



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

**THE CITY OF BIRMINGHAM,
ALABAMA, a municipal corporation,**

Plaintiff/Movant,

vs.

CIVIL ACTION NO.: _____

**STEELE VALLEY BROOK, LLC,
OWNER OF REAL PROPERTY
LOCATED AT 2969 GALLANT DR.
BIRMINGHAM, AL 35215**

**PROPERTY LOCATED AT
2969 GALLANT DR.
BIRMINGHAM, AL 35215**

Defendant.

PETITION FOR INJUNCTIVE RELIEF

COMES NOW the City of Birmingham, a municipal corporation existing under the laws of the State of Alabama, and hereby files this petition for injunctive and other equitable relief. In support of its petition against the Defendants, the City states the following:

PARTIES, JURISDICTION AND VENUE

1. The Plaintiff, the City of Birmingham (“the City”), is an Alabama municipal corporation.
2. The City is seeking the abatement of a public nuisance under *Ala. Code §§ 6-5-122, 11-47-117-118*, which provides that any municipality of this state may bring an action to abate or to enjoin a public nuisance that is injurious to the health, morals, comfort or welfare of the community or any portion thereof.
3. The Defendant, Steele Valley Brook, LLC, (“the Defendant”) is a limited liability corporation that is registered with the Alabama Secretary of State.

4. Based upon knowledge, information, and belief, the Defendant is the current owner of certain real property located at 2969 Gallant Dr., Birmingham, AL 35215 (“**Valley Brook Apartments**”).

5. Based upon knowledge, information, and belief, the Defendant operates the real property as rental apartments for tenants of varying income levels.

6. The Valley Brook Apartments are situated in Jefferson County, legally described as: Lot 5-C Center Point Medical Center & Planned Residential Park 1st Section.

7. Therefore, according to *Ala. Code s. 6-3-7(a) (1)*, this action is proper in Jefferson County, Alabama.

8. Fictitious party defendants whether singular or plural, entity or entities, who own or possess an ownership interest in the Valley Brook Apartments.

9. The City asserts that the identities of the fictitious party defendants are currently unknown. Once identified, however, the City will amend this pleading to specifically name each defendant.

Wherefore, all necessary grounds and predicates for the exercise of jurisdiction by this Honorable Court having been duly averred and established, the City now prays that this Honorable Court would immediately assert and maintain jurisdiction over all claims, counterclaims, third-party claims and the such like which may be herein asserted and render a just and equitable judgment thereon.

FACTUAL ALLEGATIONS

10. The City hereby incorporates by reference the allegations and averments contained in paragraphs one (1) through nine (9) as if fully set forth herein.

11. The Valley Brook Apartments are a rental complex that is comprised of 240-single and multi-bedroom units.

12. The Valley Brook Apartments are located in the Apple Valley Neighborhood and are located in close proximity to single-family, residential homes.

13. The Valley Brook Apartments have been the site of several incidents of murder, gun-related violence, assaults, and other forms of illegal activity.

14. The City of Birmingham's Police Department ("BPD") have made multiple arrests at the apartment complex.

15. BPD officers have responded to numerous incidents where firearms have been discharged at the apartment complex.

16. BPD officers have responded to multiple homicides occurring at or near the apartment complex.

17. More specifically, on or about February 7, 2021, BPD officers responded to a shooting call at the apartment complex.

18. While on the scene, officers observed a male victim, later identified as Ladarius Bloxom, lying on his back in front of the 2941 building of the complex.

19. Mr. Bloxom had been shot multiple times and had to be transported to St. Vincent's East Hospital.

20. Mr. Bloxom was pronounced dead at the hospital.

21. On or about February 21, 2021, BPD officers responded to a "shooting into an occupied residence" call at the apartment complex.

22. On scene, officers met a female resident (and her minor child) who heard gunshots fired near her bedroom window. Officers observed bullet holes near the resident's living room window.

23. On or about April 14, 2021, BPD officers responded to a menacing complaint when a resident of the apartments brandished a handgun at another tenant.

24. On or about April 24, 2021, BPD officers responded to Valley Brook Apartments on a report of a person being shot.

25. Upon arrival, officers observed a trail of blood leading into one of the apartments. Inside the unit, officers made contact with a tenant who had been shot.

26. Officers located multiple spent shell casings within proximity to the victim's apartment.

27. On or about April 26, 2021, BPD officers responded to Valley Brook Apartments after employees from Birmingham Auto Locksmiths—who were attempting to change a lock on a vehicle—reported that a resident of the apartments brandished a .9mm pistol at them.

28. On or about May 12, 2021, BPD officers responded to a shooting call at Valley Brook Apartments.

29. Upon arrival, BPD officers located a crashed vehicle that had collided with several other cars. Inside of the crashed vehicle, the officers found a 29-year-old male who had been shot.

30. The 29-year-old male, later identified as Keith D. Hardy, was pronounced dead at the scene.

31. While investigating the homicide, BPD officers encountered large crowds of tenants and members of the community. Multiple fights broke out, ostensibly relating to the killing.

32. As a result of the large crowds and acts of violence associated with the gathering, BPD officers were required to dispatch all of its available officers, including armored SWAT vehicles, to the apartment complex to establish order and ensure safety.

33. The safety of the residents at the Valley Brook Apartments and surrounding neighborhoods have required additional patrols, resulting in the Birmingham Police Department increasing visibility in the area.

34. However, the Defendants have continued to allow criminal, violent, and life-threatening activity to occur, thus creating a public nuisance.

35. Residents in the community are in serious apprehension of imminent danger to their safety and wellbeing because of fears that they might be caught in the violent acts occurring at the Valley Brook Apartments.

PRELIMINARY AND PERMANENT INJUNCTION

36. The City hereby incorporates by reference the allegations and averments contained in paragraphs one (1) through thirty-five (35) as if fully set forth herein.

37. The Alabama Code expressly authorizes a municipality to commence a proceeding to abate a public nuisance. *Ala. Code §§ 6-5-122, 11-47-117-118.*

38. The City of Birmingham's Municipal Code expressly prohibits any activity that is likely to be prejudicial to the health or comfort of citizens of the City. *City of Birmingham Municipal Code §11-8-1.*

39. The repeated incidents of murder, violence, and illegality occurring at the Valley Brook Apartments have placed the neighboring residents in imminent danger.

40. The seemingly random episodes of gunfire and violence have damaged cars, shattered windows, ripped through occupied homes, and threatened lives.

41. Residents no longer feel safe in their homes or in their community.

42. Because of the violence and illegality emerging from the Valley Brook Apartments, property values have diminished.

43. Accordingly, residents residing in, and neighboring, Valley Brook Apartments are in serious risk of suffering immediate and irreparable harm without injunctive relief.

44. Residents residing in, and neighboring, the Valley Brook Apartments are in serious risk of suffering immediate and irreparable harm to their health, safety, and security because of the Defendants' failure to prevent illegal and violent activity from occurring at the property.

45. Because of the repeated violent activities—despite increased patrols—the City does not have an adequate remedy at law.
46. As the violent and illegal actions occurring at the Valley Brook Apartments are injurious to the health, morals, comfort or welfare of the community, the City will likely succeed on the merits of this action.
47. The hardships, if any, imposed on the Defendants by an injunction enjoining the Defendants and any other occupant of the Valley Brook Apartments from engaging in illegal and violent activity would not unreasonably outweigh the benefits to the City or the surrounding community.

PRAYER FOR RELIEF

WHEREFORE, the above premises considered, the City prays that this Honorable Court would issue an order granting the Plaintiff the following:

1. That, a preliminary and permanent injunction issue, enjoining and restraining the Defendants and any other occupants of the Valley Brook Apartments from allowing illegal activity to occur at the complex.
2. That, this Honorable Court would require the Defendants to establish and maintain a comprehensive audio/video surveillance system at the apartment complex. That, the surveillance system's information shall feed into the City's police department's real-time Crime Center.
3. That, this Honorable Court would require the Defendants to acquire vehicle license-plate technologies that are compatible with those used by the City's police department.
4. That, this Honorable Court would require the Defendants to have 24-hour, 7-day-a-week security present at the complex.

5. That, in the event the Defendants fail to adequately prevent further illegal and violent activity, that this Honorable Court would require that the property be sold.

6. That, this Honorable Court would enter an award of attorney's fees for the prosecution of this action.

7. That, this Honorable Court would award any other relief it deems appropriate.

Respectfully Submitted,

/s/Nicole E. King

Nicole E. King (SUL044)
City Attorney

/s/ Joseph R. Abrams

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Defendant to be served at the following address:

Steele Valley Brook, LLC

c/o Corporation Services, Inc., Registered Agent

641 South Lawrence Street

Montgomery, AL 36104

ORAL ARGUMENT AND EMERGENCY HEARING ARE REQUESTED

The Plaintiff respectfully requests oral argument and an emergency hearing on this matter if the Court finds it necessary at a time convenient to the Court.