



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

BLYTHE BRUCE,	)	
CARLUCCI DOMENIC,	)	
ELIJAH TIMBER COMPANY, LLC,	)	
Plaintiffs,	)	
	)	
V.	)	Case No.: CV-2025-900532.00
	)	
DAUPHIN ISLAND PROPERTY OWNERS	)	
ASSOCIATION,	)	
BAY ERIC,	)	
BREWER RICHARD,	)	
BRAND WALTER ET AL,	)	
Defendants.	)	

ORDER

A hearing on pending motions in the above-referenced case was held on September 19, 2025. A series of motions and responsive pleadings thereto were before the Court. At the close of the hearing the Court took the matter under submission. After thorough and due consideration of the pleadings, the applicable law, and the arguments of Counsel, the Court makes the following findings.

The Defendants' Motion to Dismiss was rendered **MOOT** by the June 4, 2025, filing of the First Amended Complaint. (*See* Docs. 93, 96, 102, 186)

The Defendants' Motion for Protective Order is **GRANTED IN PART**, pursuant to the following conditions: 1) Plaintiff is permitted to copy and/or scan each ballot; 2) each copy or scanned document shall be clearly marked for "Attorney/Staff Viewing" ONLY; and, 3) copies/scanned documents shall not be disseminated to clients. Should any clarification of these conditions be required by the parties, a request should be addressed to the Court. At the close of this litigation the copies/scans of ballots shall be returned to Defendant. (*See* Docs. 146, 172)

Defendants' Motion for More Definite Statement is **STAYED**, and remains **PENDING** at the request of the parties. (*See*, Docs. 130, 174)

The Plaintiffs' Motion for Partial Summary Judgment (Doc. 109) is **DENIED**.

The Town of Dauphin Island's Cross-Motion for Partial Summary Judgment (in which the Defendants' joined) is **GRANTED**. The Court finds that there is no ambiguity in the 1954

Grant Deed as written; therefore, the 2025 Correction Deed was unnecessary and rendered void under the facts and circumstances presented. Subject to a determination of the validity of the vote at issue in this case, the 1954 Grant Deed does not prohibit the Dauphin Island Property Owners Association from granting the Town of Dauphin Island a construction and maintenance easement for beach restoration and protection. **The Court finds there is no just reason for delay and the entry of partial summary judgment in favor of the Town of Dauphin Island and the Property Owners' Association is final for purposes of appeal.** (*See*, Docs.133, 143, 176)

DONE this 29th day of September, 2025.

/s/ VICKI M. DAVIS

CIRCUIT JUDGE