

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
CIVIL ACTION NO.: CV-2000-5932**

Josephine M. Damico, W.B. and Claire Quarles, Ellen A. and Jane C. Tipton, Annette Hardy, Linda L. Broach, Kathleen Chapman, and Colleen McClaughlin,

Plaintiffs, on behalf of themselves and all others similarly situated individuals,

vs.

City of Birmingham, a municipal corporation; Eastwood Market Place LLC; Fictitious Defendants A-Z, being those persons or entities who have assumed the duty or otherwise have legal responsibility for the design, maintenance, and proper construction of the storm water drainage system in and around the Plaintiffs' community and whose proper identities are not currently known but will be substituted by amendment when ascertained,

Defendants.

**ALIAS SUMMONS**

**FILED IN OFFICE**  
NOV 21 2000  
POLLY CONRADI, Clerk

TO: Any Sheriff or other person of the State of Alabama authorized under Rule 4.2(b)(2) or Rule 4.2(b)(2) or Rule 4.4(b)(2) of the Alabama Rules of Civil Procedure to effect service. You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon the Defendant:

NOTICE TO: City of Birmingham  
c/o City Clerk  
710 North 20<sup>th</sup> Street, Third Floor  
Birmingham, Alabama 35203

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting to or denying each allegation in the Complaint to:

R. Edwin Lamberth, Attorney for Plaintiff, HENINGER, BURGE, VARGO & Davis,  
1500 Financial Center, 505 North 20th Street, Birmingham, AL 35203 (205) 322-5153

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU (OR YOUR HOME), OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

DATED: NOV 22 2000

*Polly Conradi*  
CLERK OF COURT