



AlaFile E-Notice

11-CV-2010-900340.00

To: CHRISTOPHER D GLOVER
chris.glover@beasleyallen.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

ALYSON CORNELIUS SLOAN v. BARNHART CRANE AND RIGGING CO., INC. ET AL
11-CV-2010-900340.00

The following complaint was FILED on 7/28/2010 4:44:45 PM

Notice Date: 7/28/2010 4:44:45 PM

TED HOOKS
CIRCUIT COURT CLERK
CALHOUN COUNTY, ALABAMA
25 WEST 11TH STREET
ANNISTON, AL 36201

256-231-1750
ted.hooks@alacourt.gov

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**
(Not For Domestic Relations Cases)

Case Number:
11-CV-201
Date of Filing:
07/28/2010



ELECTRONICALLY FILED
7/28/2010 4:44 PM
CV-2010-900340.00
CIRCUIT COURT OF
CALHOUN COUNTY, ALABAMA
TED HOOKS, CLERK

GENERAL INFORMATION

IN THE CIRCUIT OF CALHOUN COUNTY, ALABAMA
ALYSON CORNELIUS SLOAN v. BARNHART CRANE AND RIGGING CO., INC. ET AL

First Plaintiff: Business Individual Government Other
First Defendant: Business Individual Government Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonnes
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP-Contempt of Court
- CONT-Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD-Eviction Appeal/Unlawful Detainer
- FORJ-Foreign Judgment
- FORF-Fruits of Crime Forfeiture
- MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB-Protection From Abuse
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

ORIGIN: F INITIAL FILING A APPEAL FROM DISTRICT COURT O OTHER
R REMANDED T TRANSFERRED FROM OTHER CIRCUIT COURT

HAS JURY TRIAL BEEN DEMANDED? Yes No

RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED

ATTORNEY CODE: GLO007 7/28/2010 4:44:18 PM /s CHRISTOPHER D GLOVER

MEDIATION REQUESTED: Yes No Undecided



IN THE CIRCUIT COURT FOR CALHOUN COUNTY, ALABAMA

ALYSON CORNELIUS SLOAN, individually)
and as dependent widow of deceased BARRY)
SLOAN) 11-CV-2010-
Plaintiff)
vs.)
)
BARNHART CRANE AND RIGGING CO.,) JURY DEMAND
INC.; DAVID STEPHENS; and fictitious)
Defendants 1-16 described below

No. 1, whether singular or plural, plaintiff hereby intending to designate the driver of the motor vehicle which collided with the radio tower that caused plaintiff to be injuries and subsequent death on the occasion made the basis of this suit; No. 2, whether singular or plural, plaintiff hereby intending to designate the owner of the motor vehicle which collided with the radio tower on the occasion made the basis of this suit;

No. 3, whether singular or plural, plaintiff hereby intending to designate that entity or those entities who or which agreed to insure either the driver or owner of the vehicle that collided with the radio tower.; No. 4, whether singular or plural, plaintiff hereby intending to designate that entity, individual or those entities who or which placed the vehicle that collided with the tower in a dangerous position near the radio tower; No. 5, whether singular or plural, plaintiff hereby intending to designate that entity or those entities who or which provided maintenance and upkeep on the vehicle that collided with the radio tower on the occasion made the basis of this suit;

No. 6, whether singular or plural, plaintiff hereby intending to designate that entity or those entities who or which did any repair work on the motor vehicle which collided with the radio tower on the occasion made the basis of this suit; No. 7, whether singular or plural, plaintiff hereby intending to designate that entity or those entities who or which manufactured and/or distributed the motor vehicle, or any of the component parts thereof, which collided with the radio tower on the occasion made the basis of this suit; No. 8, whether singular or plural, plaintiff hereby intending to designate that entity or those entities who or which were the master or principal of the driver of the vehicle that collided with the radio tower at the time of this accident; No. 9, whether singular or plural, that entity or entities for whom the driver at the time of this accident was performing some type of service or employment duty; No. 10, whether singular or plural, that entity or entities who or which negligently entrusted the vehicle to the defendant driver at the time of this accident;

No. 11, whether singular or plural, that entity or those entities who or which, in the course of business, issued or had a duty to issue warnings or instructions regarding the use of the vehicle that collided with the radio tower; No. 12, whether singular or plural, that entity or those entities other than those entities described above who or which are the successors in interest of any of the entities described above; No. 13, whether singular or plural, that entity or those entities who or which on the date of the occurrence made the basis of this lawsuit provided insurance of any kind or character to any defendant named or described above; No. 14, whether singular or plural, that entity or those entities, other than those individuals or entities otherwise herein whose negligence or wantonness or other wrongful conduct contributed to cause the occurrence made the basis of this lawsuit; No. 15. Whether singular or plural, that entity or entities who or which provided supervision or exercised control over the operation, selection, training, and hiring of the drivers of the bucket truck involved in the occurrence made the basis of this lawsuit; whether singular or plural, that entity that owned and/or provided maintenance and upkeep on the radio tower; No. 16. Whether singular or plural, that entity or entities that designed and constructed the radio tower in question. (Plaintiff avers that the identities of the fictitious parties defendant herein are otherwise unknown to plaintiff at this time or, if their names are known to plaintiff, their identities as proper party defendants are not known to plaintiff at this time, and their true names will be substituted by amendment when ascertained);

COMPLAINT

1. On or about July 22, 2010, plaintiff's decedent, Barry Sloan, ("Mr. Sloan"), was working on a radio tower at Fort McClellan off of Alps Drive when it collapsed after being struck by a bucket truck driven by Defendant David Stephens ("Stephens") and owned by Defendant Barnhart Crane and Rigging Co., Inc. ("Barnhart"). Mr. Sloan was caused to fall between 30 and 40 feet from the tower. Defendant Stephens was working in the line and scope of his employment for Defendant Barnhart.

2. Barry Sloan was killed as a result of the radio tower collapse.
3. Prior to his death, Mr. Sloan was working alongside Jonce Hubble who also was killed as a result of the negligence and wantonness of the defendants. Jonce Hubble's widowed wife, Bridgett M. Hubble, originally filed this lawsuit. Plaintiff Alyson Cornelius Sloan's claim arises out of the same incident and involve common questions of law and fact as Ms. Hubble's claim.

**COUNT I
(Negligence/Wantonness)**

4. On or about July 22, 2010, in the city of Anniston, Calhoun County, Alabama, Defendant Stephens, as agent and employee of Defendant Barnhart negligently and/or wantonly caused or allowed the bucket truck he was operating to strike a guy-wire and cause the collapse of the radio tower on which Mr. Sloan was working. Said negligent conduct was a proximate cause of Mr. Sloan's injuries and death. Stephens was operating said bucket truck while under the control, employ, training, and supervision of Barnhart.
5. As a direct and proximate result of the aforesaid wrongful, negligent, and/or wanton conduct of Stephens, Mr. Sloan suffered injuries that resulted in his death.

WHEREFORE, Plaintiff demands judgment against each of the Defendants jointly and severally, for damages allowable under Alabama's Wrongful Death Act in an amount to be determined by a jury together with the costs of this proceeding.

**COUNT II
(Agency)**

6. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 5 above as if set out here in full.

7. At the aforesaid time and place, Defendant, Stephens, the driver of the vehicle owned by Defendant Barnhart, was engaged in the regular course and scope of his employment for Defendant Barnhart and therefore, Defendant Stephens is an agent for Barnhart. Barnhart is responsible to the Plaintiff for the negligent and/or wanton acts of Stephens.

8. As a direct and proximate result of the aforesaid wrongful, negligent, and/or wanton conduct of Stephens as agent of Barnhart, Mr. Sloan suffered injuries that resulted in his death

WHEREFORE, Plaintiff demands judgment against each of the Defendants jointly and severally, for damages allowable under Alabama's Wrongful Death Act in an amount to be determined by a jury together with the costs of this proceeding.

COUNT III
(Negligence of Barnhart)

9. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 8 above as if set out here in full.

10. At the aforesaid time and place, and for sometime prior thereto, Defendant Barnhart was the employer of Defendant Stephens and as such, had the authority and duty to supervise, hire, train, and retain Stephens as a operator of commercial vehicles. Barnhart negligently and/or wantonly exercised or failed to exercise reasonable care in the supervision, hiring, training, and retention of Stephens and said negligent and/or wanton conduct was a proximate cause of the plaintiff's injuries and death as fully set out herein.

11. At the aforesaid time and place, and for sometime prior thereto, Defendant Barnhart controlled and/or owned the vehicle driven by their employee and/or agent

Stephens. Defendant Barnhart negligently and/or wantonly entrusted or loaned said vehicle to their employee, and is liable for said negligent entrustment which was a proximate cause of the Plaintiff's injuries and death as fully set out herein.

WHEREFORE, Plaintiff demands judgment against each of the Defendants jointly and severally, for damages allowable under Alabama's Wrongful Death Act in an amount to be determined by a jury together with the costs of this proceeding.

Attorneys for Plaintiff Alyson Sloan

/s/ Jere L. Beasley
JERE L. BEASLEY (BEA020)

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, Alabama 36103-4160
(334)269-2343
jere.beasley@beasleyallen.com

/s/ J. Cole Portis
J. COLE PORTIS (POR018)

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, Alabama 36103-4160
(334)269-2343
cole.portis@beasleyallen.com

/s/ Chris D. Glover
CHRIS D.GLOVER (GLO007)

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, Alabama 36103-4160
(334)269-2343
chris.glover@beasleyallen.com

/s/ James D. Walker

JAMES D. WALKER (WAL038)
Post Office Box 40
Albertville, AL 35950

OF COUNSEL:

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, Alabama 36103-4160
(334)269-2343
chris.glover@beasleyallen.com

JURY DEMAND

Plaintiff hereby demands a struck jury for the trial of this cause.

SERVE DEFENDANTS AS FOLLOWS:

BARNHART CRANE AND RIGGING CO., INC.
c/o SHAWN SWANSON, AS REGISTERED AGENT
731 FINLEY ISLAND ROAD
DECATUR, ALABAMA 35601-7545

DAVID STEPHENS
(address currently unknown and is being ascertained by Plaintiff)