



E - NEWSLETTER

Advocacy in Action.

Defending Our Air.

BREAKING NEWS: Alabama Supreme Court Rules in Favor of Gasp

The Alabama Supreme Court today denied a petition from ABC Coke (a division of Drummond Company) and the Jefferson County Board of Health for writ of certiorari in *ABC Coke and Jefferson County Board of Health v. GASP, Inc.* They were seeking review of the Alabama Court of Civil Appeals decision affirming the Circuit Court's decision reversing the Board of Health's dismissal of our request for hearing on the ABC Coke air pollution permit.

In other words, the Alabama Supreme Court has ruled in our favor, just as the Alabama Court of Civil Appeals and Jefferson County Circuit Court did.

IN THE SUPREME COURT OF ALABAMA



April 14, 2017

1160252

Ex parte ABC Coke, a division of Drummond Company, Inc., and Jefferson County Board of Health. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: ABC Coke, a division of Drummond Company, Inc., and Jefferson County Board of Health v. GASP, Inc.) (Jefferson Circuit Court: CV-15-902278; Civil Appeals : 2150489 and 2150490).

CERTIFICATE OF JUDGMENT

WHEREAS, the petition for writ of certiorari in the above referenced cause has been duly submitted and considered by the Supreme Court of Alabama and the judgment indicated below was entered in this cause on April 14, 2017:

Writ Denied. No Opinion. Bolin, J. - Stuart, Murdock, Main, and Bryan, JJ., concur.

NOW, THEREFORE, pursuant to Rule 41, Ala. R. App. P., IT IS HEREBY ORDERED that this Court's judgment in this cause is certified on this date. IT IS FURTHER ORDERED that, unless otherwise ordered by this Court or agreed upon by the parties, the costs of this cause are hereby taxed as provided by Rule 35, Ala. R. App. P.

I, Julia J. Weller, 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 14th day of April, 2017.

A handwritten signature in cursive script that reads "Julia Jordan Weller".

Clerk, Supreme Court of Alabama

Next, we will go to hearing before the Board of Health and its hearing officer to contest the permit issued by the Department of Health to ABC Coke. This tug-of-war has been going on since the Jefferson County Department of Health reissued the ABC Coke permit in 2014. Our goal is stronger public health protections for residents who live near the facility, which is one of the top sources of toxic air pollution in the Birmingham area.

The Board of Health should never have sided with Drummond and ABC Coke and against public health. Three courts have agreed that they should have granted us a hearing from the start rather than spending years on costly court costs and appeals. The communities who are affected by ABC Coke's toxic emissions deserve a hearing, and we intend to make certain that happens.