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ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2020

2190529

Ex parte Washington County Students First et al.

PETITION FOR WRIT OF MANDAMUS

(In re: Krista Wilson et al.

v.

Soner Tarim et al.)

(Washington Circuit Court, CV-19-900064)

On Application for Rehearing

HANSON, Judge.

Respondents Washington County Education Association, Krista Wilson, Betty Brackin, and Summer Beech have sought

2190529

rehearing and vacatur of this court's June 5, 2020, decision granting the petition for a writ of mandamus filed by Washington County Students First, Thad Becton, Tiffany Dumas, Paul (Gene) Brown, Leo Leddon, Nancy Alston, Jessica Ross, and Jacob Snow on the ground of mootness, noting that, after this court's decision, the Alabama Public Charter School Commission rendered an order on June 9, 2020, revoking the charter of Woodland Preparatory School. That administrative decision, for all that appears from the parties' filings, remains subject to reconsideration by that agency and, subsequently, to judicial review. See generally Ala. Code 1975, §§ 41-22-17 & 41-22-20. Further, the respondents themselves, for all that has been made known to this court, have taken no action to voluntarily dismiss their civil action in the Washington Circuit Court, and the petitioners thus remain defendants in that action -- one that, this court concluded on original submission, should have been dismissed on the motion of the petitioners.

Given that mootness is matter of whether a court's action on the merits would affect the rights of the parties, see C.J. v. T.J., 225 So. 3d 115, 117 (Ala. Civ. App. 2016), that the

2190529

administrative order upon which the respondents rely is not immune to further administrative and judicial review, and that the civil action at issue in this proceeding remains pending and susceptible to this court's writ, we conclude that this mandamus proceeding is not moot. We therefore overrule the application for rehearing. See also HealthSouth of Alabama, LLC v. Shelby Ridge Acquisition Corp., 207 So. 3d 45, 47 (Ala. Civ. App. 2016) (Donaldson, J., concurring specially) (quoting a December 2015 order of this court declining to dismiss an appeal after issuance of an opinion and reasoning that "'a clash between genuine adversaries produces a precedent'" at a "'cost to the public and other litigants'" that has "'social value'" and should not be casually discarded (quoting In re Memorial Hosp. of Iowa Cty., Inc., 862 F.2d 1299, 1302 (7th Cir. 1988))).

APPLICATION OVERRULED.

Thompson, P.J., and Moore, Donaldson, and Edwards, JJ.,
concur.