

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

**GREGORY KNIGHT and WILLARD  
HOLLIMAN,**

**PLAINTIFFS,**

**v.**

**THE BALDWIN COUNTY COMMISSION  
and BALDWIN COUNTY, ALABAMA,**

**DEFENDANTS.**

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**CASE NO.:** \_\_\_\_\_

**COMPLAINT**

COME NOW, the Plaintiffs in the above-styled cause, and file the following Complaint against Defendants the Baldwin County Commission and Baldwin County, Alabama:

**JURISDICTION**

1. Gregory Knight is an adult resident of Baldwin County, Alabama and at all times relevant herein is and was a resident of Baldwin County Zoning District 19 (“District 19”).
- 2.



Baldwin

**COUNT ONE**  
**Declaratory Judgment (Ala. Code § 6-6-220)**

14. Plaintiffs adopt and reallege the allegations set forth in paragraphs 1-13 of the Complaint as if set forth fully herein.

15. A bona fide justiciable controversy exists between the Plaintiffs and the Defendants regarding whether District 19 was properly established and whether results of the December 29, 2020 zoning vote grants the Defendants zoning power and authority in District 19. Plaintiffs contend that Defendants did not comply with Ala. Code § 45-2-261.07, that District 19 was not properly established and that zoning was not approved by a majority of the qualified electors of District 19.

WHEREFORE, the above premises considered, Plaintiffs request pursuant to Alabama Code § 6-6-220 that this Court issue an Order declaring that District 19 was not properly established and is therefore null and void, that the Defendants do not have zoning powers and authority over District 19 and that the Court award attorneys' fees and costs to Plaintiffs.

**COUNT TWO**  
**Injunction**

16. Plaintiffs adopt and reallege the allegations set forth in paragraphs 1-15 of the Complaint as if set forth fully herein.

17. Plaintiffs request that Defendants be enjoined from recognizing zoning District 19 and to be further enjoined from asserting zoning powers and authority over District 19.

WHEREFORE, the above premises considered, Plaintiffs request that this Court issue an Order enjoining Defendants from recognizing District 19 as a valid zoning district, enjoining Defendants from exercising its zoning power and authority over District 19 and awarding attorneys' fees and costs to the Plaintiffs.

Respectfully submitted,

/s/ Thomas H. Benton, Jr.

THOMAS H. BENTON, JR. (BEN028)

OF COUNSEL:

Benton Law Firm, LLC.  
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**DEFENDANTS TO BE SERVED VIA CERTIFIED MAIL:**

Baldwin County Commission  
Baldwin County, Alabama  
C/O Joe Davis, III  
1100 Fairhope Ave  
Fairhope, AL 36532

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produced within 45 days, to the offices of Benton Law Firm, LLC, Post Office Box 11,

or entity and any other individual or entity include communications going in either direction between such individuals or entities.

E. “Describe in detail” means (1) to state with specificity each and every fact, ultimate fact, circumstance, incident, act, omission, event, and date relating to or otherwise pertaining to the matters of which description is requested; (2) to identify each and every person who witnessed or participated in any incident, event, or act pertaining to the matters of which description is requested; and (3) to identify any and all documents which relate in any way to those matters or the information supplied by you in your response.

F. “Document” is used in its broadest sense and means graphic matter of any kind or nature, whether written, printed, typed, recorded filmed, punched, transcribed, taped, or produced or reproduced by any other means. The term “document” includes, but is not limited to, all records, personal notes, cablegrams, telexes, studies, calendars, diaries, desk calendars, appointment books, agendas, minutes, pamphlets, envelopes, telephone messages, email, computer discs, graphs, records of meetings, summaries of records of telephone conversations, summaries of records of personal conversations or interviews, summaries of records of meetings or conferences, tabulations, analysis, evaluations, projections, work papers, statements, summaries, journals, billing records, correspondence, notes, memorandum and invoices. The term “document” also includes every other means by which information is recorded or transmitted, including, but not limited to, photographs, videotapes, tape recordings, microfilms, punch cards, computer programs, printouts, all recordings made through data processing techniques, and the written information necessary to understand and use such materials. For purposes of this definition, drafts and non-



identical copies (i.e., those bearing notations or marks not found on other versions of the document) are separate documents.

G. “Identify” when used with reference to a “person” means to state each person’s full name, address, telephone number and any other names used by the person during the past ten (10) years if known; when used with reference to a document or communication, “identify” means to state the nature of the document or communication; the date, time, and title (if any) of the document or communication; the identity of each person contributing to or participating in the document or communication; the subject matter and substance thereof; and the name and last known business and home addresses and telephone numbers of each person who has possession, custody, or control of any document evidencing communications;

H. “Person” means any natural person; any group of natural persons, acting either individually or collectively (e.g., as a committee, board of directors, etc.); any corporation, partnership, or joint venture; and any other incorporated or unincorporated business, government, or social entity.

### **INTERROGATORIES**

1. Produce any and all documents showing where you made a determination that it was not feasible to use the boundaries of voting precinct 10 for the Boundaries of Zoning District 19 (“District 19”).

### **RESPONSE:**

2. Do you agree that District 19 does not encompass all of voting precinct 10?

If your answer is no, please state in detail how Zoning District 19 follows the boundaries of voting precinct 10.

**RESPONSE:**

3. Identify how many qualified voters were in District 19 on December 29, 2020.

**RESPONSE:**

4. State how many qualified voters voted in favor of District 19 zoning by the County.

**RESPONSE:**

5. Produce the voter role/list for District 19 on December 29, 2020.

**RESPONSE:**

6. Produce your entire file regarding the establishment of District 19 and the zoning vote for District 19, including but not limited to petitions, orders, correspondence, e-mails, notes, voting results, plats, maps, notes or any other documents.

**RESPONSE:**

