

Bond Case Briefs

Municipal Finance Law Since 1971

CONTRACTS - ALABAMA

Ex parte Carter

Supreme Court of Alabama - July 27, 2018 - So.3d - 2018 WL 3598913

Objector, who was the State Auditor, brought action in his individual capacity as a taxpayer to challenge amendments to a contract between a software company and the state on the basis that the amendments violated the state's competitive-bid law.

After declining to grant a preliminary injunction, the Circuit Court dismissed all counts except the one seeking a declaratory judgment that the amendments were void. Software company and state's Director of Finance sought writs of mandamus.

The Supreme Court of Alabama held that completion of performance under the amendments rendered objector's action moot.

Action brought by State Auditor in his individual capacity as a taxpayer, seeking declaratory judgment that amendments to contract between software company and state were void on the basis that the amendments violated the state's competitive-bid law, was moot, where performance pursuant to the amendments was complete.