



AlaFile E-Notice

64-CV-2009-900180.00

To: BRETT LEE WADSWORTH
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

MARCUS CAMPBELL v. LANE RENO ET AL
64-CV-2009-900180.00

The following complaint was FILED on 5/26/2009 10:06:47 AM

Notice Date: 5/26/2009 10:06:47 AM

SUSAN ODOM
CIRCUIT COURT CLERK
WALKER COUNTY, ALABAMA
P. O. Box 1389
JASPER, AL 35502

205-384-7268
susan.odom@alacourt.gov

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:
64-CV-200

Date of Filing:
05/26/2009



ELECTRONICALLY FILED
5/26/2009 10:06 AM
CV-2009-900180.00
CIRCUIT COURT OF
WALKER COUNTY, ALABAMA
SUSAN ODOM, CLERK

GENERAL INFORMATION

**IN THE CIRCUIT OF WALKER COUNTY, ALABAMA
MARCUS CAMPBELL v. LANE RENO 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: WAD021

5/26/2009 9:58:50 AM

/s BRETT LEE WADSWORTH

MEDIATION REQUESTED: Yes No Undecided



IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

MARCUS CAMPBELL)
)
Plaintiff,)
)
Vs.) CASE NO. CV 09-
)
LANE RENO;)
WALKER COUNTY HUMANE SOCIETY;)

Fictitious Defendants A,B,C, being those persons, corporations, partnerships or other entities who or which caused or contributed to cause, by act or omission, the damages complained of herein.

Fictitious Defendants D,E,F, being those persons, corporations, partnerships or other entities who or which acted on behalf of any Defendant named herein in the capacity of agent, servant, and/or employee and in which capacity caused or contributed to cause by act or omission, the damages complained of herein.

Fictitious Defendants G,H,I, being those persons, corporations, partnerships or other entities on whose behalf any Defendant named herein acted as an agent, servant, or employee, and on whose behalf any Defendant named herein caused or contributed to cause, by act or omission the damages complained of herein.

Defendants.

COMPLAINT

COME NOW, the Plaintiff, by and through the undersigned attorney, and for Complaint against each Defendant named herein sets forth the following:

THE PARTIES

1. The Plaintiff, Marcus Campbell is an individual over the age of nineteen (19) years, and is a resident of Walker County, Alabama.
2. The Defendant, Lane Reno is an individual over the age of nineteen (19) years, and is a resident of Alabama.
3. The Defendant, Walker County Humane Society, Inc. is an Alabama corporation doing business at all times pertinent hereto within Walker County, Alabama.
4. The fictitious Defendants A through I (hereinbefore described in the caption of this Complaint and made a part hereof as if fully set out herein), are defendants who are otherwise

unknown to the Plaintiff but will be substituted by proper party when same is ascertained by Plaintiff.

5. Hereinafter, "Defendants" shall include Lane Reno, Walker County Humane Society, Inc., and fictitious Defendants A through I in this Complaint.

COUNT ONE
(Pattern of Practice)

6. The Plaintiff realleges and adopt by reference the averments contained in Paragraphs 1 through 5 inclusive, the same as if fully set out herein.

7. The Plaintiff claims that the Defendants maintain a practice that routinely:

- Fails to make attempts to locate the owners of animals brought to the facility prior to euthanizing the animal;
- Misrepresents they will make attempts to locate the owner of the animal brought to the facility;
- Misrepresents they will place the animal for adoption brought to the facility;
- Suppresses the material fact that the animals brought to the facility will be euthanized without attempts to locate the owner or place the animal for adoption.

WHEREFORE, PREMISES CONSIDERED, Plaintiff claims that said Defendants are jointly, separately and severally liable to him as a result of the combining and concurring wrongful conduct of each of them as set out above. Plaintiff demands judgment of said Defendants, separately and severally, for all of the injuries and damages. Plaintiff demands judgment of said Defendants, separately and severally, for all of the injuries and damages. Plaintiffs demand compensatory and punitive damages in such type and quantity as a jury may find appropriate under the circumstances of this case and the purposes allowed by law, including but not limited to, the protection of the public by deterring these Defendants and others from doing such wrong in the future.

COUNT TWO
(Negligence and Wantonness)

8. The Plaintiff realleges and adopt by reference the averments contained in Paragraphs 1 through 7 inclusive, the same as if fully set out herein.

9. The Plaintiff avers that on or about May 19, 2009, the Defendants euthanized the Plaintiff's dog, "Boost", in a negligent and wanton manner with complete disregard for the law.

10. The Plaintiff avers that on or about May 19, 2009, the Defendants recklessly euthanized Boost without making attempts to locate his rightful owner.

11. The Plaintiff avers that on or about May 19, 2009, the Defendants recklessly euthanized Boost without the permission of the Plaintiff.

12. The Plaintiff avers that on or about May 19, 2009, the Defendants negligently and recklessly failed to make proper evaluation of Boost by euthanizing him within only 10 minutes upon his arrival to the facility.

13. The Plaintiff avers that the Defendants negligently and recklessly failed to hold Boost in accordance with Alabama Code § 3-7A-7 which states:

“It shall be the duty of each and every county in the state to provide a suitable county pound and impounding officer for the impoundment of dogs and cats found running at large in violation of the provisions of this chapter. Every municipality with a population over 5,000 in which the county pound is not located shall maintain a suitable pound or contribute their pro rata share to the staffing and upkeep of the county pound. When dogs and cats are impounded and if the owner thereof is known, such owner shall be given direct notice of the impoundment of said animal or animals belonging to him; or the impounding officer may make said animal or animals available for adoption after a period of not less than seven days.”

14. The Plaintiff avers that the Defendants acted recklessly by euthanizing Boost in the absence of an emergency situation. The Plaintiff further alleges that if an emergency situation did exist, the Defendants failed to follow the proper protocol which states in Alabama Code § 34-29-132(1):

“Whenever an emergency situation exists which requires the immediate euthanasia of an injured, diseased, or dangerous animal, a law enforcement officer, a veterinarian, or an agent or designee of a local animal control unit may humanely destroy the animal, as provided herein.

(1) Whenever any domestic animal is so injured or diseased as to appear useless and is in a suffering condition, and it reasonably appears to any officer that the animal is imminently near death and cannot be cured or rendered fit for service, and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner's agent, or a veterinarian, then the officer, acting in good faith and upon reasonable belief, may immediately destroy the animal by shooting the animal or injecting the animal with a barbiturate drug. If the officer locates the owner or the owner's agent, the officer shall notify the owner or the owner's agent of the animal's location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice and recommendation of the veterinarian.”

WHEREFORE, THE ABOVE PREMISES CONSIDERED, the Plaintiffs demand judgment against the aforementioned and described Defendants, separately and severally, for compensatory damages and punitive damages, plus interest and costs.

JURY TRIAL DEMAND

Plaintiffs demand trial of this action by a struck jury.

Respectfully Submitted,

s/ Brett L. Wadsworth

Brett L. Wadsworth (WAD021)

Attorney for the Plaintiffs

Post Office Box 3145

Jasper, Alabama 35502

Plaintiffs' Address:

% Post Office Box 3145

Jasper, Alabama 35502



IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

MARCUS CAMPBELL)	
)	
Plaintiff,)	
)	
Vs.)	CASE NO. CV 09-
)	
LANE RENO;)	
WALKER COUNTY HUMANE SOCIETY;)	

**PLAINTIFF’S REQUEST FOR PRODUCTION OF DOCUMENTS, ETC.,
PURSUANT TO RULE 34, ALABAMA RULES OF CIVIL PROCEDURE TO
DEFENDANTS**

COMES NOW, the Plaintiff and requests Defendants, Lane Reno and Walker County Human Society, Inc. respond to the following requests within the time and in the manner required by law:

1. That Defendant produce and permit Plaintiffs to inspect and to copy each of the following items:

- (a) Form 990 for the previous three tax years;
- (b) Copy of any license permitting the Walker County Humane Society, Inc. to euthanize animals;
- (c) Any and all un-edited video recordings of the Walker County Humane Society between the hours of 3:00 PM and 5:00 PM on the date of May 19, 2009;
- (d) Record of all animals housed on May 19, 2009 and dates they were brought in;
- (e) Any and all documents signed by the person(s) bringing Boost into the Walker County Humane Society;
- (f) Any and all documents pertaining to any animals brought into the Walker County Humane Society on May 19, 2009;
- (g) Any and all documents pertaining to any animal euthanized on the date of May 19, 2009;
- (h) Any and all documents pertaining to the disposal of any animal euthanized on the date of May 19, 2009;
- (i) The collar which Boost was wearing when he arrived at the Walker County Humane Society on May 19, 2009;
- (j) Any records or documentation pertaining to communication with a licensed veterinarian regarding Boost.

2. The Defendant shall make the foregoing items available for inspection and copying at the office of the attorney for the Plaintiff on or before the date set out above unless otherwise agreed to by the parties.

This request contemplates all documents received in response to any and all non-party subpoenas issued by the Defendant(s) during the litigation of this case. This request is deemed to be ongoing in nature and must be supplemented as documents are received by the Defendants' counsel.

s/BRETT L. WADSWORTH
BRETT L. WADSWORTH (WAD021)
Attorney for Plaintiffs
P.O. Box 3145
Jasper, AL 35502
(205) 295-1001

PLAINTIFF REQUESTS THAT THIS FIRST REQUEST FOR PRODUCTION OF DOCUMENTS BE SERVED ON DEFENDANTS ALONG WITH SERVICE OF PROCESS.