



AlaFile E-Notice

05-CV-2020-900840.00

Judge: J. CLARK STANKOSKI

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NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

KATHERYN SCOTT ET AL V. DESTINATIONS DEVELOPMENT LLC ET AL
05-CV-2020-900840.00

A court action was entered in the above case on 8/3/2020 2:28:49 PM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JCS
Notice Date: 8/3/2020 2:28:49 PM

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IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

SCOTT KATHERYN,)	
FIELDS JEFF,)	
BYRD MARK,)	
Plaintiffs,)	
)	
V.)	Case No.: CV-2020-900840.00
)	
DESTINATIONS DEVELOPMENT LLC,)	
FRANZ LYDIA,)	
TURNER KAITLYN ANNE,)	
Defendants.)	

ORDER

MOTION FOR PRELIMINARY INJUNCTION filed by SCOTT KATHERYN, FIELDS JEFF and BYRD MARK is hereby GRANTED as follows:

Lydia Franz, Kaitlin Anne Turner, and Destinations Development, LLC (and any agents or employees of same) are hereby enjoined from discharging any firearm in the direction of the Plaintiffs. Furthermore, they are enjoined from discharging any firearm which will cause or permit a projectile from crossing the property line of any and all of the Plaintiffs.

This preliminary injunction is the result of the testimony of all parties on July 29, 2020. Specifically, the Court finds from that hearing that the Defendants have created a situation where it is unsafe to discharge a firearm as the property is currently used. They have failed to devise or implement a plan to prevent injury to persons and to prevent property damage outside the range. This damage outside the range is from the direct shooting path as well as from the possibility of misdirected or accidental firing and ricochets. From the testimony, the Defendants do not have a clear understanding or comprehensive plan for this type of activity.

Basic questions the Court has but were not questioned or answered by the Defendants at the hearing would include: How many shooters will there be at any given time; what types of firearms will be used; what type of ammunition will be used; what types of target mechanisms will be used; what types of acoustics will be needed; how will lead contamination be controlled; are bullet traps needed, what types of berms, baffles, barriers or earth moving is to be done; is there a preliminary layout sketch of the site; has a risk analysis report been done. This is not an exhaustive list.

The ultimate issue for the Court to consider at the final trial of this matter is whether the

Defendants are able to ensure that the projectiles fired on their range are contained within the range property boundaries, and not whether they may in construct an outdoor range. At this preliminary stage the Court finds they are not able to contain the projectiles, and there is no adequate remedy at law other than the issuance of this Preliminary Injunction.

Finally, one of the Defendants testified that no range is currently in operation, so there is no financial impact, or damage, to the Defendants at this time. Future profits, which were merely estimations and guesses, are not sufficient to convince the Court of any actual or real damages for any wrongful restraint. As such, the Court finds that a bond in the amount of \$1,500.00 is reasonable under these circumstances.

A final hearing on any permanent injunction will be heard at the same time as the trial on the merits of the Complaint is heard.

DONE this 3rd day of August, 2020.

/s/ J. CLARK STANKOSKI
CIRCUIT JUDGE
