

# Stormwater Diversion/Alleged Land Alteration: Adjacent Landowner Files Pulaski County, Arkansas, Circuit Court Action Against Contractor



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Two individuals filed individually and as Trustees of a Joint Revocable Trust (collectively, "Plaintiffs") a Verified Complaint in the Circuit Court of Pulaski County, Arkansas, on February 23rd against Billy Stain Construction, LLC ("BSC") alleging damages. See 60CV-24-1626.

Plaintiffs allege that BSC's land development activities unlawfully diverted stormwater, silt, and sediment onto their land.

The Plaintiffs state that they own and reside on real property in North Little Rock, Arkansas. The property is stated to consist of a 79-acre parcel of land acquired approximately 39 years ago.

A pond is stated to constitute a central feature of the Plaintiffs' use and enjoyment of the land. They state in part that their home was built next to it:

. . . and they have enjoyed fishing, boating and swimming with their children, then grandchildren and until recently, their great grandchildren.

BSC is stated to have purchased properties adjacent to the Plaintiffs' property in 2021. The Complaint further alleges that construction undertaken by BSC began:

. . . diverting substantial amounts of stormwater, silt, and sediment onto Plaintiffs' property.

Such diversion is alleged to have adversely affected the referenced pond.

The Complaint asserts that an Arkansas Department of Energy & Environment – Division of Environmental Quality inspection on BSC's property identified certain environmental regulatory violations related to stormwater control.

The Complaint alleges the following counts:

- Damage to Real Property
- Negligence
- Trespass
- Private Nuisance

The Complaint requests injunctive relief requiring BSC to modify the development of its parcel and construct appropriate features to retain or convey surface water away from its property in such a manner

as to not increase the volume and velocity of surface water that flows from BSC's property onto the Plaintiffs' property.

Compensatory damages are also requested, including without limitation, the expense associated with correcting flooding, silt and sediment problems allegedly proximately caused by BSC's conduct. In addition, compensatory damages are requested for the alleged loss of use and enjoyment of the property and vegetation and wildlife that have been destroyed.

The Complaint also requests punitive damages.

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