

# Judge in Alabama Immigration Lawsuit: You Are Going to Have to Be a Little More Specific

By: Rutledge & Yaghmai

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Chief U.S. District Judge Sharon Lovelace Blackburn, the federal judge who is charged with deciding the legality of Alabama's new immigration law, has ordered one group of plaintiffs to revise its lawsuit to be more specific about their claims. As reported by the [Birmingham News](#), plaintiffs in the lawsuit filed by the Hispanic Interest Coalition and others must file the amended lawsuit by Sept. 16.

State officials had argued that the HICA lawsuit is a "shotgun" pleading that contains "redundant, immaterial, impertinent," and "scandalous" material, Blackburn noted in her order.

Meanwhile, the plaintiffs opposed the state's motion for a more definitive statement of the complaints and contend that their complaint contains all the information defendants need to discern their claims, according to court documents.

By definition, a shotgun pleading contains several counts, each one incorporating by reference the allegations of its predecessors, leading to a situation where most of the counts (i.e., all but the first) contain irrelevant factual allegations and legal conclusions. As a result, it is oftentimes difficult to discern which allegations of fact correspond to which defendant or claim for relief.

Ultimately, Blackburn agreed that the pleading is a shotgun complaint, noting that the HICA complaint was brought by 36 plaintiffs against 11 defendants, and contains 380 paragraphs, including 144 paragraphs of facts and history, and 9 claims. The complaint does not specify which plaintiffs are bringing which counts against which defendants, she wrote.

As Blackburn noted, the federal rules of civil procedure do not require defendants and the court to sift through the facts presented and decide which facts are "material to the particular cause of action asserted."

Thus, Blackburn stated that the revised complaint should specify "the plaintiff or plaintiffs on whose behalf the claim is asserted, the defendant or defendants against whom relief is sought, and all allegations of fact that support that discrete claim."

As we noted in a previous blog post, Blackburn has issued a temporary injunction to block implementation of the law, which was to go into effect Sept. 1, to give her more time to rule on the preliminary injunction. She will issue an order on the preliminary injunction no later than Sept. 28.

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## **About Rutledge & Yaghmai** <http://rylaw.net/>

Rutledge & Yaghmai (R & Y) is a full service litigation firm that offers more than fiftyseven years of diverse legal experience. Formed in 2006, Rutledge & Yaghmai concentrates on giving each case individual attention as opposed to carrying a mass a number of cases. That way they are able to develop a lifelong relationship with clients.

### **William Rutledge**

William Eugene Rutledge graduated from the University of Alabama in 1960. He graduated from the University of Alabama Law School 1966. Mr. Rutledge served as a Captain in the Judge Advocate General's Corps, U.S. Army and as Chief of Military Justice at Fort Bliss, Texas. He was trial counsel for the United States where he prosecuted several nationally publicized court marshalls. He was the recipient of the Distinguished Service Medal for his trial work in the Army.

He began the practice of law in Birmingham, AL on August 1, 1966. His early trial practice was a mixture of business litigation and railroad related litigation. He has a strong appellate practice in which he has excelled since the early 1970s and continues that practice till the present time. He has handled over 100 cases in the state appellate system and 80 cases in the federal appellate system.

He specialized through the years of his practice in business formations. He has assisted new entrepreneurs in the formation and strategy of their businesses. Also, he represents companies in business litigation. Cases have ranged from business disputes among members to representing smaller companies against the "larger corporations." Practice memberships include the Bar of the Alabama Supreme Court, the United States District Court for the Northern, Middle and Southern Districts, the United States Court of Appeals for the Eleventh Circuit, and the Supreme Court of the United States. He is married to Sherry Crittenden Rutledge and has four children and six grandchildren.

### **Greg Yaghmai**

Greg graduated with honors from The Citadel where he received his bachelor's degree in Business Administration. In 1997, he received his law degree from Cumberland School of Law.

For the first four and half of years of his legal career, Greg served as a Deputy District Attorney for the Jefferson County, Alabama District Attorney's Office. By age 26 he tried his first death penalty case. He went on to try either solo or as lead counsel seven capital murder and six murder cases. He also had the benefit of being the first lawyer in Alabama to be certified by the Alabama State Troopers as a Traffic Homicide investigator. He obtained this after attending a two-week seminar, which required him to live in a closed military base with forty other police officers. He also had the unique experience of being provided alcohol in a controlled setting so he could be utilized by the Jefferson County Sheriff's training academy in officers learning how to administer field sobriety tests. He is a member of the National College for DUI Defense (NCDD) which is a prestigious organization defending those charged with DUI.

He subsequently left the DA's office to become a partner in a forty lawyer civil litigation firm. This firm concentrated mostly on civil defense work, but Greg continued to expand his plaintiff and criminal defense practice.

In 2006, he co-founded Rutledge & Yaghmai. One of Greg's goals was to reduce the number of cases handled to allow for more individual attention to each case. Rutledge & Yaghmai maintains a general litigation practice. Greg focuses on personal injury, business litigation, and criminal defense cases.

Greg has truly handled cases from all sides: criminal prosecution/defense and civil plaintiff/defense. Overall, Greg has tried more than seventy-five jury trials to conclusion. He has significant experience in using visual presentations and present day media applications in presenting cases to jury. His ultimate jury consultant is his wife, Brandi, who he met when she served on the jury of a rape/kidnapping case he tried.

He has recently been asked to teach Trial Techniques for the International Web based site Solo Practice University. There he will share his expertise in trying jury cases.

Greg is licensed in all state and federal courts in Alabama and the 11th Circuit