



## AlaFile E-Notice

03-CV-2012-000503.00

Judge: TRUMAN M HOBBS

To: DAVIS JAMES WILLIAM  
JimDavis@ago.state.al.us

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

LANDIS SEXTON AND CUBIE RAE HAYES VS. ROBERT BENTLEY, ET AL  
03-CV-2012-000503.00

The following matter was FILED on 8/15/2012 11:29:14 AM

**C002 HAYES CUBIE RAE**

**C001 SEXTON LANDIS**

NOTICE OF DISMISSAL

[Filer: SHINBAUM KENNETH JAY]

Notice Date: 8/15/2012 11:29:14 AM

FLORENCE CAUTHEN  
CIRCUIT COURT CLERK  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36104

334-832-4950

03-MONTGOMERY  District Court  Circuit Court CV20

LANDIS SEXTON AND CUBIE RAE HAYES VS.  
 ROBERT BENTLEY, ET AL

**CIVIL MOTION COVER SHEET**  
 Name of Filing Party: C002 - HAYES CUBIE RAE

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.  
 KENNETH SHINBAUM  
 516 SOUTH PERRY STREET  
 MONTGOMERY, AL 36104  
 Attorney Bar No.: SHI006

Oral Arguments Requested

**TYPE OF MOTION**

- Motions Requiring Fee**
- Default Judgment (\$50.00)  
 Joinder in Other Party's Dispositive Motion (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
  - Judgment on the Pleadings (\$50.00)
  - Motion to Dismiss, or in the Alternative Summary Judgment(\$50.00)  
 Renewed Dispositive Motion(Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
  - Summary Judgment pursuant to Rule 56(\$50.00)
  - Motion to Intervene (\$297.00)
  - Other \_\_\_\_\_  
 pursuant to Rule \_\_\_\_\_ (\$50.00)
- \*Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees.
- Local Court Costs \$ \_\_\_\_\_

- Motions Not Requiring Fee**
- Add Party
  - Amend
  - Change of Venue/Transfer
  - Compel
  - Consolidation
  - Continue
  - Deposition
  - Designate a Mediator
  - Judgment as a Matter of Law (during Trial)
  - Disburse Funds
  - Extension of Time
  - In Limine
  - Joinder
  - More Definite Statement
  - Motion to Dismiss pursuant to Rule 12(b)
  - New Trial
  - Objection of Exemptions Claimed
  - Pendente Lite
  - Plaintiff's Motion to Dismiss
  - Preliminary Injunction
  - Protective Order
  - Quash
  - Release from Stay of Execution
  - Sanctions
  - Sever
  - Special Practice in Alabama
  - Stay
  - Strike
  - Supplement to Pending Motion
  - Vacate or Modify
  - Withdraw
  - Other Notice of Dismissal  
 pursuant to Rule 41(a)(1)(i) (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees)

Date:  
 8/15/2012 11:21:18 AM

Signature of Attorney or Party:  
 /s/ KENNETH SHINBAUM

\*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.  
 \*\*Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.

**IN THE CIRCUIT OF COURT  
OF MONTGOMERY COUNTY, ALABAMA**

**LANDIS SEXTON and CUBIE RAE HAYES, )**

**Plaintiffs )**

**VS. )**

**CASE NO: CV-2012-00503**

**ROBERT BENTLEY, Governor of the )  
State of Alabama, et al., )**

**Defendants. )**

**PLAINTIFFS' NOTICE OF DISMISSAL WITHOUT PREJUDICE**

COME NOW the Plaintiffs, Landis Sexton and Cubie Rae Hayes, and pursuant to Rule 41(a)(1)(I), file this Notice of Dismissal without Prejudice of the Complaint and cause of action which they have filed in the above-styled cause of action.

**Respectfully Submitted** this the 15<sup>th</sup> day of August, 2012.

/s/ Kenneth Shinbaum  
Kenneth Shinbaum (SHI006)  
Attorney for Plaintiff

OF COUNSEL:  
McPhillips Shinbaum, LLP  
P.O. Box 64  
Montgomery, AL 36101  
Telephone: (334) 262-1911  
Facsimile: (334) 263-2321

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically served the foregoing upon the following, either by U.S. Mail or electronically, through the Alafile electronic system of the State of Alabama on this the 15<sup>th</sup> day of August, 2012:

James W. Davis  
Joshua K. Payne  
Office of the Attorney General  
Constitutional Defense Division  
P. O. Box 300152  
Montgomery, Alabama 36130

Greg Pappas  
11 South Union Street  
Montgomery, Alabama 36130

Pat Harris  
11 South Union Street  
Montgomery, Alabama 36130

Dorman Walker  
Louis M. Calligas  
Balch & Bingham  
P. O. Box 78  
Montgomery, Alabama 36101

/s/ Kenneth Shinbaum  
Of Counsel

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

SEXTON LANDIS, )  
 HAYES CUBIE RAE, )  
 Plaintiffs, )  
 )  
 V. )  
 )  
 BENTLEY ROBERT GOVERNOR, )  
 CHAPMAN BETH, )  
 PAPPAS GREG, )  
 HARRIS PAT, )  
 HUBBARD MIKE, )  
 MARSH DEL ET AL, )  
 Defendants. )

**Case No.:** CV-2012-000503.00

**ORDER**

ORDER

The Plaintiffs, Landis Sexton and Cubie Rae Hayes, having filed a Notice of Dismissal without Prejudice of the Complaint in the above-styled cause of action pursuant to Rule 41(a)(1)(i), and this Court having considered the same, it is hereby ORDERED, ADJUDGED, and DECREED, that the same is hereby

\_\_\_\_\_.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

\_\_\_\_\_  
CIRCUIT JUDGE