



IN THE CIRCUIT COURT OF SUMTER COUNTY, ALABAMA

SUMTER COUNTY BOARD OF)
 EDUCATION;)
)
 Plaintiff;)
)
 v.)
)
 UNIVERSITY OF WEST)
 ALABAMA, etc., et al.;)
)
 Defendants.)

CV-2018-900027

ORDER OF DISMISSAL

This case came before the Court on April 5, 2019 on the Motion to Dismiss the Third Amended Complaint of Defendants University of West Alabama, Dr. Ken Tucker, and Dr. Richard Holland (doc. # 184). At the hearing, the Defendants filed an additional Motion to Dismiss (doc. # 195). The Court has read and considered the Third Amended Complaint and its exhibits, the Motions to Dismiss of UWA, Dr. Tucker, and Dr. Holland, the legal memorandum filed by UWA, Dr. Tucker, and Dr. Holland, the Opposition to Dismissal filed by the Sumter County Board of Education, the oral argument of counsel, all applicable law to the claims of the Sumter County Board of Education and defenses of UWA, Dr. Tucker, and Dr. Holland, and Alabama law generally. After due consideration, the Court finds that the pending Motions to Dismiss of UWA, Dr. Holland, and Dr. Tucker are due to be granted.

UWA, Dr. Tucker, and Dr. Holland moved for dismissal of the Third Amended Complaint on multiple grounds. Each of these grounds, standing alone, are sufficient reason for dismissal of all or part of the Third Amended Complaint's claims. One ground for dismissal is that the relief sought by the Sumter County Board of Education violates the public policy of the State of Alabama described in the Alabama School Choice and Student Opportunity Act, Alabama Code §§ 16-6f-1 (1975) et seq., and particularly Alabama Code § 16-6f-11(b)(1).

Additionally, UWA, Dr. Holland, and Dr. Tucker are the sole remaining Defendants in the Third Amended Complaint. Considering the relief sought by the Sumter County Board of Education, an injunction, a party needed for a just adjudication, the University Charter School, is no longer a party in the Third Amended Complaint. See Ala. R. Civ. P. 19.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Motions to Dismiss of UWA, Dr. Tucker and Dr. Holland are GRANTED.
2. That all claims against the University of West Alabama, Dr. Ken Tucker and Dr. Richard Holland are DISMISSED WITH PREJUDICE.
3. That the Plaintiff's Third Amended Complaint is DISMISSED WITH PREJUDICE.
4. That costs are taxed as paid.
5. That each party shall bear his or its own costs and attorney fees.

ORDERED this the 25 day of April, 2019.


GAINES C. MCCORQUODALE
Circuit Court Judge