

## Whether City Limits Include a Candidate's Residence

*Naramore v. Posey*

(*L. Scott Coogler, N.D. Ala. 6:12-cv-2584*)

On July 30, 2012, a would-be candidate for mayor of Jasper, Alabama, in an August 28 election, filed a federal complaint in the Northern District of Alabama alleging wrongful disqualification of his candidacy on the grounds that his residence was in unincorporated territory.<sup>1</sup> With his complaint, the plaintiff filed a motion for an emergency hearing on his request for a preliminary injunction.<sup>2</sup>

Judge L. Scott Coogler held a telephone conference with the parties on August 1<sup>3</sup> and sought evidence on whether the plaintiff's residence was within annexed territory of Jasper.<sup>4</sup>

Following additional telephone conferences on August 2 and 7,<sup>5</sup> the plaintiff's candidacy was resolved in the plaintiff's favor by an interlocutory consent order issued on August 16.<sup>6</sup> That same day, however, the plaintiff filed a motion for an immediate evidentiary hearing, alleging bad faith on the part of the defendants in complying with the consent order.<sup>7</sup> Judge Coogler held another telephone conference on August 17.<sup>8</sup>

On August 28, the incumbent mayor received 1,975 votes, or 57%.<sup>9</sup> The plaintiff received 170 votes.<sup>10</sup>

Judge Coogler dismissed the case as settled on November 18, 2013.<sup>11</sup>

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1. Complaint, *Naramore v. Posey*, No. 6:12-cv-2584 (N.D. Ala. July 30, 2012), D.E. 1; see Daniel Gaddy, *Naramore Files Suit Against City Officials*, Jasper Daily Mountain Eagle, Aug. 1, 2012.

2. Motion, *Naramore*, No. 6:12-cv-2584 (N.D. Ala. July 30, 2012), D.E. 2.

3. Docket Sheet, *id.* (July 30, 2012).

4. See Plaintiff's Brief, *id.* (Aug. 2, 2012), D.E. 4

5. Docket Sheet, *supra* note 3.

6. Consent Order, *Naramore*, No. 6:12-cv-2584 (N.D. Ala. Aug. 16, 2012), D.E. 5.

7. Motion, *id.* (Aug. 16, 2012), D.E. 6.

8. Docket Sheet, *supra* note 3.

9. See James Phillips, *Posey Wins Third Term as Jasper Mayor*, Jasper Daily Mountain Eagle, Aug. 29, 2012.

10. See *id.*

11. Order, *Naramore*, No. 6:12-cv-2584 (N.D. Ala. Nov. 18, 2013), D.E. 165; see Stipulation, *id.* (Nov. 14, 2013), D.E. 15; Order, *id.* (Sept. 25, 2013), D.E. 14 (dismissing the action without prejudice on advice that a settlement was being finalized).