

Rel: March 29, 2024

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# SUPREME COURT OF ALABAMA

OCTOBER TERM, 2023-2024

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SC-2023-0627

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**Ex parte Alabama Department of Youth Services et al.**

**PETITION FOR WRIT OF MANDAMUS**

**(In re: Derrick Roberts**

**v.**

**Alabama Department of Youth Services et al.)**

**(Montgomery Circuit Court: CV-23-227)**

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SC-2023-0628

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**Alabama Department of Youth Services et al.**

v.

**Derrick Roberts**

**Appeal from Montgomery Circuit Court  
(CV-23-227)**

SHAW, Justice.

These consolidated appellate proceedings stem from an action instituted by Derrick Roberts, a former employee of the Alabama Department of Youth Services ("DYS"), premised on the alleged wrongful termination of his employment with DHS. In case no. SC-2023-0627, DHS; the Youth Services Department District; the Youth Services Department District Education Committee; Dr. Tracy Smitherman, in her official capacity as Superintendent of the Youth Services Department District; and Robert Duke, Crissy Griffin, Gayla Caddell, and William McDowell, in their official capacities as members of the Youth Services Department District Education Committee ("the DHS defendants"), petition for a writ of mandamus compelling the Montgomery Circuit Court to vacate its order denying their joint motion seeking dismissal of Roberts's action on immunity grounds and to enter an order dismissing

Roberts's action. In case no. SC-2023-0628, the DYS defendants separately appeal from the trial court's order requiring DYS to continue to employ Roberts during the pendency of the underlying litigation. We grant the petition for a writ of mandamus in part and deny it in part. As to the appeal, we reverse and remand.

### Facts and Procedural History

In September 2019, Roberts resigned from his position with the Montgomery County public-school system to accept employment with DYS School District 210 as a probationary teacher at its L.B. Wallace School on DYS's Mt. Meigs campus. Specifically, on September 17, 2019, Dr. Smitherman emailed Roberts, expressing her excitement about "[him] joining [the DYS] team" and instructing him to report for duty on October 7, 2019, for "training." Importantly, Roberts maintains that his employment "was effective" as of Dr. Smitherman's September 17, 2019, email, despite the fact that he did not actually begin work until October 7, 2019. Dr. Smitherman's message further directed Roberts to "contact [his] previous employers and request verification of experience and accumulated leave documentation and have it mailed to [her]" for salary-calculation purposes. As a result, on September 19, 2019, Roberts

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resigned from the Montgomery County public-school system by providing notification that "[his] last day of employment ... [would] be September 27, 2019."

Roberts later began his employment with DYS. On March 31, 2023, Dr. Smitherman provided Roberts with written notice that his contract with DYS was not being renewed and would expire effective August 31, 2023. Upon Roberts's notification of the nonrenewal of his employment contract, a dispute arose between DYS and Roberts as to the date Roberts started employment with DYS and whether Roberts had attained tenure, which would entitle him to certain due-process protections before dismissal. Specifically, Roberts, relying on Dr. Smitherman's email welcoming him and referencing his "previous" employers, contended that he was actually hired on September 17, 2019, despite the fact that he attended the next available training session beginning on October 7, 2019. DYS disagreed.

At the heart of the parties' dispute is the Students First Act of 2011 ("the Act"), § 16-24C-1 et seq., Ala. Code 1975. Section 16-24C-4(1), Ala. Code 1975, which is part of the Act, provides how probationary teachers obtain tenure:

"[A] teacher ... shall attain tenure upon the completion of three complete, consecutive school years of full-time employment as a teacher with the same employer unless the governing board approves and issues written notice of termination to the teacher on or before the last day of the teacher's third consecutive, complete school year of employment. For purposes of [the Act], a probationary teacher whose employment or reemployment is effective prior to October 1 of the school year and who completes the school year shall be deemed to have served a complete school year."

(Emphasis added.) As explained by Roberts in his filings below, if, as he maintains, he obtained tenure, then under the Act "he cannot be terminated without cause, notice, and opportunity for a hearing ...."

In June 2023, Roberts filed in the Montgomery Circuit Court a verified complaint and petition against the DYS defendants, seeking declaratory and injunctive relief on the following premise: "Though he [had] been a teacher with DYS for more than three full school years, [the DYS] Defendants terminated him without due process, in violation of the law." More specifically, Roberts's complaint alleged the following causes of action: estoppel; "declaratory judgment/injunctive relief, violation of [§ 16-24C-4,] Ala. Code"; and a request for the issuance of a "writ of mandamus, or in the alternative, for certiorari or other appropriate

relief," requiring the DYS defendants' compliance with the Act. Roberts sought the entry of a judgment awarding the following relief:

"A. A finding and holding that [the DYS] Defendants have failed to comply with any and all mandatory statutory and/or other requirements of law as set forth in this Complaint.

"B. Compelling [the DYS] Defendants to comply with any and all mandatory statutory and/or other requirements of law as set forth in this Complaint.

"C. Rescinding [Roberts's] purported termination.

"D. Finding and holding that [Roberts] is entitled to such other further and different relief as the Court may award in its discretion."

The trial court set the matter for a trial beginning on October 24, 2023. In response, the DYS defendants filed a motion to dismiss on various grounds, pursuant to Rule 12(b), Ala. R. Civ. P. Around that same time, Roberts filed a motion requesting that the trial court expedite a final hearing in the matter so that it could be resolved before his employment -- and his related compensation -- was scheduled to end on August 31, 2023. In that motion, Roberts asserted that, "though he was hired in September 2019, [the DYS] defendants did not put him to work until October 7, 2019."

The DYS defendants thereafter amended their motion to dismiss to also generally assert that they were "entitled to immunity." They further filed a response opposing Roberts's request that the matter be expedited.

The trial court subsequently set the motion to dismiss for a hearing on August 1, 2023. Before the hearing date, the DYS defendants submitted a lengthy brief in support of the motion. Specifically, among other things, the DYS defendants contended that they were entitled to the dismissal of Roberts's claims on the ground of State immunity<sup>1</sup> and that, to the extent that Roberts sought to establish his right to tenure -- which they termed "a property right" -- his suit also constituted an action against the State. Also according to the DYS defendants, no recognized exception to immunity existed in this case. The DYS defendants included, as attachments to their motion, affidavits establishing Roberts's effective first day of employment, from which date his benefits

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<sup>1</sup>Although their motion referred to "Article I, § 13, Alabama Constitution of 1901," that was clearly a typographical error. As demonstrated by the authority cited in their brief below and their filings on appeal, the DYS defendants relied on "State immunity pursuant to Ala. Const. of 1901, Art. I, Sec. 14," now Ala. Const. 2022, Art. I, § 14. Petition at 10 (emphasis added).

accrued, as October 7, 2019, and calculating Roberts's complete years of service.

In further filings, Roberts clarified that he was seeking prospective equitable relief, as opposed to monetary damages in the form of backpay. He also argued that the trial court possessed jurisdiction to decide the disputed issue of whether he had attained tenure; that actions against State defendants in their official capacities seeking reinstatement or continued employment are not barred by principles of State immunity; and that, in any event, a recognized exception to State immunity would apply to the extent that the DYS defendants were acting beyond their authority or in a mistaken interpretation of the law.

Upon the conclusion of the scheduled hearing, the trial court, on August 3, 2023, denied the DYS defendants' motion to dismiss and reset the matter for a trial beginning August 29, 2023. On August 18, 2023, the DYS defendants filed their petition for a writ of mandamus with the Alabama Court of Civil Appeals. Following that court's issuance of an order requiring Roberts's answer, the matter was transferred to this Court and was assigned case no. SC-2023-0627.

The DYS defendants filed a motion in the trial court seeking to stay all proceedings "pending resolution of the immunity issues" asserted in their mandamus petition. The trial court initially entered an order granting that motion on August 21, 2023, and issuing a stay of further proceedings and canceling the scheduled trial. In response to further filings by Roberts opposing the stay, however, the trial court, on August 29, 2023, modified its stay order to require DYS to continue to employ Roberts pending final resolution of the case. In response, the DYS defendants, who interpreted the amended stay order requiring DYS to continue to employ Roberts as a preliminary injunction, filed in the trial court a motion seeking to stay enforcement of that preliminary injunction.<sup>2</sup> On that same date, they filed a notice of appeal to the Alabama Court of Civil Appeals and an accompanying emergency motion requesting that that court stay enforcement of the injunctive aspect of the amended stay order. See Rule 4(a)(1), Ala. R. App. P. The direct appeal was also transferred to this Court and was assigned case no. SC-

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<sup>2</sup>In their motion, the DYS defendants argued that the amended stay order was injunctive in nature but failed to comply with Rule 65, Ala. R. Civ. P.

2023-0628. We later granted the DYS defendants' emergency motion and, on September 8, 2023, stayed enforcement of that aspect of the trial court's amended stay order requiring Roberts's continued employment.

The Mandamus Petition (Case No. SC-2023-0627)

Standard of Review

""The writ of mandamus is a drastic and extraordinary writ, to be issued only when there is: 1) a clear legal right in the petitioner to the order sought; 2) an imperative duty upon the respondent to perform, accompanied by a refusal to do so; 3) the lack of another adequate remedy; and 4) properly invoked jurisdiction of the court." Ex parte United Serv. Stations, Inc., 628 So. 2d 501, 503 (Ala. 1993); see also Ex parte Ziglar, 669 So. 2d 133, 134 (Ala. 1995).<sup>1</sup> Ex parte Carter, [807 So. 2d 534,] 536 [(Ala. 2001)]."

"Ex parte McWilliams, 812 So. 2d 318, 321 (Ala. 2001).

""Subject to certain narrow exceptions ..., we have held that, because an 'adequate remedy' exists by way of an appeal, the denial of a motion to dismiss or a motion for a summary judgment is not reviewable by petition for writ of mandamus." Ex parte Liberty Nat'l Life Ins. Co., 825 So. 2d 758, 761-62 (Ala. 2002).<sup>1</sup>

"Ex parte Kohlberg Kravis Roberts & Co., L.P., 78 So. 3d 959, 965-66 (Ala. 2011). Among those exceptions is when the petitioner challenges the subject-matter jurisdiction of the trial court, Ex parte HealthSouth Corp., 974 So. 2d 288, 292 (Ala. 2007), or when the petitioner asserts immunity. Ex parte Alabama Peace Officers' Standards & Training Comm'n, 34 So. 3d 1248 (Ala. 2009)."

Ex parte Wilcox Cnty. Bd. of Educ., 279 So. 3d 1135, 1140 (Ala. 2018).

### Discussion

In their petition, the DYS defendants contend that the trial court erred in denying their motion to dismiss because, they say, both DYS -- including its internal department and committee, which are also named as defendants -- and Dr. Smitherman and the individual committee members of the Youth Services Department District Education Committee, who have been sued in their official capacities, are entitled to State immunity from Roberts's claims.

"It is well settled law that the State is generally immune from liability under § 14, Alabama Constitution of 1901. It is also well settled that the State cannot be sued indirectly by suing an officer in his or her official capacity.

"Sovereign immunity is a jurisdictional bar that deprives a court of subject-matter jurisdiction. Ex parte Dep't of Mental Health & Mental Retardation, 837 So. 2d 808, 810-11 (Ala. 2002). The principle of sovereign immunity, set forth in Article I, § 14, Alabama Constitution of

1901, is a wall that is "nearly impregnable." Patterson v. Gladwin Corp., 835 So. 2d 137, 142 (Ala. 2002). The implications of sovereign immunity are "not only that the state itself may not be sued, but that this cannot be indirectly accomplished by suing its officers or agents in their official capacity, when a result favorable to plaintiff would be directly to affect the financial status of the state treasury." Patterson, 835 So. 2d at 142 (quoting State Docks Comm'n v. Barnes, 225 Ala. 403, 405, 143 So. 581, 582 (1932)).'

"Ex parte Alabama Dep't of Mental Health & Mental Retardation, 937 So. 2d 1018, 1022-23 (Ala. 2006).

"....

"Section 14 immunity, however, is not always absolute; there are actions against State officials that are not barred by the general rule of sovereign immunity.

"[C]ertain actions are not barred by § 14. There are six general categories of actions that do not come within the prohibition of § 14: (1) actions brought to compel State officials to perform their legal duties; (2) actions brought to enjoin State officials from enforcing an unconstitutional law; (3) actions to compel State officials to perform ministerial acts; (4) actions brought against State officials under the Declaratory Judgments Act, Ala. Code 1975, § 6-6-220 et seq., seeking construction of a statute and its application in a given situation; (5) valid inverse condemnation actions brought against State officials in their representative capacity; and (6) actions for injunction or damages brought against State

officials in their representative capacity and individually where it was alleged that they had acted fraudulently, in bad faith, beyond their authority, or in a mistaken interpretation of law. See Drummond Co. v. Alabama Dep't of Transp., 937 So. 2d 56, 58 (Ala. 2006) (quoting Ex parte Carter, 395 So. 2d 65, 68 (Ala. 1980)); Alabama Dep't of Transp. v. Harbert Int'l, Inc., 990 So. 2d 831 (Ala. 2008) (holding that the exception for declaratory-judgment actions applies only to actions against State officials). As we confirmed in Harbert, these "exceptions" to sovereign immunity apply only to actions brought against State officials; they do not apply to actions against the State or against State agencies. See Alabama Dep't of Transp., 990 So. 2d at 840-41.'

"Ex parte Alabama Dep't of Fin., 991 So. 2d 1254, 1256-57 (Ala. 2008). In Ex parte Moulton, 116 So. 3d 1119 (Ala. 2013), this Court clarified and restated the sixth exception to § 14 immunity set forth in Drummond Co. v. Alabama Department of Transportation, 937 So. 2d 56, 58 (Ala. 2006), by holding that the exception applies only to the following:

"(6)(a) actions for injunction brought against State officials in their representative capacity where it is alleged that they had acted fraudulently, in bad faith, beyond their authority, or in a mistaken interpretation of law, Wallace v. Board of Education of Montgomery County, 280 Ala. 635, 197 So. 2d 428 (1967), and (b) actions for damages brought against State officials in their individual capacity where it is alleged that they had acted fraudulently, in bad faith, beyond their authority, or in a mistaken interpretation of law,

subject to the limitation that the action not be, in effect, one against the State. Phillips v. Thomas, 555 So. 2d 81, 83 (Ala. 1989).'

"116 So. 3d at 1141."

Ex parte Wilcox Cnty. Bd. of Educ., 279 So. 3d at 1140-42.

First, it appears undisputed that DYS, its Youth Services Department District, and its Youth Services Department District Education Committee ("the agency defendants") are agencies of the State, and, therefore, the recognized exceptions to § 14 immunity do not apply to them. See Ex parte Alabama Dep't of Youth Servs., 880 So. 2d 393, 399, 404 (Ala. 2003) (in which a plurality of this Court recognized that "DYS is a state agency" and was therefore entitled to "state constitutional sovereign immunity"). See also § 44-1-20, Ala. Code 1975 ("There is hereby created and established a department of the state to be known as the department of youth services. The department shall be composed of the youth services board, the director and such divisions and administrative sections as the board may establish."), and § 44-1-70, Ala. Code 1975 ("The department of youth services as presently constituted by law is hereby designated as a special school district of the state to be known as the 'youth services department district,' hereinafter referred to

as the district. The relationship existing between the district and the state board of education shall be the same as that of local boards of education to the state board."). "Under Article 1, § 14, Alabama Constitution of 1901, 'the State and its agencies have absolute immunity from suit in any court.' Phillips v. Thomas, 555 So. 2d 81, 83 (Ala. 1989); see also Taylor v. Troy State University, 437 So. 2d 472, 474 (Ala. 1983)." Williams v. John C. Calhoun Cmty. Coll., 646 So. 2d 1, 2 (Ala. 1994). In fact, we note that Roberts concedes in his answer to the mandamus petition that, "[a]t trial, [he] will not seek a judgment against State entities, as distinct from officials sued in their official capacity." Answer at 17 n.4. Accordingly, the agency defendants are "absolutely immune from suit," and the trial court erred in denying the motion to dismiss as to those defendants. Ex parte Wilcox Cnty. Bd. of Educ., 279 So. 3d at 1141.

However, as to Dr. Smitherman and the individual members of the Youth Services Department District Education Committee, who were sued in their official capacities ("the official-capacity defendants"), we reach a different result. As set out above, our cases recognize as "exceptions" to State immunity certain types of actions against State

officials. Here, it is clear that Roberts sued the official-capacity defendants seeking a judgment declaring his rights under § 16-24C-4 and reinstatement to his prior position with DYS. It is also clear, as demonstrated by the above-quoted portion of his complaint, that Roberts -- apparently intentionally -- does not request monetary relief. Accordingly, Roberts contends, among other things, that several of the "exceptions" recognized in Ex parte Wilcox County Board of Education apply. More specifically, he argues that his claims fit within the parameters of the first, third, fourth, and sixth exceptions, as designated therein. He further contends that our courts have previously held that claims seeking prospective relief, specifically reinstatement, are not barred by § 14.

Roberts's claims seeking a judgment declaring his rights under § 16-24C-4 and injunctive relief in the form of reinstatement satisfy, at least, the fourth and sixth exceptions recognized in Ex parte Wilcox County Board of Education. Specifically, in considering substantially similar claims in that case, we explained:

"Throughout his petition before the circuit court, [the plaintiff] alleged that the individual Board members either acted beyond their authority or 'failed to understand' [applicable statutory authority] when they voted in favor of

adopting [a] recommendation not to renew [the plaintiff's] probationary contract. He also requested a declaratory judgment regarding the application of [the applicable statute] to his situation. Therefore, to the extent [the plaintiff] requested declaratory or prospective injunctive relief, such as the reinstatement of his position and guidance regarding the application of [statutory authority] to his specific circumstances, we conclude that his requests ... meet the fourth and sixth exceptions as to the claims against the individual Board members in their official capacities."

279 So. 3d at 1144-45. See also Burch v. Birdsong, 181 So. 3d 343, 350 (Ala. Civ. App. 2015) ("[B]oth this court and our supreme court have recognized that an action seeking prospective relief like the enforcement of a salary policy or reinstatement, unlike an action seeking monetary damages like backpay, is not barred by § 14 immunity."). Therefore, although our decision should not be construed as commenting on the merits of Roberts's claims against the official-capacity defendants, those claims are not barred by principles of State immunity. See Ex parte Hudson, 866 So. 2d 1115, 1120 (Ala. 2003) ("We confine our interlocutory review to matters germane to the issue of immunity. Matters relevant to the merits of the underlying ... claim ... are best left to the trial court ...."). Thus, the trial court correctly held that Roberts is entitled to pursue those claims. Accordingly, the official-capacity defendants have failed to demonstrate a clear legal right to the requested relief.

The Direct Appeal (Case No. SC-2023-0628)

In their direct appeal, the DYS defendants maintain that the trial court exceeded its discretion by requiring DYS to continue to employ Roberts during the pendency of these proceedings. Among other challenges, they argue that the trial court's single-sentence amended stay order awarded injunctive relief but failed to comply with Rule 65(d), Ala. R. Civ. P.

Although Roberts contends that it is unclear whether the amended stay order should be construed as a preliminary injunction (or a temporary restraining order), it appears undisputed the trial court's order directing DYS to continue Roberts's employment was injunctive in nature. See Jefferson Cnty. Comm'n v. ECO Preservation Servs., L.L.C., 788 So. 2d 121, 125 n.1 (Ala. 2000) ("An injunction is '[a] court order commanding or preventing an action.' Black's Law Dictionary 788 (7th ed. 1999). Furthermore, a mandatory injunction is '[a]n injunction that orders an affirmative act or mandates a specified course of conduct.' Id."). See also Kappa Sigma Fraternity v. Price-Williams, 40 So. 3d 683, 690 (Ala. 2009) ("Because the ... order commands the [defendant] to take action, we conclude that it is injunctive in nature."). Cf. Norris v. Harbin,

541 So. 2d 486, 487 (Ala. 1989) ("Indeed, the trial court's order that the [defendants] 'remove any obstruction' within the alleged easement is a mandatory injunction."). We further note that, in support of his request that the amended stay order issue, Roberts specifically argued that an order requiring his continued employment was required to "maintain[] the status quo." This Court has previously observed that "the purpose of temporary and preliminary injunctive relief is to maintain the status quo pending the resolution of the action on its merits." Irwin v. Jefferson Cnty. Pers. Bd., 263 So. 3d 698, 702-03 (Ala. 2018). See also Ingenuity Int'l, LLC v. Smith, [Ms. SC-2022-0501, June 16, 2023] \_\_\_ So. 3d \_\_\_, \_\_\_ (Ala. 2023) (explaining that because the subject provision of the trial court's order "was designed to preserve the status quo pending litigation, it was a preliminary injunction"), and Jacobs Broad. Grp., Inc. v. Jeff Beck Broad. Grp., LLC, 160 So. 3d 345, 349 n.3 (Ala. Civ. App. 2014) ("A preliminary injunction has as its purpose to maintain the status quo pending the resolution of the action on its merits."). We thus agree with the DYS defendants that the trial court's amended stay order constituted a preliminary injunction.

Roberts concedes "that where a preliminary injunction does not comply with Rule 65, ... this Court will vacate the preliminary injunction without reaching the merits of the underlying issues." Roberts's brief at 33-34. We are compelled to do so in this case.

"When reviewing the grant or denial of a preliminary injunction, this Court reviews the legal rulings of the trial court, to the extent that they resolve questions of law based on undisputed facts, de novo; we review the trial court's ultimate decision to issue the preliminary injunction, however, for an excess of discretion. City of Cedar Point v. Atlas Rental Prop., LLC, 371 So. 3d 856 (Ala. 2022). Additionally, 'this Court must consider both whether the evidence in the record supports the issuance of the preliminary injunction and whether the form of the preliminary-injunction order itself complies with the requirements of Rule 65(d)(2), Ala. R. Civ. P.' Stephens v. Colley, 160 So. 3d 278, 282 (Ala. 2014). In order for a trial court to grant a preliminary injunction, the party seeking the injunction must demonstrate that (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. Holiday Isle, LLC v. Adkins, 12 So. 3d 1173, 1176 (Ala. 2008)."

City of Helena v. Pelham Bd. of Educ., 375 So. 3d 750, 752 (Ala. 2022).<sup>3</sup>

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<sup>3</sup>As Roberts notes, his filings in support of his request that the trial court reconsider staying the proceedings during the pendency of the DYS defendants' mandamus petition did not actually seek the entry of an

We have explained:

"Rule 65(d)(2) requires that '[e]very order granting an injunction shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained ....' See also Monte Sano Rsch. Corp. v. Kratos Def. & Sec. Sols., Inc., 99 So. 3d 855, 863 (Ala. 2012) ('Pursuant to Rule 65, it is mandatory that a preliminary-injunction order give reasons for the issuance of the injunction, that it be specific in its terms, and that it describe in reasonable detail the act or acts sought to be restrained.')."

Id. at 753. See also D.M.C. Enters., Inc. v. Hope, 100 So. 3d 1102, 1108 (Ala. Civ. App. 2012) ("Rule 65(d)(2) states, in pertinent part, that '[e]very order granting an injunction shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained ....' The trial court's one-sentence order granting [the] motion does not contain any of the required information. It is possible that, on that basis alone, the order, if it was intended to grant an injunction, is due to be reversed.").

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injunction. Roberts did, however, argue that "[s]lowing resolution of the case would cause [him] irreparable harm."

Here, while we might speculate as to the presumed findings of the trial court in compelling Roberts's continued employment, the mere fact that speculation is required demonstrates the amended stay order's noncompliance with Rule 65. See City of Helena, supra. For instance, while we might presume that the trial court concluded that Roberts will, as he alleged, suffer irreparable harm, there is nothing suggesting a corresponding finding of his likelihood of ultimate success on the merits -- which the DYS defendants specifically challenge. In City of Helena, we explained:

"Obviously, the trial court determined that the ... defendants had at least a reasonable chance of success on the ultimate merits .... However, the order contains no further explanation of the reasons for its issuance. ... Notably absent from the trial court's order is any statement that the ... defendants would suffer irreparable harm if the trial court refused to grant the preliminary injunction; additionally, the order does not address whether the ... defendants have an adequate remedy at law. For these reasons, the order fails to comply with Rule 65(d)(2). See Stephens [v. Colley], 160 So. 3d [278] at 284 [(Ala. 2014)] ('In sum, the circuit court's failure to include in the preliminary-injunction order the reasons for granting ... injunctive relief requires the reversal of that order regardless of the fact that the circuit court presumably had its reasons for granting the [relief], though those reasons were not articulated in the order.');

Butler v. Roome, 907 So. 2d 432, 435 (Ala. 2005) ('[T]he trial court's order in this case does not contain the reasons for its issuance, nor does the order state that Roome will suffer irreparable loss if the injunction is not issued. Therefore, the order does not comply with Rule

65(d)(2), and it must be dissolved.');

Appalachian Transp. Grp., Inc. v. Parks, 738 So. 2d 878, 885 (Ala. 1999) ('When viewed in the context of this Court's consistent interpretation of Rule 65(d)(2), the orders of the trial court here cannot withstand appellate scrutiny. The orders do not contain the reasons for their issuance, nor does the trial court state that but for its orders irreparable harm would occur.');

and Teleprompter of Mobile, Inc. v. Bayou Cable TV, 428 So. 2d 17, 20-21 (Ala. 1983) ('Since the provisions of Rule 65(d)(2) were not followed, and there was no evidence of an irreparable injury or lack of an adequate remedy at law, the order of the trial court is hereby reversed and the preliminary injunction ... is hereby dissolved.').

Because the preliminary-injunction order in this case fails to comply with Rule 65(d)(2), the trial court exceeded its discretion in granting preliminary injunctive relief in favor of the ... defendants. ... See Marathon Constr. & Demolition, LLC v. King Metal Recycling & Processing Corp., 129 So. 3d 272, 276 n.3 (Ala. 2013) (noting that, because the trial court's failure to comply with the requirements of Rule 65 was dispositive, it was unnecessary to address the other issues raised on appeal)."

375 So. 3d at 753-54.

In sum, the amended stay order clearly fails to satisfy the mandatory requirement that it include the trial court's reasons for its issuance. On that basis alone, it is due to be reversed. See D.M.C. Enters., Inc., *supra*.

### Conclusion

Based on the foregoing, in case no. SC-2023-0627, we conclude that the agency defendants have demonstrated a clear legal right to the

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requested relief; therefore, we grant the mandamus petition as to the agency defendants and direct the trial court, as to those defendants, to vacate its order denying their motion seeking dismissal of Roberts's action on State-immunity grounds and to enter an order dismissing Roberts's claims against them. As to the official-capacity defendants, we conclude that they have not demonstrated a clear legal right to the requested relief on State-immunity grounds; therefore, we deny the mandamus petition as to those defendants. Further, in case no. SC-2023-0628, we reverse the trial court's amended stay order and dissolve the preliminary injunction requiring Roberts's continued employment because the order fails to satisfy the mandatory requirements of Rule 65(d)(2).

SC-2023-0627 -- PETITION GRANTED IN PART AND DENIED  
IN PART; WRIT ISSUED.

SC-2023-0628 -- REVERSED AND REMANDED.

Parker, C.J., and Bryan, Sellers, Mendheim, Stewart, Mitchell, and  
Cook, JJ., concur.