



## AlaFile E-Notice

47-CV-2021-900878.00

Judge: ALISON S. AUSTIN

To: WILLARD BRENT WOODALL  
tidegal7@gmail.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

YOUNG AMERICANS FOR LIBERTY UNIVERSITY OF AL HSV ET AL V. MIKE BROCK E  
47-CV-2021-900878.00

The following matter was FILED on 2/14/2022 3:55:16 PM

[Filer: WOODALL WILLARD BRENT]

Notice Date: 2/14/2022 3:55:16 PM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



ELECTRONICALLY FILED  
2/14/2022 3:55 PM  
47-CV-2021-900878.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

State of Alabama  
Unified Judicial System  
Form ARAP-1 Rev. 10/2019

**Notice of  Appeal  Cross Appeal to the**  
 **SUPREME COURT OF ALABAMA**  
 **ALABAMA COURT OF CIVIL APPEALS**

IN THE Circuit COURT OF Madison COUNTY, ALABAMA  
*(Circuit, District, or Juvenile)* *(Name of County)*

Civil Action Number:  
**47-CV-2021-900878.00**

**APPELLANT(S):**

*Young Americans for Liberty at the University of Alabama in Huntsville and Joshua Greer*

*[The name of each party appealing must be listed – see Rule 3(c), Alabama Rules of Appellate Procedure. Attach additional pages if necessary.]*

**V. APPELLEE(S):**

*Finis St. John IV, Chancellor of the University of Alabama System; Darren Dawson, President of the University of Alabama in Huntsville; Kristi Motter, Vice President for Student Affairs; Ronnie Hebert, Dean of Students; Will Hall, Director of Charger Union and Conference Training Center; Juanita Owen, Associate Director of Conferences and Events, in their official capacities.*

*[The name of each party against whom appeal is taken must be listed – see Rule 3(c), Alabama Rules of Appellate Procedure. Attach additional pages if necessary.]*

**TRIAL JUDGE:** Hon. Alison S. Austin

**DATE OF JUDGMENT:**

January 11, 2022

**DATE OF POST-JUDGMENT ORDER:**

February 9, 2022

Notice is Hereby Given that the above-named appellant(s) appeal(s) to the above-designated court from the  Final Judgment  Order \_\_\_\_\_ *(describe order)* entered in this cause.

**CHECK THE PROPER DESCRIPTION OF THE APPEALED CASE UNDER THE APPROPRIATE COURT:**

**SUPREME COURT OF ALABAMA**

- Summary judgment amount claimed more than \$50,000  
 Judgment amount exceeds \$50,000  
 Amount sought in trial court more than \$50,000, judgment for defendant  
 Equitable relief, except for domestic relations  
 Other: \_\_\_\_\_

**ALABAMA COURT OF CIVIL APPEALS**

- Summary judgment amount claimed \$50,000 or less  
 Judgment amount \$50,000 or less  
 Amount sought in trial court \$50,000 or less, judgment for defendant  
 Workers' compensation  
 Domestic relations  
 Other: \_\_\_\_\_

**APPELLANT FILES WITH THIS NOTICE OF APPEAL:**

- Security for costs of appeal.  
 A supersedeas bond in the amount of \$ \_\_\_\_\_.  
 Deposited cash security of \$ \_\_\_\_\_.  
 Is exempted by law from giving security for costs of appeal by virtue of \_\_\_\_\_.  
*(Specify)*

Filed February 14, 2022  
*(Date)*

**CERTIFIED AS A TRUE COPY**

*(Certification is not required if the Notice of Appeal is filed electronically. See Rule 3(d)(3), Ala. R. App. P.)*

\_\_\_\_\_  
*(Signature of \_\_\_\_\_, Circuit Clerk)*  
*(Printed Name)*

**W. Brent Woodall**

*(Name of Appellant or Attorney for Appellant)*

**THE WOODALL LAW FIRM, 121 South Court Street, Suite B**

*(Address of Appellant or Attorney for Appellant)*

**Florence AL 35630**

*(City) (State) (Zip)*

**(256) 349-2507**

*(Telephone Number)*

**woodalltrialad@hushmail.com**

*(E-mail Address)*

**/s/ W. Brent Woodall**

*(Signature of Appellant or Attorney for Appellant)*

Form ARAP 1 (back)  
Rev. 10/2019

**Notice of Appeal to the  Supreme Court of Alabama  Alabama Court of Civil Appeals**

**SECURITY FOR COSTS\***

We hereby acknowledge ourselves security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and laws of the State of Alabama. Executed with our seals this

14th day of February, 20 22.  
(Day) (Month) (Year)

Date Filed and Approved: \_\_\_\_\_

/s/ W. Brent Woodall

(Signature of W. Brent Woodall on behalf of Joshua Greer,  
Appellant-Principal) (Printed Name)

(Signature of \_\_\_\_\_, Circuit Clerk)  
(Printed Name)

/s/ W. Brent Woodall

(Signature of W. Brent Woodall,  
Surety) (Printed Name)

\*Note: If you are filing this Notice of Appeal electronically, the trial-court clerk's portion of the Security for Costs will be completed after the Notice of Appeal has been filed.

/s/ W. Brent Woodall

(Signature of W. Brent Woodall,  
Surety) (Printed Name)

**DESIGNATION OF THE RECORD ON APPEAL**

Appellant(s) request(s) the clerk of the trial court to include the following checked materials in the clerk's record:

- Complaint
- Answer
- Counterclaim
- Cross-claim
- Third-party complaint
- Third-party answer
- Motion to dismiss
- Pretrial order
- Entire record (less items set forth in Rule 10(a), Alabama Rules of Appellate Procedure)
- Motion for summary judgment
- Opposition to motion for summary judgment
- Final judgment/order
- Motion for new trial
- Ruling on motion for new trial
- Others: \_\_\_\_\_
- Exhibit numbers: \_\_\_\_\_

**TRANSCRIPT STATUS**

- Transcript will not be ordered. See Rule 10(b), Alabama Rules of Appellate Procedure.
  - Transcript will be ordered. See Rules 10(b)(2) and 11(a)(2), Alabama Rules of Appellate Procedure.
- Name and address of court reporter(s): Kristen Lee Wofford, 4555 River Park Blvd. SE, Owens Cross Roads, AL 35763

NOTE: If more than one court reporter was involved in this case, you must file a Transcript Purchase Order Form in compliance with Rules 10(b)(2) and 11(a)(2), Alabama Rules of Appellate Procedure, and Form 1A or 1B.

**CERTIFICATE OF FILING AND OF SERVICE**

I certify I have this date filed electronically with the clerk of the trial court the foregoing notice of appeal through the trial court electronic-filing system **or** that I have this date hand-filed the original and \_\_\_\_\_ (number) copies of the foregoing notice of appeal (along with the \$200 docket fee) and such other instruments as have been completed and included herein. If I filed the notice of appeal electronically, I acknowledge that I must pay the \$200 docket fee *directly to the appropriate appellate court clerk within seven (7) days.*† A true or electronic copy of each of these items will be served by the clerk of the trial court or by the trial court's electronic-filing system on each of the following: (1) the clerk of the appellate court; (2) the court reporter; and (3) counsel for each appellee or the appellee if no counsel, as follows (provide names and addresses): See attachment

I further certify pursuant to Rules 3(d), 25(d), and 57(h)(5), Alabama Rules of Appellate Procedure, that I have this date served a copy of this Notice of Appeal on each party to the proceedings in the trial court in the manner indicated below (*attach additional pages if necessary*):

<u>Name</u>	<u>Method of Service (AlaFile, U.S. Mail, Hand Delivery, etc.)</u>	<u>Service Address‡</u>
See attachment	See attachment	See attachment

‡If electronic service is selected, the e-mail address at which service was made via AlaFile must be listed as the service address.

Done on this 14th day of February, 20 22.  
(Day) (Month) (Year)

/s/ W. Brent Woodall

W. Brent Woodall

(Signature of Appellant or Attorney for Appellant)

(Printed Name)

†NOTE: If the Notice of Appeal is filed electronically, payment of the \$200 docket fee must be mailed or hand delivered to the attention of the clerk of the appropriate appellate court at 300 Dexter Avenue, Montgomery, AL 36104. The payment shall be accompanied by a means of identifying the appeal to which the payment is applicable. See Rule 35A(a)(1), Ala. R. App. P.

**CERTIFICATE OF FILING AND SERVICE**

I certify I have this date filed electronically with the clerk of the trial court the foregoing notice of appeal through the trial court's electronic-filing system. I acknowledge that I must pay the \$200 docket fee directly to the appropriate appellate court clerk within seven (7) days. An electronic copy of each of these items will be served by the trial court's electronic-filing system on the clerk of the appellate court and the court reporter. A true copy of each of these items will be served by the clerk of the trial court on counsel for each appellee as follows:

Jay M. Ezelle  
 Cole R. Gresham  
 Michael R. Lasserre  
 Starnes Davis Florie LLP  
 100 Brookwood Place, 7th Floor  
 P. O. Box 598512  
 Birmingham, AL 35259-8512  
 jme@starneslaw.com  
 crg@starneslaw.com  
 mrl@starneslaw.com

I further certify pursuant to Rules 3(d), 25(d), and 57(h)(5), Alabama Rules of Appellate Procedure, that I have this date served a copy of this Notice of Appeal on each party to the proceedings in the trial court by serving it through the AlaFile System on each party's counsel of record:

<u>Name</u>	<u>Method of Service</u>	<u>Service Address</u>
Mike Brock	Electronic (AlaFile)	Jay M. Ezelle Cole R. Gresham Michael R. Lasserre Starnes Davis Florie LLP 100 Brookwood Place, 7th Floor P. O. Box 598512 Birmingham, AL 35259-8512

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 mrl@starneslaw.com

*Counsel for Defendants*

Karen Brooks	Electronic (AlaFile)	<i>Address same as above</i>
John England Jr.	Electronic (AlaFile)	<i>Address same as above</i>
Ronald Gray	Electronic (AlaFile)	<i>Address same as above</i>
Barbara Humphrey	Electronic (AlaFile)	<i>Address same as above</i>
Vanessa Leonard	Electronic (AlaFile)	<i>Address same as above</i>
W. Davis Malone III	Electronic (AlaFile)	<i>Address same as above</i>
Evelyn Mauldin	Electronic (AlaFile)	<i>Address same as above</i>
Harris Morrissette	Electronic (AlaFile)	<i>Address same as above</i>
Scott Phelps	Electronic (AlaFile)	<i>Address same as above</i>
William Sexton	Electronic (AlaFile)	<i>Address same as above</i>
W. Stancil Starnes	Electronic (AlaFile)	<i>Address same as above</i>
Marietta Urquhart	Electronic (AlaFile)	<i>Address same as above</i>
Dr. Kenneth Vandervoort	Electronic (AlaFile)	<i>Address same as above</i>
James Wilson III	Electronic (AlaFile)	<i>Address same as above</i>
Governor Kay Ivey	Electronic (AlaFile)	<i>Address same as above</i>
Finis St. John IV	Electronic (AlaFile)	<i>Address same as above</i>
Darren Dawson	Electronic (AlaFile)	<i>Address same as above</i>
Kristi Motter	Electronic (AlaFile)	<i>Address same as above</i>
Ronnie Hebert	Electronic (AlaFile)	<i>Address same as above</i>
Will Hall	Electronic (AlaFile)	<i>Address same as above</i>

Juanita Owen

Electronic (AlaFile) *Address same as above*

Appellate Case Number: (to be filled in by appellate court)



ELECTRONICALLY FILED 2/14/2022 3:55 PM 47-CV-2021-900878.00 CIRCUIT COURT OF MADISON COUNTY, ALABAMA DEBRA KIZER, CLERK

State of Alabama Unified Judicial System Form ARAP-24 (front) Rev. 10/2019 DOCKETING STATEMENT Appeal to the Supreme Court of Alabama NOTE: completed Civil Case Cover Sheet must be attached COUNTY Madison CIVIL ACTION NUMBER 47-CV-2021-900878.00 TRIAL JUDGE Hon. Alison S. Austin

I. APPELLANT(s)(list the parties appealing): Young Americans for Liberty at the University of Alabama in Huntsville and Joshua Greer Appellant's Attorney: See attachment Address: Phone: Email:

II. APPELLEE(S)(list the parties appealed): Finis St. John IV, Chancellor of the University of Alabama System; Darren Dawson, President of the University of Alabama in Huntsville; Kristi Motter, Vice President for Student Affairs; Ronnie Hebert, Dean of Students; Will Hall, Director of Charger Union and Conference Training Center; Juanita Owen, Associate Director of Conferences and Events, in their official capacities. Appellee's Attorney: See attachment Address: Phone: Email:

III. APPELLANT IS THE TRIAL COURT: [X] Plaintiff [ ] Defendant [ ] Other IV. IS THIS A CROSS-APPEAL? [ ] Yes [X] No

V. RELIEF AWARDED/REQUESTED: please check the appropriate block (s): A. [ ] Monetary damages were either sought or awarded, as set out below: 1. Compensatory damages were: (a) [ ] awarded in the amount of \$ ; (b) [ ] not awarded, but sought in the amount of \$ ; (c) [ ] sought, but not awarded - the amount sought was not specified in the complaint. 2. Punitive damages were: (a) [ ] awarded in the amount of \$ ; (b) [ ] not awarded, but sought in the amount of \$ ; (c) [ ] sought, but not awarded - the amount sought was not specified in the complaint. 3. A general award of damages ( not differentiating between compensatory and punitive) was: (a) [ ] made in the amount of \$ ; (b) [ ] not made, but sought in the amount of \$ ; (c) [ ] sought, but not made - the amount sought was not specified in the complaint. 4. Other monetary damages (Type: ) were: (a) [ ] awarded in the amount of \$ ; (b) [ ] not awarded, but sought in the amount of \$ ; (c) [ ] sought, but not awarded - the amount sought was not specified in the complaint. 5. Was there a remittitur or additur at issue in the trial court? Yes No (if yes, please provide the details in the "FACTS" section on the back of this form) B. [X] Equitable and/or declaratory relief was sought in the trial court C. [ ] Other (Please provide in the details of the issue(s) before the Court in the "ISSUES" section on the back of this form.)

VI. TYPE OF JUDGMENT OR ORDER APPEALED. (Please check one): A [ ] Judgment based on a jury Verdict B [ ] Judgment based on a Non-jury Decision C [ ] Judgment Notwithstanding the Verdict (JNOV) D [ ] Order granting a New Trial E [ ] Judgment as a Matter of Law F [ ] Summary Judgment G [X] Dismissal H [ ] Default Judgment I [ ] Other

VII. IF THE CASE WENT TO TRIAL, HOW MANY DAYS DID THE TRIAL TAKE? n/a

VIII. FINALITY OF JUDGMENT: Date of entry of judgment or order appealed from: February 9 2022 Month Day Year 1. Is the judgment or order appealed from in compliance with Rule 58, Ala.R.Civ.P.? [X] Yes [ ] No 2. Does the order appealed from constitute a disposition of all claims as to all parties? [X] Yes [ ] No 3. If not, did the trial court enter an order intended to make the order final pursuant to Rule 54(b), Ala. R. Civ. P.? [ ] Yes [ ] No 4. If the trial court intended to make the order appealed from final pursuant to Rule 54 (b), Ala. R. Civ. P., did the court in the Rule 54 (b) order expressly determine that there was no just reason for delay and expressly direct that final judgment be entered? [ ] Yes [ ] No 5. If the answer to question 2 is "NO", and the trial court did not make the order final by full compliance with Rule 54(b), Ala. R. Civ. P., please explain the basis for seeking appellate review and cite the authority for this appeal:

IX. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rule 59.1, A.R.Civ.P.):

Table with columns: DATE OF FILING (Month, Date, Year), TYPE OF POST-JUDGMENT MOTION, DATE OF DISPOSITION (Month, Date, Year). Row 1: 01, 20, 2022, Rule 59(e) Motion to Alter, Amend, or Vacate, 02, 09, 2022

DOCKETING STATEMENT Appeal to the Supreme Court of Alabama

X. CONSTITUTIONAL ISSUES:

1. Are the provisions of Rule 44, Ala.R.App.P., applicable to this appeal?
2. If so, have the provisions been complied with?

Yes No
Yes No

XI. NATURE OF CASE ON APPEAL: In the left column of boxes proceeding the categories listed below, check the box (check only one) that best describes or categorizes the basis or theory of the primary issue on appeal. In the right column of boxes, check any secondary theories that are applicable to the suit.

TORTS: 01 Bad Faith, 02 Fraud, 03 Legal Malpractice, 04 Medical Malpractice, 05 Other Malpractice, 06 Products/AEMLD, 07 Negligence (Vehicular), 08 Negligence (Gen./other), 09 Personal Property, 10 Real property, 11 Wrongful Death (All Types), 12 Fraud, 13 Conversion, 14 Wrongful Employment Termination, 15 Premises Liability, 16 Outrage, 17 Other, 18 CONTRACTS: 19 Commercial, 20 Other, 21 OTHER: 22 Real Property, 23 Civil Rights (Prisoner), 24 Civil Rights (Other), 25 Wills/Trusts/Estates, 26 Declaratory Judgment, 27 Injunction (Commercial), 28 Injunction (Employment), 29 Injunction (Other), 30 Extraordinary Writ Pub., 31 Service Comm. RR/, 32 Seaman (FELA), 33 RICO, 34 Other

XII. APPELLATE REVIEW: Please take notice that your case may be initially reviewed by the Court of Civil Appeals. Pursuant to § 12-2-7, Ala. Code 1975, the Supreme Court has the authority to transfer any civil case within its jurisdiction to the court of Civil Appeals, except cases presenting a substantial question of federal or state constitutional law; cases involving a novel legal question, the resolution of which will have significant statewide impact; utility rate cases appealed pursuant to § 31-1-140, Ala. Code 1975, bond validation cases appealed pursuant to § 6-6-754, Ala. Code 1975, or Alabama State bar disciplinary proceedings. If you believe this case should not be transferred to the Court of Civil Appeals, please state with specificity the reason(s) why it should not be transferred, referring to pertinent sections of § 12-2-7. Reasons should be supported in the ISSUES and FACTS sections of this docketing statement.

See attachment.

XIII. ISSUES: Briefly summarize the issue(s) on appeal.

See attachment.

XIV. FACTS: Without argument, briefly summarize the facts to inform the court of the nature of the case.

See attachment.

February 14, 2022

Date

/s/ W. Brent Woodall

Signature of Attorney/Party Filing this Form

Printed Name

Certificate of Service

I certify I have this date filed electronically with the clerk of the trial court the foregoing docketing statement through the trial court electronic-filing system or that I have this date hand-filed the original and (number) copies of the foregoing docketing statement. A true or electronic copy of the docketing statement will be served by the clerk of the trial court or by the trial court's electronic-filing system on each of the following: (1) the clerk of the appellate court; (2) the court reporter; and (3) attorney for each appellee or the appellee if no attorney as follows (provide names and addresses): See attachment

I further certify pursuant to Rules 3(d), 25(d), and 57(h)(5), Alabama Rules of Appellate Procedure, that I have this date served a copy of this Notice of Appeal on each party to the proceedings in the trial court in the manner indicated below (attach additional pages if necessary):

Table with 4 columns: Name of Party, Method of Service, Service Address, and an empty column. Row 1: See attachment, See attachment, See attachment, See attachment.

\*If electronic service is selected, the e-mail address at which service was made via AlaFile must be listed as the service address.

Date: February 14, 2022

/s/ W. Brent Woodall

(Signature of Appellant or Attorney for Appellant)

W. Brent Woodall

(Printed Name)



**I. COUNSEL FOR APPELLANTS**

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**II. COUNSEL FOR APPELLEES**

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Michael R. Lasserre  
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P. O. Box 598512  
Birmingham, AL 35259-8512  
jme@starneslaw.com  
crg@starneslaw.com  
mrl@starneslaw.com

## XII. APPELLATE REVIEW

This case should not be transferred because it involves novel legal questions of significant statewide impact and presents substantial questions of state constitutional law. Ala. Code § 12-2-7(6)(a)–(b). This case is the first brought under the recently enacted Campus Free Speech Act, Ala. Code § 16-68-1, *et seq.* The Act prohibits public institutions of higher education statewide from adopting policies inconsistent with the Act’s speech-protecting provisions. Ala. Code § 16-68-3(a). Yet Defendant officials of the University of Alabama in Huntsville adopted a policy that violates the Act’s prohibitions against (1) speech zones, and (2) requiring permission before speaking in the outdoor areas of campus. *Id.* § 16-68-3(a)(3)–(4); Compl. ¶¶ 68, 72, 86. Deciding this question will determine the scope of free-speech rights of current and future members of campus communities statewide and will affect university policies across the state.

This Court has never decided how the Alabama Constitution’s free speech guarantee, Ala. Const. art. I, § 4, applies on university campuses. Plaintiffs argue that Alabama’s free speech protection has a broader application than the federal First Amendment. And, at the very least, significant textual differences between art. I, § 4 and the federal First Amendment require this Court to determine the provision’s scope. This Court is the only court that can decide this question—affecting the free speech rights of current and future college students across the state—authoritatively.

Defendants below argued that under Alabama Constitution art. XIV, § 264—which grants the University of Alabama’s board of trustees “management and control” of the University—the Act is unconstitutional as to them. Disputes over the meaning of this provision extend back over a century. *E.g., Stevens v. Thames*, 86 So. 77 (Ala. 1920); *Ala. Educ. Ass’n v. Bd. of Trs. of Univ. of Ala.*, 374 So. 2d 258, 264 (Ala. 1979) (Jones, J., dissenting). Defendants’ argument presents a substantial question of state constitutional law because it goes to the extent of control the

Alabama legislature can exert over the University of Alabama. The significance of the issue prompted the Attorney General to file an amicus brief supporting Plaintiffs on the section 264 argument. Doc. 78. Defendants have indicated that they will raise the argument on appeal, Doc. 99 at 2, thus presenting the question directly to this Court.

**XIII. ISSUES**

(1) Did the circuit court correctly rule, on a motion to dismiss, that Defendants' policy creating campus speech zones and requiring University permission before speaking in the outdoor areas of campus complies with prohibitions of those very activities in the Campus Free Speech Act, Ala. Code § 16-68-1 *et seq.*?

(2) Did the circuit court correctly rule, on a motion to dismiss, that Defendants' policy creating campus speech zones and requiring University permission before speaking in the outdoor areas of campus complies with the Alabama Constitution's free speech guarantee, Ala. Const. art. I, § 4?

#### XIV. FACTS

In 2019, the Alabama legislature passed the Campus Free Speech Act, Ala. Code § 16-68-1 *et seq.* The Act provides that students at public institutions of higher education are free “to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.” *Id.* § 16-68-3(a)(3). It also prohibits those institutions from “creat[ing] free speech zones or other designated outdoor areas of the campus in order to limit or prohibit protected expressive activities.” *Id.* § 16-68-3(a)(4).

In June 2020, Defendants—officials at the University of Alabama in Huntsville—amended the University’s Use of Outdoor Areas of Campus Policy. Compl. ¶ 62. To speak in the “outdoor space under the control of [the University],” students must request permission three business days in advance. *Id.* ¶¶ 68, 72. The Policy excepts “spontaneous activities of expression” from the “advance approval” requirement. *Id.* ¶ 81. But the Policy narrowly defines “spontaneous activities of expression” as speech “generally prompted by news or affairs coming into public knowledge less than forty-eight (48) hours prior to the spontaneous expression.” *Id.* ¶ 82. If students engage in “spontaneous activities of expression” without advance permission, they must do so within several “defined areas” on campus. *Id.* ¶ 86.

Plaintiffs Joshua Greer, a student at the University, and Young Americans for Liberty at the University of Alabama in Huntsville brought claims under the Campus Free Speech Act and Alabama Constitution’s free speech guarantee, Ala. Const. art. I, § 4. *Id.* ¶¶ 14, 20. Plaintiffs desire to speak in the outdoor areas of campus spontaneously and without prior permission from the University, but they have refrained from doing so out of fear of punishment under Defendants’ Policy. *Id.* ¶¶ 100–02, 105, 112. As a result, they seek an injunction against the above provisions of Defendants’ Policy and a declaratory judgment that the Policy violates the Act and Alabama Constitution. *Id.* Prayer for Relief.

Defendants moved to dismiss for failure to state a claim, and the circuit court granted the motion. Doc. 107. The circuit court dismissed “all” of Plaintiffs’ claims and ruled that Defendants’ Policy “complies” with the Act and Alabama Constitution. *Id.* at 1, 16.

**CERTIFICATE OF FILING AND SERVICE**

I certify I have this date filed electronically with the clerk of the trial court the foregoing notice of appeal through the trial court's electronic-filing system. I acknowledge that I must pay the \$200 docket fee directly to the appropriate appellate court clerk within seven (7) days. An electronic copy of each of these items will be served by the trial court's electronic-filing system on the clerk of the appellate court and the court reporter. A true copy of each of these items will be served by the clerk of the trial court on counsel for each appellee as follows:

Jay M. Ezelle  
 Cole R. Gresham  
 Michael R. Lasserre  
 Starnes Davis Florie LLP  
 100 Brookwood Place, 7th Floor  
 P. O. Box 598512  
 Birmingham, AL 35259-8512  
 jme@starneslaw.com  
 crg@starneslaw.com  
 mrl@starneslaw.com

I further certify pursuant to Rules 3(d), 25(d), and 57(h)(5), Alabama Rules of Appellate Procedure, that I have this date served a copy of this Notice of Appeal on each party to the proceedings in the trial court by serving it through the AlaFile System on each party's counsel of record:

<u>Name</u>	<u>Method of Service</u>	<u>Service Address</u>
Mike Brock	Electronic (AlaFile)	Jay M. Ezelle Cole R. Gresham Michael R. Lasserre Starnes Davis Florie LLP 100 Brookwood Place, 7th Floor P. O. Box 598512

Birmingham, AL 35259-8512  
 jme@starneslaw.com  
 crg@starneslaw.com  
 mrl@starneslaw.com

*Counsel for Defendants*

Karen Brooks	Electronic (AlaFile)	<i>Address same as above</i>
John England Jr.	Electronic (AlaFile)	<i>Address same as above</i>
Ronald Gray	Electronic (AlaFile)	<i>Address same as above</i>
Barbara Humphrey	Electronic (AlaFile)	<i>Address same as above</i>
Vanessa Leonard	Electronic (AlaFile)	<i>Address same as above</i>
W. Davis Malone III	Electronic (AlaFile)	<i>Address same as above</i>
Evelyn Mauldin	Electronic (AlaFile)	<i>Address same as above</i>
Harris Morrissette	Electronic (AlaFile)	<i>Address same as above</i>
Scott Phelps	Electronic (AlaFile)	<i>Address same as above</i>
William Sexton	Electronic (AlaFile)	<i>Address same as above</i>
W. Stancil Starnes	Electronic (AlaFile)	<i>Address same as above</i>
Marietta Urquhart	Electronic (AlaFile)	<i>Address same as above</i>
Dr. Kenneth Vandervoort	Electronic (AlaFile)	<i>Address same as above</i>
James Wilson III	Electronic (AlaFile)	<i>Address same as above</i>
Governor Kay Ivey	Electronic (AlaFile)	<i>Address same as above</i>
Finis St. John IV	Electronic (AlaFile)	<i>Address same as above</i>
Darren Dawson	Electronic (AlaFile)	<i>Address same as above</i>
Kristi Motter	Electronic (AlaFile)	<i>Address same as above</i>
Ronnie Hebert	Electronic (AlaFile)	<i>Address same as above</i>
Will Hall	Electronic (AlaFile)	<i>Address same as above</i>



Juanita Owen

Electronic (AlaFile) *Address same as above*



State of Alabama  
Unified Judicial System

**TRANSCRIPT PURCHASE ORDER  
OF APPELLANT – CIVIL**

Form ARAP-1A

Rev. 8/91

(See Rules 10(b) and 11(a) of the Alabama Rules of Appellate Procedure)

APPELLANT

v. APPELLEE

Civil Action Number

Trial Judge

Court Reporter

County

Date of Notice of Appeal

**PART I. TO BE COMPLETED AND FILED WITH THE COURT REPORTER BY APPELLANT WITHIN 7 DAYS OF THE FILING OF THE NOTICE OF APPEAL.**

A. Request is hereby made to the reporter for a transcript of the following proceedings (give particulars):

NOTE: exhibits are included in the clerk's record and need not be specified - see Rule 10 (b)(1), A.R.App.p.

Entire Transcript

Oral Charges to the Jury

Testimony of Plaintiff

Objection to Oral Charge

Testimony of Defendant

Objection to Refused Requested Written

Testimony of Witness \_\_\_\_\_

Charge(s), Numbers \_\_\_\_\_

Testimony of Witness \_\_\_\_\_

Others: \_\_\_\_\_

NOTE: Unless the entire transcript is ordered, appellant must attach a statement of the issues to pages 4 and 5.

B. I CERTIFY that I HAVE paid the Court Reporter the estimated cost of transcribing that part of the proceedings I have deemed necessary to be included in the record.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Telephone Number

NOTE: Upon Completion of PART I, appellant should distribute pages as follows:

* Pages 1, 2 and 3 – Court Reporter	Page 4 – Trial Court	Pages 5 – Appellee	Pages 6 – Retained by appellant
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**PART II. TO BE COMPLETED BY COURT REPORTER ON SAME DATE TRANSCRIPT PURCHASE ORDER IS RECEIVED.**

A.

Date Transcript Purchase Order Received

Estimated Completion Date

Estimated Number of Pages

Estimated Cost

B. I CERTIFY THAT  I HAVE  I HAVE NOT (*Check one*) been paid the estimated cost of the transcript.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Telephone Number

NOTE: Upon Completion of PART II, Court Reporter should distribute pages as follows:

* Pages 1 and 2 – Retained by the Court Reporter	Pages 3 – Transmitted to the Appropriate Appellate Court on Same Date Transcript Purchase Order is Received.
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**PART III. CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT**

NOTE: This is to be completed by court reporter on date of filing of transcript in trial court. On the day of completion, this certificate must be forwarded to the appropriate appellate court (page 2) and copies thereof shall be served on the clerk of the trial court and each of the parties.

I CERTIFY that I have this date completed and filled with the clerk of the trial court the original of a true and correct transcript of the evidence and matters designated by the parties. All pages are numbered serially in the upper right corner of the pages, prefaced by an index, and ending with the following number: \_\_\_\_\_

I CERTIFY that photocopies of this certificate are this date being served on the clerk of the trial court and each of the parties, along with a copy of the index (with copies of the transcript as ordered).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Court Reporter

NOTE: Upon Completion of PART III, Court Reporter should distribute pages as follows:

* Pages 1 - Retained by the Court Reporter	Pages 2 – Transmitted to the Appropriate Appellate Court
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\* Distribution Code:

Page 1: White

Page 2: Blue

Page 3: Green

Page 4: Canary

Page 5: Pink

Page 6: Goldenrod