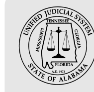

ELECTRONICALLY FILED
3/11/2024 12:27 PM
03-CV-2024-900406.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
GINA J. ISHMAN, CLERK

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ALABAMA ALWAYS, LLC, et al., **Plaintiffs,** **v.** **STATE OF ALABAMA MEDICAL CANNABIS COMMISSION,** **Defendant.**	)	**Case Number: CV-2023-000231**

JEMMSTONE ALABAMA, LLC, et al., **Plaintiff,** **v.** **ALABAMA MEDICAL CANNABIS COMMISSION,** **Defendant.**	)	**Case Number: CV-2023-901800**

JEMMSTONE ALABAMA, LLC; ALABAMA ALWAYS, LLC, et al., **Plaintiffs,** **v.** **STATE OF ALABAMA MEDICAL CANNABIS COMMISSION, et al.,** **Defendant.**	)	**Case Number: CV-2024-900401**

SOUTHEAST CANNABIS COMPANY, LLC, et al., **Plaintiffs,** **v.**	)	**Case Number: CV-2024-900406**

	)	
STATE OF ALABAMA MEDICAL CANNABIS COMMISSION, et al.,	))	
	)	
Defendant.	)	

THERATRUE ALABAMA, LLC; ENCHANTED GREEN, LLC,	))	
	)	
Plaintiffs,	)	
	)	
v.	)	**Case Number: CV-2024-900408**
	)	
STATE OF ALABAMA MEDICAL CANNABIS COMMISSION, et al.,	))	
	)	
Defendant.	)	

MOTION TO DISMISS

COMES NOW the Defendants, the Alabama Medical Cannabis Commission ("Commission"), and the Commission members in their official capacity ("Commissioners") (collectively "Defendants") and, under *Alabama Rules of Civil Procedure* 12(b)(1), 12(b)(6), and 65, respectfully move ("Motion") this Court to dismiss all Plaintiffs'[1] claims against it. As grounds, the Defendants state as follows:

[1] These include the Plaintiffs and claims in *Alabama Always, LLC, et al. v. AMCC*, Case No. 2023-000231 ("Main Case"); *Jemmstone Alabama, LLC v. AMCC*, Case No. 2023-901800 ("Jemmstone's First Action"); *TheraTrue Alabama, LLC v. AMCC*, Case No.: 2023-901653 ("TheraTrue's First Action"); *Southeast Cannabis Company, LLC, et al. v. AMCC* Case No.: 2024-000058 ("Severed Case"); *Verano Alabama, LLC v. AMCC*, Case No.: 2024-900009 ("Verano II"); *Southeast Cannabis Company, LLC v. AMCC*, Case No.: 2023-901637 ("Southeast's First Action"); *Yellowhammer Medical Dispensaries, LLC v. AMCC*, Case No.: 2023-901798; *3 Notch Roots, LLC v. AMCC*, Case No.: 2023-901801; *Pure by Sirmon Farms, LLC v. AMCC*, Case No.: 2023-901802; *Alabama Always, LLC v. AMCC*, Case No.: 2023-901727 ("AA's Second Action"), *Jemmstone Alabama, LLC, et al. v. AMCC, et al.*, Case No. 2024-900401 ("Jemmstone's Duplicate Action"); *Southeast Cannabis Company, LLC, et al. v. AMCC, et al.*, Case No. 2024-900406 ("Southeast's Duplicate Action"); *TheraTrue Alabama, LLC, et al. v. AMCC, et al.*, Case No. 2024-900408 ("TheraTrue's Duplicate Action") (Jemmstone's, Southeast's, and TheraTrue's Duplicate Actions collectively referred to as "Duplicate Actions"); and the Amended Complaints ("Duplicate Complaints") filed in all of the above cases.

1. To the extent applicable, Defendants hereby adopt and incorporate the facts and arguments raised in the Commission's March 6, 2024, Motion to Dismiss filed in the Main Case and Jemmstone's First Action.

2. To the extent applicable and appropriate, the Defendants also adopt and incorporate the facts and arguments in the Omnibus Motion filed by Co-Defendant Trulieve Alabama, LLC ("Trulieve") (See Main Case, Doc. 996).

INTRODUCTION[2]

3. Feeling their hands slip from the litigation rope they once purported to use to tie the Commission, the Plaintiffs have attempted to escape the consequences of failing to properly file their lawsuits against the Commission beginning in the spring of 2023. Recognizing their imminent dismissal, they have begun to file amended Complaints in improperly commenced actions lacking subject matter jurisdiction or file entirely new actions, both too early for the exhaustion doctrine, too late for the statute of limitations, and while they have other suits that remain pending in this Court.

4. These desperate efforts by the Plaintiffs are without merit, and their filings and cases are due to be dismissed because (I) Ala. Code § 6-5-440 ("Abatement Statute") bars their newly filed actions; (II) they improperly purport to seek conditional declaratory or injunctive relief under Rule 65 of the *Alabama Rules of Civil Procedure*; (III) they have failed to exhaust their administrative remedies and have not and cannot show they have an exception to proceed in this Court; (IV) even if they had exhausted their administrative remedies, the 30-day statute of limitations governing judicial review of the Commission's decisions bars their actions; (V) even

[2] The Defendants limit their Introduction and Statement of the Facts to only the facts and procedural history necessary for the Court to fully dismiss the Plaintiffs' claims.

if they had exhausted their administrative remedies, and their actions were somehow timely, the doctrine of laches bars their actions for their unreasonable delay in seeking their relief correctly; (VI) the Plaintiffs have failed to establish the necessary prerequisites to obtain a TRO or other injunctive relief or declaratory relief. Therefore, the Plaintiffs' Duplicate Actions and Complaints are due to be dismissed in full.

STATEMENT OF FACTS

5. On March 7, 2024, at 8:09 a.m., Consolidated-Plaintiff Jemmstone Alabama, LLC ("Jemmstone"), joined by Alabama Always, LLC ("AA"), Insa Alabama, LLC ("Insa"), and Bragg Canna of Alabama, LLC ("Bragg Canna") filed an Amended Complaint ("Jemmstone's Amended Complaint") in the Main Case. (See Main Case, Doc. 981).

6. Later, on March 7, 2024, at 5:52 p.m., Jemmstone, AA, Insa, and Bragg Canna filed another complaint identical to Jemmstone's Amended Complaint and purported to commence Jemmstone's Duplicate Action (Case No. 2024-900401, Doc. 2 ("Jemmstone's Duplicate Complaint")) against the same parties stating the same claims arising out of the same set of facts.

7. On March 8, 2024, at 2:29 p.m., Southeast Cannabis Company, LLC ("Southeast"), Yellowhammer Medical Dispensaries, LLC ("Yellowhammer"), Pure by Sirmon Farms, LLC ("Pure"), and Blackberry Farms, LLC ("Blackberry"), filed another complaint purporting to commence Southeast's Duplicate Action (Case No. 2024-900406, Doc. 2 ("Southeast's Duplicate Complaint")).

8. On March 8, 2024, at 4:21 p.m., TheraTrue Alabama, LLC ("TheraTrue") and Enchanted Green, LLC ("Enchanted") filed another complaint purporting to commence

TheraTrue's Duplicate Action (Case No. 2024-900408, Doc. 2 ("TheraTrue's Duplicate Complaint")).[3]

STANDARD OF REVIEW

9. A Rule 12(b)(6) dismissal is appropriate "'when it appears beyond doubt" from the facts in the complaint and the documents attached to it "that the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to relief.'" Jackson v. Alabama Bd. of Adjustment, 160 So. 3d 821, 823 (Ala. Civ. App. 2014) (quoting Nance By & Through Nance v. Matthews, 622 So. 2d 297, 299 (Ala. 1993) (citations in turn omitted)) (affirming grant of Board of Adjustment's motion to dismiss).

10. Alabama courts review a Rule 12(b)(1) motion under two standards: facial and factual challenges. Ex parte Safeway Ins. Co. of Alabama, Inc., 990 So. 2d 344, 349-50 (Ala. 2008). "Facial challenges, such as motions to dismiss for lack of standing at the pleading stage, attack the factual allegations of the complaint that are contained on the face of the complaint." Id. at 349 (internal citations and quotations omitted). But "[f]actual challenges, by contrast, are addressed to the underlying facts contained in the complaint." Id. at 350 (internal citations and quotations omitted). That is, "[w]here a defendant disputes the factual allegations in the complaint that form the basis for a court's subject matter jurisdiction, "the court may not deny the motion to dismiss merely by assuming the truth of the facts alleged by the plaintiff and disputed by the defendant. Id. (internal citations and quotations omitted). "Instead, a court deciding a Rule 12(b)(1) motion asserting a factual challenge must go beyond the pleadings and resolve any disputed issues of fact the resolution of which is necessary to a ruling upon the motion to dismiss" and "[i]n such

[3] The Defendants also address this Motion to the variously denominated amended complaints, petitions for judicial review, and motions for declaratory and iunjunctive relief sought in separate filings by: Southeast in the Severed Case and Southeast's First Action; Theratrue in the Severed Case and the Main Case; and Enchanted Green in the Severed Case and in the Main Case.

situations, the plaintiff's jurisdictional averments are entitled to no presumptive weight; the court must address the merits of the jurisdictional claim by resolving the factual disputes between the parties." Id. (internal citations and quotations omitted).

11. "Before entering a preliminary injunction, the trial court must be satisfied: (1) that without the injunction the plaintiff will suffer immediate and irreparable injury; (2) that the plaintiff has no adequate remedy at law; (3) that the plaintiff is likely to succeed on the merits of the case; and (4) that the hardship imposed upon the defendant by the injunction would not unreasonably outweigh the benefit to the plaintiff." State v. Epic Tech, LLC, No. 1200798, 2022 WL 4588777 at *8 (Ala. Sept. 30, 2022) (internal citations and quotations omitted).

12. "To be entitled to a permanent injunction, a plaintiff must demonstrate success on the merits, a substantial threat of irreparable injury if the injunction is not granted, that the threatened injury to the plaintiff outweighs the harm the injunction may cause the defendant, and that granting the injunction will not disserve the public interest." Id. at *8-9 (internal citations and quotations omitted).

13. "As always, the fundamental rule of [statutory] construction is to ascertain and effectuate the intent of the Legislature as expressed in the statute." Alabama Dep't of Revenue v. Greenetrack, Inc., No. 1200841, 2022 WL 2387030 at *6 (Ala. June 30, 2022) (internal quotation omitted). With that in mind, a reviewing Alabama court "will accord an interpretation placed on a statute or an ordinance by an administrative agency charged with its enforcement great weight and deference." Ex parte Chesnut, 208 So. 3d 624, 650 (Ala. 2016). That is, "an agency's interpretation of its own regulation must stand if it is reasonable, even though it may not appear as reasonable as some other interpretation." Ex parte Torbert, 224 So. 3d 598, 599-600 (Ala. 2016) (internal quotation omitted). Only when "it appears that the agency's interpretation is unreasonable or

unsupported by the law" is "deference no longer due." Ex parte Chesnut, 208 So. 3d at 650 (internal quotation omitted).

ARGUMENT

I. The Abatement Statute Bars the Plaintiffs' Newly Filed Actions.

14. Alabama's Abatement Statute provides:

> No plaintiff is entitled to prosecute two actions in the courts of this state at the same time for the same cause and against the same party. In such a case, the defendant may require the plaintiff to elect which he will prosecute, if commenced simultaneously, and the pendency of the former is a good defense to the latter if commenced at different times.

Ala. Code. § 6-5-440.

15. Under the Abatement Statute, "the pendency of a former action abates, or defeats, a subsequently filed action against the same party for the same cause." Ex parte J.E. Estes Wood Co., Inc., 42 So. 3d 104, 110 (Ala. 2010).

16. "The standard for deciding whether two actions may proceed in different courts is similar to the standard applied for determining the applicability of the doctrine of res judicata; that is, whether the issues in the two actions are the same and whether the same evidence would support a recovery in both actions." Ex parte Sundy, 164 So. 3d 1089, 1092 (Ala. 2014) (internal quotation omitted).

17. "[W]here § 6-5-440 applies, it 'compels dismissal.'" Nettles v. Rumberger, Kirk & Caldwell, P.C., 276 So. 3d 663, 670 (Ala. 2018) (quoting Ex parte J.E. Estes, 42 So. 3d at 108-09 (quoting, in turn, Ex parte Canal Ins. Co., 534 So.2d 582, 585 (Ala. 1988))).

18. Dismissal is required even where the plaintiff dismisses the earlier-filed action after the defendant files a motion to dismiss based on abatement. Nettles, 276 So.3d at 670 (internal citation omitted)).

19. Where the doctrine of res judicata would apply to the issues in the two suits, "then ***any claim that was, or that could have been, adjudicated in the prior action*** is barred from further litigation." Equity Res. Mgmt., Inc. v. Vinson, 723 So.2d 634, 636 (Ala.1998); see also Lee L. Saad Const. Co. v. DPF Architects, P.C., 851 So. 2d 507, 517 (Ala. 2002) (highlighting the elements of res judicata and its applicability to claims the parties could have litigated in prior suit).

20. Raising new questions to new parties in a second suit and asking the old questions between the parties to both suits does not avoid the pendency of the former suit's effect as a matter of abatement. Smith v. Charles E. Jay & Co., 296 So. 2d 885, 890 (Ala. 1974) (internal quotation and citation omitted).

21. "A valid judgment in the prior suit would operate as a bar to the second if the parties, or those in privity with them, are identical in both suits and the same cause of action is involved . . .." H. L. Raburn & Co. v. Massey-Draughon Bus. Coll., 388 So. 2d 1225, 1226 (Ala. Civ. App. 1980) (citing Abel, Adm'x v. Waters, 373 So.2d 1125 (Ala. Civ. App. 1979)).

22. Here, there is no question that the Plaintiffs are simultaneously pursuing the exact cause of action against the same Defendants. Compare Jemmstone's Amended Complaint with Duplicate Complaint. That the first action is on the brink of a probable dismissal in the Court of Civil Appeals is of no consequence; it remains pending. Any claims brought by the Plaintiffs in the second action are claims they did or could have raised in the first action. The Commissioners, as members of the Commission, are assuredly in privity with the Commission, and joining the Commissioners in the second suit did not avoid the abatement. All the Plaintiffs' Duplicate Actions and Complaints' claims are due to be dismissed.

II. <u>There is no Conditional or "Protective Measure" Temporary Restraining Order that the Court may Grant the Plaintiffs or Exception to the Abatement Statute through which the Court may hear the Duplicative Actions and Complaints.</u>

23. "There can be no necessity for the institution *or* the pendency of two suits for the same matter at the same time" and "[t]he security of the plaintiff can[not] require it." <u>Ex parte J.E. Estes</u>, 42 So. 3d at 111.

24. There is no such thing as a conditional complaint for injunctive relief under *Alabama Rule of Civil Procedure* 65, nor can a placeholder action provide a stopgap to prevent the outcome feared by the plaintiffs. <u>Id.</u> ("[Plaintiff] essentially concedes that it had reservations about the viability of its federal action and that it sought to hedge its bet by filing the state action. [] This is precisely the evil the statute aims to prevent.").

25. Like the plaintiff in <u>Ex parte J.E. Estes</u>, who conceded it was hedging its bets and the Court summarily dismissed, the Plaintiffs explicitly concede they are hedging the bets they placed in improperly filing their previous actions. (<u>See</u> Jemmstone's Duplicate Action, Doc. 2 at n.1 ("This lawsuit is being filed as a protective measure only, in the event it is determined that the Circuit Court lacks jurisdiction in any of the following cases: *Alabama Always, LLC et al. v. Alabama Medical Cannabis Commission* [], Case No.CV 2023-000231, or *Jemmstone Alabama, LLC et al. v.*[] *Alabama Medical Cannabis Commission*, Case No. CV 2023-901800 []. It is filed simply to ensure that the Circuit Court has before it a civil action in which it has entered an enforceable Temporary Restraining Order and can enter such further orders as may be needed regarding the actions complained of herein."); Southeast's Duplicate Action, Doc. 2 at n.1 (same); TheraTrue's Duplicate Action, Doc. 2 at n. 1 (same).

26. There are, therefore, no grounds upon which the Court may grant the Plaintiffs their requested relief in their new actions, and the Abatement Statute requires the Duplicate Actions and Complaints to be dismissed.

27. Therefore, the Plaintiffs' Duplicate Actions and Complaints are due to be dismissed.

III. <u>The Plaintiffs are due to be dismissed for having failed to exhaust their administrative remedies.</u>

28. The Defendants hereby adopt and incorporate, as if fully stated herein, every argument put forward in the Commission's Motion to Dismiss and previous filings regarding the failure to exhaust administrative remedies.

29. The Alabama Court of Civil Appeals has recently clarified what had heretofore been a murky issue as to whether the exhaustion of administrative remedies was a matter of subject matter jurisdiction or merely one of "judicially imposed prudential limitation." Where a party prematurely attempts to appeal to circuit court from a non-final administrative ruling, the circuit court lacks subject matter jurisdiction to hear that appeal. <u>Water Works Bd. of City of Birmingham v. Alabama Surface Mining Comm'n</u>, No. CL-2022-1059, 2023 WL 4383494, at *7 (Ala. Civ. App. July 7, 2023) (other internal citations and quotations omitted). Thus, "when no final decision in an administrative case has been entered by an agency for purposes of appeal to a circuit court, 'the appeal is due to be dismissed, *ex mero motu*, because the circuit court never acquired subject-matter jurisdiction.'" <u>Id.</u> at *8, (quoting <u>Alabama Dep't of Econ. & Cmty. Affs. v. Community Serv. Programs of W. Alabama, Inc.</u>, 65 So. 3d 396, 402 (Ala. Civ. App. 2010)) (citations, in turn, omitted).

30. The Plaintiffs have proceeded (albeit in invalid cases) by arguing that an exception to the doctrine—their administrative remedy is futile--applies. That is an incorrect statement of the law, and it is high time this Court demonstrates that to the Plaintiffs.

31. Where an administrative body has the authority to reconsider its previous decisions, and the enabling legislation provides such a remedy, the remedy is not futile; thus, the exception

does not apply, and invoking and exhausting the administrative remedy is "the necessary predicate for judicial review." Ex parte Cincinnati Ins. Co., 51 So. 3d 298, 310 (Ala. 2010) (granting petition for writ of mandamus directing trial court to dismiss the claims for failure to exhaust administrative remedies).

32. The Plaintiffs have not and cannot dispute that they have not yet undertaken the investigative hearing required by Ala. Code § 20-2A-56(e), which would provide the "contested case" they seek to obtain a final decision they could appeal to this Court, and have not and cannot dispute that the Commission can reconsider its previous license award decisions and consider other decisions as part of the investigative hearing process under -56(e).

33. Thus, the Plaintiffs' argument that the futile remedy exception to the exhaustion requirement applies is unavailing, and the Plaintiffs were required to exhaust their administrative remedies before proceeding in this Court.

34. Therefore, the Plaintiffs' claims are due to be dismissed.

IV. The Plaintiffs Cannot Rely on the Fiction That They Are Appealing to This Court Based on Ala. Code § 20-2A-57(d).

35. Section 20-2A-57(d) provides that "[a]ny person aggrieved by an action of the commission or the department under this article, within 30 days after receiving notice of the action, may appeal the action to the circuit court in the county where the commission or department is located." Ala. Code § 20-2A-57(d).

36. Plaintiffs suggest that they are merely appealing to this Court from an adverse action by the Commission in failing to award them a license. This cannot be for three reasons.

37. First, there has been no "action" by the Commission until after the Plaintiffs undertake the investigative appeal process.

38. Second, the Plaintiffs' contention that they have been denied a license and may appeal based on § 20-2A-57(d) is without merit because a revocation may not happen upon an applicant or an awardee.

39. Third, and most clearly, even if they could proceed under -57(d) (they cannot), the Plaintiffs are now far beyond 30 days from the date they received notice of the Commission decision from which they purport to appeal.

40. The Commission announced the award (not issuance) of licenses on December 1, 2023, for categories of licenses other than integrated facilities and on December 12 for integrated facilities. The Plaintiffs filed their duplicate complaints no earlier than March 7, 86 days from the Commission's alleged "action" as to Integrated Facilities and 97 days from the date of the Commission's alleged "action" as to all other license categories. Not that Plaintiffs would have been entitled to appeal from the Commission's decisions on December 1 and December 12 without having undertaken an investigative hearing (which all Plaintiffs have filed a notice with the Commission to preserve their ability to do), but even if they could, the time for seeking judicial review in this Court, at least as to those decisions, has now come and gone.

41. Nor does the doctrine of relation back apply in this instance, such that Plaintiffs could rely on a prior event within the 30-day window following the decisions of December 1 and December 12 to allow them the opportunity to pursue an appeal from those decisions at this late date. There is nothing to relate back to. Because the Plaintiffs' original-filed actions, even as amended, are void *ab initio*, what might otherwise have been a timely filing to preserve their rights within the 30-day window is null and will not support any attempt at relation back.

V. The Doctrine of Laches Bars the Plaintiff's Claims.

42. The Alabama Court of Civil Appeals "has previously recognized that the doctrine of laches [applies] to administrative proceedings in instances where the legislature has not defined a period of limitation for commencing such proceedings." Alabama Bd. of Examiners in Psychology v. Hamilton, 150 So. 3d 1085, 1091-92 (Ala. Civ. App. 2013) (other internal citations and quotations omitted) (citing Chafian v. Alabama Bd. of Chiropractic Examiners, 647 So. 2d 759, 762 (Ala. Civ. App. 1994) (rejecting administrative decision appellant's argument that because the board's enabling statute made all violations of the disciplinary statute a Class C misdemeanor, and because the statute of limitations for misdemeanors was 12 months, the statute of limitations or the equitable doctrine of laches should have barred the charges)).

43. Even worse than as stated above, even if they filed on March 7, 2024, and even if their actions are proper (they are not), the Plaintiffs waited 147 days since they learned about the Emergency Rule on October 12, 2023, to file their Complaints against the Commission.

44. As a result of that unreasonable delay, the Defendants and the prospective Alabama patients have all suffered an undue prejudice in acting on the Emergency Rule's procedures.

45. Thus, the doctrine of laches bars the Plaintiffs' claims; therefore, the Plaintiffs are due to be dismissed in full.

VI. The Plaintiffs are not Entitled to Injunctive Relief.

46. For the reasons in this Motion and the Commission's previous filings (Case No. 2023-000231, Docs. 640, 682, 694, 710, 824, 926, 979), as well as Trulieve's recently filed Motion to Dismiss (Doc. 996), the Plaintiffs claims for injunctive relief are due to be dismissed because they cannot show an immediate or irreparable injury they did not themselves create by their delay. Furthermore, they have an adequate remedy through the administrative appeal process and do not

have a remedy in this Court before then, they all lack a reasonable chance of success on the merits, and because granting such relief would harm and certainly not benefit the public interest.

47. Therefore, Plaintiffs' Claims against the Commission for Injunctive Relief are due to be dismissed.

CONCLUSION

Based on the foregoing, the Defendants urge this Court to dismiss the Plaintiffs' complaints and actions.

Respectfully submitted on this the 11th day of March 2024.

/s/ William H. Webster
WILLIAM H. WEBSTER (WEB030)
MICHEAL S. JACKSON (JAC015)
SCOTT M. SPEAGLE (SPE050)
WALKER N. KOWALCHYK (KOW004)
MARK D. WILKERSON (WIL072)
ROBERT A. McBRIDE (MCB021)
Attorneys for Defendant
Alabama Medical Cannabis Commission

OF COUNSEL:

WEBSTER, HENRY, BRADWELL, COHAN, SPEAGLE & DESHAZO, P.C.
Post Office Box 239
Montgomery, Alabama 36101-0239
Telephone: (334) 264-9472
Facsimile: (334) 264-9599
Email: wwebster@websterhenry.com

WILKERSON & BRYAN, P.C.
405 South Hull Street Montgomery, Alabama 36104
Telephone: (334) 265-1500
Facsimile: (334) 265-0319
Email: mark@wilkersonbryan.com

CERTIFICATE OF SERVICE

I now certify that a copy of the foregoing has been served on all counsel of record by directing same to the address via United States first class mail, postage prepaid, or by electronically filing the foregoing with the Clerk of Court using the AlaFile system, which will send notification of such filing on this the 6th day of March 2024:

Barry A. Ragsdale (RAG003)
Robert S. Vance, III (VAN069)
DOMINICK FELD HYDE, PC
1130 22nd Street South, Suite 4000
Birmingham, AL 35205
(205) 536-8888
bragsdale@dfhlaw.com
rvance@dfhlaw.com

Peck Fox (FOX005)
THE FOX LAW FIRM, LLC
250 Commerce Street, Suite 200
Montgomery, AL 36104
(334) 676-3404
peck@foxlawfirmllc.com

William Sommerville (SOM005)
Michael Catalano (CAT010)
Jade Sipes (SIP002)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
1901 Sixth Avenue North, Suite 2600
(205) 328-0480
wsomerville@bakerdonelson.com
mcatalano@bakerdonelson.com
jsipes@bakerdonelson.com

Wilson F. Green (GRE067)
WILSON F. GREEN, LLC
301 19th Street North, Ste. 525
Birmingham, Alabama 35203
2620 6th Street, Ste. 200 (35401)
P.O. Box 2536
Tuscaloosa, AL 35403
(205) 722-1018
wilson@wilsongreenlaw.com

Benjamin J. Espy (ESP005)
William M. Espy (ESP007)

J. Flynn Mozingo (MOZ003)
MELTON, ESPY & WILLIAMS, P.C.
255 Dexter Avenue
Montgomery, Alabama 36104
besespy@mewlegal.com
wespy@mewlegal.com
fmozingo@mewlegal.com

Steven Michael Brom (BRO202)
BACHUS, BROM & TAYLOR, LLC
3125 Blue Lake Drive, Suite 101
Birmingham, AL 35243
(205) 970-6747
sbrom@bachusbrom.com

A. Patrick Dungan (DUN054)
Aaron G. McLeod (MCL053)
Todd D. Engelhardt (ENG026)
ADAMS AND REESE LLP
11 N. Water Street, Suite 23200
Mobile, Alabama 36602
(251) 433-3234
1901 6th Avenue North, Suite 1110
Birmingham, Alabama 35203
(205) 250-5000
Patrick.dungan@arlaw.com
Aaron.mcleod@arlaw.com
Todd.engelhardt@arlaw.com

/s/ William H. Webster _______________
OF COUNSEL