



AlaFile E-Notice

11-CV-2018-900431.00

Judge: BRIAN P HOWELL

To: DAN F. LANEY (PRO SE)
2700 INTERNATIONAL TOWER
229 PEACHTREE ST N.E.
ATLANTA, GA, 30303-0000

NOTICE OF ELECTRONIC FILING

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 6/19/2019 1:31:07 PM

C001 STATE OF ALABAMA
JOINT MOTION FOR STAY OF RULING
[Filer: BARNES NOEL STEVEN]

Notice Date: 6/19/2019 1:31:07 PM

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

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



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CIRCUIT COURT OF
CALHOUN COUNTY, ALABAMA
KIM MCCARSON, CLERK

STATE OF ALABAMA

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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.

 NOEL STEVEN BARNES
501 WASHINGTON AVENUE
MONTGOMERY, AL 36130

Attorney Bar No.: BAR155

 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 Joint Motion for Stay of Ruling
pursuant to Rule N/A (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:
6/19/2019 1:28:02 PM

 Signature of Attorney or Party
/s/ NOEL STEVEN BARNES

*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

STATE OF ALABAMA, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO. CV18-900431
)	
AMERICAN PLUMBING AND SEPTIC)	
SERVICE, LLC, et al.,)	
)	
Defendants.)	

JOINT MOTION FOR STAY OF RULING

The State of Alabama (“the State”) and Non-party GreenSky, LLC (“GreenSky”), with the consent of the Receiver, respectfully request that the Court enter a 60-day stay of any ruling related to the Receiver’s Report of His Investigation of GreenSky Loans, filed March 7, 2019 (“Receiver’s Report”), on grounds that the State and GreenSky wish to engage in negotiations to determine whether they can reach a resolution of any disputes between them.¹

1. After the Receiver filed his Report, GreenSky requested a briefing schedule in which the Receiver and GreenSky would first brief certain threshold legal issues raised by the Receiver’s Report before any hearing. The Receiver agreed, and the Court entered a briefing schedule on April 1, 2019 (Doc. 340).

2. GreenSky and the Receiver timely submitted briefs in accordance with the briefing schedule in which each of them requested certain action by the Court. *See* Non-Party GreenSky’s Memorandum of Law in Further Support of its October 1, 2018 Objection and in

¹ By joining in this request, non-party GreenSky is not making a general appearance in this action and retains, and does not waive, any and all objections and defenses that would be available to GreenSky should there be an attempt to make it a party to this action.

Support of its Objection to the Receiver's Report, filed May 1, 2019 (Doc. 342); Receiver's Response in Support of Report of His Investigation of GreenSky Loans and Opposition to GreenSky's Memorandum of Law, filed May 22, 2019 (Doc. 344); and GreenSky's Reply Memorandum of Law, filed June 5, 2019 (Doc. 346).

3. Since the completion of briefing, counsel for the State and GreenSky have each expressed a desire to engage in discussions to determine whether they can reach a resolution among themselves.

4. Before this Court rules on the pending threshold legal issues, the State and GreenSky request that the Court enter a stay of sixty (60) days to permit the State and GreenSky an opportunity to try to reach an efficient resolution.

5. The State and GreenSky request that the Court enter the Proposed Order submitted simultaneously with this motion.

Respectfully submitted,

/s/ Noel S. Barnes
Counsel for the State of Alabama

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With consent and agreement by:

/s/ Haley A. Cox (with permission)
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CERTIFICATE OF SERVICE

I certify that on June 19, 2019, the foregoing was filed electronically through the Court's AlaFile system, thereby providing electronic notification to all counsel of record.

/s/ Noel S. Barnes

Of Counsel

IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

STATE OF ALABAMA, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO. CV18-900431
)	
AMERICAN PLUMBING AND SEPTIC)	
SERVICE, LLC, et al.,)	
)	
Defendants.)	

[PROPOSED] ORDER

Upon consideration of the Joint Motion for Stay of Ruling by The State of Alabama (“the State”) and Non-party GreenSky, LLC (“GreenSky”), the Motion is hereby GRANTED. The Court hereby issues a stay of any ruling on the Receiver’s Report of His Investigation of GreenSky Loans or any related briefing for sixty (60) days from the date of this Order.

Hon. Brian Howell, Presiding Judge