



AlaFile E-Notice

03-CV-2010-900013.00

Judge: HON. JOHNNY HARDWICK

To: CHAD W. BRYAN
cwb@chlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

LISA NIX GREEN ET AL V. KAY IVEY ET AL
03-CV-2010-900013.00

The following matter was FILED on 12/14/2011 9:49:12 PM

D018 BEDFORD ROGER SEN

D011 BILL NEWTON

D016 CRAIG FORD

D004 FREIDA HILL

D006 GLENDA CURRY

D005 GREGORY FITCH

D003 JIM FOLSOM, JR.

D001 KAY IVEY

D014 MARC GREEN

D012 PAUL HANKINS

D015 RICHARD HUCKABY

D002 RICKY JONES

D019 RITTER DOWD

D010 RUSSELL BUFKIN

D017 STUBBS JAMES

D008 TOM BROUGHTON

D009 W. DANIEL HUGHES, JR.

D013 WILLIAM MEEHAN

D007 WILLIE HUFF

NOTICE OF STAY OF JUDGMENT

[Filer: BRYAN CHAD WESLEY]

Notice Date: 12/14/2011 9:49:12 PM

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

334-832-4950



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 CV-2010-900013.00
 CIRCUIT COURT OF
 MONTGOMERY COUNTY, ALABAMA
 FLORENCE CAUTHEN, CLERK

STATE OF ALABAMA

Unified Judicial System

Revised 3/5/08

Case

03-MONTGOMERY

District Court Circuit Court

CV20

LISA NIX GREEN ET AL V. KAY IVEY ET AL

CIVIL MOTION COVER SHEET

Name of Filing Party: D019 - RITTER DOWD

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

Oral Arguments Requested

CHAD W. BRYAN
 150 SOUTH PERRY STREET
 MONTGOMERY, AL 36104

Attorney Bar No.: BRY032

TYPE OF MOTION

Motions Requiring Fee

Motions Not 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)

- 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 Stay of Judgment
 pursuant to Rule 0 (Subject to Filing Fee)

*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 \$ _____

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:
 12/14/2011 9:46:49 PM

Signature of Attorney or Party:
 /s/ CHAD W. BRYAN

*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 COURT OF
MONTGOMERY COUNTY, ALABAMA**

LISA NIX GREEN, individually and as)	
next friend of Brent A. Green and)	
Blake A. Green, et al.,)	
)	
Plaintiffs,)	
v.)	CASE NO.: CV-2010-900013
)	
YOUNG BOOZER, et al.,)	
)	
Defendants.)	

NOTICE OF STAY OF JUDGMENT

COME NOW Defendants, who are named to this suit in their official capacities as members of the current PACT Board, and respectfully state unto the Court as follows:

1. On July 27, 2011, this Court approved a proposed class action settlement to resolve the dispute between the parties. The approved settlement included an award of attorneys' fees to class counsel in the amount of \$4,950,000, an award of expenses to class counsel in the amount of \$15,000, and an award to the five named class representatives in the amount of \$2,500 each. The approved settlement also modified the level of tuition and fees to be paid on behalf of PACT beneficiaries. Per this Court's approval Order, the settlement was to be implemented immediately.

2. In accordance with that directive, the PACT Board proceeded to pay invoices for Fall 2011 pursuant to the method set forth in the approved settlement. To further discharge its obligations under the approved settlement, the PACT Board paid all monetary awards (totaling \$4,977,500) to the clerk of court on August 9, 2011. Class counsel subsequently petitioned for disbursement of the funds, which was permitted by the Court on August 11, 2011.

3. Subsequent to the disbursal, an appealing objector moved the Alabama Supreme Court on August 23, 2011 to stay execution of this Court's settlement approval Order, and a stay was entered on November 18, 2011. (*See* Exhibit "1" hereto). The PACT Board promptly sought clarification as to the manner in which the stay should be applied, but that request was denied. (*See* Exhibit "2" hereto).

4. Since entry of the stay, the PACT Board has employed ongoing measures to comply with its terms. Arrangements are being made to ensure that Spring 2012 tuition and fee benefits are calculated and paid as specified in Act 2010-725, and the same arrangements are being made with respect to those Fall 2011 benefits that remained unpaid as of the date the stay was entered. With respect to actions taken prior to entry of the stay, the PACT Board likewise is undertaking a cautious approach.

5. As to the Fall 2011 invoices that already had been paid at the time stay was entered, the PACT Board is making arrangements to calculate the differential between the amount of benefits that the affected PACT beneficiaries received under the settlement and the amount of benefits that would have been received if calculated using Act 2010-725. It is anticipated that those calculations will be prepared within 10 days hereof. Once that total sum is determined, the PACT Board intends to segregate and interplead those funds into court.

6. Additionally, the PACT Board hereby requests that class counsel be compelled to make prompt payment into court of the attorneys' fees, expenses, and class representative payments (totaling \$4,977,500) that were disbursed on August 11, 2011.

7. It is respectfully requested that the clerk of court be directed to accept the aforementioned funds for deposit into an interest bearing account until the pending appeal is resolved.

WHEREFORE, the PACT Board respectfully requests that the Court enter relief as requested herein.

Respectfully submitted,

/s/ Chad W. Bryan
CHAD W. BRYAN (BRY032)
RICHARD H. ALLEN (ALL053)
Attorneys for Defendants

OF COUNSEL:
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Email: rha@chlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2011, a copy of the foregoing pleading was served on all known counsel of record listed below either electronically or by placing same in the United States mail, first class postage prepaid and properly addressed:

Thomas R. Debray, Esq. NABORS, BELSER & DEBRAY, LLC 614 South Hull Street Montgomery, AL 36104 tdebray@nbdlegal.com	J. Doyle Fuller, Esq. Susan Glasscock Copeland, Esq. FULLER & COPELAND 2851 Zelda Road Montgomery, Alabama 36106 jdf@fullercofeland.com susanc@fullercofeland.com
Andrew P. Campbell, Esq. Gregory Austin Brockwell, Esq. LEITMAN, SIEGAL, PAYNES & CAMPBELL, PC 420 20 th Street North, Suite 2000 Birmingham, AL 35203 acampbell@lspclaw.com gbrockwell@lspclaw.com	George W. Walker, III, Esq. David C. Rayfield, Esq. POPE, MCGLAMRY, KILPATRICK, MORRISON & NORWOOD, LLP 1111 Bay Avenue, Suite 450 (31901-2412) Post Office Box 2128 Columbus, Georgia 31902-2128 wallywalker@pmkm.com davidrayfield@pmkm.com

/s/ Chad W. Bryan
OF COUNSEL



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CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
FLORENCE CAUTHEN, CLERK

NOTICE OF STAY OF JUDGMENT

**Exhibit
“1”**

IN THE SUPREME COURT OF ALABAMA
November 18, 2011

1101337

Carol M. Perdue, individually, and as next friend and guardian of Anna K. Perdue (Objector) v. Lisa Nix Green et al. (Plaintiffs) and Young Boozer et al. (Defendants) (Appeal from Montgomery Circuit Court: CV-10-900013).

ORDER

The appellant's motion for stay of execution of judgment pending appeal having been filed and duly submitted to the Court,

IT IS ORDERED that the motion for stay is granted.

Malone, C.J., and Woodall, Parker, Murdock, and Shaw, JJ., concur.

Stuart, Bolin, Main, and Wise, JJ., recuse.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 18th day of November, 2011.

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama



NOTICE OF STAY OF JUDGMENT

**Exhibit
“2”**

IN THE SUPREME COURT OF ALABAMA
December 6, 2011

1101337

Carol M. Perdue, individually, and as next friend and guardian of Anna K. Perdue (Objector) v. Lisa Nix Green et al. (Plaintiffs) and Young Boozer et al. (Defendants) (Appeal from Montgomery Circuit Court: CV-10-900013).

ORDER

The petitioner having filed a motion for clarification, and the same having been duly submitted to the Court,

IT IS ORDERED that the motion for clarification is denied.

Malone, C.J., and Woodall, Parker, Murdock, and Shaw, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 6th day of December, 2011

Robert G. Esdale, Sr.

Clerk, Supreme Court of Alabama