



## AlaFile E-Notice

70-CV-2020-900040.00

To: G. COURTNEY FRENCH MR.  
cfrench@fpflaw.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY, ALABAMA

KIMBERLY NICOLE BRASHER SMITH AS PERSONAL REPRESENTATIVE OF THE ESTATE  
70-CV-2020-900040.00

The following complaint was FILED on 5/8/2020 3:15:20 PM

Notice Date: 5/8/2020 3:15:20 PM

PATRICK CRADDOCK  
CIRCUIT COURT CLERK  
TALLAPOOSA COUNTY, ALABAMA  
395 LEE STREET  
ALEXANDER CITY, AL, 35010  
  
256-234-4361  
patrick.craddock@alacourt.gov

State of Alabama Unified Judicial System  Form ARCiv-93    Rev. 9/18	<b>COVER SHEET</b> <b>CIRCUIT COURT - CIVIL CASE</b> (Not For Domestic Relations Cases)	Case No. <b>70</b> Date of Filing: <b>05/08/2020</b> <div style="text-align: right;">CIRCUIT COURT OF TALLAPOOSA COUNTY, ALABAMA PATRICK CRADDOCK, CLERK Judge Code:</div>
<b>GENERAL INFORMATION</b>		
<b>IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY, ALABAMA</b> <b>KIMBERLY NICOLE BRASHER SMITH AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANTHONY LAMAR</b>		
<div style="display: flex; justify-content: space-between;"><div><b>First Plaintiff:</b>    <input type="checkbox"/> Business    <input checked="" type="checkbox"/> Individual                               <input type="checkbox"/> Government    <input type="checkbox"/> Other</div><div><b>First Defendant:</b>    <input checked="" type="checkbox"/> Business    <input type="checkbox"/> Individual                               <input type="checkbox"/> Government    <input type="checkbox"/> Other</div></div>		
<b>NATURE OF SUIT:</b> Select primary cause of action, by checking box (check only one) that best characterizes your action:		
<b>TORTS: PERSONAL INJURY</b> <input checked="" type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____  <b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property  <b>OTHER CIVIL FILINGS</b> <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services	<b>OTHER CIVIL FILINGS (cont'd)</b> <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> EPFA - Elder Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
<div style="display: flex; justify-content: space-between;"><div><b>ORIGIN:</b>    <b>F</b> <input checked="" type="checkbox"/> <b>INITIAL FILING</b>  <b>R</b> <input type="checkbox"/> <b>REMANDED</b></div><div><b>A</b> <input type="checkbox"/> <b>APPEAL FROM DISTRICT COURT</b>  <b>T</b> <input type="checkbox"/> <b>TRANSFERRED FROM OTHER CIRCUIT COURT</b></div><div><b>O</b> <input type="checkbox"/> <b>OTHER</b></div></div>		
<b>HAS JURY TRIAL BEEN DEMANDED?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <div style="font-size: small;">Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)</div>		
<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> <b>MONETARY AWARD REQUESTED</b> <input type="checkbox"/> <b>NO MONETARY AWARD REQUESTED</b>		
<b>ATTORNEY CODE:</b> <div style="display: flex; justify-content: space-between;"><div><u>          FRE041          </u></div><div><u>          5/8/2020 3:15:22 PM          </u> Date</div><div><u>          /s/ G. COURTNEY FRENCH MR.          </u> Signature of Attorney/Party filing this form</div></div>		
<b>MEDIATION REQUESTED:</b> <input type="checkbox"/> <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>UNDECIDED</b>		
<b>Election to Proceed under the Alabama Rules for Expedited Civil Actions:</b> <input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>		



**IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY  
ALEXANDER CITY DIVISION**

**KIMBERLY NICOLE BRASHER SMITH,** )  
as the Personal Representative of the Estate )  
of Anthony Lamar Smith, deceased; and )  
**ANTONIO DANTE SMITH, an individual,** )  
 )  
**Plaintiffs,** )

**CIVIL ACTION NO.:**

**CV-2020-\_\_\_\_\_**

**CHARTER COMMUNICATIONS, INC.;** )  
a corporation, and **RODNEY C. MIDDLETON,** )  
an individual, )  
 )  
 )

**PLAINTIFFS DEMAND TRIAL  
BY STRUCK JURY**

There may be other entities whose true names and identities are unknown to the Plaintiffs at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by the Plaintiffs when their true names and identities are accurately ascertained by further discovery. Until that time, the Plaintiffs will designate these parties in accordance with ARCP 9(h). The word "entity" as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnership, any and all types of corporations and unincorporated associations. The symbol by which these party Defendants are designated is intended to include more than one entity in the event that discovery reveals that the descriptive characterizations of the symbol applies to more than one "entity" in the present action. The Party Defendants the Plaintiffs must include by descriptive characterization are as follows:

**DEFENDANT A, B, and C, whether singular or plural, the correct legal designation of the corporation or other entity known as CHARTER COMMUNICATIONS, INC.;**

**DEFENDANT D, E, and F, whether singular or plural, the correct legal designation of that person or persons known as RODNEY C. MIDDLETON;**

**DEFENDANT G, H, and I, whether singular or plural, the correct legal designation of that person or persons who were responsible for the installing, inspecting or maintaining the cable line on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama;**

**DEFENDANT J, K, and L, whether singular or plural, the correct legal designation of those persons, corporations or other legal entities who were acting individually or by and through their agents, servants or employees, whose negligence and/or wantonness proximately caused or contributed to the wrongful death and injuries to the Plaintiffs on the occasion of the incident made the basis of this lawsuit;**

**Defendants.**

**COMPLAINT****STATEMENT OF THE PARTIES**

1. Plaintiff KIMBERLY NICOLE BRASHER SMITH, as the Personal Representative of the Estate of Anthony Lamar Smith, is over the age of nineteen (19) years and at all times material herein resided in Montgomery County.

2. Plaintiff ANTONIO DANTE SMITH is over the age of nineteen (19) years and at all times material herein resided in Montgomery County, Alabama.

3. Defendant CHARTER COMMUNICATIONS, INC. is corporation, operating and doing business in Tallapoosa County, Alexander City Division, Alabama within the jurisdiction of this Court.

4. Defendant RODNEY C. MIDDLETON is over the age of nineteen (19) years and at all times material herein resided in the State of Alabama.

5. DEFENDANT A, B, and C is the correct legal designation of the corporation or other business entity otherwise known as CHARTER COMMUNICATIONS, INC.

6. DEFENDANT D, E, and F is the correct legal designation of that person or persons known as RODNEY C. MIDDLETON.

7. DEFENDANT G, H, and I, whether singular or plural, the correct legal designation of that person or persons who were responsible for the installing, inspecting or maintaining the cable line on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama.

8. DEFENDANT J, K, and L, whether singular or plural, the correct legal designation of those persons, corporations or other legal entities who were acting individually or by and through their agents, servants or employees, whose negligence and/or wantonness proximately

caused or contributed to the wrongful death and injuries to the Plaintiffs on the occasion of the incident made the basis of this lawsuit.

### **STATEMENT OF THE FACTS**

9. Plaintiffs adopt by reference the foregoing paragraphs as if they were set out in full herein.

10. On or about April 28, 2020, Defendants CHARTER COMMUNICATIONS, INC. RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, so negligently, recklessly, carelessly and/or wantonly installed, inspected and/or maintained cable line on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama. At said time and place, the Plaintiff's decedent, ANTHONY LAMAR SMITH, was operating a 2005 Volvo tractor-trailer southbound on Hix Road when the top of the tractor-trailer struck the low-hanging cable line over the roadway. The impact of the tractor-trailer with the low-hanging cable line caused the utility poles to break and fall into the roadway. The tractor-trailer struck the utility pole, jackknifed and traveled off the left side of the roadway coming to rest partially down an embankment on the roof. Plaintiff's decedent ANTHONY LAMAR SMITH was pronounced deceased at the scene and Plaintiff ANTONIO DANTE SMITH suffered serious, traumatic and permanent injuries.

11. Defendants CHARTER COMMUNICATIONS, INC., and/or fictitious Defendant A through L, owned the cable line located on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama and had a duty to properly install, inspect and maintain the cable line.

12. Defendants CHARTER COMMUNICATIONS, INC., and/or fictitious Defendant A through L, was the employer of Defendant RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, and are liable for the acts and/or omissions of Defendants RODNEY C. MIDDLETON, and/or fictitious Defendant A through L.

13. Defendants RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, were agents and/or employees of Defendant CHARTER COMMUNICATIONS, INC., and/or fictitious Defendant A through L, at the time of the subject incident. (The true names and identities of fictitious Defendant A through L are unknown to Plaintiffs at this time but said Defendants will be more correctly identified when their names and identities are known.)

14. Plaintiffs allege that Defendants RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, is the Charter Communications, Inc. Supervisor of Bucket Truck Operators and Technicians and negligently, recklessly, carelessly and/or wantonly installed, inspected and/or maintained cable line on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama, so as to cause the wrongful death, injuries and damages to Plaintiffs as hereinafter described.

15. Specifically, at the aforesaid time and place, the negligently, recklessly, carelessly and/or wantonly installed, inspected and/or maintained low-hanging cable line owned by CHARTER COMMUNICATIONS, INC., and/or fictitious Defendant A through L, were struck by the top of the tractor-trailer driven by Plaintiff's decedent, ANTHONY LAMAR SMITH, and occupied by Plaintiff ANTONIO DANTE SMITH. The impact of the tractor-trailer with the low-hanging cable line caused the utility poles to break and fall into the roadway. The tractor-trailer struck the utility pole, jackknifed and traveled off the left side of the roadway coming to rest partially down an embankment on the roof causing the wrongful death of Plaintiff's decedent, ANTHONY LAMAR SMITH, and severely, traumatically, and permanently injuring Plaintiff ANTONIO DANTE SMITH as described herein.

**COUNT ONE**  
**WRONGFUL DEATH**

16. Plaintiffs adopt by reference the foregoing paragraphs as if they were set out in full herein.

17. On or about April 28, 2020, Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, so negligently, recklessly, carelessly and/or wantonly installed, inspected and/or maintained cable line on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama. At said time and place, the Plaintiff's decedent, ANTHONY LAMAR SMITH, was operating a 2005 Volvo tractor-trailer southbound on Hix Road when the top of the tractor-trailer struck the low-hanging cable line over the roadway. The impact of the tractor-trailer with the low-hanging cable line caused the utility poles to break and fall into the roadway. The tractor-trailer struck the utility pole, jackknifed and traveled off the left side of the roadway coming to rest partially down an embankment on the roof. Plaintiff's decedent, ANTHONY LAMAR SMITH, was pronounced deceased at the scene. The wrongful death of Plaintiff's decedent, ANTHONY LAMAR SMITH, was the direct and proximate result of the negligence, recklessness, carelessness and/or wantonness of Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L.

WHEREFORE, Plaintiff KIMBERLY NICOLE BRASHER SMITH, as Personal Representative of the Estate of Anthony Lamar Smith, demands punitive damages against Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, in an amount to be determined by a struck jury, plus interest and costs.

**COUNT TWO**  
**NEGLIGENCE/WANTONNESS**

18. Plaintiffs adopt by reference the foregoing paragraphs as if they were set out in full herein.

19. On or about April 28, 2020, Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, so negligently, recklessly,

carelessly and/or wantonly installed, inspected and/or maintained cable line on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama. At said time and place, Plaintiff ANTONIO DANTE SMITH was an occupant in the 2005 Volvo tractor-trailer operated by Plaintiff's decedent, ANTHONY LAMAR SMITH, when the top of the tractor-trailer struck the low-hanging cable line over the roadway. The impact of the tractor-trailer with the low-hanging cable line caused the utility poles to break and fall into the roadway. The tractor-trailer struck the utility pole, jackknifed and traveled off the left side of the roadway coming to rest partially down an embankment on the roof severely, traumatically, and permanently injuring Plaintiff ANTONIO DANTE SMITH.

20. Plaintiffs further allege that as a proximate consequence of the negligence, recklessness, carelessness and/or wantonness of the Defendants and/or fictitious Defendant A through L, Plaintiff ANTONIO DANTE SMITH suffered multiple traumatic and severe injuries. He was bruised and contused, suffered permanent injuries, was permanently scarred, suffered severe physical pain and mental anguish, was caused to incur medical expenses and lost wages and will continue to do so in the future.

WHEREFORE, Plaintiff ANTONIO DANTE SMITH demands compensatory and punitive damages against Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, in an amount to be determined by a struck jury, plus interest and costs.

**COUNT THREE**  
**NEGLIGENT/WANTON HIRING, TRAINING AND SUPERVISION OF**  
**DEFENDANT RODNEY C. MIDDLETON**

21. Plaintiffs adopt by reference the foregoing paragraphs as if they were set out in full herein.

22. Defendant RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, as agent and/or employee of Defendant CHARTER COMMUNICATIONS, INC., and/or fictitious



Defendant A through L, is the Charter Communications, Inc. Supervisor of Bucket Truck Operators and Technicians.

23. Defendant RODNEY C. MIDDLETON's Charter Communications, Inc. TECH ID Number is 1026780 and Defendant RODNEY C. MIDDLETON ordered a GainMaker from Cisco which was mailed to Defendant RODNEY C. MIDDLETON 879 Market Place, Alexander City, Tallapoosa County, Alabama.

24. Plaintiffs allege that Defendant RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, had a duty to properly hire, train and supervise safe and competent agents and/or employees to install the GainMaker ordered by Defendant RODNEY C. MIDDLETON.

25. Plaintiffs allege that the Defendant RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, breached his duty owed to the public, including Plaintiff KIMBERLY NICOLE BRASHER SMITH, as Personal Representative of the Estate of Anthony Lamar Smith, and Plaintiff ANTONIO DANTE SMITH, by negligently and/or wantonly hiring, training and supervising his agents and/or employees to install the GainMaker, proximately resulting in the incident described in this Complaint.

26. As a proximate consequence of said negligence and/or wantonness of Defendant RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, Plaintiff's decedent, ANTHONY LAMAR SMITH, sustained injuries causing his wrongful death and Plaintiff ANTONIO DANTE SMITH was caused to suffer the injuries and damages described herein.

WHEREFORE, Plaintiff KIMBERLY NICOLE BRASHER SMITH, as Personal Representative of the Estate of Anthony Lamar Smith, demands punitive damages against Defendant RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, and Plaintiff ANTONIO DANTE SMITH demands compensatory and punitive damages against Defendant RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, in an amount to be determined by a struck jury, plus interest and costs.

**COUNT FOUR**  
**NEGLIGENCE/WANTONNESS**

27. Plaintiffs adopt by reference the foregoing paragraphs as if they were set out in full herein.

28. Upon information and belief, the subject cable line belonging to CHARTER COMMUNICATIONS, INC., and/or fictitious Defendant A through L, was caused to droop to an unsafe height by a violent storm on April 19, 2020, that caused damage throughout Tallapoosa and Coosa Counties, as well as other locations in Alabama. By April 28, 2020, Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, knew, or in the exercise of reasonable care, should have known that the subject cable line was drooping and posed a serious risk to the traveling public who or which traveled Hix Road. Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, negligently and/or wantonly failed to take any remedial steps in those nine (9) days to repair or mitigate the risk created by the sagging cable line or to provide an appropriate warning to motorists approaching the drooping cable line prior to the fatal accident on April 28, 2020, in which Plaintiff's decedent, ANTHONY LAMAR SMITH, was wrongfully killed and Plaintiff ANTONIO DANTE SMITH was seriously injured.

29. As a proximate consequence of the negligence, recklessness, carelessness and/or wantonness of Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, Plaintiff's decedent, ANTHONY LAMAR SMITH, sustained injuries causing his wrongful death and Plaintiff ANTONIO DANTE SMITH was caused to suffer the injuries and damages described herein.

WHEREFORE, Plaintiff KIMBERLY NICOLE BRASHER SMITH, as Personal Representative of the Estate of Anthony Lamar Smith, demands punitive damages against Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON and/or

fictitious Defendant A through L, and Plaintiff ANTONIO DANTE SMITH demands compensatory and punitive damages against Defendants CHARTER COMMUNICATIONS, INC., RODNEY C. MIDDLETON, and/or fictitious Defendant A through L, in an amount to be determined by a struck jury, plus interest and costs.

/s/ G. Courtney French  
 G. COURTNEY FRENCH (FRE041)  
 SAMUEL K. FORD (FOR075)  
 Attorneys for Plaintiffs

**OF COUNSEL:**  
**PETWAY, FRENCH & FORD, LLP**  
 600 Luckie Drive, Suite 300  
 Birmingham, Alabama 35223  
 Telephone: (205) 977-9798  
 Facsimile: (205) 977-9799

/s/ Randall S. Haynes  
 RANDALL S. HAYNES (HAY006)  
 AMANDA LUKER (LUK008)  
 Attorneys for Plaintiffs

**OF COUNSEL:**  
**MORRIS HAYNES, LLP**  
 P. O. Box 1660  
 Alexander City, Alabama 35011-1660  
 (256) 329-2000

**SERVE DEFENDANT VIA SPECIAL PROCESS SERVER:**

Rodney C. Middleton  
 2521 Ellen Lane  
 Millbrook, AL 36054

**SERVE DEFENDANT VIA CERTIFIED MAIL:**

CHARTER COMMUNICATIONS, INC.  
 c/o CT Corporation System  
 2 North Jackson Street, Suite 605  
 Montgomery, AL 36104



ELECTRONICALLY FILED  
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CIRCUIT COURT OF  
TALLAPOOSA COUNTY, ALABAMA  
PATRICK CRADDOCK, CLERK

**IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY  
ALEXANDER CITY DIVISION**

**KIMBERLY NICOLE BRASHER SMITH,** )  
**as the Personal Representative of the Estate** )  
**of Anthony Lamar Smith, deceased; and** )  
**ANTONIO DANTE SMITH, an individual,** )  
 )  
**Plaintiffs,** )

**CIVIL ACTION NO.:**

**CV-2020-\_\_\_\_\_**

**CHARTER COMMUNICATIONS, INC.;** )  
**a corporation, and RODNEY C. MIDDLETON,** )  
**an individual,** )  
 )  
 )  
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There may be other entities whose true names and identities are unknown to the Plaintiffs at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by the Plaintiffs when their true names and identities are accurately ascertained by further discovery. Until that time, the Plaintiffs will designate these parties in accordance with ARCP 9(h). The word "entity" as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnership, any and all types of corporations and unincorporated associations. The symbol by which these party Defendants are designated is intended to include more than one entity in the event that discovery reveals that the descriptive characterizations of the symbol applies to more than one "entity" in the present action. The Party Defendants the Plaintiffs must include by descriptive characterization are as follows:

**DEFENDANT A, B, and C, whether singular or plural, the correct legal designation of the corporation or other entity known as CHARTER COMMUNICATIONS, INC.;**

**DEFENDANT D, E, and F, whether singular or plural, the correct legal designation of that person or persons known as RODNEY C. MIDDLETON;**

**DEFENDANT G, H, and I, whether singular or plural, the correct legal designation of that person or persons who were responsible for the installing, inspecting or maintaining the cable line on Hix Road near Sasser Road on the west side of the Tallapoosa River in Tallapoosa County, Alabama;**

**DEFENDANT J, K, and L, whether singular or plural, the correct legal designation of those persons, corporations or other legal entities who were acting individually or by and through their agents, servants or employees, whose negligence and/or wantonness proximately caused or contributed to the wrongful death and injuries to the Plaintiffs on the occasion of the incident made the basis of this lawsuit;**

**Defendants.**

**PLAINTIFFS' FIRST INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANT CHARTER COMMUNICATIONS, INC.**

COME NOW the Plaintiffs in the above-styled cause and propounds the following Interrogatories and Requests for Production of Documents to Defendant CHARTER COMMUNICATIONS, INC. to be answered in accordance with the Alabama Rules of Civil Procedure:

**INTERROGATORIES**

1. State the name, address, title and duties of the person answering these interrogatories and the place where these interrogatories are answered.
2. State the name, address and job title of each person who was contacted in answering these interrogatories or who provided information relevant to the answering of the interrogatories and the proper designation of each book, document or record which was searched in answering the interrogatories.
3. State this defendant's name correctly and/or the correct way this defendant should be designated as a party defendant in an action at law (at the time of the occurrence made the basis of this suit and at the time these interrogatories were answered).
4. State the name and principal address of each insurer, of any type whatsoever, which insured this defendant against risks or losses claimed in this lawsuit.
5. State the name and address of each person from whom a statement has been obtained by this defendant or on behalf of this defendant.
6. State the names and addresses of all persons known to you, your agents, employees and/or attorneys who have knowledge of the facts involved in the occurrence made the basis of the complaint.
7. Describe any and all cable equipment or cable line installations, repairs, maintenance, changes and/or modifications you made or caused to be made to the cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama for the time period of March 28, 2020 to April 30, 2020.
8. List the name and address of the person or firm responsible for the maintenance and/or repairs to the cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama for the time period of March 28, 2020 to April 30, 2020.
9. Describe the defendant's method or schedule for equipment or cable line installations, repairs, maintenance, changes and/or modifications of cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama, which is the subject matter of this lawsuit.

10. Please state the full name and last known address of all agents, employees or technicians who were responsible for the installation, repairs, maintenance, changes and/or modifications of cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama, which is the subject matter of this lawsuit.

11. With regards to each and every agent, employee or technician of this defendant who was responsible for the installation, repairs, maintenance, changes and/or modifications of cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama, which is the subject matter of this lawsuit, please produce the following:

- (a) The application for employment;
- (b) The personnel/employment file;
- (c) Your investigation and any inquiry into the qualifications, employment history and employment references;

12. With regards to this Defendant, please produce the following:

- (a) Your policy and procedure manual in effect at the time of the incident made the basis of this Complaint;
- (b) Any and all training manuals in effect at the time of the incident made the basis of this Complaint.

13. If you claim that the negligent or wanton conduct of any other person, corporation or other legal entity contributed to cause this incident, then please state the name and manner to which said person, corporation or other legal entity contributed to cause this incident.

14. State the name and address of any and all agents, employees, or representatives (including experts) of this defendant who have visited and/or inspected the scene of the incident made the basis of this lawsuit.

15. State the name and address of any person or entity other than the named defendant in this suit who had any connection with or relationship with or caused in any way the occurrence made the basis of the Plaintiff's complaint.

16. As to your first knowledge of the incident which occurred on April 28, 2020 at or near Hix Road in Tallapoosa County, Alabama made the basis of this suit, please state when you were first informed, by whom you were you informed, and the full name of the person giving the initial written notice of the incident.

17. State the full name and address of every witness known to you, or to your attorney, who has any knowledge regarding the facts and circumstances surrounding the incident referred to in the complaint, including, but not limited to, eyewitnesses to such event.

18. Was an investigation or report made by or for this defendant of or pertaining to the occurrence made the basis of this lawsuit? If so, please state the name and address of the person or firm who made such investigation.

19. State whether this defendant or anyone to this defendant's knowledge made any recommendations to any person or entity as a result of the incident made the basis of this lawsuit.

If so, state separately for each recommendation made, the name of the person or persons who made the recommendation, to whom it was made, and the details of the recommendation.

20. State as to whether there were any barricades or notices posted in the area regarding the ongoing equipment or cable line installations, repairs, maintenance, changes and/or modifications of cable line and/or cable equipment for the time period of March 28, 2020 to April 30, 2020.

21. State the full name and address of each witness whom you expect to call at the trial of this action.

22. State the name and address of each expert witness whom you expect to call at the trial of this action and state the subject matter on which each expert is expected to testify.

23. State the substance of the facts, opinions and conclusions to which each and every expert is expected to testify in this action.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Provide copies of any and all photographs or videos of the persons, places or things involved in the occurrence made the basis of this lawsuit (including the scene of said incident).

2. Please produce any and all documentation regarding cable equipment or cable line installations, repairs, maintenance, changes and/or modifications of cable line and/or cable equipment as it relates to the cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama.

3. Please produce all documentation such as complaints, service records, reports, inspections, maintenance, vegetation monitoring and/or removal, etc. that would in any way be related to the cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama.

4. Please produce the joint attachment and/or joint use agreement with any other utility company.

5. Please produce any and all agreements with any other utility company, including but not limited to, Alabama Power and/or Southern Company

6. Please produce any and all documentation that was in any way related to the cable equipment or cable line installations, repairs, maintenance, changes and/or modifications of cable line and/or cable equipment as it relates to the cable line and/or cable equipment located at or near Hix Road in Tallapoosa County, Alabama.

7. Please state the protocol in place at Charter Communications, Inc. for an employee to report to management when a potential problem or safety issue has been noticed and/or identified on any cable line and/or cable equipment

8. Provide copies of any and all investigative reports made by or for this defendant of or pertaining to the incident made the basis of this lawsuit.

9. Produce a copy of any and all statements, whether recorded or written, taken of anyone who has knowledge of the incident made the basis of this lawsuit.
10. Provide copies of any and all statements taken by this defendant or on behalf of this defendant regarding the incident made the basis of this lawsuit.
11. Produce copies of any and all resumes or similar documents setting forth the educational background and qualifications of each and every expert witness that you expect to call to testify at the trial of this action.
12. If you have declined or failed to produce any requested document, in whole or in part, under a claim of privilege or immunity from production, for each document please:
  - (a) Identify and describe the document or communication, including, but not limited to, the date, the number of pages, the name and title of the author or sender, subject matter, etc.;
  - (b) Identify each person to whom any part of the contents of the document or communication has been communicated; and
  - (c) State the factual basis for your claim of privilege or immunity.

/s/ G. Courtney French  
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**TO BE SERVED WITH THE SUMMONS & COMPLAINT**