

Bond Case Briefs

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PUBLIC UTILITIES - ALABAMA

Ex parte Advanced Disposal Services South, LLC

Supreme Court of Alabama - September 28, 2018 - So.3d - 2018 WL 4657321

Water user brought action against city utilities board, disposal companies, which operated a landfill and which sent leachate from the landfill to be treated by the city, and fictitiously named defendants for monetary damages and injunctive relief regarding exposure to allegedly contaminated water that had been discharged into river and ultimately sold by utilities board for consumption.

The Circuit Court denied motion to dismiss for water user's failure to join city as a necessary and indispensable party. Disposal companies petitioned for a writ of mandamus.

The Supreme Court of Alabama held that city was a necessary party.

City was a necessary party to water user's action against city utilities board, disposal companies, and fictitiously named defendants for monetary damages and injunctive relief regarding exposure to allegedly contaminated water that had been discharged into river and ultimately sold by the utilities board for consumption; water user's claimed sole basis for seeking injunctive relief was to enjoin disposal companies from unlawfully discharging leachate into city's stabilization pond and from discharging pollutants from their landfill into various creeks and tributaries that flowed to river, but disposal companies' leachate was not the only waste being treated at city's stabilization pond, which meant that complete relief could not be afforded in city's absence.