

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

MARILYN SAINTJONES,

Plaintiff,

v.

ARAMARK CORPORATION, et al.,

Defendants.

CASE NUMBER

5:16-cv-01060-HGD

**Pending in the Circuit Court
of Madison County, Alabama
CV-2015-901705**

MOTION TO REMAND

COMES NOW the Plaintiff, by and through undersigned counsel, and asserts this Court lacks subject matter jurisdiction. Plaintiff moves to remand this action back to the Circuit Court of Madison County, Alabama. In support thereof, Plaintiff states as follows:

1. On or about September 17, 2015, Plaintiff filed the present action in the Circuit Court for Madison County, Alabama. The Complaint was styled *Marilyn Saintjones v. Aramark Corporation, et al.*, bearing case number CV-2015-901705. The initial Complaint is attached hereto as Exhibit A. Plaintiff's Complaint solely alleges tort claims under Alabama law. In that Complaint, Plaintiff named two Aramark entities as defendants. The later 2016 Amendment simply alters the various Aramark entity. (Defendants collectively referred to as "Aramark"). No new claims were added and the Aramark entities continue pursuing a common defense with unified legal counsel.
2. The sole jurisdictional basis asserted by Aramark for the removal of this action to Federal Court is diversity jurisdiction pursuant to 28 U.S.C. §1332(a)(1). However, Aramark's assertion of diversity jurisdiction is erroneous.
3. Federal courts are courts of limited jurisdiction. The law is well-settled:
Because removal jurisdiction raises significant federalism concerns, federal courts are directed to construe removal statutes strictly. Indeed, all doubts about jurisdiction should be resolved in favor of remand to state court.

City of Vestavia Hills v. General Fidelity Ins. Co., 676 F.3d 1310, 1313 (11th Cir. 2012)(quoting *University of S. Ala. V. American Tobacco Co.*, 168 F.3d 405, 411 (11th Cir. 1999)). Here, Aramark asks this Court not just to ignore doubts, but additionally, to engage in wholesale speculation related to jurisdictional issues.

4. Moreover, "[t]he removing party [Aramark] bears the burden of proof regarding the existence of federal subject matter jurisdiction." *Vestavia Hills, supra*, See *Footnote 1*. Aramark must prove by a preponderance of evidence, not speculation, that the amount in controversy more likely than not exceeds the jurisdictional requirement. See, *Tapscott v. MS Dealer Service Corp.*, 77 F.3d 1353, 1357 (11th Cir. 1996), abrogated on other grounds by *Cohen v. Office Depot, Inc.*, 204 F.3d 1069 (11th Cir. 2000). And, "conclusory" allegations of the amount in controversy, like those made by Aramark, cannot satisfy the Defendant's burden. See, *Tapscott, supra*; See also, *Laughlin v. Kmart Corp.*, 50 F.3d 871, 873 (10th Cir. 1995).

5. Defendant Aramark simply asserts the amount in controversy exceeds \$75,000 without real evidence. (Notice of Removal, Par. 5). And, Aramark asserts it was only able "to ascertain" (or speculate here) the amount in controversy on "May 31, 2016," when it received certain production from Plaintiff constituting "Plaintiff's medical bills and records." Plaintiff will focus on discussing Aramark's conclusory speculation concerning the actual amount in controversy. But, first, the undersigned notes Aramark's contention it first obtained medical papers on May 31 from which it could speculate as to the amount in controversy, is palpably wrong.

6. Contrary to Aramark's assertion, its counsel actually issued subpoenas for the same "medical bills and records" in January, 2016, many months prior to this removal. Indeed, Aramark specifically subpoenaed copies of Plaintiff's medical bills, tax documents (including W-2s) for multiple years, personnel file, employee time cards/sheets, claims for benefits before the Board of Adjustment and copies of all documents evidencing lost wages – **months ago**. In short, Aramark long ago obtained the very medical records and bills it now uses in its Notice of Removal to speculatively support its jurisdictional claim – directly from Plaintiff's employer and workers' compensation provider (Board of Adjustment since she is a State employee). Copies of Aramark's subpoenas from months ago are attached hereto as Exhibits B and C.

7. The burden is on Aramark to prove the amount of controversy in this case exceeds \$75,000 with real facts, not with speculation nor conclusory statements. Aramark fails this burden.

8. Aramark first argues Plaintiff's bare Complaint allegations of "grave physical injury" as well as allegations of injuries to various body parts and lost wages/earnings, is sufficient to surpass the jurisdictional requirements. It is not. Defendant's contention is clearly wrong. In a recent Memorandum Opinion, Judge Hopkins analyzed a similar attempt by a defendant to incorrectly assert diversity jurisdiction. *See, Snellgrove v. The Goodyear Tire and Rubber Company*, 4:13-CV-2062-VEH (N.D. Ala. January 22, 2014).

In *Snellgrove*, the Plaintiff filed a workers' compensation lawsuit in Etowah County, Alabama. Later, the Plaintiff added additional defendants and a state law claim seeking compensatory and punitive damages under the tort of outrage. The Defendants removed the case to the United States District Court for the Northern District of Alabama. Plaintiff then sought remand.

As in the present case, the Plaintiff in *Snellgrove* did not allege specific damage amounts. Plaintiff's Complaint did allege "surgery for a full thickness tear" to the rotator cuff, that Plaintiff "suffers debilitating pain," that Plaintiff suffered "a permanent impairment and disability," and that Defendants "caused and will continue to cause extreme financial hardship to the [p]laintiff." *Snellgrove* further alleged Defendants caused "emotional distress so severe that no reasonable person could be expected to endure it." *Snellgrove* demanded both compensatory and punitive damages. In short, *Snellgrove's* allegations are far beyond the allegations of present Plaintiff Saintjones in that *Snellgrove* alleged not just injury but a specific surgery. *Snellgrove* alleged not just emotional damages but emotional distress to the extent no reasonable person could endure it. If *Snellgrove's* bare allegations did not satisfy the amount in controversy evaluation, then the present Plaintiff's certainly do not. In examining these bare allegations, Judge Hopkins stated:

Here, while the court's experience and common sense certainly informs it that surgery, physical therapy, and disability payments can be expensive, for it to say, based only on the bare allegations of the complaint, that the costs of each of them, or all three combined, exceeds \$75,000 would 'amount to unabashed guesswork, and such speculation is frowned upon.'

(quoting *Lowery v. Alabama Power Co.*, 483 F.3d 1184, 1210-11 (11th Cir. 2007)). As Judge Hopkins further explained, allegations of pain, financial hardship and emotional distress do not help the court in the absence of specifics. *See also, Williams v. Best Buy Company, Inc.*, 269 F.3d at 1310 (11th Cir. 2001)(allegations Plaintiff tripped over a curb and suffered permanent physical and mental injuries, that she incurred substantial medical expenses, that she suffered lost wages, that she experienced a diminished earning capacity, and that she would continue to suffer these damages in the future, along with a demand for compensatory and punitive damages did NOT render it facially apparent the controversy exceeded \$75,000.)

As noted by other courts within the 11th Circuit, “listing categories of damage” which is exactly what Aramark does here, does not satisfy the removing defendant’s burden of establishing the amount in controversy exceeds the \$75,000 threshold. *See, Robinson v. Clayton*, 2012 WL 6028940 (S.D. Ala. December 3, 2012); *See also, Lambeth v. Peterbilt Motors Co.*, 2012 WL 1712692 (S.D. Ala. May 5, 2012)(“While the back injury is characterized as ‘serious,’ nothing in the Complaint elaborates on the nature or severity of that injury, or otherwise lends substance or meaning to it. We simply do not know – or have any basis for inferring from the pleadings – anything about how severe, permanent, debilitating or painful the injury might be; how extensive, costly, or traumatic the course of treatment was, is or might be; or whether and to what extent the injury did, does or will constrain...[the plaintiff’s] work or life activities.”)

9. Likewise, the fact that the present Complaint simply seeks punitive damages is not sufficient to satisfy the amount in controversy requirement. As Judge Steele of the Southern District of Alabama recently noted in a Remand Order, “[a] claim for punitive damages in a negligence/wantonness case does not automatically, necessarily vault the amount in controversy over the \$1332 jurisdictional threshold.” *Crocker v. Lifesouth Community Blood Centers*, 15-0619-WS-B (S.D. Ala February 23, 2016). *See also, Lambeth v. Peterbilt Motors Co.*, 2012 WL 1712692 *4 (S.D. Ala. May 15, 2012)(“there is nothing talismanic about such a demand that would per se satisfy the amount-in-controversy requirement and trigger federal subject-matter jurisdiction.”).

10. What evidence does Aramark allege to claim the amount in controversy requirement is satisfied? Aramark simply attaches medical bills it obtained along with a

spreadsheet it created, claiming Plaintiff incurred \$25,139.29 in medical charges. Aramark presents no evidence the bills included in its “amount” are part of this case or controversy. Aramark presents no evidence the charges are causatively related? Aramark then engages in rank speculation in order to multiply this artificial amount beyond the \$75,000 amount in controversy requirement.

Aramark even tells the Court “[t]his total of medical expenses is incomplete, as Aramark has not yet received all of Plaintiff’s medical records, including from physicians and pharmacies she disclosed in response to Aramark’s Interrogatory Nos. 15 and 21.” (Notice of Removal, Par. 13). Yet, Aramark fails to mention its Interrogatory 15 does not even seek medical information related to the injury, but instead, seeks **unrelated pre-injury healthcare information** “[f]or purposes of determining your physical condition immediately prior to the subject accident,....” (See, Aramark’s actual Interrogatory). Clearly, any prior health problems would not increase the amount in controversy but might substantially lower the amount – if similar in nature to the present claimed injury. Aramark also fails to note (1) it has already subpoenaed Plaintiff’s files from her work and the Board of Adjustment, obtaining all medical information; or, (2) that it did request and receive from Plaintiff, all the doctor, hospital or medical provider records related to her treatment. (See, Interrogatory 16 included in Aramark’s Exhibit B). Aramark has Plaintiff’s hospital and physician records. Yet, it wants to speculate there may be more in an attempt to speculate the amount in controversy. Do we allow a Defendant to speculate as to unknown damages or unknown amounts in controversy simply upon the speculation such amounts may later be discovered? No, we do not.

While Aramark contends current medical expenses are approximately \$25,000, it also fails to note the bulk of the numbers it provides were actually satisfied for far less. Aramark asserts Crestwood charges in the amount of \$23,755.29 (constituting almost all the \$25,000) but fails to note these charges were fully satisfied for approximately \$2094.39. (See, Notice of Removal, Exh. C). Aramark wants to create undue speculation concerning medical charges.

Aramark then seeks to bootstrap its speculative, current medical expense calculation to speculative statements about unknown future treatment. Aramark provides no details. Again, this is a speculative attempt to increase the amount in controversy beyond

reason. Aramark provides the Court no evidence of ANY further medical care to support its speculative conclusions.

What Aramark does provide this Court, however, shows just how speculative its contentions are. Incredibly, Aramark provides this Court medical charges for treatment dates solely in 2013 shortly after the accident. In 2016, Aramark received documents from subpoenas and discovery requests. Yet, it attaches no more records. None for 2014. None for 2015. None for 2016. Instead, Aramark simply asks the Court to speculate as to some unknown future treatment at some unknown future cost that will rise beyond the level of \$75,000.

11. Aramark engages in similar speculation concerning Plaintiff's lost wages / lost earnings allegation. Again, Aramark has discovery responses as well as documents obtained by subpoena directly from Plaintiff's employer. Aramark received these documents in 2016. So, it has production covering the three years since the accident. Although Aramark argues Plaintiff's bare Complaint allegations of lost income or disability support the amount in controversy requirements, it subsequently admits Plaintiff only lost a few days of work in 2013 shortly after the accident. *See, Notice of Removal.*

Incredibly, Aramark takes a single 2013 W-2 and attempts to speculate Plaintiff lost over \$3000 in income. Does the W-2 tell us what income she lost? No. Any assumption from a W-2 of a salaried employee would be rank speculation. Not only does Aramark speculate as to lost wages, it then bootstraps that speculation with another one by extrapolating some larger punitive amount. Aramark has zero basis (in the evidence) for any of its assertions concerning the amount in controversy. And, Aramark's assertions that a speculative amount of compensatory damages can simply be multiplied to determine an even more speculative amount of punitive damages, is clearly beyond reason. Moreover, such speculation about punitive damages ignores the realities of punitive damage assessments and practices over the last two decades.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Honorable Court remand this action to the Circuit Court of Madison County where it was filed.

Respectfully submitted this the 26th day of July, 2016.

/s/ Jeffrey G. Blackwell
Jeffrey G. Blackwell (ASB-7023-L63J)

OF COUNSEL:
Blackwell Law Firm
120 Holmes Avenue, Suite 401
Huntsville, Alabama 35801
Phone: (256) 261-1315
E-mail: jeff@blackwell-attorneys.com

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kevin Garrison
Brody James
Baker, Donelson, Bearman, Caldwell & Berkowitz
420 Twentieth Street North
Wells Fargo Tower, Suite 1400
Birmingham, AL 35203

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

NONE

/s/ Jeffrey G. Blackwell
OF COUNSEL

Exhibit A



AlaFile E-Notice

47-CV-2015-901705.00

To: JEFFREY G. BLACKWELL MR.
jblackwell@hornsbywatson.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINTJONES V. ARAMARK CORPORATION ET AL
47-CV-2015-901705.00

The following complaint was FILED on 9/17/2015 10:59:16 AM

Notice Date: 9/17/2015 10:59:16 AM

JANE C. SMITH
CIRCUIT COURT CLERK
MADISON COUNTY, ALABAMA
MADISON COUNTY, ALABAMA
100 NORTHSIDE SQUARE
HUNTSVILLE, AL 35801

256-532-3390



State of Alabama
Unified Judicial System

Form ARCiv-93 Rev.5/99

COVER SHEET
CIRCUIT COURT - CIVIL CASE

(Not For Domestic Relations Cases)

Case Number
47-CV-201

Date of Filing:
09/17/2015

GENERAL INFORMATION

IN THE CIRCUIT OF MADISON COUNTY, ALABAMA
MARILYN SAINTJONES v. ARAMARK CORPORATION 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: BLA070 9/17/2015 10:59:06 AM /s/ JEFFREY G. BLACKWELL MR

MEDIATION REQUESTED: Yes No **Undecided**

**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA****MARILYN SAINTJONES,****Plaintiff,****v.****CIVIL ACTION NO. CV2015-_____**

ARAMARK CORPORATION, a corporation or other business entity; ARAMARK FACILITIES MANAGEMENT SERVICES, a corporation or other business entity; No. 1, Plaintiff intending to designate as a defendant the businesses and/or services responsible for waxing, polishing, maintaining, buffing, and/or cleaning, the floors in the building where the subject injury occurred; No. 2, Plaintiff intending to designate as a defendant the contractor and/or entity who or which waxed, polished, prepared, buffed and/or cleaned the floor where Plaintiff slipped and fell at the time of the incident made the subject of this suit; No. 3, Plaintiff intending to designate the business and/or entity known as Aramark; No. 4, whether singular or plural, any contractors, suppliers, installers, and/or subcontractors who or which provided any services, labor, work, maintenance, polishing, finishing, and/or cleaning, to the office and/or college building where Plaintiff's subject accident occurred; No. 5, whether singular or plural, the master(s), servant(s), employee(s), employer(s), alter-ego(s), insurer(s)successor(s), predecessor(s), principal(s), and/or agent(s) of any of the named and/or fictitious defendant(s); No. 6, whether singular or plural, those person(s), firm(s), corporation(s), or other legal entities, who or which contributed to the injuries and damages sustained by the Plaintiff. Plaintiff avers

that the fictitious defendants are unknown to Plaintiff or if their names are known, their identities as proper party defendants is not known but will be added by amendment when ascertained. Any reference in this complaint to any defendant, named or fictitious, refers to all defendants both named and fictitious.

Defendants.

COMPLAINT

COUNT I

1. On or about September 25, 2013, the Plaintiff was working at Alabama A&M University, in Huntsville, Madison County, Alabama.

2. The Defendants, both named and fictitious, undertook and/or possessed a duty and/or duties to maintain the floors and/or halls of the building(s) at Alabama A&M University in a reasonably safe manner for invitees and/or other individuals present in said buildings. Defendants, both named and fictitious, had a duty and/or duties to keep said floors free from hazards, to maintain said floors in a safe condition, to keep floors from being unreasonably slippery, and/or to warn of unsafe and/or hazardous conditions.

3. Defendants, both named and fictitious, breached their duty and/or duties.

4. As a proximate consequence of the Defendants, both named and fictitious, negligence the Plaintiff was caused to fall. Plaintiff fell due to a hazardous and/or slick condition which was created by Defendants and for which Defendants failed to warn Plaintiff. As a result, the Plaintiff suffered the following injuries and damages:

The Plaintiff suffered grave physical injury including injury to her left shoulder, left arm, left hip, left leg, back, left knee and ribs. She was permanently injured. The Plaintiff was caused and will be caused in the future to expend sums of money in the nature of doctor, hospital, drug and medical bills, as well as other expenses in and about an effort to heal and cure her injuries. The Plaintiff caused and will be caused in the future to suffer great physical pain and mental

anguish. She was caused to suffer an inability and loss of capacity to pursue her normal daily activities and to pursue employment and she was monetarily damaged thereby.

WHEREFORE, the Plaintiff demands judgment against the Defendants, both named and fictitious, in an amount that a jury deems to be just and reasonable as compensatory damages, together with the costs of this case, interest, and any other appropriate relief.

COUNT II

5. Plaintiff re-alleges and re-adopts all the preceding allegations and averments.

6. On or about September 25, 2013, the Plaintiff was working at Alabama A&M University, in Huntsville, Madison County, Alabama.

7. The Defendants, both named and fictitious, undertook and/or possessed a duty and/or duties to maintain the floors and/or halls of the building(s) at Alabama A&M University in a reasonably safe manner for invitees and/or other individuals present in said buildings. Defendants, both named and fictitious, had a duty and/or duties to keep said floors free from hazards, to maintain said floors in a safe condition, to keep floors from being unreasonably slippery, and/or to warn of unsafe and/or hazardous conditions.

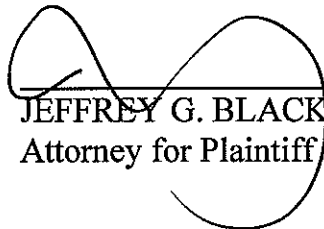
8. Defendants, both named and fictitious, breached their duty and/or duties.

9. As a proximate consequence of the defendants', both named and fictitious, wantonness, recklessness, and/or conscious disregard or known duties, the Plaintiff was caused to fall. Plaintiff fell due to a hazardous and/or slick condition which was created by Defendants and for which Defendants failed to warn Plaintiff. As a result, the Plaintiff suffered the following injuries and damages:

The Plaintiff suffered grave physical injury including injury to her left shoulder, left arm, left hip, left leg, back, left knee and ribs. She was permanently injured. The Plaintiff was caused and will be caused in the future to expend sums of money in the nature of doctor, hospital, drug and medical bills, as well as other expenses in and about an effort to heal and cure her injuries. The Plaintiff was caused and will be

caused in the future to suffer great physical pain and mental anguish. She was caused to suffer an inability and loss of capacity to pursue her normal daily activities and to pursue employment and she was monetarily damaged thereby.

WHEREFORE, the Plaintiff demands judgment against the Defendants, both named and fictitious, in an amount that a jury deems to be just and reasonable as compensatory and punitive damages, together with the costs of this case, interest, and any other appropriate relief.


JEFFREY G. BLACKWELL (BLA070)
Attorney for Plaintiff

OF COUNSEL:
Hornsby, Watson, Hornsby & Blackwell
1110 Gleneagles Drive
Huntsville, Alabama 35801
Phone: (256) 650-5500
Facsimile: (256) 650-5504
Email: jblackwell@hornsbywatson.com

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY ON ALL COUNTS

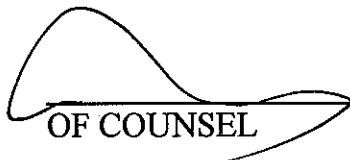

OF COUNSEL

Exhibit B



AlaFile E-Notice

47-CV-2015-901705.00

To: BLACKWELL JEFFREY GLENN
jblackwell@hornsbywatson.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINTJONES V. ARAMARK CORPORATION ET AL
47-CV-2015-901705.00

The following discovery was FILED on 12/16/2015 11:01:32 AM

Notice Date: 12/16/2015 11:01:32 AM

JANE C. SMITH
CIRCUIT COURT CLERK
MADISON COUNTY, ALABAMA
MADISON COUNTY, ALABAMA
100 NORTHSIDE SQUARE
HUNTSVILLE, AL 35801

256-532-3390

ELECTRONICALLY FILED
12/16/2015 11:01 AM
47-CV-2015-901705.00
CIRCUIT COURT OF
MADISON COUNTY, ALABAMA
JANE C. SMITH, CLERK



IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

ARILYN SAINT JONES,)

Plaintiff,)

Case No. CV-2015-901705

ARAMARK CORPORATION, et al.,)

Defendants.)

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

Please take notice that on the 16 day of December, 2015, Defendants Aramark Corporation and Aramark Management Services Limited Partnership (incorrectly identified as Aramark Facilities Management Services in the Complaint) served the following discovery documents on counsel of record:

1. Notice of Intent to Issue Subpoena to the Alabama State Board of Adjustment.

/s/ Eric D. Coleman
Kevin R. Garrison (GAR096)
Eric D. Coleman (COL161)

Attorneys for Aramark

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
420 Twentieth Street North
Wells Fargo Tower, Suite 1400
Birmingham, Alabama 35203
(205) 328-0480 – Telephone
(205) 322-8077 – Facsimile

DOCUMENT 16

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following counsel of record via the court's electronic filing system and by hand-delivery on the 16th day of December, 2015:

Jeffrey G. Blackwell
Hornsby, Watson, Hornsby & Blackwell
1110 Gleneagles Drive
Huntsville, Alabama 35801

/s/ Eric D. Coleman
Of Counsel

DOCUMENT 16

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 47-CV-2015-901705
)	
ARAMARK CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY

Please take notice that, upon the expiration of fifteen (15) days (or such other time as the Court allows) from the date of service of this notice, Defendants Aramark Corporation and Aramark Facilitates Management Services will apply to the Clerk of this Court for issuance of the attached subpoena directed to Alabama A&M University, who is not a party, to produce the documents specified therein.

Respectfully submitted,

/s/ Eric D. Coleman
 KEVIN R. GARRISON (GAR096)
 ERIC D. COLEMAN (COL161)

Attorneys for Defendants,
 ARAMARK CORPORATION and
 ARAMARK FACILITIES MANAGEMENT SERVICES

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
 CALDWELL & BERKOWITZ, P.C.
 1400 Wells Fargo Tower
 420 20th Street North
 Birmingham, AL 35203
 Phone: (205) 250-8314
 Facsimile: (205) 488-3714
 kgarrison@bakerdonelson.com
 ecoleman@bakerdonelson.com

DOCUMENT 16

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the following via the court's electronic delivery system or by US mail, postage prepaid, this 16 day of December 2015, to:

Gregory S. Ritchey
RITCHEY & RITCHEY, PA
1910 28th Avenue South
Birmingham, AL 35209

/s/ Eric D. Coleman
Of Counsel

DOCUMENT 16

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 47-CV-2015-901705
)	
ARAMARK CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

**CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS
UNDER RULES 34(c) & 45**

TO: Alabama A&M University
4900 Meridian Street North
Normal, Alabama 35762

We hereby direct you to produce directly to Eric D. Coleman, Esq., of Baker, Donelson, Bearman, Caldwell, & Berkowitz, P.C., at the address indicated below copies of all the documents listed in the attached **Schedule "A"** within fifteen (15) days of the receipt of this subpoena:

Baker, Donelson, Bearman, Caldwell, & Berkowitz, P.C.
c/o Eric D. Coleman, Esq.
420 20th Street North, Suite 1400
Birmingham, AL 35203

Said inspection and copying shall be conducted in our office or at such other place and at a time as may be mutually agreed upon between the parties. **YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOCOPY OF ALL RECORDS AS REQUESTED TO ERIC D. COLEMAN, ESQ.**

Please be advised that the recipient of this subpoena has the right to object at any time prior to the expiration of fifteen (15) days (or such other time as the Court has allowed) from service, which is the date of compliance with the subpoena. Such objection, if made, shall be communicated in writing to Eric D. Coleman at the above address.

The requesting party agrees to pay all reasonable expenses incurred by you in connection with the production of such documents. If the document production is going to exceed \$50.00 (fifty dollars), please contact Eric D. Coleman, Esq. at the number below. (PLEASE ATTACH A COPY OF THIS SUBPOENA WITH YOUR RECORDS.) Additionally, please have the Custodian of Records sign the attached certification and return it with your records.

DOCUMENT 16

RULE 45:

(c) Protection of Persons Subject to Subpoenas.

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

Subject to paragraph (d)(2) of Ala.R.Civ.P. 45, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspecting and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if:

- (i) fails to allow reasonable time for compliance;
- (ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of Ala.R.Civ.P. 45, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no

DOCUMENT 16

- (iv) exception or waiver applies, or subjects a person to undue burden.

If a subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than one hundred (100) miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Any questions concerning this subpoena should be directed to Eric D. Coleman at (205) 250-8314.

This the ___ day of _____, 2015.

/s/ Eric D. Coleman

KEVIN R. GARRISON (GAR096)

ERIC D. COLEMAN (COL161)

Attorneys for Defendant,
ARAMARK CORPORATION and
ARAMARK FACILITIES MANAGEMENT SERVICES

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

1400 Wells Fargo Tower

420 20th Street North

Birmingham, AL 35203

Phone: (205) 250-8314

Facsimile: (205) 488-3714

kgarrison@bakerdonelson.com

ecoleman@bakerdonelson.com

DOCUMENT 16

EXHIBIT "A"

All requested documents relate to an alleged fall (the "Incident") suffered by Marilyn Saint Jones ("Plaintiff"), at Alabama A&M University on or about September 25, 2013.

1. Any records regarding any claims filed by Plaintiff with the Alabama Board of Adjustment.
2. All reports documenting or relating to the alleged Incident.
3. All medical records of the Plaintiff, in your possession, whether or not related to the alleged Incident.
4. Correspondence, either written or electronic, between you and the Plaintiff or Plaintiff's counsel that relates to the alleged Incident.
5. Photographs of the area where the fall occurred, whether taken before or after the alleged Incident.
6. Any photographs or videos depicting the Incident or the surrounding area.
7. Any emails from Alabama A&M email accounts relating to or referencing the alleged Incident.
8. Plaintiff's pay records and W-2s for September 1, 2010, to the present.
9. A copy of Plaintiff's personnel file.
10. A description of Plaintiff's job duties prior to and following the alleged Incident.
11. Time cards or other documentation of time periods Plaintiff worked during the 2 weeks before and after the alleged Incident.
12. Any doctors' notes provided by Plaintiff in relation to this alleged Incident.
13. Correspondence and emails to and from Aramark relating to the Incident.
14. Documents and correspondence related to any investigations of the alleged Incident by Alabama A&M University.
15. Documents and correspondence related to any actions taken by Alabama A&M University in response to the Incident or as a result of the Incident.
16. Any statements, whether written, recorded, or otherwise, taken from witnesses to the alleged Incident.

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 47-CV-2015-901705
)	
ARAMARK CORPORATION, et al.,)	
)	
Defendants.)	

AFFIDAVIT OF RECORDS CUSTODIAN

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, _____, who, after being duly sworn, did depose and say:

1. I am the duly authorized custodian of the records attached to this Affidavit;
2. I have first-hand knowledge about the making, maintenance and storage of the attached records;
3. The attached records are a true and correct copy of the requested documents;
4. The attached records were:
 - a. Made as part of the regular practice of the business, institution, association, profession, or occupation; and
 - b. Kept in the course of regularly conducted activity.

NAME

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 2015.

NOTARY PUBLIC

My Commission Expires

DOCUMENT 16

Exhibit C



AlaFile E-Notice

47-CV-2015-901705.00

To: BLACKWELL JEFFREY GLENN
jblackwell@hornsbywatson.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINTJONES V. ARAMARK CORPORATION ET AL
47-CV-2015-901705.00

The following discovery was FILED on 12/17/2015 3:53:59 PM

Notice Date: 12/17/2015 3:53:59 PM

JANE C. SMITH
CIRCUIT COURT CLERK
MADISON COUNTY, ALABAMA
MADISON COUNTY, ALABAMA
100 NORTHSIDE SQUARE
HUNTSVILLE, AL 35801

256-532-3390

ELECTRONICALLY FILED
12/17/2015 3:54 PM
47-CV-2015-901705.00
CIRCUIT COURT OF
MADISON COUNTY, ALABAMA
JANE C. SMITH, CLERK



IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

ARILYN SAINT JONES,)

Plaintiff,)

Case No. CV-2015-901705

ARAMARK CORPORATION, et al.,)

Defendants.)

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

Please take notice that on the 17th day of December, 2015, Defendants Aramark Corporation and Aramark Management Services Limited Partnership (incorrectly identified as Aramark Facilities Management Services in the Complaint) served the following discovery documents on counsel of record:

1. Notice of Intent to Issue Subpoena to Alabama A&M University.
2. Notice of Intent to Issue Subpoena to Alabama State Board of Adjustment.

/s/ Eric D. Coleman
Kevin R. Garrison (GAR096)
Eric D. Coleman (COL161)

Attorneys for Aramark

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
420 Twentieth Street North
Wells Fargo Tower, Suite 1400
Birmingham, Alabama 35203
(205) 328-0480 – Telephone
(205) 322-8077 – Facsimile

DOCUMENT 22

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following counsel of record via the court's electronic filing system and by hand-delivery on the 17th day of December, 2015:

Jeffrey G. Blackwell
Hornsby, Watson, Hornsby & Blackwell
1110 Gleneagles Drive
Huntsville, Alabama 35801

/s/ Eric D. Coleman
Of Counsel

DOCUMENT 22

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 47-CV-2015-901705
)	
ARAMARK CORPORATION, et al.,)	
)	
Defendants.)	

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY

Please take notice that, upon the expiration of fifteen (15) days (or such other time as the Court allows) from the date of service of this notice, Defendants Aramark Corporation and Aramark Facilitates Management Services will apply to the Clerk of this Court for issuance of the attached subpoena directed to Alabama A&M University, who is not a party, to produce the documents specified therein.

Respectfully submitted,

/s/ Eric D. Coleman
 KEVIN R. GARRISON (GAR096)
 ERIC D. COLEMAN (COL161)

Attorneys for Defendants,
 ARAMARK CORPORATION and
 ARAMARK FACILITIES MANAGEMENT SERVICES

OF COUNSEL:
 BAKER, DONELSON, BEARMAN,
 CALDWELL & BERKOWITZ, P.C.
 1400 Wells Fargo Tower
 420 20th Street North
 Birmingham, AL 35203
 Phone: (205) 250-8314
 Facsimile: (205) 488-3714
 kgarrison@bakerdonelson.com
 ecoleman@bakerdonelson.com

DOCUMENT 22

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the following via the court's electronic delivery system or by US mail, postage prepaid, this 17 day of December 2015, to:

Jeffrey G. Blackwell
HORNSBY, WATSON, HORNSBY & BLACKWELL
1110 Gleneagles Drive
Huntsville, Alabama 35801
jblackwell@hornsbywatson.com

/s/ Eric D. Coleman

Of Counsel

DOCUMENT 22

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 47-CV-2015-901705
)	
ARAMARK CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

**CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS
UNDER RULES 34(c) & 45**

TO: Alabama A&M University
4900 Meridian Street North
Normal, Alabama 35762

We hereby direct you to produce directly to Eric D. Coleman, Esq., of Baker, Donelson, Bearman, Caldwell, & Berkowitz, P.C., at the address indicated below copies of all the documents listed in the attached **Schedule "A"** within fifteen (15) days of the receipt of this subpoena:

Baker, Donelson, Bearman, Caldwell, & Berkowitz, P.C.
c/o Eric D. Coleman, Esq.
420 20th Street North, Suite 1400
Birmingham, AL 35203

Said inspection and copying shall be conducted in our office or at such other place and at a time as may be mutually agreed upon between the parties. **YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOCOPY OF ALL RECORDS AS REQUESTED TO ERIC D. COLEMAN, ESQ.**

Please be advised that the recipient of this subpoena has the right to object at any time prior to the expiration of fifteen (15) days (or such other time as the Court has allowed) from service, which is the date of compliance with the subpoena. Such objection, if made, shall be communicated in writing to Eric D. Coleman at the above address.

The requesting party agrees to pay all reasonable expenses incurred by you in connection with the production of such documents. If the document production is going to exceed \$50.00 (fifty dollars), please contact Eric D. Coleman, Esq. at the number below. (PLEASE ATTACH A COPY OF THIS SUBPOENA WITH YOUR RECORDS.) Additionally, please have the Custodian of Records sign the attached certification and return it with your records.

DOCUMENT 22

RULE 45:**(c) Protection of Persons Subject to Subpoenas.**

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

Subject to paragraph (d)(2) of Ala.R.Civ.P. 45, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspecting and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of Ala.R.Civ.P. 45, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no

- (iv) exception or waiver applies, or subjects a person to undue burden.

If a subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert’s opinion or information not describing specific events or occurrences in dispute and resulting from the expert’s study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than one hundred (100) miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Any questions concerning this subpoena should be directed to Eric D. Coleman at (205) 250-8314.

This the ___ day of _____, 2015.

/s/ Eric D. Coleman
 KEVIN R. GARRISON (GAR096)
 ERIC D. COLEMAN (COL161)

Attorneys for Defendant,
 ARAMARK CORPORATION and
 ARAMARK FACILITIES MANAGEMENT SERVICES

DOCUMENT 22

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

1400 Wells Fargo Tower

420 20th Street North

Birmingham, AL 35203

Phone: (205) 250-8314

Facsimile: (205) 488-3714

kgarrison@bakerdonelson.com

ecoleman@bakerdonelson.com

EXHIBIT "A"

All requested documents relate to an alleged fall (the "Incident") suffered by Marilyn Saint Jones ("Plaintiff"), at Alabama A&M University on or about September 25, 2013.

1. Any records regarding any claims filed by Plaintiff with the Alabama Board of Adjustment.
2. All reports documenting or relating to the alleged Incident.
3. All medical records of the Plaintiff, in your possession, whether or not related to the alleged Incident.
4. Correspondence, either written or electronic, between you and the Plaintiff or Plaintiff's counsel that relates to the alleged Incident.
5. Photographs of the area where the fall occurred, whether taken before or after the alleged Incident.
6. Any photographs or videos depicting the Incident or the surrounding area.
7. Any emails from Alabama A&M email accounts relating to or referencing the alleged Incident.
8. Plaintiff's pay records and W-2s for September 1, 2010, to the present.
9. A copy of Plaintiff's personnel file.
10. A description of Plaintiff's job duties prior to and following the alleged Incident.
11. Time cards or other documentation of time periods Plaintiff worked during the 2 weeks before and after the alleged Incident.
12. Any doctors' notes provided by Plaintiff in relation to this alleged Incident.
13. Correspondence and emails to and from Aramark relating to the Incident.
14. Documents and correspondence related to any investigations of the alleged Incident by Alabama A&M University.
15. Documents and correspondence related to any actions taken by Alabama A&M University in response to the Incident or as a result of the Incident.
16. Any statements, whether written, recorded, or otherwise, taken from witnesses to the alleged Incident.

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 47-CV-2015-901705
)	
ARAMARK CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

AFFIDAVIT OF RECORDS CUSTODIAN

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, _____, who, after being duly sworn, did depose and say:

1. I am the duly authorized custodian of the records attached to this Affidavit;
2. I have first-hand knowledge about the making, maintenance and storage of the attached records;
3. The attached records are a true and correct copy of the requested documents;
4. The attached records were:
 - a. Made as part of the regular practice of the business, institution, association, profession, or occupation; and
 - b. Kept in the course of regularly conducted activity.

NAME

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 2015.

NOTARY PUBLIC

My Commission Expires

DOCUMENT 22

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

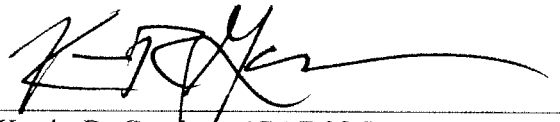
MARILYN SAINT JONES,)
)
 Plaintiffs,)
 v.)
)
 ARMARK CORPORATION, *et al.*,)
)
 Defendants.)

Civil Action No: 01-CV-2015-901705

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTY

Pursuant to Rule 45, Ala. R. Civ. P., upon the expiration of fifteen (15) days from the date of service of this notice, Defendants Aramark Corporation and Aramark Management Services Limited Partnership (incorrectly identified as Aramark Facilities Management Services in the Complaint) will apply to the clerk of this court for issuance of a subpoena to **Alabama State Board of Adjustment**, to produce documents or things at the time and place specified in the subpoena.

Submitted this 17th day of December, 2015.


Kevin R. Garrison (GAR096)
Eric D. Coleman (COL161)

Attorneys for Aramark

OF COUNSEL:
BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, P.C.
420 20th Street North, Suite 1400
Birmingham, Alabama 35203
(205) 328-0480

DOCUMENT 22

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and accurate copy of the foregoing by filing the same via Alafile on all counsel of record on December_____, 2015:

Jeffrey G. Blackwell
Hornsby, Watson, Hornsby & Blackwell
1110 Gleneagles Drive
Huntsville, Alabama 35801



Of Counsel

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV-2015-901705
)	
ARAMARK CORPORATION, et al.,)	
)	
Defendants)	
)	

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS

To: Alabama State Board of Adjustment
600 Dexter Avenue, Suite E-302
Montgomery, AL 36104

The following term shall have the indicated meaning herein:

(1) The term “document” shall including, without limitation, writings, correspondence, agreements, instruments, forms, records, minutes, memoranda, messages, handwritten and other notations and markings, bank records, canceled checks and statements, statements of witnesses, findings of investigations, charts, photographs, tape and other sound recordings and any other data compilation from which information can be obtained. The term “document(s)” shall also include (i) records kept by electronic, photographic, or mechanical means (ii) any non-identical copies of described material, (iii) any drafts of documents, and (iv) all described material in your possession, custody or control (or in the possession, custody, or control of your attorney.)

You are hereby commanded, pursuant to Rule 45, ALA. R. CIV. P., to inspect and copy the each of the documents requested in the attached **Exhibit A**.

Said production and copying shall be conducted in the offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Wells Fargo Tower, Suite 1400, 420 20th Street North,

DOCUMENT 22

Birmingham, Alabama 35203-5202, or at such other time and place as may be mutually agreed upon between you and the requesting party. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You have the option to deliver or mail legible copies of documents or things to:

Kevin R. Garrison
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
1400 Wells Fargo Tower
420 North 20th Street
Birmingham, AL 35203
(205) 244-3818

If you elect this option, all documents or things must be produced by the date written above for the production and copying of documents, but you may condition such activity on your part upon the payment in advance of the reasonable costs of making such copies. The requesting party agrees to pay all reasonable copying expenses incurred by you in the production of these records.

Rule 45, ALA. R. CIV. P., requires the following statement:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of

the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) **Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as

they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

PLEASE ALSO BE SURE TO PROVIDE A CERTIFICATE OF AUTHENTICITY OF THE RECORDS.

Respectfully submitted,

/s/ Kevin R. Garrison
 Kevin R. Garrison (GAR096)
 Eric D. Coleman (COL161)

Attorneys for Aramark

OF COUNSEL:

BAKER, DONELSON, BEARMAN
 CALDWELL & BERKOWITZ, P.C.
 420 North 20th Street, Suite 1400
 Birmingham, Alabama 35203
 (205) 328-0480 - telephone
 (205) 322-8007 - facsimile

 CIRCUIT CLERK

DATE: _____

Alabama State Board of Adjustment
600 Dexter Avenue, Suite E-302
Montgomery, AL 36104

RETURN OF SERVICE

Received this Subpoena at _____ on the _____ day
 of _____, 2015, and on the _____ day of _____, 2015, at ____:____
 __.M., I served it on the within named _____, by

DOCUMENT 22

delivering a copy of the process and accompanying documents to
_____ at _____
_____.

Dated this _____ day of _____, 2015.

Deputy Sheriff/Process Server

DOCUMENT 22

EXHIBIT A

All requested documents relate to an alleged fall (the "Incident") suffered by Marilyn Saint Jones ("Plaintiff"), at Alabama A&M University on or about September 25, 2013; or any other claims that have been filed by Plaintiff with the Alabama State Board of Adjustment, including, but not limited to the following:

1. Copies of all recordings or statements provided or given by Plaintiff.
2. Copies of all communications including emails relating to the Incident between Plaintiff and/or Plaintiff's counsel and you.
3. Copies of all incident reports.
4. Copies of all medical records.
5. Copies of all medical bills incurred by Plaintiff.
6. Copies of any documents evidencing lost wages claimed by Plaintiff.
7. Copies of any other expenses claimed by Plaintiff.
8. Copies of Plaintiff's claim for an on the job injury including any supporting documentation related thereto.
9. Evidence of any transactions or payments of money between you and Plaintiff or any of Plaintiff's medical providers.
10. Copies of correspondence and/or emails between you and Alabama A&M relating to Plaintiff.

DOCUMENT 22

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MARILYN SAINT JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 47-CV-2015-901705
)	
ARAMARK CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

AFFIDAVIT OF RECORDS CUSTODIAN

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, _____, who, after being duly sworn, did depose and say:

1. I am the duly authorized custodian of the records attached to this Affidavit;
2. I have first-hand knowledge about the making, maintenance and storage of the attached records;
3. The attached records are a true and correct copy of the requested documents;
4. The attached records were:
 - a. Made as part of the regular practice of the business, institution, association, profession, or occupation; and
 - b. Kept in the course of regularly conducted activity.

NAME

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 2015.

NOTARY PUBLIC

My Commission Expires

DOCUMENT 22