



AlaFile E-Notice

03-CV-2020-900702.00

Judge: J. R. GAINES

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

THE LEAGUE OF WOMEN VOTERS OF ALABAMA ET AL V. JOHN MERRILL ET AL
03-CV-2020-900702.00

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GINA J. ISHMAN
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL, 36104

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

THE LEAGUE OF WOMEN VOTERS OF ALABAMA,)	
ALBANY ARDIS M,)	
LIVINGSTON LUCINDA M,)	
LORGE BRYAN A. ET AL,)	
Plaintiffs,)	
)	
V.)	Case No.: CV-2020-900702.00
)	
MERRILL JOHN,)	
IVEY KAY,)	
LOVE J.C. III,)	
ISHMAN GINA ET AL,)	
Defendants.)	

ORDER

Before the Court is the Motion for a Preliminary Injunction of Plaintiff the League of Women Voters of Alabama and the individual Plaintiffs, and the Motions to Dismiss of State Defendants Governor Kay Ivey and Secretary of State John Merrill, as well as Montgomery County Defendants J C Love III, Gina Ishman, Derrick Cunningham, Daniel Harris, Jr., Elton N. Dean, Sr., Ronda M. Walker, Isaiah Sankey, and Doug Singleton.

The Court held a hearing on the motions by video conference on June 23, 2020. The Court has considered the written filings of the parties and the arguments of counsel. In considering these materials, the Court properly takes judicial notice of the emergency proclamations and rules issued by State Defendants submitted as evidentiary submissions. See *Ex parte Vizzina*, 533 So.2d 658, 660 (Ala. 1988) (observing “the principle of law that courts in Alabama may take judicial notice of

administrative rules and regulations when the rules and regulations are declared by statute to have the force and effect of law,” and applying this principle to an emergency rule); *Swindle v. Remington*, 291 So.3d 439, 450 n.5 (Ala. 2019) (recognizing that courts “may take judicial notice of a matter of public record.”) Because Defendants’ Motions to Dismiss present purely questions of law, they are ripe for resolution.

For the reasons laid out in the Defendants’ Motions to Dismiss, the Court finds that it lacks jurisdiction over Plaintiffs’ complaint because Plaintiffs present a non-justiciable political question, Plaintiffs lack standing to sue Defendants, and the claims against Defendants are barred by sovereign immunity. Additionally, the Court notes that even if it had found that jurisdiction exists, it would have found that Plaintiffs have failed to state a claim upon which relief can be granted, for the reasons laid out in the Defendants’ Motions to Dismiss.

Upon consideration of the foregoing, it is hereby ORDERED that Defendants’ Motions to Dismiss are GRANTED. Plaintiffs’ claims are **DISMISSED without prejudice**. Plaintiffs’ motion for a preliminary injunction is DENIED. **This is a final judgment.**

DONE this 5th day of August, 2020.

/s/ J. R. GAINES

CIRCUIT JUDGE