

Rel: 8/30/02 City of Huntsville v. Sheila Tack

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SUPREME COURT OF ALABAMA

SPECIAL TERM, 2002

1010459

City of Huntsville

v.

Sheila Tack et al.

Appeal from Madison Circuit Court
(CV-00-1050)

SEE, Justice.

AFFIRMED. NO OPINION.

See Rule 53(a)(2)(1) and (a)(2)(F), Ala. R. App. P.

Houston, Lyons, Brown, Johnstone, Harwood, and Stuart,
JJ., concur.

Moore, C.J., and Woodall, J., dissent.

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WOODALL, Justice (dissenting).

"An intervenor must have a direct, substantial, and legally protectable interest in the proceeding." State Highway Dep't v. Parsons, 623 So. 2d 285, 290 (Ala. 1993). I am convinced that Sheila Tack, Loyce Fisher, and Katherine Nagel had no such interest in this proceeding. Therefore, I must conclude that the trial court erred in granting their Ala. R. Civ. P. 24(b)(2) motion for permissive intervention. I respectfully dissent.

Moore, C.J., concurs.