



AlaFile E-Notice

01-CV-2007-003613.00

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

PATRICK COOPER VS LARRY LANGFORD
01-CV-2007-003613.00

The following 22 was FILED on 11/12/2007 11:55:49 AM

Notice Date: 11/12/2007 11:55:49 AM

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

PATRICK COOPER,)
)
Plaintiff and Mayoral Candidate,)
)
v.)
)
LARRY LANGFORD,)
)
Defendant.)

Case No. CV-2007-03613

**SUPPLEMENT TO REPLY BRIEF OF
DEFENDANT MAYOR-ELECT LARRY LANGFORD**

In addition to his points made in his reply brief, Defendant Larry Langford wishes to address specifically the issue of domicile. Patrick Cooper has cited several court decisions which hold that in order for a person to acquire a new domicile, the old domicile must be abandoned. Langford suggests that the following facts indicate that he has complied with all requirements of establishing a domicile in the City of Birmingham, including the following:

1. Langford has made numerous public declarations that he intended to reside in the City of Birmingham;
2. Langford has testified in his deposition that his intent was to become a resident of Birmingham in June 2007;
3. Langford has registered to vote in the City of Birmingham;
4. Langford has signed a lease on an apartment in the former Blach's Department Store building;
5. That loft apartment has been completely furnished;
6. Langford and his wife have used the loft as their home, they have slept there, entertained there, held business and sorority meetings there, been visited by family there;

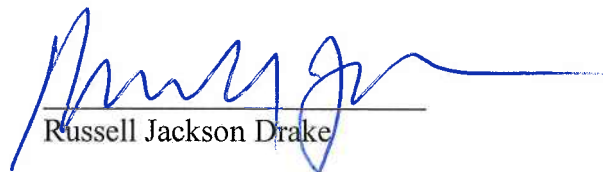
(For support of all of the above points see excerpts from Langford's Deposition attached hereto as "Exhibit 1").

7. Langford's declaration to run for Mayor of Birmingham states that he is a resident of the City of Birmingham.

At one point in the history of Alabam, abandonment probably meant selling or disposing of one's domicile. In the year 2007, when many individuals own more than one abode that can no longer be the requirement. Larry Langford, like thousands of other Alabamians, should be entitled to determine where his domicile is. The most recent statement of the law on domicile, as it applies to political candidates, is *Harris v. McKenzie*, previously cited (a copy of that opinion is attached is hereto as "Exhibit 2"). In *Harris v. McKenzie*, the Alabama Supreme Court stated emphatically that the place of a person's domicile requires two things: (1) residence; and, (2) the intention to remain, citing *Ex Parte Weissinger*, 22 So.2d 510 (Ala. 1945).

Langford has complied with the requirements of *Harris v. McKenzie* and the other applicable court decisions. Langford's domicile is located in the City of Birmingham.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following individuals by ECF service and/ or U.S. Mail, postage prepaid and correctly addressed, on this **12th day of November, 2007:**

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EXHIBIT 1

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1 Q. How long has that been the
2 address on that checking account?

3 A. 25 or 26 years.

4 Q. Is that how long you've
5 resided at 7437 Earlwood Road?

6 A. Yes, since '82.

7 Q. Are you living there now?

8 A. Well, I live at 300 20th
9 Street North -- excuse me -- 306. I
10 still own the home.

11 Q. Okay. Does Mrs. Langford
12 still live at the Fairfield address?

13 A. She lives where I live.

14 Q. Okay. And how long have you
15 been living in downtown Birmingham?

16 A. Since around June.

17 Q. June of this year?

18 A. Yes, sir.

19 Q. Do you know when in June?

20 A. I think I signed the lease
21 early in June, near the end of the
22 month. Now, I've lived in Birmingham
23 all my life.

0

1 Q. Well --

2 A. Obviously, with the exception
3 of Fairfield.

4 Q. All right. So you started
5 living at the address -- at the loft, I
6 think -- can we call it that, the loft,
7 so I don't have to say it each and
8 every time?

9 A. Right.

10 Q. You started living there in
11 June?

12 A. That's right.

13 Q. Define for me what living
14 there means.

15 A. It means that I took and made
16 the decision to move into the place to
17 the loft to make that my primary
18 residence. Changed my voting place
19 from Fairfield to here so I could -- to
20 the loft address, so I could physically
21 vote in the city limits of Birmingham
22 and that's my primary residence.

23 Q. To me, living there means

0

2 mail there. Were you sleeping there in
3 June?

4 A. Probably end of June, early
5 July. From the time we moved in.

6 Q. When did you move in?

7 A. I don't remember exact dates.
8 We signed the lease the first part of
9 June and they had to do a lot of work
10 because there were broken -- there were
11 pipes in it. It looked like an
12 apartment. You know, like an old
13 building. My wife didn't want the
14 broken pipes, so we gave them time to
15 plaster up the walls and that sort of
16 thing.

17 Q. How long did that take?

18 A. Probably took -- they did some
19 work before we actually got in and
20 after we got in, so I guess about two
21 or three weeks.

22 Q. Well, when you say get in, do
23 you know when the first night you slept

0

1 there?

2 A. The night they delivered the
3 furniture.

4 Q. And when was that?

6 else have you done that would indicate
7 to just someone looking that you live
8 in the loft?

9 A. We've entertained there.

10 Q. Okay. what else?

11 A. There isn't much else to do.

12 Q. There's not much else to do
13 other than entertain, have furniture,
14 and sleep there; is that right?

15 A. I guess that's about it.

16 Q. Okay. How many times have you
17 entertained at the loft?

18 A. I don't have an exact number.
19 Business associates come there. Have a
20 meeting with business friends on
21 wednesday.

22 Q. Tell me, every wednesday?

23 A. Most wednesdays.

□

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1 Q. And tell me who attends those
2 business meetings?

3 A. Different people. Bill
4 Blount, Al Peer, Jeff Pitts.

5 Q. Jeff Pitts?

6 A. Pitts.

7 Q. Not Pizitz? Pitts?

8 A. P-I-T-T-S. Reverend Oden,

9 O.C. Oden. His wife, Sophnia. My son,
10 his wife.

11 Q. Your son?

12 A. My son, his wife.

13 Q. What's your son's name?

14 A. Ronald. His wife's name is --
15 what is his wife's name?

16 Q. Don't get yourself in trouble.
17 Ronald and his wife?

18 A. My grandsons.

19 Q. Now, let me make sure I
20 understand. These are all people there
21 for business meetings?

22 A. You asked me --

23 Q. Let's try to break it up.

□

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1 First you said you had business
2 meetings there on Wednesdays. Who
3 would attend those meetings?

4 A. Al Peer, Jeff Pitts.

5 Q. Would that be business about
6 Birmingham?

7 A. Just business about a lot of
8 things.

9 Q. Okay. When you say business,
10 that's what I'm trying to understand.
11 Would it have been about your

21 Q. What other businesses are you
22 involved in?

23 A. That's it.

□

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1 Q. Now, would you ever have
2 Wednesday meetings with Bill Blount, Al
3 Peer, and Jeff Pitts at your Fairfield
4 home?

5 A. When it was my primary
6 residence, yes.

7 Q. And that would be Wednesday
8 afternoons?

9 A. Yes, sir.

10 Q. Now, when would Reverend Oden
11 and his wife be there?

12 A. At which place?

13 Q. Well, at either place. I
14 thought we were talking about you said
15 you entertained at the loft and you
16 told me about business meetings. Then
17 you listed Reverend Oden and Mrs. Oden.

18 A. Right.

19 Q. Did you entertain them at the
20 loft?

21 A. Sure.

22 Q. Would that be social?

23 A. No. I teach a Bible study

□

32

1 class. He and I teach it together.

2 Q. You teach it at the loft?

3 A. No. I teach Bible study at
4 the Community Center in Fairfield and
5 whoever I get together to go over the
6 Bible study lessons. He's just a
7 personal friend.

8 Q. And do you still do it
9 sometimes at the loft?

10 A. Yes.

11 Q. Would you still do it
12 sometimes at Fairfield?

13 A. No. We're doing it at the
14 loft.

15 Q. What else -- your son and his
16 wife, your daughter-in-law, why would
17 they be at the loft?

18 A. Because they're my family.

19 Q. So they come to visit you?

20 A. Right.

21 Q. Anybody else?

22 A. Well, my wife has friends come
23 down there. And when she has her

□

1 friends, I leave.

2 Q. You get out of there?

3 A. Yeah, I do.

4 Q. Okay. All right. And --

5 A. She has AKA sorority folks
6 there at the loft.

7 Q. At the loft?

8 A. Right. She entertains them.

9 Q. Was this during the day?

10 A. No. Most of it was in the
11 evening times.

12 Q. How often did that happen?

13 A. Oh, I don't know the number.
14 she has had them there on several
15 occasions and she has board meetings
16 there at the house.

17 Q. What type of board meetings?

18 A. She's over the Foundation of
19 Holy Family High School. Holy Family
20 Foundation is what it's called.

21 Q. Well, from June through
22 October, how many board meetings did
23 she have at the loft? Do you know?

□

1 A. No.