

Alabama Town on the Hook for \$5 Million After Losing Business Lawsuit

By: Rutledge & Yaghmai

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The town of Gurley could be on the hook for nearly \$5 million after losing an Alabama business lawsuit last February, according to the [Huntsville Times](#). M&N Materials won a \$2.75 million verdict, plus 6 percent interest and attorney's fees, against Gurley after the town tried to block the company from building a rock quarry in the small community.

However, the town has been given one last chance to avoid the judgment. Late last month, Circuit Judge Karen Hall granted the town's request to stop M&N from collecting on the judgment and agreed to hold a hearing Oct. 13 to decide whether the jury's verdict should be overturned or a new trial granted.

The jury found that Gurley's actions to block the quarry effectively condemned M&N's property.

Meanwhile, Gurley contends that Alabama law does not recognize the "regulatory taking," which was the basis of M&N's claims.

"The plaintiff's inverse condemnation claim fails under the plain language of that provision, which only authorizes a cause of action where property has been taken or injured by the construction or enlargement of (the Town's) works, highways, or improvements," Gurley argued in a court filing. "Clearly, here, no 'construction or enlargement' of the Town's physical works or infrastructure (support) the plaintiff's claims in this case."

As detailed by the *Huntsville Times*, the [Alabama business dispute](#) dates all the way back to 2003 when M&N began buying land with the intent of operating a rock quarry. The property was next to Gurley, but after word of plans for a quarry became public in 2003, area residents began to complain. What the town did next is the source of the lawsuit. Gurley held a referendum in 2004 and about 90 percent of those voting approved annexing the property into Gurley. Gurley zoned the property for agriculture use, effectively preventing the construction of a quarry.

M&N was denied a business license for the quarry in 2004. M&N sold the property to Vulcan Materials in late 2004. Vulcan had an option to buy the property from M&N for \$3.75 million, but it let the option expire and later paid M&N \$1 million for the site.

M&N's attorneys argued the full option price would have been paid if Gurley had not taken steps to stop the quarry. The jury award covered the balance of the original option price.

[Rutledge & Yaghmai](#) is a full service litigation firm that offers more than fifty-seven years of diverse legal experience. The attorneys of Rutledge & Yaghmai leverage that experience to assist large and small businesses throughout Alabama in achieving their business goals while minimizing their risks.

In addition to offering transactional business services such as Alabama business formation and planning, Rutledge & Yaghmai prides itself on the diversity of Alabama business litigation cases it has handled successfully.

To learn more about the wide range of transactional and business litigation services we offer Alabama businesses, please [contact](#) the attorneys of Rutledge & Yaghmai today.

About Rutledge & Yaghmai

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Rutledge & Yaghmai (R & Y) is a full service litigation firm that offers more than fiftyseven years of diverse legal experience. Formed in 2006, Rutledge & Yaghmai concentrates on giving each case individual attention as opposed to carrying a mass a number of cases. That way they are able to develop a lifelong relationship with clients.

William Rutledge

William Eugene Rutledge graduated from the University of Alabama in 1960. He graduated from the University of Alabama Law School 1966. Mr. Rutledge served as a Captain in the Judge Advocate General's Corps, U.S. Army and as Chief of Military Justice at Fort Bliss, Texas. He was trial counsel for the United States where he prosecuted several nationally publicized court marshalls. He was the recipient of the Distinguished Service Medal for his trial work in the Army.

He began the practice of law in Birmingham, AL on August 1, 1966. His early trial practice was a mixture of business litigation and railroad related litigation. He has a strong appellate practice in which he has excelled since the early 1970s and continues that practice till the present time. He has handled over 100 cases in the state appellate system and 80 cases in the federal appellate system.

He specialized through the years of his practice in business formations. He has assisted new entrepreneurs in the formation and strategy of their businesses. Also, he represents companies in business litigation. Cases have ranged from business disputes among members to representing smaller companies against the "larger corporations." Practice memberships include the Bar of the Alabama Supreme Court, the United States District Court for the Northern, Middle and Southern Districts, the United States Court of Appeals for the Eleventh Circuit, and the Supreme Court of the United States. He is married to Sherry Crittenden Rutledge and has four children and six grandchildren.

Greg Yaghmai

Greg graduated with honors from The Citadel where he received his bachelor's degree in Business Administration. In 1997, he received his law degree from Cumberland School of Law.

For the first four and half of years of his legal career, Greg served as a Deputy District Attorney for the Jefferson County, Alabama District Attorney's Office. By age 26 he tried

his first death penalty case. He went on to try either solo or as lead counsel seven capital murder and six murder cases. He also had the benefit of being the first lawyer in Alabama to be certified by the Alabama State Troopers as a Traffic Homicide investigator. He obtained this after attending a two-week seminar, which required him to live in a closed military base with forty other police officers. He also had the unique experience of being provided alcohol in a controlled setting so he could be utilized by the Jefferson County Sheriff's training academy in officers learning how to administer field sobriety tests. He is a member of the National College for DUI Defense (NCDD) which is a prestigious organization defending those charged with DUI.

He subsequently left the DA's office to become a partner in a forty lawyer civil litigation firm. This firm concentrated mostly on civil defense work, but Greg continued to expand his plaintiff and criminal defense practice.

In 2006, he co-founded Rutledge & Yaghmai. One of Greg's goals was to reduce the number of cases handled to allow for more individual attention to each case. Rutledge & Yaghmai maintains a general litigation practice. Greg focuses on personal injury, business litigation, and criminal defense cases.

Greg has truly handled cases from all sides: criminal prosecution/defense and civil plaintiff/defense. Overall, Greg has tried more than seventy-five jury trials to conclusion. He has significant experience in using visual presentations and present day media applications in presenting cases to jury. His ultimate jury consultant is his wife, Brandi, who he met when she served on the jury of a rape/kidnapping case he tried.

He has recently been asked to teach Trial Techniques for the International Web based site Solo Practice University. There he will share his expertise in trying jury cases.

Greg is licensed in all state and federal courts in Alabama and the 11th Circuit