



AlaFile E-Notice

01-CV-2026-902080.00

Judge: SHERA GRANT

To: CASH BRIAN VERBON
bcash@spain-gillon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

NEBIUS INC. ET AL V. ZONING BOARD OF ADJUSTMENT OF THE CITY OF BIRMING
01-CV-2026-902080.00

The following matter was FILED on 5/27/2026 7:59:50 PM

C001 NEBIUS INC.

C002 ALABAMA ADC HOLDINGS, LLC

C003 DPR CONSTRUCTION, A GENERAL PARTNERSHIP

PLAINTIFF'S MOTION TO DISMISS

[Filer: PRUETER CHARLES WALTON]

Notice Date: 5/27/2026 7:59:50 PM

JACQUELINE ANDERSON SMITH
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
716 RICHARD ARRINGTON, JR BLVD
BIRMINGHAM, AL, 35203

205-325-5355
jackie.smith@alacourt.gov



ELECTRONICALLY FILED

5/27/2026 7:59 PM

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CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

JACQUELINE ANDERSON SMITH, CLERK

STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

01-JEFFERSON

 District Court Circuit Court

CV21

NEBIUS INC. ET AL V. ZONING BOARD OF
ADJUSTMENT OF THE CITY OF BIRMING**CIVIL MOTION COVER SHEET**Name of Filing Party: C001 - NEBIUS INC.
C002 - ALABAMA ADC HOLDINGS, LLC
C003 - DPR CONSTRUCTION, A GENERAL
PARTNERSHIP

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

CHARLES WALTON PRUETER ESQ.
2021 Morris Avenue, Suite 300
BIRMINGHAM, AL 35203
Attorney Bar No.: PRU018 Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**

- Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other _____
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees. Local Court Costs \$ 0 _____**Motions Not Requiring Fee**

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw
- Other _____
pursuant to Rule _____ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) Date:
5/27/2026 7:52:34 PMSignature of Attorney or Party
/s/ CHARLES WALTON PRUETER ESQ.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

NEBIUS INC.; ALABAMA ADC HOLDINGS,)	
LLC; and DPR CONSTRUCTION, a General)	
Partnership,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: CV-2026-902080
)	
THE ZONING BOARD OF ADJUSTMENT OF)	
THE CITY OF BIRMINGHAM, ALABAMA)	
)	
Defendant.)	

NOTICE OF VOLUNTARY DISMISSAL UNDER ALA. R. CIV. P. 41

Pursuant to Alabama Rule of Civil Procedure 41(a)(1)(i), Nebius, Inc., Alabama ADC Holdings, LLC, and DPR Construction hereby file this notice of voluntary dismissal without prejudice. No answer or motion for summary judgment has been filed. *See Walker Bros. Inv., Inc. v. City of Mobile*, 252 So. 3d 57, 60 (Ala. 2017) (“Rule 41(a)(1)(i) expressly provides that a plaintiff need only file with the court a notice of dismissal to dismiss his or her action if the defendant has not served the plaintiff with an answer or a motion for a summary judgment.” (quotation marks omitted)).

s/Charles W. Prueter
Charles W. Prueter (PRU018)
Manning Russell (RUS065)
FORTIF LAW PARTNERS, LLC
2021 Morris Avenue, Suite 300
Birmingham, Alabama 35203
charles@fortif.com | 205.832.9109
manning@fortif.com | 205.832.9119

Counsel for Appellants Nebius Inc., Alabama ADC Holdings, LLC, and DPR Construction, a General Partnership

CERTIFICATE OF FILING AND SERVICE

I hereby certify that a copy of the foregoing was filed with the Jefferson County Circuit Court via AlaFile on May 27, 2026. Plaintiffs will serve the Zoning Board of Adjustment at the office of the city clerk:

Zoning Board of Adjustment
710 20th Street North
210 City Hall
Birmingham, Alabama 35203

s/Charles W. Prueter _____
Charles W. Prueter (PRU018)
FORTIF LAW PARTNERS, LLC