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# ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2020

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**Ex parte Greene County Commission**

**PETITION FOR WRIT OF MANDAMUS**

**(In re: Doris Jordan et al.**

**v.**

**Greene County Commission et al.)**

**(Greene Circuit Court, CV-20-900014)**

THOMPSON, Presiding Judge.

On February 25, 2020, Doris Jordan and 28 other plaintiffs filed in the Greene Circuit Court ("the trial

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court") a complaint against the Greene County Commission ("the commission") and several fictitiously named defendants. The complaint was later amended to add two additional plaintiffs to the action.

In their complaint, as amended, the plaintiffs alleged several claims pertaining to their overall contention that the commission had failed to properly maintain the condition of the William McKinley Branch Courthouse ("the courthouse"). The plaintiffs contended that the air-conditioning and heating systems of the courthouse were in disrepair, that the roof of the courthouse was in such disrepair that it leaked, and that there exists an ongoing infestation of bats and other rodents within the courthouse. The plaintiffs alleged that the commission's failure to maintain the courthouse "created deplorable and dangerous working conditions that were and are unsafe" for the plaintiffs as citizens who work or are employed within the courthouse. The plaintiffs sought awards of compensatory damages in unspecified amounts and injunctive relief, requesting an order compelling the commission to perform certain tasks, such as providing to the plaintiffs documents demonstrating an inspection of the courthouse, a

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list of the needed repairs to the courthouse, and documents establishing any effort by the commission to make the needed repairs.

On April 14, 2020, the commission moved to dismiss the plaintiffs' complaint, citing Rule 12(b)(6), Ala. R. Civ. P., and arguing that the plaintiffs had failed to state a claim for which relief could be granted. The trial court conducted a hearing on the commission's motion to dismiss. On May 24, 2020, the trial court denied that motion. The commission then filed a petition for a writ of mandamus in this court.

As an initial matter, we address a jurisdictional question. Jurisdictional issues are of such importance that an appellate court may take notice of them ex mero motu. Nunn v. Baker, 518 So. 2d 711, 712 (Ala. 1987); Heaston v. Nabors, 889 So. 2d 588, 590 (Ala. Civ. App. 2004). Section § 12-3-10, Ala. Code 1975, provides that this court has "exclusive appellate jurisdiction of all civil cases where the amount involved, exclusive of interest and costs, does not exceed \$50,000 ...." Further, this court may consider questions pertaining to injunctive relief raised in a petition for a writ of mandamus only insofar as those questions relate to the

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court's original jurisdiction. Ex parte Mt. Zion Water Auth., 599 So. 2d 1113, 1120 (Ala. 1992). Although the plaintiffs' complaint sought injunctive relief, given the nature of all of the claims asserted, the complaint primarily seeks relief in the form of awards of damages. See Ex parte Barnett, 248 So. 3d 981, 984 (Ala. Civ. App. 2017) ("Although the action also seeks allied injunctive relief against the named defendants, we will refer to that action as 'the declaratory-judgment action.'"). The plaintiffs did not demand specified amounts of damages in their claims, but the nature of those claims indicate that the amount in controversy in their action exceeds the \$50,000 monetary jurisdictional limit of this court. Ex parte Texas Loss Control Sys., LLC, 164 So. 3d 602, 605 (Ala. Civ. App. 2014).

This court does not have jurisdiction to review a petition for a writ of mandamus in a matter in which it does not have appellate jurisdiction. See § 12-3-11, Ala. Code 1975 ("Each of the courts of appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction."). Thus,

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"[p]ursuant to Ala. Code 1975, § 12-3-11, this court has jurisdiction over mandamus petitions only in relation to cases over which we have exclusive appellate jurisdiction." Ex parte Barnett, 248 So. 3d at 985 (emphasis added and emphasis omitted). "[T]his court may not accept jurisdiction over the petition based on the amount in controversy." Ex parte Texas Loss Control Sys., LLC, 164 So. 3d at 605. For that reason, we transfer this petition for a writ of mandamus to the Alabama Supreme Court. See § 12-1-4, Ala. Code 1975 ("[W]hen any case is submitted to a court of appeals which should have gone to the Supreme Court, it shall be transferred to the Alabama Supreme Court.").

PETITION TRANSFERRED.

Moore, Donaldson, Edwards, and Hanson, JJ., concur.