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CIRCUIT COURT OF
LIMESTONE COUNTY, ALABAMA
KELLY DAVIS, CLERK

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

NEW BEGINNINGS COVENANT MINISTRIES, *ET AL*,	*	
Plaintiffs,	*	
v.	*	CASE NO. CV 2024-900436
STONED, LLC, *ET AL*,	*	
Defendants.	*	

ORDER

This case involves an equitable claim by homeowners and churches in the Limestone County hamlet of Belle Mina maintaining that a neighboring limestone quarry constitutes a public and/or private nuisance. The present question before the Court is whether to issue a preliminary injunction halting quarry operations pending a permanent injunction hearing scheduled in April 2026.

PROCEDURAL POSTURE

On December 19, 2024, the Court denied the Plaintiffs' motion for a temporary restraining order before any mining or extraction at the quarry site began. At that time, the proposed quarry represented an alleged anticipated nuisance which courts are "exceedingly unwilling to enjoin . . . until it has been proven at trial to be a nuisance." Hall v. North Montgomery Materials, LLC, 39 So. 3d 159, 171 (Ala. Civ. App. 2008). Production blasts commenced on

January 27, 2025, and operations gradually expanded until the underlying infrastructure's establishment enabled the quarry to achieve stabilized full production in July 2025.

During this interval, the parties hired experts, deposed witnesses, and gathered information to identify the real-world effects of the Belle Mina quarry upon the Plaintiffs and their properties. On October 10, 2025, the Plaintiffs filed a motion for preliminary injunction. The Court scheduled the motion for hearing on the 7th and 8th days of January 2026 to grant the parties sufficient time to marshal their arguments, witnesses, and evidence. The Court heard over fourteen (14) hours of argument and testimony, and received into evidence a considerable number of documents, the majority of which are highly technical.

In addition, the Plaintiffs offered sworn affidavits from witnesses to which the Defendants objected. The Defendants' objection is hereby overruled, and the Court will admit the affidavits as evidence. Sun Kum Bamberg v. Bamberg, 441 So. 2d 970, 971 (Ala. Civ. App. 1983) (holding that at a preliminary injunction hearing, the evidence may take the form of a verified affidavit). In weighing this evidence, however, the Court bears in mind that the opinions propounded in the affidavits have not been tested in the crucible of cross examination.

FACTS

Introduction

The Plaintiffs are four local, Belle Mina churches and three individual residents who live directly across from the open-pit quarry on two-lane Mooresville Road. In 2018, Plaintiff New Beginning Covenant Ministries (hereinafter "NBCM") began assembling at the former Morning Star United Methodist Church building on Mooresville Road. NBCM's pastor, Eddie Walton, grew up 300-400 yards from the quarry site. His ancestors purchased land in Belle Mina, dwelt there for generations, and worshipped at the Morning Star church building where he now preaches.

Plaintiff Brad Vice resides on Mooresville Road across from the temporary quarry entrance. Vice and his wife Brittney moved nine (9) years ago into the house which Brittney's great-grandparents built. Two years ago, they welcomed a daughter named Brecken who suffers from mild asthma. Plaintiff Nina Perez lives at her house on Mooresville Road with her twin sister, her husband, and her two grandchildren. She struggles with asthma and chronic sinusitis. Plaintiff Sandra Diaz also lives across the two-lane road from the limestone quarry with her children and grandchildren. A stay-at-home mom, Sandra remains primarily at her residence during the day.

Based in Limestone County, Defendant Grayson Carter & Son Contracting, Inc. (hereinafter "Grayson") employs a workforce of roughly

seven-hundred (700) people, qualifying it as one of Limestone County's largest employers. Grayson opened for business twenty-five (25) years ago and performs the mining and extraction operations at the limestone quarry in Belle Mina. The other named defendants, Stoned LLC, Elephants R Us LLC, and Landquest Properties, LLC, are business entities which own or lease the real estate and mineral rights of the quarry site.

Dust and Air Quality

The Plaintiffs assert that fugitive dust discharged from the quarry pollutes the air and affects the use and enjoyment of their property. They describe the clouds of dust emanating from the quarry as "unbelievably bad." They testified that the fugitive dust exacerbates asthma symptoms, clogs air filters, and coats vehicles, porches, and outdoor furniture. After rainfall, the dust clots into a white, cakey paste that compels constant car-washing and cleaning. The Plaintiffs have postponed potential improvements to their house and building façades due to the increased presence of dust.

They presented the testimony of Dr. Michael McCarthy, an environmental consultant specializing in air quality analysis. McCarthy testified that the quarry operations transport fugitive dust onto adjacent properties according to data he gathered with QuantAQ monitors calibrated to analyze air quality. The monitors detected an increase in PM10 (particulate matter 10 microns in size) emissions from April through November 2025 as the

quarry reached full production. McCarthy compared the results of the monitors stationed near the quarry to a monitor at a neutral, background site on Fennell Road. When controlled for weather events, the results demonstrated an increase from 30% to 500% in PM10 near the Plaintiffs' properties. Dr. McCarthy travelled to the quarry site for personal observation noting that the fugitive dust originated from the rock crusher area where bulldozers created stockpiles of various sizes of rock. He also witnessed dust billowing off dump trucks as they exited the quarry. On cross examination, McCarthy admitted that the QuantumAQ monitors he utilized are not certified for regulatory use. His calculations also did not consider other sources of PM10 emissions common to the area in autumn, such as soybean harvesting, which would explain a spike in emissions in October.

The Defendants offered the testimony of Mr. Sal Muhammad, an air quality project manager and an expert in air emissions calculations, regulations, air permitting, and air permit-related compliance. He testified that, assuming the emissions detected by McCarthy's monitors are correct, the PM10 concentrations created by the quarry comply with the health-based National Ambient Air Quality Standards (NAAQS) promulgated by the EPA with the exception of one day, which even McCarthy discounted due to fog and weather conditions. Muhammad stated that the EPA analyzes particulate matter data on a 24-hour average, a metric that McCarthy did not calculate. When evaluating the raw data in this way, Muhammad concluded that

Grayson's operations fully conform to all EPA and ADEM air quality requirements.

Truck Traffic

The Plaintiffs argue that a parade of dump trucks, water trucks, and other large-axle trucks constantly enter and exit the quarry property on Mooresville Road causing them annoyance. Numbering in the hundreds per month, the trucks allegedly spread fugitive dust, stress the roadway, and create persistent noise by accelerating, decelerating, and braking.

The Plaintiffs' testimony suggested that these trucks impede traffic flow and daily produce a muddy trail on the roadway as red dirt is spilt onto the road and water trucks attempt to wash off the residue. Mrs. Perez testified that the traffic issues forced her to change her work route, lengthening her commute. Grayson, on the other hand, offered testimony that it had established a system of direct communication with the truck drivers to ameliorate the traffic congestion. Turn lanes will be added to Mooresville Road in the future at the permanent entrance to divert traffic, but the trucks have, at times, blocked traffic by using the wrong lane to enter the quarry. Grayson also employed wet suppression methods and tire sprayers to limit the quantity of dirt and dust escaping the quarry by means of the trucks.

Noise

Undeniably, Grayson's limestone quarry operations generate noises heard audibly off the quarry property. A temporary and movable rock crusher erected roughly 300 feet east of Mooresville Road supplies the lion's share of the noise during daylight hours. It runs eight (8) to ten (10) hours each day except Sunday. Grayson located the crusher at the present location for operating convenience with intentions of constructing a permanent crusher 3,000 feet to the north. The Plaintiffs described the sounds created by the crusher as a constant roar with chopping, beating, and banging. They also object to other noises emanating from the quarry such as the sounds of heavy equipment and a "pecking noise" during the night consistent with a breaker attachment. According to the Plaintiffs, the noise disturbs their sleep, thwarts relaxation, and interrupts the once serene stillness of rural living. They offered videos corroborating their testimony.

The Plaintiffs and Defendants presented the testimony of their respective acoustical engineers—Mr. William Thornton for the Plaintiffs and Mr. Erich Thalheimer for the Defendants. Thornton installed four Type 1 sound level meters at various locations around the quarry to compare ambient background noise with the sounds generated by the quarry. When examining the data, he determined that quarry noise routinely exceeded the ambient background sound by up to eight (8) times louder in decibels. Thornton argued that such an increase in sound causes conversation interference, disrupts

outdoor activities, and propagates into houses at levels sufficient to cause sleep interference. He also physically observed the quarry site and stated that he was "dumbfounded" to witness the close proximity between the Plaintiffs' residences and the rock crusher. Thornton testified that he has performed acoustical research on roughly thirty (30) open-pit mines in his career and never observed a crusher so close to residential housing. He explained that doubling the distance between a noise source, such as a rock crusher, and a receiver reduces sound by six (6) decibels.

Thalheimer, however, argued that Thornton's methodology exaggerated the noise metrics to demonstrate the worst-case scenario. Thalheimer testified that the noise hardship threshold, the point at which a sound becomes excessive, occurs when noise increases by ten (10) decibels. His own analysis of the data gathered by the sound meters proposed the quarry noise constituted a rise of about seven (7) decibels and would be rendered almost negligible inside the Plaintiffs' houses. While his experience with aggregate quarries numbered roughly half a dozen, he also stated that he had never witnessed a rock crusher in such close proximity to residential housing.

Blasting Vibrations and Flyrock

The Plaintiffs allege that the explosive blasts performed at the quarry threaten the structural stability of their houses and buildings in Belle Mina. They offered testimony that these blasts frighten them and rattle objects inside

their houses. Additionally, one Plaintiff found a baseball-sized rock in his yard and speculated that it may be flyrock from a previous blast.

Both sides presented the testimony of experts in mining engineering to offer opinions about the effects of explosive blasting and the accompanying vibrations—an affidavit of Dr. Gennaro Marino for the Plaintiffs, and Mr. Kurt Oakes, Director of Technical Service for North America at Austin Powder Company, for the Defendants. While Marino asserted in his report that blasts from the quarry site may damage surrounding structures, roads, and gas lines, Oakes, who helped design the explosive shots at the Belle Mina quarry, took exception to Marino's report. In his oral testimony, Oakes advised the Court that blasts at the quarry occur approximately once a week and last for less than a second. He testified that five seismographs installed by an independent provider monitored each of the approximately forty (40) explosive blasts to date and that none exceeded the 8507 safety threshold promulgated by the U.S. Bureau of Mines (USBM). In addition, he argued that Marino's report did not consider the best available technologies in explosive engineering and drilling blast design, and failed to account for associated frequencies, an essential consideration when calculating whether blasting vibrations exceed the safety threshold.

Upon review of the designed blasts at Belle Mina, Oakes further testified that, in his professional opinion, fly rock from the blasts could not have reached the Plaintiffs' properties. He explained that Austin Powder

employs Paradigm software for blast design and flyrock modeling to limit and prevent rock from landing outside the blast area. Oakes also stated that he has witnessed rock crushers within two hundred (200) feet or so of residential housing in the Upper Midwest, though the quarries in those instances were temporary and single-project based.

Light

The Plaintiffs contend that bright lights which radiate from the quarry disturb them at night. The Court heard testimony that a "stadium light" occasionally shines brightly onto the Plaintiffs' property requiring the installation of blackout curtains covering windows. Timothy Morris, director of special projects for Grayson, acknowledged that the quarry operators use light at night as a safety precaution. He admitted that instances arose early in the quarry's development where light shone over the berm erected to conceal it. On one occasion, Limestone County engineer Mark Massey phoned Morris to report a light shining towards Mooresville Road potentially blinding motorists. Morris testified that Grayson adjusted on-site lighting and added height to the berm of up to twenty-four (24) feet in places to eliminate any direct line of sight of the lights from properties surrounding the quarry.

Risk of Subsidence

The Plaintiffs allege that the presence of karst geology in the Belle Mina area creates a risk of subsidence and sinkhole development on their properties. They offered the affidavit and report of Mr. Benjamin Peterson, a geologist and geophysicist, who alleged that: 1) Karst features, including sinkholes, are located in the region of Belle Mina; 2) a supposed, unmapped sinkhole of karstic limestone exists on the quarry site; 3) sinkholes in Belle Mina show signs of recent subsidence; 4) dewatering operations of the quarry will lower groundwater levels; and 5) a water table decline will create conditions known to cause subsidence and sinkhole development.

The Defendants called Mr. Brent Waters, a licensed professional geologist, to testify in open court to review and rebut Peterson's report. Waters testified that Peterson reached his conclusions based upon the geophysical methods of electrical resistivity tomography (ERT) and a groundwater flow model. Waters argued that though Peterson's profiles assumed very high resistivity, which would suggest the presence of significant amounts of water and fracturing in the subterranean rock, the drilled core samples and physical observations of the quarry's surface convey the opposite impression—a relatively flat top of bedrock largely devoid of any pinnacled or weathered features. In addition, Waters stated that the high rock quality designation (RQD) and core recovery from the drilled borings suggests the presence of hard rock without karst voids beneath the quarry. Because this finding implies low

hydraulic conductivity and a narrow cone of depression, he reached the conclusion that the risk of subsidence or the emergence of a sinkhole was particularly low.

LEGAL PRINCIPLES

Nuisance

Alabama statutory law defines and describes nuisances as follows:

> "A 'nuisance' is anything that works hurt, inconvenience, or damage to another. The fact that the act done may otherwise be lawful does not keep it from being a nuisance. The inconvenience complained of must not be fanciful or such as would affect only one of a fastidious taste, but it should be such as would affect an ordinary reasonable man."

Ala. Code § 6-5-120.

> "Nuisances are either public or private. A public nuisance is one which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals. A private nuisance is one limited in its injurious effects to one or a few individuals. Generally, a public nuisance gives no right of action to any individual, but must be abated by a process instituted in the name of the state. A private nuisance gives a right of action to the person injured."

Ala. Code § 6–5–121.

The law of nuisance in Alabama "rests upon the principle that every man must so use his property as not to injure that of his neighbor." Acker v. Protective Life Ins. Co., 353 So. 2d 1150, 1152 (Ala. 1977). It applies "[i]f the intrusion is to the interest in use and enjoyment of property." Borland v.

Sanders Lead Co., 369 So. 2d 523, 529 (Ala. 1979). "[I]t has been repeatedly held that smoke, offensive odors, noise, or vibrations, when of such degree or extent as to materially interfere with the ordinary comfort of human existence, will constitute a nuisance." Baldwin v. McClendon, 292 Ala. 43, 49, 288 So. 2d 761, 765 (1974).

Preliminary Injunction

A party seeking a preliminary injunction must prove (1) that the party would suffer irreparable harm without the injunction, (2) that the party has no adequate remedy at law, (3) that the party has at least a reasonable chance of success on the ultimate merits of the case, and (4) that the hardship that the injunction will impose on the opposing party will not unreasonably outweigh the benefit accruing to the party seeking the injunction. Bethel v. Franklin, 381 So. 3d 1121, 1126 (Ala. 2023).

ANALYSIS

Irreparable Harm and No Adequate Remedy at Law

To be clear, the Court at this time is not deciding whether the limestone quarry in Belle Mina categorically constitutes a nuisance, only whether the Plaintiff presented sufficient evidence to justify the issuance of a preliminary

injunction. To that end, the Court will address the preliminary injunction considerations in turn.

Alabama law defines irreparable harm as "an injury that is not redressable in a court of law through an award of money damages." Ormco Corp. v. Johns, 869 So. 2d 1109, 1113 (Ala. 2003). Whether an adequate remedy at law exists asks the same question—whether monetary compensation can appropriately remedy an injury—so the Court will address the first two prongs in tandem. First, the Court must determine whether the Defendants' quarry operation injures the Plaintiffs. Tipler v. McKenzie Tank Lines, 547 So. 2d 438 (Ala. 1989). Second, if the Court so finds, the issue becomes whether pecuniary damages can remedy the harm created by the nuisance.

"The essence of private nuisance is an interference with the use and enjoyment of land." Morgan Cnty. Concrete Co. v. Tanner, 374 So. 2d 1344, 1346 (Ala. 1979) "So long as the interference is substantial and unreasonable, and such as would be offensive or inconvenient to the normal person, virtually any disturbance to the enjoyment of property may amount to a nuisance." Id. Undoubtedly, the Belle Mina quarry inconveniences the Plaintiffs. Whether the Plaintiffs suffered a legal injury, however, depends upon whether the inconvenience caused by the quarry is substantial and unreasonable to the ordinary person. Courts apply this objective standard to determine whether the operation at issue is "of such character as to be a nuisance to those persons

of average mental and physical condition." First Ave. Coal & Lumber Co. v. Johnston, 171 Ala. 470, 477, 54 So. 598, 600 (1911).

A few illustrative cases cited by the parties help contextualize the Court's inquiry. In Parker v. Ashford, for example, neighbors of a landowner who intended to construct a proposed racetrack brought suit to enjoin the landowner from building or operating the racetrack. 661 So.2d 213 (Ala. 1995). After the trial court issued a permanent injunction, the Alabama Supreme Court affirmed the trial court holding that, under a heightened burden for anticipated nuisances, the neighbors proved that it was not reasonably possible for the racetrack to be constructed and operated without creating a nuisance. Id. at 218. The Court reasoned that the racetrack would cause irreparable harm by generating noise sufficient to cause the neighbor's potential hearing loss, and by radiating at least six (6) unimpeded 1,500-watt lights upon the neighbor's properties. Id.

In Hall v. North Montgomery Materials, LLC, the State of Alabama and local residents sought to enjoin a mining company from developing a proposed gravel quarry. 39 So.3d 159 (Ala. Civ. App. 2008). The trial court denied the injunction, but the Court of Civil Appeals reversed finding that the residents offered undisputed evidence demonstrating that heavy truck traffic servicing the quarry would deteriorate poorly conditioned farm-to-market roads rendering them unsafe. Id. at 176. On the claims of air pollution and noise, however, the Court affirmed the trial court reasoning that its' factual findings

were not plainly erroneous or manifestly unjust under the higher burden of proof required for anticipated nuisances. Id. at 173-174.

In Morgan County Concrete Co. v. Tanner, ninety-eight (98) homeowners filed to enjoin the proposed construction and operation of a ready-mix concrete plant. 374 So. 2d 1344 (Ala. 1979). The trial court enjoined the plant from operation roughly two and a half months after it began. Id. The Alabama Supreme Court upheld the injunction explaining that the homeowners offered credible evidence that noise and dust accumulations would substantially and unreasonably interfere with the use and enjoyment of their property:

> "At trial the evidence was conflicting as to the amount of dust and noise created by operation of the plant. Some residents testified that they noticed no increase of dust and noise since the plant began operations while other residents testified as to substantial increases of noise and accumulations of dust. Many residents testified that the operation of the plant severely interfered with the use and enjoyment of their homes. They testified that substantial quantities of white dust accumulated both inside and outside their homes, and on their cars, yard furniture, and patios, preventing them from hanging clothes outside to dry, opening windows, or cooking outside. These witnesses also testified that the plant produced loud and bothersome noises sounding like "jackhammers" and "large rocks beating against tin." They stated these noises would commence early in the morning and were loud enough to be heard indoors. Some witnesses also testified that they were bothered by noises from frontend loaders and cement trucks entering the plant for their loads which often entailed banging the tailgates to dislodge sand residues.

Morgan Cnty. Concrete Co. v. Tanner, 374 So. 2d 1344, 1345 (Ala. 1979).

The Supreme Court identified location as an important consideration when determining whether a given activity constitutes a nuisance. Id. at 1346. For example:

> "What may be a nuisance in one locality may not in another. Noises may be a nuisance in the country which would not be in a populous city. A person who resides in the center of a large city must not expect to be surrounded by the stillness which prevails in a rural district. He must necessarily bear some of the noise and occasionally feel slight vibrations produced by the movement and labor of its people and by the hum of its mechanical industries."

Id.

The area surrounding the concrete plant included both residential and commercial property as well as a major highway, but the city council had recently rezoned the property from light industrial, which would have prohibited the plant, to general industrial. Id. at 1347. The Court held that the determination of whether the area was primarily residential or industrial for purposes of a nuisance analysis was a matter left to the sound discretion of the trial court. Id.

With respect to the Belle Mina Quarry, the Court finds the Morgan Co. Concrete case most factually similar. While Parker and Hall addressed anticipated nuisances, the operating concrete plant in Morgan Co. Concrete is more comparable to the currently operational limestone quarry here. Much of the evidence is analogous as well—accumulations of white dust inside and outside of houses; loud and bothersome noises like "jackhammers" and "rocks beating against tin;" the sounds of noisy heavy equipment, etc.

On the other hand, one salient fact distinguishes this case from Morgan Co. Concrete. The developers of the concrete plant positioned it within Hartselle city limits, subject to zoning and land use restrictions, and adjacent to a residentially zoned district. In affirming the trial court's injunction, the Supreme Court emphasized that the concrete plant's location would have been prohibited by the prior zoning district but for the recent rezoning. Presumably, this engendered a reasonable expectation among the homeowners that they were sheltered from a general industrial use bordering their properties. In the unzoned areas of Limestone County such as Belle Mina, however, property owners have much broader discretion in how to develop their land, subject only to statutory or common law restrictions or any applicable state regulations.

Parker and Hall, while not directly on point, offer guidance as well. Though the noise here pales in comparison to the racetrack noise in Parker, the Court held that the bright lights shining upon the neighbors' properties also constituted a nuisance. And Hall clarifies that not all discharges of dust and noise necessarily create a nuisance. The evidence must establish that the asserted nuisance is both substantial and unreasonable.

After careful consideration of the evidence in this case, the Court finds that the evidence presented was insufficient to prove that the concentrations of particulate matter detected at the Plaintiffs' properties produce harmful health effects. Without some form of medical evidence, the Court cannot determine whether the increased dust is substantially affecting those with

asthmatic symptoms, and even if it did, the relevance of such evidence to a nuisance analysis is questionable given the objective standard the law applies.

The Court does find, however, that the quantity of fugitive dust deposited on the Plaintiffs' properties, primarily caused by their close proximity to the rock crusher, substantially and unreasonably inconveniences the Plaintiffs. This injury can partially be remedied through legal damages by an award of compensation to Plaintiffs for any cleaning, painting, maintenance, and/or car-washing costs incurred. But the Plaintiffs' full enjoyment of their property includes the ability to experience the outdoors without unreasonable intrusions, a restoration of which money damages cannot entirely remedy.

Concerning the Plaintiffs' truck traffic claim, the Court notes that the traffic on Mooresville Road has consistently grown over the past decade with tractor trailers and other large trucks frequenting this arterial route between Highway 72 and Interstate 565. This reality informs the Court's judgment that increased truck traffic along Mooresville Road does not alone constitute a nuisance. The evidence demonstrated that the Defendants affirmatively implemented steps to mitigate traffic congestion, suppress truck-related dust, and design a future, permanent truck entrance with a turn lane farther north. When blocking traffic and queueing on the wrong side of the road, however, the trucks create a hazardous situation, endanger the Plaintiffs' ability to

safely enter the roadway, and thus substantially and unreasonably interfere with the use of their property.

The Court further finds from the evidence presented that the Plaintiffs sufficiently established that the noise created by quarry operations can, at times, cause substantial and unreasonable interference with the Plaintiffs' daily activities, enjoyment of the outdoors, and sleep. Bright light sources peering over the berm during the darkness of night also constitute substantial and unreasonable intrusion. The Court finds that an award of money damages cannot alleviate these injuries.

Upon careful review of the evidence, the Court finds that the vibrations of the forty-one (41) explosive blasts performed at the quarry are within the USBM safety threshold and too infrequent and momentary to constitute a legal nuisance. Because the blasts meet the safety threshold, the Court finds the risk of structural or property damage caused by the blasts to be exceedingly low. The Court also finds insufficient evidence to establish that flyrock from the blasts landed off the quarry site.

And after consideration of the geological experts' testimony, the Court does not find sufficient evidence to believe that the existence of the quarry poses an imminent or legitimate threat of subsidence or sinkhole formation. Karst geology is pervasive throughout the Tennessee Valley, yet nearly two dozen active, open-pit mines operate in the region. The direct, physical evidence of the RQD and core recovery, which indicates the presence of high-

quality limestone on the quarry site, provides more compelling evidence than indirect, geophysical methods.

Reasonable Chance of Success on the Merits

Upon finding that the Plaintiffs proved irreparable harm with no adequate remedy at law, the Court now considers whether the Plaintiffs have a reasonable chance of success on the merits. The Plaintiffs allege that the Belle Mina quarry creates both a public and/or private nuisance. A public nuisance is defined as "one which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals." Ala. Code § 6-5-121. In other words, a public nuisance constitutes "an offense against the public, either by doing a thing which tends to the annoyance of all persons, or by neglecting to do a thing which the common good requires." State v. Epic Tech, LLC, 323 So.3d 572, 586 (Ala. 2020).

Because the Court finds that the Plaintiffs did not establish sufficient evidence regarding the risk of subsidence or threats of structural damage from the explosive blasts, the Court determines that the Plaintiffs do not have a reasonable chance of success on the public nuisance claim. The thrust of the Plaintiffs evidence that the Court found compelling concerned the effects of the dust and noise upon the individual Plaintiffs. Because private nuisances are "limited in [their] injurious effects to one or a few individuals," the Court

determines that the Plaintiffs do have a reasonable chance of success on the merits of their private nuisance claims. Ala. Code § 6–5–121.

Balancing of Equities

The Plaintiffs argue that the balance of equities favors their interest. Were the Court to permanently enjoin the quarry in April, they assert, the Defendants will only be wasting resources in the interim if the Court does not temporarily stop the quarry now. They claim that denying the preliminary injunction will cause continued interference with their use and enjoyment of their properties, potentially leading to the abandonment of their ancestral homes. The pecuniary impact on the Defendants, the Plaintiffs argue, will be relatively small due to the Defendants' financial security.

The Defendants obviously disagree. They profess to have invested millions of dollars in quarry development and hired multiple full-time workers who would be laid off, losing their wages and benefits, were the Court to issue an injunction. The Defendants argue that they obtained proper permits from environmental regulators as required by law, invested substantial capital, operated without environmental violations, and made every effort to mitigate complaints as they arose. Essentially, the Defendants' position is that the Plaintiffs are endeavoring to turn back the clock to an idealized past, ignore the growing residential and industrial development in southeast Limestone County, and kill a thriving business in the cradle.

To be fair, both sides have a point. The evidence presented at the hearing of dust accumulation and noise currently generated by the Belle Mina quarry would inconvenience any reasonable person living across the road. The Plaintiffs harbor understandable sentimental attachment to these properties and are genuinely concerned that the quarry's effects will force them to leave.

The Defendants, on the other hand, rightly argue that southeast Limestone County embodies the epicenter of economic and industrial development in north Alabama. Such progress demands infrastructure, rooted in stone and gravel, which becomes prohibitively costly if not quarried within a twenty-five (25) to fifty (50) mile radius of development. It is undisputed that the Belle Mina quarry has significantly reduced the cost of crushed stone and gravel for local homebuilders, and by extension, local homebuyers. And the demand for the quarry's products has exceeded Grayson's own projections, demonstrating the value of the quarry to the public-at-large.

In the Court's view, the parties' proposed remedies present a false-dilemma—whether to shutter the Defendants' business on the one hand or relegate the Plaintiffs to coexist with an unaltered perpetual nuisance on the other. Fortunately, equity does not demand such a stark and austere choice. In Martin Bldg. Co. v. Imperial Laundry Co., an office building owner sued for an injunction against a laundry located one hundred (100) feet from the office building which emitted smoke and soot from its smokestack. 124 So. 82 (Ala. 1929). The trial court denied the injunction. Id. The Alabama Supreme Court

held that the office building proprietor sufficiently demonstrated the existence of a private nuisance, but that:

> "the court would not destroy or unnecessarily hamper [the laundry]'s business which is both lawful and useful. We are not convinced there exists no middle ground upon which a just and equitable decision may not be planted, whereby [the office building owner] may be largely, if not entirely, relieved, and [the laundry] continue its operations. It is the rule of the courts that the remedy awarded reaches no further than the necessity of the case demands."

Id. at 84–85.

The Supreme Court reasoned that Alabama applies the comparative injury doctrine, a species of the balancing of equities principle, that weighs the injury to each party, and the public, when granting or denying an injunction. Id. at 84. See also Daniels v. Chapuis, 344 So.2d 500 (Ala. 1977). "Injunctive orders," they held, "should be carefully drawn, and in no case should they restrain the defendant from doing more than is necessary to stop the nuisance." Id. at 85. In other words, if a nuisance exists, "the courts should not devise a remedy harsher than the minimum necessary to properly abate such nuisance." Reaves v. City of Tuscumbia, 483 So. 2d 396, 397 (Ala. 1986).

* * *

Upon consideration of these legal principles as applied to the Court's finding of facts, it is therefore, **ORDERED**, **ADJUDGED**, and **DECREED** by the Court that the Motion for Preliminary Injunction is hereby **GRANTED IN PART** and **DENIED IN PART**. The operation of the Belle Mina Quarry is

hereby enjoined until such time as the following conditions are met to abate the nuisance:

1. The temporary rock crusher area, including machinery, conveyer belts, stockpiles, loading areas, etc., on the quarry site shall not be located within 1,200 feet of any of the Plaintiffs' properties.

2. The Defendants are enjoined from erecting any artificial light source to a height at which it can be observed by line of sight over the berm on Mooresville Road or the Plaintiffs' properties.

3. From 8:00 p.m. until 6:00 a.m., the Defendants are enjoined from conducting activities which cause the "pecking noise" described by the Plaintiffs and corroborated by video (Plaintiffs' Exhibits 3 and 4), whether it be produced by a jackhammer, breaker attachment, or some other equipment.

4. The Defendants are enjoined from permitting any trucks within their ownership, operation, or control from blocking traffic or driving on the wrong side of Mooresville Road. Pending the final hearing, the Defendants shall expedite the development of the permanent entrance and the construction of an additional turn lane on Mooresville Road.

5. Any further relief at this time is hereby **DENIED**.

DONE this 23rd day of January, 2026.

Matthew R. Huggins
Circuit Judge