



## AlaFile E-Notice

11-CV-2018-900431.00

Judge: BRIAN P HOWELL

To: MICHAEL G DEAN  
mdean@ago.state.al.us

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

STATE OF ALABAMA ET AL V. AMERICAN PLUMBING AND SEPTIC SERVICE, LLC E  
11-CV-2018-900431.00

The following matter was FILED on 8/9/2018 11:33:08 AM

**C001 STATE OF ALABAMA**  
MOTION TO RELEASE FROM TRO  
[Filer: DEAN MICHAEL GREGORY]

Notice Date: 8/9/2018 11:33:08 AM

KIM MCCARSON  
CIRCUIT COURT CLERK  
CALHOUN COUNTY, ALABAMA  
25 WEST 11TH STREET  
ANNISTON, AL, 36201

256-231-1750  
Kim.McCarson@alacourt.gov



ELECTRONICALLY FILED  
8/9/2018 11:32 AM  
11-CV-2018-900431.00  
CIRCUIT COURT OF  
CALHOUN COUNTY, ALABAMA  
KIM MCCARSON, CLERK

**STATE OF ALABAMA**

Revised 3/5/08

**Cas**

Unified Judicial System

11-CALHOUN

 District Court
  Circuit Court

CV21

 STATE OF ALABAMA ET AL V. AMERICAN  
PLUMBING AND SEPTIC SERVICE, LLC E
**CIVIL MOTION COVER SHEET**

Name of Filing Party: C001 - STATE OF ALABAMA

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

MICHAEL G DEAN  
501 Washington Avenue  
MONTGOMERY, AL 36104  
Attorney Bar No.: DEA037

 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 \_\_\_\_\_  
Motion to Release from TRO  
pursuant to Rule \_\_\_\_\_ \* \_\_\_\_\_ (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:  
8/9/2018 11:31:08 AM

Signature of Attorney or Party  
/s/ MICHAEL G DEAN

\*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.



**IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA**

<b>STATE OF ALABAMA</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CV-18-900431.00</b>
	)	
<b>AMERICAN PLUMBING AND</b>	)	
<b>SEPTIC SERVICE, LLC, et al.</b>	)	
<b>Defendants.</b>	)	

**MOTION TO RELEASE DEFENDANT DAVIS UNLIMITED, LLC**  
**FROM THE TEMPORARY RESTRAINING ORDER**

COMES NOW the Plaintiff, State of Alabama, and moves this Court to release Defendant Davis Unlimited, LLC from the TRO issued by this Court on August 3rd. As grounds therefore, the State offers the following:

After discussions with representatives of Defendant Davis Unlimited, LLC, the Receiver has recommended that it be released from the TRO, including the portion of the order freezing the company’s assets. The State concurs in that assessment and hereby requests that this Court release Davis Unlimited, LLC from the TRO. This motion only relates to the TRO and should not be read as demonstrating consent to dismiss Davis Unlimited, LLC as a defendant in this action.

Respectfully submitted, this the 9th day of August, 2018.

Steve Marshall  
*Attorney General*

/s/ Michael G. Dean

Michael G. Dean  
Noel S. Barnes  
*Assistant Attorneys General*  
Attorneys for Plaintiff State of Alabama

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Consumer Interest Division  
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/s/ Jeffery C. Schneider  
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**CERTIFICATE OF SERVICE**

We hereby certify that, on this 9th day of August, 2018, we have served a copy of the foregoing upon counsel for the Defendants by mailing copies of the foregoing by email or by first-class U.S. Mail, at the following addresses:

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/s/ Michael G. Dean  
Michael G. Dean  
*Assistant Attorney General*

/s/ Jeffery C. Schneider  
Jeffery C. Schneider  
Receiver