



## AlaFile E-Notice

11-CV-2018-900431.00

Judge: BRIAN P HOWELL

To: DEAN MICHAEL GREGORY  
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 9/4/2018 2:11:45 PM

**C001 STATE OF ALABAMA**

RESPONSE TO MOTION TO STRIKE/MOTION TO ACCEPT FILINGS

[Filer: BARNES NOEL STEVEN]

Notice Date: 9/4/2018 2:11:45 PM

KIM MCCARSON  
CIRCUIT COURT CLERK  
CALHOUN COUNTY, ALABAMA  
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ANNISTON, AL, 36201

256-231-1750  
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**IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA**

<b>STATE OF ALABAMA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 2018-900431</b>
	)	
<b>AMERICAN PLUMBING AND</b>	)	
<b>SEPTIC SERVICE, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**STATE’S OPPOSITION TO CONTINUANCE OF HEARING**

COMES NOW the Plaintiff, State of Alabama (hereinafter “State”), by and through undersigned counsel, and hereby files the State’s Opposition to Continuance of Hearing. As grounds for this Opposition, the State provides the following:

On September 1, 2018, Defendants filed their Motion to Accept Filings or, Alternatively, To Continue Hearing. In their Motion, Defendants offered to consent to a continuance of the preliminary injunction hearing if the State thought a continuance was necessary.

The State opposes a continuance because the States’ witnesses have prepared to attend the hearing scheduled for September 6. Many have been subpoenaed and have requested leave from work. Rescheduling the hearing would be problematic for the witnesses and could create other conflicts as well.

Respectfully submitted this, the 4<sup>th</sup>, day of September 2018.

Steve Marshall  
*Attorney General*

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

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 4<sup>th</sup> day of September 2018, I 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/ Noel S. Barnes  
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