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**PUBLIC NUISANCE - ALABAMA**

## State v. Epic Tech, LLC

**Supreme Court of Alabama - September 30, 2022 - So.3d - 2022 WL 4588777**

State brought actions for declaratory and injunctive relief against companies that allegedly had created a public nuisance due to their operation of illegal slot machines and gambling devices.

In addition, State named a town council as a defendant in one of the actions.

The Circuit Court dismissed actions. State appealed, and the appeals were consolidated. The Supreme Court reversed and remanded in both actions. On remand, the Circuit Court denied State's request for injunctive relief and dismissed counterclaims asserted by a company and the town council, and the Circuit Court denied State's request for injunctive relief. State appealed, the company and the town council cross-appealed the dismissal of their counterclaims, and the appeals were consolidated.

The Supreme Court held that:

- State established that the machines at issue did not constitute the otherwise legal game of bingo;
- The potential existence of another remedy, namely criminal prosecution, did not prevent the issuance of preliminary or permanent injunctive relief;
- Even if the potential existence of another remedy could preclude injunctive relief, State demonstrated the lack of an alternate remedy;
- State demonstrated that it would be irreparably harmed in the absence of injunctive relief; and
- Company and town council waived on appeal any argument concerning the dismissal of their counterclaims.

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