



AlaFile E-Notice

03-CV-2025-000373.00

Judge: J. R. GAINES

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

KAY IVEY ET AL V. ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION
03-CV-2025-000373.00

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GINA J. ISHMAN
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
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MONTGOMERY, AL, 36104

334-832-1260



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

KAY IVEY, in her official capacity as
Governor of the State of Alabama,

NATHANIEL LEDBETTER, in his official
capacity as Speaker of the Alabama House of
Representatives,
Plaintiffs,

v.

ALABAMA HIGH SCHOOL ATHLETIC
ASSOCIATION,

HEATH HARMON, in his capacity as
Director of the Alabama High School
Athletic Association,

Defendants.

Case No. CV-2025-373

TEMPORARY RESTRAINING ORDER

Plaintiffs Kay Ivey, in her official capacity as Governor of the State of Alabama and Nathaniel Ledbetter, in his official capacity as Speaker of the Alabama House of Representatives, have moved this court for a temporary restraining order (“TRO”) pursuant to Rule 65 of the Alabama Rules of Civil Procedure seeking to block enforcement of the provisions of Rule VI, Section 7 of the Alabama High School Athletic Association (“AHSAA”) 2025-2026 Handbook or any other rule or AHSAA policy that make a CHOOSE Act participating student ineligible to participate in interscholastic athletic events solely because that student or his or her parents have availed themselves of the refundable tax credit provided by the CHOOSE Act codified as Sections 16-6J-1 *et seq.* Code of Alabama 1975. For support, Plaintiffs cite the CHOOSE Act’s antidiscrimination provision, which says: “Nothing in [the CHOOSE Act] shall affect or change the athletic eligibility of student athletes governed by the Alabama High School Athletic Association or similar association.” Ala. Code § 16-6J-3(i).

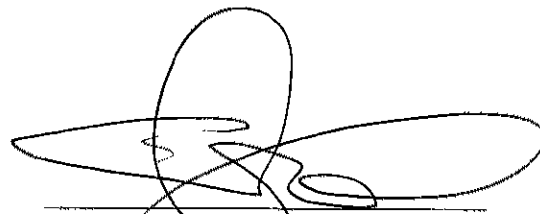
Following a hearing that included counsel for all Parties, Plaintiffs have demonstrated (1) a likelihood of success on the merits, (2) irreparable harm in the absence of a TRO, (3) that they have no adequate remedy at law, and (4) that the hardships on AHSAA from a TRO will not unreasonably outweigh the benefit to Plaintiffs from issuance of the TRO.

IT IS THEREFORE ORDERED that Defendants, as well as their officers, agents, servants, employees, member institutions, and any other person working with them, are TEMPORARILY RESTRAINED from enforcing any rule or policy which makes the acceptance of CHOOSE Act funds the sole determinative factor of eligibility for participation in interscholastic athletic events, including consideration of CHOOSE Act funds as financial aid or financial assistance under Rule VI, Section 7 of the AHSAA 2025-2026 Handbook.

IT IS FURTHER ORDERED that all other rules and policies of the AHSAA remain in full force and effect and are not changed or affected by the issuance of this TRO.

IT IS FURTHER ORDERED that the security requirement of Ala. R. Civ. P. 65(c) is waived as the Plaintiffs are officers of the State of Alabama and that this injunctive relief is effective immediately upon notice of this order.

Done this 5th day of Sept, 2025.



HON. J.R. GAINES
CIRCUIT JUDGE