

State of Alabama Unified Judicial System Form ARAP-1 (front) Rev.1/97	NOTICE OF APPEAL TO THE (Check appropriate block) <input checked="" type="checkbox"/> SUPREME COURT OF ALABAMA <input type="checkbox"/> COURT OF CIVIL APPEALS OF ALABAMA	Civil Action Number: CV-2017-900021.00
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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

APPELLANT	ANTHONY KEITH, RONALD C. SMITH, ESTHER CALHOUN, WILLIAM T. GIPSON, and LATONYA GIPSON
V. APPELLEE	LANCE R. LEFLEUR and ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
TRIAL JUDGE	HON. J. R. GAINES
DATE OF JUDGMENT:	APRIL 12, 2017
DATE OF POST – JUDGMENT ORDER:	N/A

NOTICE IS HEREBY GIVEN THAT ANTHONY KEITH, RONALD C. SMITH, ESTHER CALHOUN, WILLIAM T. GIPSON and LATONYA J. GIPSON appeal(s) to the above-named court from the Final Judgment Order R. 12(b)(1) dismissal of complaint for declaratory and injunctive relief entered in this cause. (describing it)

CHECK THE PROPER DESCRIPTION OF THE APPEALED CASE UNDER THE APPROPRIATE COURT:

<p align="center">SUPREME COURT</p> <p>1. <input type="checkbox"/> Summary Judgment, amount claimed more than \$ 50,000</p> <p>2. <input type="checkbox"/> Judgment Amount exceeds \$50,000</p> <p>3. <input type="checkbox"/> Amount Sought in trial court more than \$50,000, Judgment for defendant</p> <p>4. <input type="checkbox"/> Equitable Relief, except for domestic relations</p> <p>5. <input checked="" type="checkbox"/> Other: <u>Dismissal of complaint for declaratory and injunctive relief</u></p>	<p align="center">COURT OF CIVIL APPEALS</p> <p>1. <input type="checkbox"/> Summary Judgment, amount claimed \$ 50,000 or less</p> <p>2. <input type="checkbox"/> Judgment Amount \$50,000 or less</p> <p>3. <input type="checkbox"/> Amount Sought \$50,000 or less, judgment for defendant</p> <p>4. <input type="checkbox"/> Workmen’s Compensation</p> <p>5. <input type="checkbox"/> Domestic Relations</p> <p>6. <input type="checkbox"/> Other: _____</p>
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APPELLANT FILES WITH THIS NOTICE OF APPEAL:

1. Security for costs of appeal

2. A supersedeas bond in the amount of \$ _____

3. Deposited cash security in the amount of \$ _____

4. Is exempted by law from giving security for costs of appeal by virtue of _____

Filed _____ (Date)

9150 McDougal Ct.
Address Tallahassee, FL 32312 (850) 386-5671
Telephone Number

CERTIFIED AS A TRUE COPY

s/ David A. Ludder
Appellant's Attorney for Appellant David A. Ludder
Email daidaludder@enviro-lawyer.com

Circuit Clerk

SECURITY FOR COSTS

We hereby acknowledge ourselves security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and laws of the State of Alabama.

Executed with our seals this 24th day of April, 2017.

Filed and approved: _____ (Date)

Appellant-principal (L.S.)

s/ David A. Ludder (L.S.)

Surety David A. Ludder

Surety (L.S.)

Circuit Clerk
(Amended November 9, 1976; October 1, 1991.)

SUPERSEDEAS BOND

We, the undersigned principal and sureties, hereby acknowledge ourselves bound unto _____ in the sum of _____ Dollars, for the payment of which we bind ourselves, and each other, our heirs, executors, [(for amount of bond see Rule 8(a) and administrators, jointly and severally, and as part of this undertaking we hereby waive our rights of exemption as to personal property under the Constitution and laws of the State of Alabama.

WHEREAS, the above-named appellee (s) recovered a judgment against appellant (s) for the sum of _____ Dollars (and the further acts or duty _____) [describing judgment in addition to or other than for money only] _____ Dollars, the costs in that behalf expended.

NOW, therefore, the condition of the foregoing obligation is such that, if the appellant shall prosecute this appeal to effect, and satisfy such judgment, penalties, and costs including costs of appeal as may be rendered in this case, then the said obligation to be null and void, otherwise to remain in full force and effect.

Executed with our seals this _____ day of _____, _____.

Filed and approved: _____ (Date) _____ Appellant-principal (L.S.)

Surety (L.S.)

Surety (L.S.)

Circuit Clerk

EXECUTION OF JUDGMENT STAYED:

Bond fixed at: \$ _____ (Not required for money judgment only.) _____ Circuit Judge (L.S.)

DESIGNATION OF RECORD ON APPEAL

DESIGNATION OF CLERK'S RECORD: Appellant requests the clerk to include the following checked materials in the clerk's record:

- 1. Complaint (Doc. 5)
- 2. Answer
- 3. Counter-claim
- 4. Cross-Claim
- 5. Third-party Complaint
- 6. Third-party Answer
- 7. Motion to dismiss (Doc. 17)
- 8. Pretrial order

- 9. Entire record (less those items set forth in Rule 10 (a))
- 10. Motion for summary judgment
- 11. Opposition to motion for summary judgment
- 12. Final (Judgment) (Order) (Doc. 45)
- 13. Motion for New Trial
- 14. Ruling on Motion
- 15. Others: Pls.' Resp. to Defs.' Mot. to Dismiss (Doc. 28)
- 16. Exhibit Number: _____

TRANSCRIPT STATUS

- Transcript will not be ordered. [See Rule 10(b), ARAP.]
- Transcript will be ordered. [See Rules 10(b)(2) and 11 (a)(2), ARAP. Form 1A or 1B.] Court reporter(s): _____

NOTE: If more than one court reporter was involved in this case, you must file a Transcript Purchase Order Form in compliance with Rules 10(b) and 11(c), Form 1A or 1B of the ARAP, for each court reporter. (Amended October 1, 1991.)

CERTIFICATE OF FILING

I certify that I have this date filed with the clerk of the trial court the original and 3 copies of the foregoing notice of appeal (along with \$ 200 docket fee), and such other instruments as have been completed and included herein. A true copy of each of these items will be served by the clerk of the trial court on each of the following:

- 1) Clerk of the appellate court, (the \$ 200 docket fee shall be transmitted with this filing) or affidavit of hardship.
- 2) Court Reporter.
- 3) Counsel for appellee, or appellee if no counsel.

Name: S. Shawn Sibley / Paul Christian Sasser, Jr.
Address: Ala. Dep't of Env'tl. Mgmt., P.O. Box 301463, Montgomery, Alabama 36130-1463

DATED this 25th day of April, 2017.

s/ David A. Ludder
Attorney for Appellant David A. Ludder

(Amended October 1, 1991.)



AlaFile E-Notice

03-CV-2017-900021.00

Judge: J. R. GAINES

To: LUDDER DAVID ALAN
davidaludder@enviro-lawyer.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ANTHONY KEITH ET AL V. LANCE R. LEFLEUR, DIRECTOR
03-CV-2017-900021.00

The following matter was FILED on 4/12/2017 2:38:04 PM

Notice Date: 4/12/2017 2:38:04 PM

TIFFANY B. MCCORD
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL, 36104

334-832-1260



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

KEITH ANTHONY,)	
SMITH RONALD C.,)	
CALHOUN ESTHER,)	
GIPSON WILLIAM T. ET AL,)	
Plaintiffs,)	
)	
V.)	Case No.: CV-2017-900021.00
)	
LANCE R. LEFLEUR, DIRECTOR,)	
ALABAMA DEP'T OF ENVTL. MGMT.,)	
Defendants.)	

ORDER

The Court having considered the Motion to Dismiss filed by the Defendants and the argument of the parties on April 10, 2017, it is hereby **ORDERED** that the said Motion is due to be and is hereby **GRANTED**. This matter is dismissed. This is a final order.

DONE this 12th day of April, 2017.

/s/ J. R. GAINES

CIRCUIT JUDGE