

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:

03-CV-201

Date of Filing:

12/28/2010



ELECTRONICALLY FILED
12/28/2010 11:17 AM
CV-2010-901628.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
MELISSA RITTENOUR, CLERK

GENERAL INFORMATION

IN THE CIRCUIT OF MONTGOMERY COUNTY, ALABAMA

MARY W. SMITH AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LAURA ELIZABETH PULLAM,

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: BEA039

12/28/2010 11:16:40 AM

/s JULIA A. BEASLEY

MEDIATION REQUESTED: Yes No Undecided



**IN THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, ALABAMA**

**MARY W. SMITH, as Personal
Representative of The Estate of
LAURA ELIZABETH PULLAM,
deceased, and on behalf of VICTORIA
CLARABELLE PULLAM, a dependant
infant child;**

Plaintiff,

vs.

ROBERT ALLEN CUMBIE,

Defendant.

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CIVIL ACTION NUMBER:

COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff Mary W. Smith is over the age of nineteen years old. She is the Personal Representative of The Estate of Laura Elizabeth Pullam, deceased and the grandmother of Victoria Clarabelle Pullam, the dependant infant child. The Plaintiff resides in Lowndes County, Alabama.

2. Defendant Robert Allen Cumbie is over the age of nineteen years old and resides in Montgomery County, Alabama.

STATEMENT OF THE FACTS

3. On December 15, 2010, Laura Elizabeth Pullam was employed by Care Ambulance and was attending to a victim of an unrelated motor vehicle accident in the median between the northbound and southbound lanes of Interstate 65 in Montgomery County, Alabama.

4. At the aforesaid time and place, the Care Ambulance was partially in the

left-hand lane of southbound Interstate 65 with the emergency lights activated.

5. Defendant Robert Cumbie was operating his motor vehicle in a southbound direction on Interstate 65 in Montgomery County, Alabama.

6. The roads were icy at the time.

7. Defendant Robert Cumbie traveled at speeds too high for the existing weather and road conditions, lost control of his motor vehicle, ran off the roadway and struck Laura Elizabeth Pullam.

8. As a result of being struck by the motor vehicle driven by Defendant Robert Cumbie, Laura Elizabeth Pullam died.

9. This action is brought pursuant to ALA. CODE § 6-5-391.

COUNT ONE

10. Plaintiff realleges paragraphs 1 through 9 of the Complaint as if set out here in full.

11. Defendant Robert Allen Cumbie owed a duty to Laura Elizabeth Pullam to use reasonable care in his operation of the motor vehicle.

12. Defendant Cumbie negligently operated the motor vehicle by failing to keep a proper lookout ahead; by travelling at a speed too high for the existing conditions; by failing to slow his vehicle down for the emergency vehicles ahead; and/or by failing to control his vehicle.

13. As a proximate consequence of Defendant Cumbie's negligence, as aforesaid, Laura Elizabeth Pullam was killed.

14. The claim in Count One is brought under Alabama Code § 6-5-391.

WHEREFORE, Plaintiff Mary W. Smith, as Personal Representative of The

Estate of Laura Elizabeth Pullam, deceased, and on behalf of Victoria Clarabelle Pullam, a dependant infant child, demands judgment against Defendant Robert Allen Cumbie in such an amount of damages as a jury may award and the costs of this action.

COUNT TWO

15. Plaintiff realleges paragraphs 1-9 of the Complaint as if set out here in full.


16. Defendant Robert Allen Cumbie owed a duty to Laura Elizabeth Pullam to use reasonable care in his operation of the motor vehicle.

17. Defendant Cumbie wantonly operated the motor vehicle by failing to keep a proper lookout ahead; by traveling at a speed too high for the existing conditions; by failing to slow his vehicle down for the emergency vehicles ahead; and/or by failing to control his vehicle.

18. As a proximate consequence of Defendant Cumbie's wantonness, as aforesaid, Laura Elizabeth Pullam was killed.

19. The claim in Count Two is brought under Alabama Code § 6-5-39.1

WHEREFORE, Plaintiff Mary W. Smith, as Personal Representative of The Estate of Laura Elizabeth Pullam, deceased, and on behalf of Victoria Clarabelle Pullam, a dependant infant child, demands judgment against Defendant Robert Allen Cumbie in such an amount of damages as a jury may award; a separate amount of punitive damages; and the costs of this action.



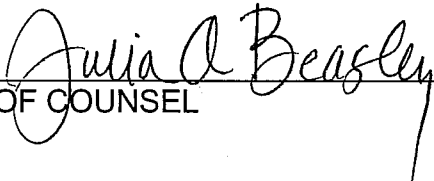
JERE L. BEASLEY (BEA020)
JULIA A. BEASLEY (BEA039)
Attorneys for Plaintiff

OF COUNSEL:

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JURY DEMAND

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL ISSUES OF THIS
CAUSE.


OF COUNSEL