



AlaFile E-Notice

01-CV-2010-002730.00

Judge: ED RAMSEY

To: EVANS MICHAEL JOSEPH
mjeatty@me.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

**ALL WOMENS INC V TERRY GENSEMER ET AL
01-CV-2010-002730.00**

The following matter was FILED on 1/4/2011 3:03:16 PM

Notice Date: 1/4/2011 3:03:16 PM

**ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203**

205-325-5355
anne-marie.adams@alacourt.gov



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
 BIRMINGHAM DIVISION**

ALL WOMENS, INC,)
 Plaintiff,)
)
 V.) Case No.: CV-2010-002730.00
)
 GENSEMER TERRY,)
 CHURCH OF THE RECONCILER % TERRY)
 GENSEMER,)
 MAHONEY PATRICK J,)
 CHRISTIAN DEFENSE COALITION %)
 PATRICK MAHONEY ET AL,)
 Defendants.)

ORDER

This matter is before the Court on Motions to Dismiss by defendants Patrick J. Mahoney, Christian Defense Coalition, Terry Gensemer, Church of the Reconciler, Jeff White, and Turn the Hearts, Inc.

Defendants contend (1) this is an action to enforce a federal injunction; (2) the complaint fails to state a claim; and (3) amendment would be futile.

Plaintiff contends (1) that these defendants were not parties to the prior federal court action; and (2) the violation of the buffer zone is evidence of tortuous conduct.

The Court finds that this is an action to enforce a federal injunction which established a "no protest" or "buffer zone." The federal court has jurisdiction to determine whether to modify the injunction.

Therefore, the Motion to Dismiss by defendants Patrick J. Mahoney, Christian Defense Coalition, Terry Gensemer, Church of the Reconciler, Jeff White, and Turn the Hearts, Inc. is granted without prejudice to a separate action. Costs of court incurred are taxed as paid.

DONE this 4th day of January, 2011.

/s ED RAMSEY
 CIRCUIT JUDGE