

determined that Defendants Vince Jackson and Baldwin County **TEMPORARILY TOOK** Plaintiffs' property without just compensation based upon actions which initially began on July 31, 2019 (but also include the Story Ordinance actions in October of 2019). In accord with Count Two of the Second Amended Complaint, it is determined that the July 31, 2019 Stop Work Order amounted to a physical invasion of Plaintiffs' property without just compensation. In combination, the application of the Stop Work Order and enforcement of the Story Ordinance would permanently deprive Plaintiffs of their opportunity to build a three-story duplex;

3. On July 31, 2019, Plaintiffs retained a vested right to construct their Breezy Shores duplex as initially permitted by the Defendants. Therefore, Defendant Baldwin County is **ENJOINED** from prohibiting Plaintiffs' construction of their Breezy Shores three-story duplex as initially permitted. To this end, Defendant Baldwin County is **ORDERED** to immediately withdraw the Stop Work Order and reinstate the land use certificate and building permit so that Plaintiffs can resume construction on their Breezy Shores project;

4. Defendants are **ORDERED** to pay unto Plaintiffs a total sum of **\$764,289.00** in accordance with Count Seven of the Second Amended Complaint, as compensation for the temporary taking of their property for a period of time starting on **July 31, 2019** and is expected to last at least through **October 2023**;

5. The Court determines that Plaintiffs cannot prevail on Count Nine of the Second Amended Complaint (alleging the Defendants' negligence and wantonness) on account of the substantive immunity rule/doctrine and therefore finds in favor of the Defendants;

6. Plaintiffs, as prevailing parties in an action brought pursuant to 42 U.S.C. § 1983, are entitled to apply for an award of attorneys' fees provided they file a motion seeking such reimbursement and the authority therefor not later than **November 30, 2022**; and

7. Costs are taxed against the Defendants and in favor of the Plaintiffs.

DONE and **ORDERED** this 28th day of October, 2022.

s/William E. Cassady
UNITED STATES MAGISTRATE JUDGE