



## AlaFile E-Notice

63-CV-2008-900234.00

To: M HERRING  
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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

GAVUN KERSHOD HOWARD v. CAROLYN SUE HOWARD  
63-CV-2008-900234.00

The following complaint was FILED on 4/21/2008 2:24:59 PM

Notice Date: 4/21/2008 2:24:59 PM

**MAGARIA HAMNER BOBO**  
**CIRCUIT COURT CLERK**  
TUSCALOOSA COUNTY, ALABAMA  
714 GREENSBORO AVENUE  
TUSCALOOSA, AL 35401

205-349-3870  
magaria.bobo@alacourt.gov

**COVER SHEET  
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:  
**63-CV-200**

Date of Filing:  
04/21/2008



ELECTRONICALLY FILED  
4/21/2008 2:24 PM  
CV-2008-900234.00  
CIRCUIT COURT OF  
TUSCALOOSA COUNTY, ALABAMA  
MAGARIA HAMNER BOBO, CLERK

**GENERAL INFORMATION**

**IN THE CIRCUIT OF TUSCALOOSA COUNTY, ALABAMA  
GAVUN KERSHOD HOWARD v. CAROLYN SUE HOWARD**

**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:** HER037

4/21/2008 2:22:20 PM

/s M HERRING

**MEDIATION REQUESTED:**  Yes  No  **Undecided**



IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

GAVUN KERSHOD HOWARD, )

PLAINTIFF, )

V. )

CIVIL ACTION NO:

CAROLYN SUE ALLEN; )

Fictitious Defendant A, thereby )

intending to refer to the individual who is )

the owner of the vehicle that collided with )

GAVUN KERSHOD HOWARD on the )

occasion described in this )

complaint and made the basis of )

this lawsuit whose negligence )

and/or wanton conduct caused )

GAVUN KERSHOD HOWARD injuries; )

Fictitious Defendant B. C. and D, )

thereby intending to refer to the )

legal entity, person, firm or )

corporation for whose benefit )

CAROLYN SUE ALLEN was acting )

on the occasion made the basis of )

this lawsuit whose negligence and )

/or wanton conduct caused GAVUN )

KERSHOD HOWARD ' injuries; Fictitious )

Defendants E, F, and G thereby )

intending to refer to the legal )

entity, person, firm or corporation )

responsible for the state of repair )

of the vehicle occupied by the )

defendant, CAROLYN SUE ALLEN on the )

occasion described in the complaint )

made the basis of this lawsuit )

whose negligence and/or wanton )

conduct caused GAVUN KERSHOD )

HOWARD injuries; Fictitious Defendants H,) )

I, and J, thereby intending to )

refer to the legal entity, firm or )

corporation who negligently and/or )

wantonly entrusted the defendant )

CAROLYN SUE ALLEN with the )

possession of their vehicle on the occasion )

described in the complaint; )

fictitious defendants K, L, and M, )  
 thereby intending to refer to the )  
 legal entity, person, firm or )  
 corporation who negligently and/or )  
 wantonly caused contributed to )  
 cause or allowed the accident to )  
 occur on or about April 20, 2006, )  
 causing GAVUN KERSHOD HOWARD )  
 injuries set forth herein. Names of the )  
 Fictitious parties are unknown to the )  
 plaintiff at this time but will be added by )  
 amendment when ascertained, )  
 )  
 DEFENDANTS. )

**COMPLAINT**

COMES NOW the plaintiff, Gavun Kershod Howard and for his complaint against the defendants states as follows:

1. Plaintiff Gavun Kershod Howard is over the age of nineteen years and is a resident of Tuscaloosa County, Alabama.

2. Defendant, Carolyn Sue Allen is an individual over the age of nineteen years and at the time of this accident is and upon information and belief a resident of Tuscaloosa County, Alabama.

3. Plaintiff is without sufficient information, knowledge, or belief to aver the true and proper identities of the fictitious defendants named in the style of this complaint but will aver the same when ascertained.

5. Plaintiff avers that on or about April 20, 2006, he was a pedestrian attempting to cross the parking lot of Northgate Shopping Center in Northport, Alabama when he was struck by the vehicle being driven by Carolyn Sue Allen.

6. Defendant owed a duty to reasonable care to to the Plaintiff.

7. Defendant breached its duty to the plaintiff by acting in a negligent and/or wanton manner by allowing her vehicle to collide with and run into and over the Plaintiff.

8. As a direct and proximate consequence of the defendants, both named and fictitious negligence and/or wantonness, Gavun Kershod Howard was caused to suffer serious and substantial personal injuries and has incurred substantial medical expenses. Said injuries are permanent in nature Gavun Kershod Howard is prevented from going about his daily pursuits and duties and has been caused to suffer great physical pain and suffering, and mental anguish and will continue to suffer these injuries permanently.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff demands judgment against defendants both named and fictitious for both compensatory and punitive damages in an amount to be determined by the trier of fact, plus interest and costs.

s/ M. Stan Herring  
M. Stan Herring (her037)  
Attorney for Plaintiff  
M. STAN HERRING PC  
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700 29<sup>th</sup> Street South  
Birmingham, AL 35233  
(205) 714-4443  
(205) 714-7177  
[msh@mstanherringlaw.com](mailto:msh@mstanherringlaw.com)

**Serve Defendants by Certified Mail:**

Carolyn Sue Allen  
5210 Northwood Lake Drive E  
Northport, AL 35473



IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

GAVUN KERSHOD HOWARD, )

PLAINTIFF, )

v. )

CIVIL ACTION NO:

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GAVUN KERSHOD HOWARD injuries; )

Fictitious Defendant B. C. and D, )

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on the occasion made the basis of )

this lawsuit whose negligence and )

/or wanton conduct caused GAVUN )

KERSHOD HOWARD ' injuries; Fictitious )

Defendants E, F, and G thereby )

intending to refer to the legal )

entity, person, firm or corporation )

responsible for the state of repair )

of the vehicle occupied by the )

defendant, CAROLYN SUE ALLEN on the )

occasion described in the complaint )

made the basis of this lawsuit )

whose negligence and/or wanton )

conduct caused GAVUN KERSHOD )

HOWARD injuries; Fictitious Defendants H,) )

I, and J, thereby intending to )

refer to the legal entity, firm or )

corporation who negligently and/or )

wantonly entrusted the defendant )

CAROLYN SUE ALLEN with the )

possession of their vehicle on the occasion )

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fictitious defendants K, L, and M, )  
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 amendment when ascertained, )  
 )  
 DEFENDANTS. )

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO  
DEFENDANT, CAROLYN SUE ALLEN

INTERROGATORIES

1. State your full name, present residence address, date of birth, driver=s license number, social security number, any other names that you have gone by, and present employment.

ANSWER:

2. Please state whether or not you were the operator or the occupant of a vehicle which was involved in a collision on or about April 20, 2006.

ANSWER:

3. State the name and address of the owner and all occupants of the vehicle being driven by you, or which was involved, on the date of the incident made the basis of this complaint.

ANSWER:

4. Please state where you had been prior to the collision, where you were going at the time of the collision and the purpose of the trip.

ANSWER:

5. Please identify each person, including experts, having any knowledge of relevant facts relating to the collision which is the basis of this suit, the cause thereof, or the damages resulting therefrom. In so identifying, state the general substance of their knowledge

ANSWER:

6. Please identify any potential party to this lawsuit, not already a party hereto.

ANSWER:

7. Please identify and state the qualifications of each expert whom you expect to call as an expert witness at the trial of this case, the subject matter of the expert's expected testimony and specifically state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

ANSWER:

8. Please state whether or not you have any statement which the Plaintiff has previously made concerning action or its subject matter in which is in your possession, custody, or control.

For the purpose of this question, the statement previously made includes a written statement signed or otherwise adopted or approved by the person making it, or stenographic, mechanical, electrical, or other recording or a transcription thereof, which is a substantial verbatim recital of an oral statement making it and contemporaneously recorded.

ANSWER:

9. Describe any insurance agreement under which any insurance business may be liable to satisfy all or part of the judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, by stating the name of the insurer, and the amount of any liability insurance coverage and by giving the policy number.

ANSWER:

10. Describe in your own words, leaving out no detail, how the collision occurred.

ANSWER:

11. If you claim or contend anyone or anything other than the Defendant caused or contributed to the cause of the collision, please do the following:
  - a. Identify who or what caused or contributed to this accident.
  - b. State each and every fact upon which you base your contention.
  - c. Produce any and all documents, correspondence, memoranda, audio tape, video tape, study, or investigation in support of that contention.

ANSWER:

12. State the speed of your vehicle at all times material to the collision in question, including specifically your speed at the time of impact, 50 feet before the collision, 100 feet before the collision, 500 feet before the collision, a quarter mile before the collision, and a half mile before the collision.

ANSWER:

13. Were you applying your brakes at the time of impact?

ANSWER:

14. State in detail what intoxicating beverages, drugs or medication, if any, you had consumed during the twenty-four hour period immediately preceding the collision.

ANSWER:

15. Describe in detail what damages, if any, were done to your vehicle and give the cost of repair for your vehicle.

ANSWER:

16. Describe in detail what injuries, if any, you received in the collision.

ANSWER:

17. Describe in detail what conversations you have had with the Plaintiff or Plaintiff's representative regarding the collision in question.

ANSWER:

18. Describe any information you have indicating, or any reason that you have to believe, that there was any defect or failure on the part of any vehicle or equipment involved in the collision.

ANSWER:

19. Describe any traffic violation you received as a result of this collision by stating the name and the location of the court, the violation of the law charged in that citation and the date, place, and manner of the disposition of the citation.

ANSWER:

20. List all traffic violations you have received during the past ten years, including, driving under the influence, driving while intoxicated, speeding, reckless driving, running stop signs, running red lights, crossing center lane, and any such other citation that may have been issued to you in that ten-year period.

ANSWER:

21. Please state whether you were acting within the course and scope of any agency, employment, or service at the time of the collision and describe the type of relationship with the persons above.

ANSWER:

22. Describe any criminal record that you may have, including the nature of the charge, the date, the place of arrest, and the conviction, the court in which it was pending, if any.

ANSWER:

23. Were there any obstructions to visibility for any of the operators of the vehicles involved in this collision at the time of, or immediately before the collision, which you contend was a factor or contributed to cause the collision in questions?

ANSWER:

24. If you had a valid driver's license at the time of the accident, please describe as to type, license number and any restrictions thereon and if the license has ever been suspended or revoked, please give the details of any such suspension or revocation.

ANSWER:

25. Has the Defendant been involved in any motor vehicle collision before the date of the occurrence made the basis of this lawsuit? If so, give details as to where, when, how, with whom, and whether a lawsuit resulted therefrom, the case number of the lawsuit and the court in which it was filed.

ANSWER:

26. Please state the year, make, and model of the vehicle you were operating at the time of the collision.

ANSWER:

27. State whether within a six month period preceding date of the accident made the basis of this suit you have performed or had performed any service or repairs on the vehicle that the Defendant was driving at the time of the collision and describe in detail what service or repairs were performed, the date of the service or repairs, and who performed the service or repairs.

ANSWER:

28. Describe the road or street surface conditions.

ANSWER:

29. Please state the name, address, and telephone number of any known or potential witness(es) to this accident.

ANSWER:

These interrogatories shall be deemed continuing so as to require supplemental answers if you or your attorneys obtain any further information between the time answers are served and the time of trial.

## REQUEST FOR PRODUCTION

1. A copy of the Defendant's driver's license.
2. A copy of the title to the vehicle that the Defendant was driving at the time in question.
3. Any and all photographs that the Defendant possesses, has custody of, or has control of regarding the vehicle(s) in question following the collision.
4. Any and all expert reports which have been obtained from any expert who is expected to testify at the trial of this matter. If a report has not been prepared, a report is hereby requested.
5. Any and all insurance agreements and/or policies of insurance under which any person or entity which carries on an insurance business may be liable to satisfy part or all of a judgment which may be rendered in this action which would indemnify or reimburse any or all payments made to satisfy a judgment, including but not limited to, any liability insurance policy covering the Defendant or the automobile being driven by the Defendant at the time in question.
6. Copies of any and all statements previously made by the Plaintiff or Defendant(s), including any statements or subject otherwise adopted by the Plaintiff or Defendant by any means, whether they be in writing, mechanical, electrical, or other type of recording or any transcription thereof made the Plaintiff hereto and contemporaneously recorded.
7. Any and all drawings, maps, or sketches of the scene of the accident which has been made the basis of this lawsuit.
8. A copy of any contract of employment between the Defendant and the Defendant's employer which would govern any relationship between them and would bear on the Defendant's scope of employment at the time of the accident made the basis of this claim.
9. A copy of any surveillance videos or photographs of the Plaintiff which made by the Defendant or any agent of the Defendant.
10. Any and all photographs that the Defendant has of the scene of the accident or any other matter or area related to this case.
11. Copies of any witness statements that are relevant to or concern the collision including this Plaintiff and this Defendant.
12. Copy of any repair estimates, damage appraisal(s) or receipts for payment of said

repair(s), and/or invoice(s) for the Defendant's vehicle.

13. A copy of any movies, video tape, or other reproduction of the accident scene.
14. A copy of any survey or plat made of the accident scene.
15. Copies of any and all medical bills, reports, documents, relating to any medical treatment and/or service rendered by a medical professional to the Defendant.
16. If this Defendant has claimed a privilege to any of the requests for production, produce a privilege log for each document, the term document being used in its most broad definition, to which this Defendant objects on the basis of any type of privilege, whether work product, or attorney-client, or any other privilege asserted. Include in this response any reason for said objection, the author of the document, recipient of the document, date of production, a brief description of the subject matter and the current possessor of the document.

s/ M. Stan Herring  
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