



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

Kimberly E. Holcomb, an individual, and)
on behalf of the State of Alabama,)

Plaintiff,)

v.)

Steven Stokes, M.D.,)

Defendant.)

Case No. _____

**(THIS CASE IS RELATED TO
CV-2023-000231.00)**

PETITION FOR WRIT OF QUO WARRANTO

Kimberly E. Holcomb, an individual, and on behalf of the State of Alabama (the Petitioner) brings this petition for the writ of quo warranto¹ in accordance with Alabama Code § 6-6-591 against Steven Stokes because Dr. Stokes unlawfully holds public office as a member on the Alabama Medical Cannabis Commission (Commission) and asks the Court to remove Dr. Stokes as a member from the Commission. In further support, the Petitioner states the following:

Parties

1. The Petitioner is an individual citizen of Alabama.
2. Dr. Stokes is the chairman of the Commission and a resident of Alabama.

Jurisdiction and Venue

3. Jurisdiction and venue are proper in this Court under Alabama Code § 6-6-591(c) because the acts done occurred in Montgomery County, where the Commission does business.

¹ “[T]he purpose of the writ of quo warranto is to ascertain whether an officeholder is constitutionally and legally authorized to perform any act in, or exercise any functions of, the office to which he lays claim.” See *Ex parte Sierra Club*, 674 So. 2d 54, 57 (Ala. 1995); see also *Akers v. State ex rel. Witcher*, 215 So. 2d 578 (Ala. 1968) (“Quo warranto is the proper procedure to test whether or not a party is eligible to hold public office.”).

Facts

4. The Alabama Legislature recently passed the Darren Wesley ‘Ato’ Hall Compassion Act (the Act), creating an entirely intrastate health care market for the production, processing, transportation, dispensation, testing, and use of medical cannabis. *See* Ala. Code §§ 20-2A-1–100.

5. The Act creates the Commission to regulate the medical cannabis market. *Id.* § 20-2A-20(a).

6. The Act authorizes the President Pro Tempore of the Senate to appoint two individuals to the Commission, one of whom must be “a physician licensed to practice medicine in this state certified in the specialty of oncology.” *Id.* § 20-2A-20(a)(3)

7. In July 2021, the President Pro Tempore of the Senate appointed Dr. Stokes to the Commission to fill this role.

8. The Act prohibits any Commission member from being a “current public official.” Ala. Code § 20-2A-20(c) (“Any current public official, candidate for public office, current public employee, or registered lobbyist may not serve as a [Commission] member.”).

9. At the time of his appointment to the Commission, however, Dr. Stokes served as a trustee for the University of South Alabama (USA), and he was recently re-appointed as a trustee for USA on May 5, 2023.

10. As a trustee of USA, Dr. Stokes is a “public official” that cannot serve as a Commission member under the Act.

11. Alabama law defines a “public official” as “any person appointed to a position at the state, county, or municipal level of government or *their instrumentalities*, including governmental corporations.” Ala. Code § 36-25-1 (emphasis added).

12. USA is a “public body corporate.” *See id.* § 16-55-1.

13. As noted, Dr. Stokes was appointed to the position of trustee of USA, an instrumentality of the state.

14. Trustees of USA (like Dr. Stokes) are public officials.

15. Because Dr. Stokes is a public official as a USA trustee, he cannot serve on the Commission. *See* Ala. Code § 20-2A-20(c) (“Any current public official, candidate for public office, current public employee, or registered lobbyist may not serve as a [Commission] member.”).

16. Dr. Stokes thus unlawfully holds public office as a Commission member.

17. Upon information and belief, one or more of the other Commission members left other positions as public officials before accepting their appointments to the Commission.

18. The Petitioner brings this action under Alabama Code § 6-6-591 against Dr. Stokes for unlawfully serving as a Commission member.

19. The issuance of the requested writ of quo warranto will serve the public good and ensure that all Commission members comply with the Act.

20. The Petitioner will give security for the costs of the action as required by Alabama Code § 6-6-591(b).

For these reasons, the Petitioner respectfully asks the Court to declare the appointment of Dr. Stokes to the Commission in violation of the Act and thus illegal and void. The Petitioner further asks the Court to issue a writ of quo warranto removing Dr. Stokes from the Commission.

Respectfully submitted:

/s/ William G. Somerville
WILLIAM G. SOMERVILLE [SOM005]
MICHAEL CATALANO [CAT010]
JADE E. SIPES [SIP002]

Attorneys for the Petitioner

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SECURITY FOR COSTS

We hereby acknowledge ourselves security for costs. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and laws of the State of Alabama.

Executed with our seals this _____ day of _____, 2023.

Filed and approved: _____
(Date)

/s/ Kimberly E. Holcomb _____ (L.S.)
Principal

/s/ William G. Somerville _____ (L.S.)
Surety

Circuit Clerk

/s/ Jade E. Sipes _____ (L.S.)
Surety

Please serve Defendant via Process Server:

Dr. Steven Stokes
33 Hampton Way
Dothan, AL 36305