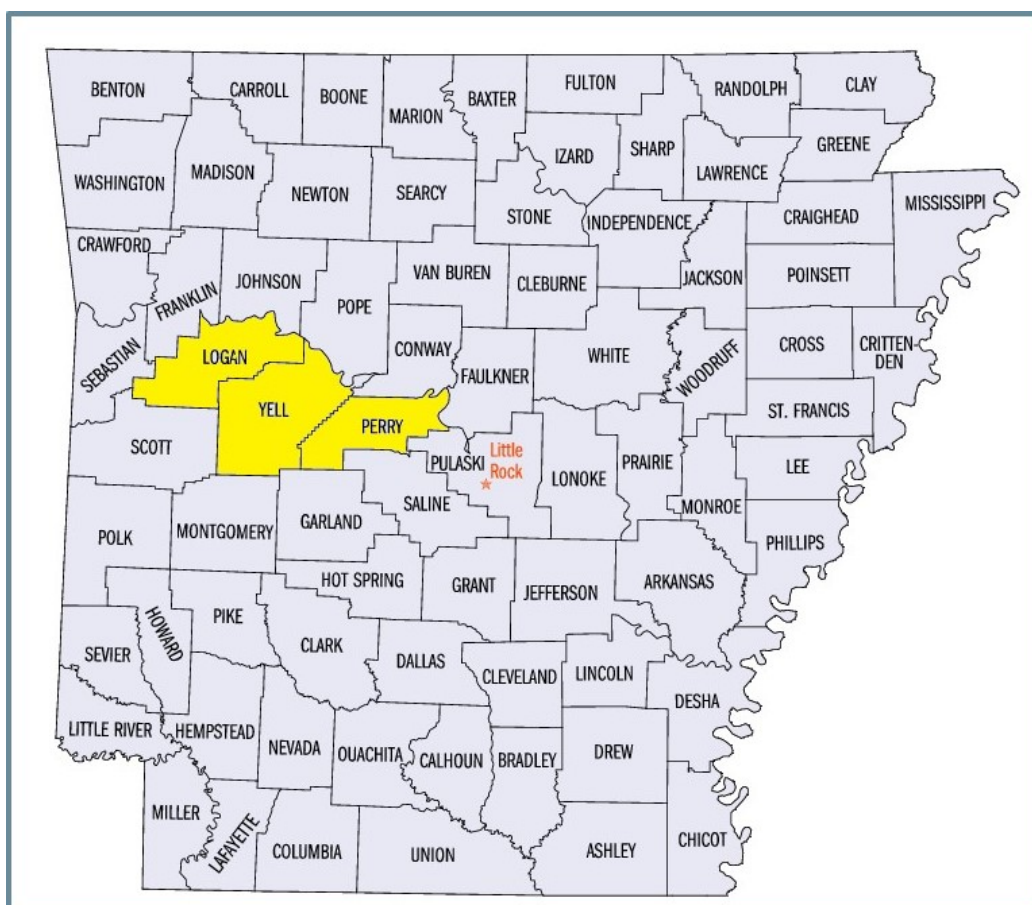


SUBROGATION ALERT: Midwest Flooding Continues

Stutman Law has been investigating and continues to monitor the historic flooding in the Midwest that has caused catastrophic property damage and threatened thousands of residents in the region.

Over the last few months, the Midwest has been ravaged by historic flooding. From February through March, the upper Midwest was inundated with snow storms. As this snowpack melted in the spring, the rivers in the region that ultimately flow in a southerly direction towards the Gulf of Mexico swelled. Those swollen rivers were then subjected to extended periods of heavy rains, which has resulted in the historic flooding that is ongoing throughout the Midwest. In Arkansas, the President recently approved a major emergency declaration giving the state access to federal resources while responding to historic flooding along the Arkansas River. According to the Arkansas Department of Emergency Management, tremendous pressure from a fast-moving and elevated Arkansas River recently tore a 40-foot hole in a levee in Yell County, approximately 100 miles upstream from Little Rock. At the time the levee failed, the flood waters were approximately 20 feet above the flood line and nearly 3 feet above the record crest set 76 years ago in 1943. In addition to the breach in Yell County, the Arkansas River overtopped two levees in Arkansas, one in Logan County and one in Perry County.



Two of the three levees in Arkansas that failed and/or overtopped were federally constructed. Additionally, periodic inspections of the levees are made by personnel from the U.S. Army Corps of Engineers ("USACE") and/or from local levee and drainage districts. When pursuing flood-related claims against the USACE and/or local levee and drainage districts, issues may arise as the Federal Tort Claims Act, the Flood Control Act of 1928 and state-specific immunity statutes may protect the government from liability for some tort-based claims. Furthermore, while the Supreme Court of the United States in *Arkansas Game & Fish Comm'n v. United States*, 586 U.S. 23 (2012) held that temporary flooding may constitute a constitutional taking, courts have traditionally found that inverse condemnation claims must be based upon affirmative government acts. See, e.g., *Ideker Farms, Inc. v. United States*, 142 Fed. Cl. 222 (2019); *St. Bernard Par. Gov't v. United States*, 887 F.3d 1354 (Fed. Cir. 2018); and *Finch v. Carroll Cty.*, 2014 Ark. App.564, 445 S.W.3d 535 (2014).

Despite the difficulty in pursuing flood-related claims, Stutman Law is actively investigating and assessing all available subrogation options and opportunities as the facts and circumstances surrounding the historic flooding in the Midwest continue to evolve. For further information, please visit our website at www.StutmanLaw.com or call our office toll-free at 1-888-579-1144.

**Report a
New Loss**

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