



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 6/5/2018 5:47:28 PM

D001 LANCE R. LEFLEUR, DIRECTOR
SUGGESTION OF MOOTNESS
[Filer: SIBLEY STEVEN SHAWN]

Notice Date: 6/5/2018 5:47:28 PM

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

334-832-1260



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6/5/2018 5:47 PM

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CIRCUIT COURT OF

MONTGOMERY COUNTY, ALABAMA

TIFFANY B. MCCORD, CLERK

STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

03-MONTGOMERY

 District Court Circuit Court

CV21

CIVIL MOTION COVER SHEETANTHONY KEITH ET AL V. LANCE R. LEFLEUR,
DIRECTOR

Name of Filing Party: D001 - LANCE R. LEFLEUR, DIRECTOR

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

STEVEN SHAWN SIBLEY
POST OFFICE BOX 301463
MONTGOMERY, AL 36130

Attorney Bar No.: SIB002

 Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**

- Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other _____
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

Local Court Costs \$ 0 _____

Motions Not Requiring Fee

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw
- Other Suggestion of Mootness
pursuant to Rule Rule 12 ARCP (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees)

Date:
6/5/2018 5:44:08 PM

Signature of Attorney or Party
/s/ STEVEN SHAWN SIBLEY

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.

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CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
TIFFANY B. MCCORD, CLERK

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

ANTHONY KEITH, RONALD C. SMITH,)
 ESTHER CALHOUN, WILLIAM T.)
 GIPSON, and LATONYA GIPSON,)
)
 Plaintiffs,)
)
 v.)
)
 LANCE R. LEFLEUR, in his official)
 capacity as Director of the Alabama)
 Department of Environmental Management,)
)
 Defendant.)

CIVIL ACTION NO.:
CV-2017-900021.00-JRG

SUGGESTION OF MOOTNESS

Counts I through V of this action concern challenges to ADEM Guidance Memorandum No. 108 and its web-based version entitled “ADEM Civil Rights and Environmental Justice Complaint Reporting and Investigating Process.” On June 5, 2018, the Director rescinded Memorandum 108 and its web-based version. *See Exhibit “A.”*

Because these documents are rescinded, the challenge to them in Counts I through V is moot.

DONE this 5th day of June, 2018.

Respectfully submitted,

STEVE MARSHALL
ATTORNEY GENERAL

/s/ S. Shawn Sibley
S. Shawn Sibley (SIB002)
Assistant Attorney General and
Associate General Counsel

/s/ Paul Christian Sasser, Jr.
Paul Christian Sasser, Jr. (SAS006)
Assistant Attorney General and
Associate General Counsel

ADDRESS OF COUNSEL:

Alabama Department of Environmental Management
Office of General Counsel
P.O. Box 301463
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(334) 271-7855/Office
(334) 260-4544 (Office/Facsimile)
ssibley@adem.alabama.gov
pcsasser@adem.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing “Suggestion of Mootness” with the Clerk of Court using the AlaFile system and service will be perfected upon any AlaFile participant(s) electronically on this 5th day of June, 2018:

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/s/ S. Shawn Sibley
S. Shawn Sibley (SIB002)

LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

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CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
TIFFANY B. MCCORD, CLERK



June 5, 2018

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MEMORANDUM #108 - *RESCINDED*

SUBJECT: PROCEDURE FOR TITLE VI OR ENVIRONMENTAL JUSTICE FILING OF
DISCRIMINATION COMPLAINTS – RESCINDED AND RESERVED

Memorandum #108 and associated web-based version of the same are hereby rescinded and Number 108 is reserved for future use.

Lance R. LeFleur, Director

SPECIAL INSTRUCTIONS: Supersedes and Rescinds memoranda dated October 18, 2004.

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