

## Enjoining a Referendum on a Property Transfer

*Petitioners Alliance v. City Council*  
(*Sharon Lovelace Blackburn, N.D. Ala. 2:01-cv-497*)

On the day before a February 27, 2001, special election in Birmingham, Alabama, following unsuccessful litigation in state courts, five voters filed a federal complaint in the Northern District of Alabama seeking to enjoin transfer of assets in frustration of a ballot question, which was a referendum on the city's transfer of assets to a water and sewer board.<sup>1</sup> (The board had transferred the assets to the city in 1998.<sup>2</sup>) With their complaint, the voters filed a motion for a temporary restraining order.<sup>3</sup>

Judge Sharon Lovelace Blackburn denied the plaintiffs immediate injunctive relief that same day.<sup>4</sup> On the following day, citizens voted to overturn the transfer.<sup>5</sup>

On March 15, 2002, Judge Blackburn granted the defendants a dismissal because the plaintiffs had not alleged infringement of the right to vote.<sup>6</sup>

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1. [Complaint](#), *Petitioners Alliance v. City Council*, No. 2:01-cv-497 (N.D. Ala. Feb. 26, 2001), D.E. 1.

2. [Opinion](#) at 2, *id.* (Mar. 15, 2002), D.E. 8; see Chris Scribner, *Underlying Referendum Issue: Kincaid vs. Council*, Birmingham News, Jan. 16, 2001, at 1.

3. [Temporary Restraining Order Motion](#), *Petitioners Alliance*, No. 2:01-cv-497 (N.D. Ala. Feb. 26, 2001), D.E. 2.

4. [Order](#), *id.* (Feb. 26, 2001), D.E. 3; see Chris Scribner, *Election On, Doesn't Count "Irrelevant" Vote*, Birmingham News, Feb. 27, 2001, at 1.

5. [Opinion](#), *supra* note 2, at 4; see Chris Scribner & Benjamin Niolet, *Vote Goes Big for Referendum*, Birmingham News, Feb. 28, 2001, at 1 (reporting a vote of 13,923 to 3,340).

6. [Opinion](#), *supra* note 2.