Public/Private Nuisance: Alabama Circuit Addresses Preliminary Injunction Request Involving Quarry

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The Circuit Court of Limestone County, Alabama ("Circuit Court"), addressed in a January 23rd Order issues involving an alleged public and/or private nuisance. *See New Beginnings Covenant Ministries, v. Stoned LLC,* No. 2024–900436 (Cir. Ct. Limestone Cnty., Ala. Jan. 23, 2026).

The question considered was whether to issue a Motion for Preliminary Injunction ("Motion") halting a limestone quarry operation pending a permanent injunction hearing scheduled in April 2026.

Four local, Belle Mina churches and three individual residents who live directly across from an open-pit quarry ("Plaintiffs") filed a Motion against Grayson Carter & Son Contracting, Inc. ("Grayson") and other business entities of Grayson based in Limestone County (collectively, "Defendants") on October 10, 2025.

The Plaintiffs alleged that the Defendants' operation of the limestone quarry in Belle Mina constitutes a public and/or private nuisance.

- A public nuisance is "one which damages all persons who come within the sphere of its operation. A private nuisance is one limited in its injurious effects to one or a few individuals." Ala. Code § 6–5–121.

Grayson performs mining and extraction operations at the limestone quarry in Belle Mina. It employs a workforce of roughly seven-hundred people, qualifying it as one of Limestone County's largest employers. Grayson opened for business twenty-five years ago. The other named Defendants are business entities that own or lease the real estate and mineral rights of the quarry site.

The question considered was whether the Plaintiffs presented sufficient evidence to justify the issuance of a Preliminary Injunction

A party seeking a Preliminary Injunction must prove:

1. The party would suffer irreparable harm without the injunction;
2. The party has no adequate remedy at law;
3. The party has at least a reasonable chance of success on the ultimate merits of the case; and,
4. The hardship that the injunction will impose on the opposing party will not unreasonably outweigh the benefit accruing to the party seeking the injunction.

The Plaintiffs alleged that the limestone quarry operations constitute a public and/or private nuisance because of their generation of excessive dust and air pollution that:

- Affects the use and enjoyment of their property.
- Create substantial disturbances including:
- Heavy truck traffic.
- Noise.
- Blasting vibrations.
- Fly rock.
- Intrusive bright lights that disturb them at night.
- Risk of subsidence.

The Circuit Court addressed whether:

1. The Plaintiffs suffered irreparable harm with no adequate remedy at law; and,
2. Whether the Plaintiffs have a reasonable chance of success on the merits in order to determine whether the Motion should be granted.

The Circuit Court concluded the following:

- The fugitive dust deposited on the Plaintiffs' property was substantially and unreasonably inconvenient to the Plaintiffs' however, the injury can be partially remedied through legal damages by an award of compensation for any cleaning, painting, maintenance, and/or car-washing costs incurred.
- The increased truck traffic alleged by the Plaintiffs did not constitute a nuisance because the Defendants implemented steps to mitigate the traffic congestion.
- The Plaintiffs did present sufficient evidence to show that the noise created by the quarry operations and the bright lights peering over the berm at night constituted a substantial and unreasonable intrusion in that no award of money damages could alleviate the injuries.
- The Plaintiffs allegations about the vibrations at the quarry threatening the structural stability of their homes and buildings did not constitute a legal nuisance because the vibrations are within the U.S. Bureau of Mines ("USBM") safety threshold and too infrequent and momentary.
- The Plaintiffs did not provide sufficient evidence that the existence of the quarry poses an imminent threat of subsidence or sinkhole formation.

Plaintiffs argued that the balancing of equities favors their interest. They asserted that denying the Motion will cause continued interference with their use and enjoyment of their properties. This includes the possibility of abandonment of their ancestral homes. Further, the impact on the Defendants is argued to be relatively small due to the Defendants' financial security.

The Defendants responded that they have invested millions of dollars in quarry development and hired multiple full-time workers who would be laid off, losing their wages and benefits, if the Circuit Court granted the Motion. The Defendants' position is that the Plaintiffs are ignoring the growing residential and industrial development in southeast Limestone County.

The Circuit Court concluded that both sides have a valid point.

On the one hand the Circuit Court acknowledges the Plaintiffs genuine concern that the quarry's effects will force them to leave their homes. On the other hand, the Defendants argue that southeast Limestone County embodies the epicenter of economic and industrial development in north Alabama, and such progress demands infrastructure, rooted in stone and gravel, which becomes expensive if not quarried within a twenty-five-to-fifty-mile radius of development.

The Circuit Court found that the Plaintiffs do not have a reasonable chance of success on the public nuisance claim but do have a reasonable chance of success on the merits of their private nuisance claims. See Ala. Code § 6–5–121.

Because some of the Plaintiffs claims did demonstrate a substantial likelihood of success, the Circuit Court granted in part and denied in part the Motion for Preliminary Injunction.

A copy of the Order can be found here.