on an interstate highway project. Successfully defended against the contractor's \$1.4 million counterclaims.



Professional Honors & Activities

- Listed in *The Best Lawyers in America*® since 2005 in the areas of Commercial Litigation, Construction Law and Litigation, Real Estate Litigation, Eminent Domain and Condemnation Law, and Energy Law
- Listed in *Mid-South Super Lawyers* since 2006
- Named one of *Lawdragon's* 500 Leading Lawyers in America, 2011
- Fellow – Litigation Counsel of America
- Member – American and Tennessee Bar Associations
- Member – National Association of Water Companies
- Member – Hamilton County Board of Education, 1996 – 2008
- Member – Tennessee Economic Development Council



Education

- University of Tennessee at Knoxville, J.D., 1986
- University of Tennessee at Chattanooga, B.A., 1983



Admissions

- Tennessee, 1986