



ELECTRONICALLY FILED
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58-CV-2025-900123.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

EXHIBIT A

- IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

JURISDICTION AND VENUE

8. Admitted.

9. Admitted.

10. Admitted

FACTUAL BACKGROUND

11. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

12. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

13. Admitted.

14. Admitted.

15. Denied.

16. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

17. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

18. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

19. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

20. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

21. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

COUNT 1- NUISANCE

22. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

23. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

24. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

25. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

26. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

27. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

28. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

29. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

30. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

31. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

32. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

33. Alabama Power is without sufficient information to admit or deny this allegation, and therefore denies same.

Alabama Power denies that Plaintiffs are entitled to any of the relief sought in the ad damnum clause in Count I.

COUNT II- INJUNCTIVE RELIEF

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

Alabama Power denies that Plaintiffs are entitled to any of the relief sought in the ad damnum clause in Count II.

RELIEF

Alabama Power denies that Plaintiffs are entitled to any of the relief sought in this paragraph.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The complaint fails to state a claim against Alabama Power upon which relief can be granted.

SECOND DEFENSE

To the unnumbered paragraphs of the complaint begun with the term “Wherefore, Premises Considered” Alabama Power denies that it is liable to any plaintiff, denies that any plaintiff is entitled to a judgment against it, in any amount, whether for compensatory or punitive damages, denies that any plaintiff is entitled to interest and costs and denies that either plaintiff is entitled to relief or any type or nature from Alabama Power.

THIRD DEFENSE

Any allegation of the complaint not expressly and explicitly admitted by Alabama Power herein is denied and strict proof thereof is demanded.

FOURTH DEFENSE

Alabama Power denies liability for the acts or omissions of defendant REM Directional, Inc., an independent contractor.

FIFTH DEFENSE

Alabama Power denies that Plaintiffs’ alleged damages were proximately caused by any act or omission by Alabama Power Company.

SIXTH DEFENSE

Plaintiffs’ alleged injuries and damages were the result of an independent, intervening or superseding cause.

SEVENTH DEFENSE

Alabama Power contests the measure and amount of Plaintiff’s alleged compensatory damages.

EIGHTH DEFENSE

Plaintiffs should not recover, or their recovery should be reduced, because they have failed to mitigate their damages.

NINETH DEFENSE

Plaintiffs' claims are barred in whole, or in part, by the provisions of the Broadband Using Electric Easements Accessibility Act, Ala. Code § 37-16-1.

TENTH DEFENSE

Plaintiffs' claims for equitable relief are barred because Plaintiffs have an adequate remedy at law.

ELEVENTH DEFENSE

Alabama Power pleads the doctrine of comparative injury in defense of Plaintiffs' claim for injunctive relief.

TWELFTH DEFENSE

Plaintiffs' demands for punitive damages are due to be struck as sufficient facts are not pled to permit Plaintiffs to recover punitive damages.

THIRTEENTH DEFENSE

Any award of punitive damages against Alabama Power would violate the laws and Constitution of the United States and of the State of Alabama.

FOURTEENTH DEFENSE

Imposition of punitive damages in this action would violate Alabama Power's right to due process of law as guaranteed by the United States Constitution and the Alabama Constitution.

FIFTEENTH DEFENSE

The procedure and methods utilized for awarding punitive damages in this action violate the due process of law provisions of the United States Constitution and the Alabama Constitution.

SIXTEENTH DEFENSE

Alabama Power claims all protection afforded it by both Alabama and Federal law from an award of punitive damages, including, but not limited to, the provisions of Ala. Code § 6-11-20 *et seq.*

SEVENTEENTH DEFENSE

Alabama Power reserve the right to amend this answer, to assert additional affirmative defenses, and/or to file third-party complaints or cross claims to the extent warranted by discovery and/or the factual developments in this case.

Respectfully submitted on this, the ____ day of _____, 2025.

s/ James A. Byram, Jr.

One of the Attorneys for Intervenor Defendant
Alabama Power Company, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the Alafile system and service will be perfected upon the following Alafile participant(s) electronically on this the ____ day of February, 2025:

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s/ James A. Byram, Jr.

Of Counsel