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PRESS RELEASE

Houston Law Firm Files Takings Class Action Against U.S. Army Corps of Engineers for Damage Caused By Dam Releases

On August 25, 2017, Hurricane Harvey hit the Texas Gulf Coast. The heavy rains caused massive flooding all over Houston, and on August 29, 2017, citizens of Houston had a brief respite when the sun appeared. While many were left homeless by the storm, there were some along Buffalo Bayou whose homes made it through.

Then that same afternoon, with full knowledge of what it would do, the U.S. Army Corps of Engineers (“Corps”) decided to release the Barker and Addicks dams. This decision flooded hundreds more homes and businesses left unscathed by Harvey, and caused billions more dollars in damage. This is why our firm is filing this lawsuit on behalf of all of those homes and businesses affected by the Corps’ decision, whether by flooding, loss of power, or loss of value.

The Corps told us all, as late as March 2016, that the dams would not fail and there was no risk of flooding from them. The Corps was wrong. This lawsuit does not question whether the Corps did the right thing. It only seeks to recognize that the Corps knew the damage it would cause and did it anyway. Because of that, Article Five of the U.S. Constitution guarantees all citizens just compensation for such a governmental taking of their property and its value.

Adding to this need is the fact that the National Flood Insurance program is currently underfunded and nearly all insurance policies contain an exclusion of coverage for government action causing damage. So, we can assume that insurers will be looking for ways to limit and shift their liability. Consequently, filing suit for a government taking is the only prudent thing to do to protect the interests of our community, and we do so now.

If you have any questions or wish to join in the effort or show your support, please contact Bryant S. Banes or Sean D. Forbes at the letterhead address.