

SUPREME COURT OF ALABAMA

Butler v. Roome

907 So. 2d 432 (Ala. 2005) · No. No. 1031603 · Decided February 11, 2005

SUMMARY

The Alabama Supreme Court held that a preliminary injunction issued in a dispute over operation of a bail-bonding business failed to comply with Ala. R. Civ. P. 65(d)(2). Because the trial court’s order did not state the reasons for issuing the injunction or describe the restrained acts with sufficient specificity, the court reversed the order, dissolved the injunction, and remanded the case.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Stuart, Justice; Nabers, Chief Justice; See, Justice; Harwood, Justice; Bolin, Justice
JURISDICTION	Alabama
DECIDED	February 11, 2005
DOCKET	No. 1031603
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order granting a preliminary injunction in favor of Roome in a dispute concerning the operation and control of Jailbusters of Marshall County, Inc.
STANDARD OF REVIEW	The grant or denial of a preliminary injunction is reviewed for abuse of discretion. Discretion is abused when it exceeds the bounds of reason, involves an improper exercise or violation of an established rule of law or equity, or reflects a clear misapprehension of controlling law.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion
PARTIES	James L. Butler, Sr. v. Brenda Kay Roome

TOPICS

- injunctions
- civil procedure
- appellate procedure
- standard of review
- equitable relief

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the preliminary-injunction order complied with Rule 65(d)(2), Ala. R. Civ. P., by stating the reasons for its issuance and describing the restrained acts with sufficient specificity.
2. Whether the trial court abused its discretion by issuing a preliminary injunction that did not comply with Rule 65(d)(2).

HOLDINGS

1. Rule 65(d)(2) is mandatory and requires every order granting an injunction to state the reasons for issuance, be specific in its terms, and describe in reasonable detail the acts sought to be restrained.
2. Because the order did not comply with Rule 65(d)(2), the trial court exceeded the scope of its discretion, and the preliminary injunction had to be dissolved.

KEY QUOTATIONS

“Every order granting an injunction shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained....” (434)

“Applying our holding in Teleprompter of Mobile and its progeny to the facts of this case, we must dissolve the preliminary injunction because the trial court's order does not satisfy the mandatory requirements of Rule 65(d)(2), Ala. R. Civ. P.” (435)

FACTUAL BACKGROUND

Butler and Roome formed and incorporated Jailbusters of Marshall County, Inc., a bail-bonding business, with Butler owning a majority of the stock. Before the business opened, they executed a document purporting to vest day-to-day control in Roome, but they later disagreed about its meaning and the operation of the business. Butler attempted to terminate Roome's employment, after which Roome sued and obtained a preliminary injunction preserving her involvement in the business and restricting Butler's conduct.

PROCEDURAL HISTORY

Roome sued Butler alleging fraud, promissory estoppel, and breach of contract and sought preliminary injunctive relief. After a hearing, the trial court entered an order enjoining Butler and his agents from interfering with Roome's operation and employment, conducting business for the corporation, or harassing Roome and her immediate family. Butler appealed, arguing that the order failed to comply with Rule 65(d)(2), Ala. R. Civ. P. The Supreme Court of Alabama reversed and remanded for dissolution of the preliminary injunction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The preliminary injunction is to be dissolved. The opinion does not preclude Roome from seeking a new preliminary injunction that complies with Rule 65(d)(2), Ala. R. Civ. P.

CASES CITED

- Appalachian Transp. Group, Inc. v. Parks, 738 So. 2d 878, 882-83 (Ala. 1999)
- Teleprompter of Mobile, Inc. v. Bayou Cable TV, 428 So. 2d 17, 19-20 (Ala. 1983)
- Bankruptcy Auths., Inc. v. State ex rel. Evans, 592 So. 2d 1042, 1044-45 (Ala. 1992)
- Tapscott v. Fowler, 437 So. 2d 1280, 1282 (Ala. 1983)

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