



**IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA**

**CITY OF ANDALUSIA, ALABAMA,** )

**Plaintiff,** )

**v.** )

**JOHN W. TISDALE, JR., d/b/a** )  
**SPORTING LIFESTYLES,** )

**Defendant.** )

**Case No.: 23-CV-2016-900136**

**ORDER**

---

This matter came on for hearing as previously ordered by the Court to determine whether the Petitioner was entitled to a preliminary injunction. The Petitioner, the City of Andalusia, had representatives present and was represented by its attorney. The Respondent, John W. Tisdale, Jr., was not present. Neither was anyone present representing him.

The City of Andalusia put on evidence showing that John W. Tisdale, Jr. had purchased a business license for the business, Sporting Lifestyles, at 400 Westgate Plaza, Andalusia, AL 36420, from 2011 through 2015. The evidence also showed that no license had been purchased for 2016 even though a delinquency notice and certified letters had been sent. The City of Andalusia was authorized by statute to calculate an estimated fee for the business license using the most accurate and complete information the City could reasonably obtain, and it did so and entered a preliminary assessment of \$2,501.73. The Respondent was notified of the preliminary assessment and did not

object, and the preliminary assessment then became final.

The Petitioner gave Respondent a written demand for immediate payment of the final assessment of the business license fee, and that written demand was received by the Respondent on October 7, 2016 through certified U.S. Mail, return receipt requested, but the Respondent has still not paid the business license fee for Sporting Lifestyles.

The evidence also showed that in addition to the business license for 2016, the year at issue, the Respondent has not paid for a business license for Sporting Lifestyles for 2017 either, and that business license fee is now also delinquent.

Thus, the Court finds that a preliminary injunction is due to be granted as requested by the Petitioner, both because the Respondent failed to appear and defend at the hearing and because the evidence at the hearing gives the Court reasonable cause to believe that the Respondent owes a debt to the Petitioner for a business license and that the Petitioner has complied with the notice and other requirements of Code of Alabama § 11-51-150. The fact that the Respondent has not paid for this year's business license makes it appear to the Court that the failure to pay is willful and not a mere oversight.

Therefore, it is ORDERED that the Court hereby grants a preliminary injunction as requested by the City of Andalusia. The Court enjoins the operation and conducting of any business at the business known as Sporting Lifestyles within the corporate limits of the City of Andalusia because Sporting Lifestyles is delinquent in payment of its business license fees for 2016.

In order to comply with this order, the Defendant, owner, president, manager, or other responsible person at the business known as Sporting Lifestyles shall do the following immediately upon service of this order:

1. Close and lock the doors that allow public access.
2. Place a "Closed" sign in a prominent place.
3. Allow current customers to complete their transactions and exit the business.
4. Cease all business operations until further order of the Court.

The Sheriff of Covington County (or his designee) is ORDERED to personally serve this order upon the Defendant if he is at the business. If not, service will be completed by serving the order on the employee in charge of the business at that time.

It is further ORDERED that the Sheriff (or his designee) shall remain at the premises for a reasonable time (not more than 30 minutes) to determine compliance with paragraphs 1-3 above. If the business fails to comply, the Sheriff (or his designee), shall exit the business, note the circumstances in writing, and file the same with the Circuit Clerk without delay.

Pursuant to Code of Alabama § 11-51-154(a), this preliminary injunction shall not be dissolved until the Respondent executes a bond of \$7,500.00 (which the Court deems to be sufficient to cover the amount of the preliminary assessment listed in the complaint, plus additional interest and penalties that have accrued since the filing of the complaint, plus the amount of the 2017 business license fee which the Petitioner intends

to add to the complaint by amendment, plus court costs) with sufficient surety to be approved by the Clerk of the Court, and said bond shall include a waiver of exemptions as to personal property, conditioned to pay such judgment and lawful court costs as the Court upon final hearing may enter against the Respondent. Alternatively, the parties are encouraged to agree on the amount to be entered in a consent final judgment, in which case the injunction shall be permanently dissolved upon the payment in full of the amount of said judgment and the court costs, or the injunction may be dissolved as otherwise provided by Code of Alabama § 11-51-153, *et seq.*

Done and Ordered this 15<sup>th</sup> day of March, 2017.

s/Benjamin M. Bowden  
Benjamin M. Bowden  
Circuit Judge

**SERVICE**

I hereby acknowledge service of this Order as directed above by personally serving

\_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_.  
(printed name of person served) (place of service) (date & time)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Office/Position