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TOP REAL ESTATE & DEVELOPMENT LAWYERS



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When the owner of a parcel in the path of the BART extension into downtown San Jose rejected two settlement offers and raised its demand to $17.1 million at trial, Brian Bergman took the case to a jury.

Bergman, vice president and shareholder at BDG Law Group, served as lead trial counsel for the Santa Clara Valley Transportation Authority in *Santa Clara Valley Transportation Authority v. Green Valley Corporation et al*. It was the first of the agency's eminent domain cases on the project to go to trial, and it involved valuation, contamination, relocation benefits and goodwill claims.

SCVTA offered $11.8 million for the property, then increased its offer to $12.8 million. After a two-week trial, the jury returned a $10.3 million verdict, nearly $7 million below the trial demand and below the agency's offer. The court then denied the owner's request for attorney fees and costs.

"Because the owner had rejected two settlement offers and increased its demand at trial, we had to be fully prepared to prove our numbers in the courtroom, and the verdict validated that approach," Bergman said.

The verdict kept the project on schedule and gave SCVTA leverage as it negotiates the rest of its acquisitions. Bergman continues to represent the agency on the extension.

"Trying an eminent domain case on behalf of a public agency presents a twofold challenge: overcoming prejudice against the government, and making a highly technical subject understandable to a jury," Bergman said.

Bergman also defended the Los Angeles County Metropolitan Transportation Authority in *Wilshire Gayley, LLC v. Los Angeles County Metropolitan Transportation Authority*, a four-year dispute with a developer next to the Westwood/UCLA Station on the Purple Line extension. The developer claimed Metro had blocked construction of its condominium tower and sought a station redesign that would have delayed the subway for years and added tens of millions of dollars in costs.

"In the Westwood/UCLA Station litigation, the principal obstacle was time," Bergman said.

His team defeated three requests for injunctions that would have halted construction. In May 2025, after a writ trial, the court ruled that Metro did not have to redesign the station. The decision saved Metro tens of millions of dollars and allows the station to open in time for the LA28 Summer Olympics.

In Orange County, Bergman is lead counsel for the county in acquiring properties for the OC Loop, a 66-mile bikeway and pedestrian trail through 17 cities.

"Careful negotiation, backed by a genuine readiness to litigate, allowed the county to resolve every acquisition to date without a trial," Bergman said.

His practice centers on real estate litigation, with an emphasis on eminent domain, and includes inverse condemnation and environmental litigation for public entities. He is handling acquisitions for dam and stormwater control projects, and his team is assisting the Santa Clara Valley Water District with trespass and encroachment matters.

"I was drawn to eminent domain because of the opportunity to make a tangible impact on the development of critical public infrastructure," Bergman said.

Bergman said he sees more efforts to challenge or delay infrastructure projects when they conflict with the interests of developers, which makes early risk assessment and an understanding of each project's objectives more important.

"As the state pursues ambitious infrastructure plans, from transit expansions to dam and stormwater projects, public agencies need counsel who pair deep procedural knowledge with strong courtroom skills because the ability to try a case credibly is often what makes a fair negotiated resolution possible," he said.

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