



IN THE CIRCUIT COURT OF MORGAN COUNTY, ALABAMA

STATE OF ALABAMA)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO.: CV-2018-000049
)	
ANA FRANKLIN et. al.,)	
)	
DEFENDANT.)	

JOINT MOTION TO CONTINUE

COMES NOW, the Defendant, named as Ana Franklin, Sheriff of Morgan County, Alabama, but in her personal capacity, and respectfully requests that the Court Continue the hearing scheduled for December 28, 2018, on the State of Alabama’s “Complaint To Recover Public Funds,” and, and in support thereof, would show unto this Court the following:

1) First, undersigned counsel’s son and grandson, respectively, has a suspected inguinal hernia, and is scheduled for a medical appointment with Children’s Hospital urological surgeons to assess the need for remedial surgery. The scheduled appointment, which has been scheduled for over a month, is scheduled for December 28, 2018, and cannot be readily moved without jeopardizing the timely treatment of the child. Undersigned counsel for Franklin needs to be available to assist with his other children who are out of school for the Christmas break.

2) Second, undersigned counsel for Franklin has a number of other matters pending in other cases that require attention in the coming days, i.e. an appellate brief involving an amount in controversy of upwards of \$9 Million due by December 28, 2018, and another matter requiring a response to a Motion for Summary Judgment, and counsel are unduly burdened by the need to set those matters aside to prepare for a final hearing on a permanent injunction within two business days of filing the Complaint.

3) Third, Franklin contends there is no factual basis supporting any allegation that the matter to be heard is an emergency that warrants an immediate hearing.

4) The most recent event, of which the State of Alabama complains, allegedly occurred on or about October 18, 2018 (Complaint, ¶ 15 and 18), more than two months ago.

5) Other incidents, of which the State of Alabama complains allegedly occurred as far back as November 2017.

6) Clearly, there can be no conclusion other than there is no emergency warranting an expedited hearing schedule.

7) From a practical standpoint, Sheriff Franklin vehemently denies the allegations of the complaint, which she contends are completely false in all material respects.

8) To that end, Sheriff Franklin, who has been under tremendous public scrutiny and who has been the target of a three year long FBI investigation, has made every effort to strictly follow the advice and counsel given to her from the Alabama Sheriff's Association, as well as procedures expressly laid out in writing by Governor Kay Ivey's office.

9) However, Sheriff Franklin requires more than 2 business days to gather the documentary evidence refuting the allegations of the Complaint. The matters at issue concern matters related to bank accounts. However, banks are closed over the holiday schedule, leaving little time to coordinate to obtain the necessary banking records.

10) Likewise, Sheriff Franklin needs to arrange witnesses necessary to properly respond to the allegations of the Complaint, and coordinate their schedules.

11) While Sheriff Franklin is interested in resolving this matter, completely, and as soon as possible, the current schedule is unfairly prejudicial and unduly burdensome. Representatives for Sheriff Franklin have conferred with Morgan County District Attorney Scott Anderson, and the

parties agree that a continuance is warranted, that the temporary injunction may stay in place, giving adequate time to Sheriff Franklin to provide a proper response, and until a hearing may be held at a later date.

12) The parties join in representing to the Court that they will confer and propose an alternative date for the Court.

WHEREFORE, the Defendant, Ana Franklin, joined by Morgan County District Attorney Scott Anderson, respectfully request that this Court continue the hearing currently set for December 28, 2018, to allow adequate opportunity for Sheriff Franklin and her counsel to respond.

/s/ William P. Gray, Jr.
WILLIAM P. GRAY, JR. (ASB-5268-R78W)

/s/ John David Gray
JOHN DAVID GRAY (ASB-0797-N52G)

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SCOTT ANDERSON
District Attorney

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of December, 2018, I filed the foregoing with the Clerk of the Court using the Alafire System which will serve the following counsel of record electronically:

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/s/ John David Gray.

OF COUNSEL