

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, BESSEMER DIVISION, ALABAMA

STEPHEN LLOYD GILBREATH,

PLAINTIFF,

VS.

ERIC C. PIPPEN,
HUGH McCALL,
JACK M. CURTIS,
GENE McKINNEY,
SANDRA McKINNEY.
AL A. BRITAIN,

Case Number CV11-349

(Jury Trial Requested)

“A,” the members of the Advisory Board of the Alabama Department of Public Safety, “B,” the Commissioner of the Alabama Department of Public Safety; “C,” the Operations Director for the Alabama Department of Public Safety, “D,” the manager, director or dispatcher who was the supervisor on duty at the time of the call for tow made by Eric C. Pippen, “E,” whether singular or plural, being that person, firm, association, corporation, or other entity who or which allowed the call for tow of an unattended vehicle to be made once it was reported that the vehicle had been discovered left unattended, “F,” whether singular or plural, being those persons who were responsible for hiring, training and/or supervising Defendant Pippen and/or the supervisor on duty at the time of the call for tow of an unattended vehicle, “G,” whether singular or plural, being that person acting as governor or overseer of the State of Alabama who or which allowed the board and commissioner and director of Public Safety to go without public reprimand or replacement for their failures to put into place requirements that all of its peace officers fully obey the Alabama Code, “H,” whether singular or plural, being those persons who claim any lien or ownership interest adverse or contrary to that of the plaintiff, “I,” whether singular or plural, being those persons who tow or who participate in the calling for the tow of any unattended vehicle without waiting the statutory time prescribed and provided in Alabama Code Section 32-13-2, “J,” whether singular or plural, being those persons whose conduct violated clearly established constitutional or statutory rights, “K,” whether singular or plural, being those persons whose conduct violated the right of due process and notice, “L,” whether singular or plural, being those persons whose conduct violated the proper election or procedures of search or seizure, “M,” whether singular or plural, being those persons whose conduct violated the performance of their legal duties, including obedience to Alabama Code Section 32-13-2; Plaintiff avers that the identities of all the foregoing fictitious party Defendants are otherwise unknown to Plaintiff at this time, or if their names are known to Plaintiff at this time, their identity as proper party Defendants is not known to Plaintiff at this time, but whose true and correct names will be substituted by amendment when the aforesaid lacking information is ascertained;

DEFENDANTS.

COMPLAINT

COMES NOW the Plaintiff, **Stephen Lloyd Gilbreath**, and files this Complaint against Defendants. In support of Complaint, Plaintiff states the following:

PARTIES

1. Stephen L. Gilbreath is the registered owner of the vehicle that was prematurely called for tow.

2. Upon information and belief, Eric C. Pippen is an adult resident citizen of Tuscaloosa County, Alabama, and serves as a State Trooper for the Alabama Department of Public Safety. He is being sued in his individual capacity only.

3. Hugh McCall is being sued in his individual capacity and is the Director of Public Safety for whom Defendant Pippen works. According to Alabama Code §§ 32-2-1, 32-2-2 & 32-2-5, Defendant McCall is charged with control and supervision of Public Safety and with the duty to administer and enforce “all law contained in this title” (“the Buck stops here”) and Defendant McCall’s tenure as the Director of Public Safety is “at the pleasure of the Governor.” Defendant McCall is being sued to severally compel performance of his legal duty to the citizens of Alabama as a fellow citizen of Alabama and under the theory that a police officer is not above the law and is also a citizen of the State and if a citizen of the State fails to obey the law of the State that citizen can be brought before the courts to answer for his errors or omissions against the law as a fellow neighbor and citizen of Alabama and should act like one and be obedient to the law as much and even more than he requires of others..

4. Defendant Jack M. Curtis is being sued in his individual capacity and is the General Counsel of Public Safety for whom Defendant Pippen works. Defendant Curtis has provided an analysis that is not consistent with the facts of the instant case and has broadcast that analysis to the supervisors of Defendant Pippen. Defendant Curtis is being sued because of the prejudice caused by his mistaken interpretation of law. The advice of Defendant Curtis essentially encourages employees of the department for which he works to practice law without a license by making actions based on whim and without having all the facts – facts which can and do nullify or rule out the bringing in of certain case law – the determination of which is usually reserved for courts of law not peace officers in the field.

5. Defendant Gene McKinney is being sued in his individual capacity and as the co-owner of a towing company that acted in bad faith by failing to confirm whether the call for tow of an unattended vehicle was in compliance or not with the statutory law of Alabama at Alabama Code §32-13-2, and for extortion based on an improper government action,

6. Defendant Sandra McKinney is being sued in her individual capacity and as the co-owner (and, according to her, the real head) of a towing company that acted in bad faith by failing to confirm whether the call for tow of an unattended vehicle was in compliance or not with the statutory law of Alabama at Alabama Code §32-13-2, and for extortion based on an improper government action,

7. Defendant Al A. Britain is named in this suit because he was the driver who left the vehicle unattended during which time Defendant Pippen whipped in and without regard for the rights of others called the vehicle for tow minutes before Mr. Britain returned with his grandfather and his tow truck. Defendant Britain has promised to repair the minor damage to the side panels of the vehicle and to connect and realign the drive shaft to the rear axle once he has access again to the pickup which access has been barred due to the vehicle's being held in storage by Defendants Gene McKinney and Sandra McKinney.

8. Defendants fictitiously described above as "A" through "M" are unknown to Plaintiff at this time, but their true and correct names will be substituted by amendment when the information is ascertained.

VENUE AND JURISDICTION

9. The events and incidents that are the subject of this lawsuit took place in Jefferson, Montgomery and Tuscaloosa Counties, Alabama. The plaintiff resides in and the subject vehicle is registered in and shows the registered owner as domiciled in Jefferson County, Alabama, with a Bessemer mailing address and there is a Bessemer Division of the Jefferson County Circuit Court.

10. The named Defendants and fictitious parties "A" through "M" are hereinafter referred to collectively as "Defendants." Defendants acted in conspiracy, in concert, in combination and/or in an agency capacity with each other in connection with the claims alleged herein. Defendants are jointly and severally liable for the wrongful conduct alleged herein.

BACKGROUND FACTS

11. On or about April 22, 2011, in the late evening mechanic Al Britain was working at his employer's shop in Bessemer, Alabama (Jefferson County) on a 1994 Chevrolet Z71 eight-cylinder pickup truck that the Plaintiff Stephen Gilbreath inherited from his father. Title at that time was in the name of Plaintiff's brother who was acting as the executor of the family estate. Before the filing of this action, complete ownership was passed to Plaintiff who is now the registered owner in Jefferson County, in the State of Alabama. The mechanic then took the vehicle for a test drive heading to his grandfather's place in Brentwood but the trip was abruptly aborted because of an on-coming high-speed vehicle in the mechanic's lane at a curve on Griffin Ridge Road.

12. On or about April 23, 2011, at approximately 12:15 a.m., a minor single-vehicle accident occurred off-road on private property owned by the driver's in-laws (the Griffins) near the curve on Griffin Ridge Road. Upon information and belief, Plaintiff's pickup truck driven by mechanic Al Britain struck a couple of trees but no damage and no serious injury occurred (please see exhibit 1 which is a true and correct copy of the SR-13 report submitted to the Department of Public Safety by driver-mechanic Al Britain).

13. On or about April 23, 2011, at approximately 6:15 a.m., after staying in the vehicle with a minor head injury from a bang on his head (as reported in his SR-13 filing), the driver Al Britain exited the vehicle, a 1994 Chevrolet Z-71 pickup, previously owned by Plaintiff's deceased father, and the driver-mechanic went for a family-owned towing truck. (A true and correct copy of the driver-mechanic's SR-13 as submitted to the Department of Public Safety is attached hereto as Exhibit 1.)

14. On or about April 23, 2011, at approximately 8:15 a.m., driver-mechanic Al Britain returned with his grandfather and his tow truck to where he had left the pickup unattended but the pickup was gone. The mechanic-driver and his grandfather then raced to a local, nearby junk yard where the yard manager told them he had just seen a 1994 Chevrolet pickup in tow by a McKinney Towing truck.

15. On or about April 23, 2011, at approximately 9:00 a.m., the mechanic-driver's wife, Crystal Britain telephoned the towing company and spoke with Defendant Sandra McKinney who told her that

she would need to bring \$300 in cash and title showing ownership of the vehicle before the vehicle would be released.

16. On or about the afternoon of April 25, 2011, Al Britain called the Plaintiff requesting that the Plaintiff come to the repair shop so they could talk about the vehicle.

17. On or about April 26, 2011, at approximately 10:30 a.m., Plaintiff was told about the single-vehicle collision and the improper impounding of the vehicle in violation of Alabama Code Section 32-13-2 and Plaintiff then attempted to contact his brother Tracy Lloyd Gilbreath who then held the title in his own name in that he was the executor of the estate of their father Lloyd O. Gilbreath.

18. On or about April 29, 2011, two days following the major Alabama tornadoes, the Plaintiff drove to his brother's home in Cullman, Alabama, and found his brother not at home. The Plaintiff's brother works for the military and is sometimes sent to locations that the military does not allow Plaintiff's brother to reveal. The drive to the home of the Plaintiff's brother was necessitated because of the widespread electrical and telephone blackout in the Cullman area caused by the major tornadoes of April 27, 2011. Electrical and telephone service was reported to be out for more than two weeks in the area where the Plaintiff's brother resides. After the Plaintiff's brother learned of the unlawful call for tow, the Plaintiff's brother forwarded the title to the Plaintiff.

19. On or about May 19, 2011, after receiving the title from his brother, Plaintiff called McKinney Wrecker Service and was told by co-owner Sandra McKinney that the subject pickup truck was "totaled". The Plaintiff asked if he could come and see the vehicle and went the same day to McKinney Towing in West Blockton. Plaintiff started up the engine which turned over and ignited on the first crank. Plaintiff noted that the engine was running perfectly. Plaintiff then took pictures of the vehicle in the McKinney Towing lot and Plaintiff exhibited the pictures in an SR-13 that he mailed to the Department of Public Safety the next day (May 20, 2011). The pictures show very minor damage to the vehicle matching the minor damage which the mechanic driver had reported to Plaintiff. When the Plaintiff asked the towing company for the amount necessary to release the vehicle to him, Mrs. McKinney told him \$800 in cash only (see Plaintiff's SR-13 filing attached hereto as part of Exhibit 1).

20. On or about May 20, 2011, Plaintiff visited the State Troopers Office in Tuscaloosa where he was informed by Lt. Windham that Defendant Pippen was on leave and would not be on duty again for a few weeks. Plaintiff complained to the Commanding Officer at the Tuscaloosa Trooper's Office that his vehicle had been improperly impounded because of Defendant Pippen's violation of Alabama Code Section 32-13-2 a copy of which Code Section Plaintiff left with the Commanding Officer. Plaintiff then submitted an SR-13 to the Department of Public Safety containing the information that he had available to him at that time along with a letter to the Director of Public Safety requesting restitution of his vehicle.

21. On or about June 22, 2011, at approximately 1:00 p.m., after having submitted many written many letters to State and Department officials over a period of several weeks requesting release of his vehicle without charge because of Defendant Pippen's violation of Alabama Code Section 32-13-2, Plaintiff telephoned to speak with Gene McKinney of McKinney Towing. The telephone message was taken in person by Sandra McKinney. At approximately 5:30 p.m. on June 22, 2011, Sandra McKinney returned the call to Plaintiff and informed him that there would be no discount of their charges and fees to be paid in cash in the amount of \$1540 as of June 22, 2011, and would go up by \$20 each day thereafter.

22. On or about June 24, 2011, Plaintiff, was able to register the title in the Birmingham Courthouse so that he would thereafter be able to file this Complaint requesting restitution of his vehicle.

23. Plaintiff only desires the return without charge to him of the truck inherited from his father which the mechanic driver has agreed to repair without charge to Plaintiff. Plaintiff believes this is a reasonable request in that the call for tow was made by Defendant Pippen in violation of a State Code designed to protect the citizens of Alabama from the kind of emotional fright that can occur from the unnoticed vanishing of an unattended vehicle together with the egregious monetary abuse that has occurred in the instant case.

24. Defendant Pippen exceeded his discretion in violating the State statutory law at Alabama Code Section 32-13-2.

25. Those in supervisory positions over Defendant Pippen have exceeded their authority in allowing unwritten policy to be effected against the people of Alabama by not admonishing their officers who violate Alabama Code Section 32-13-2.

26. Those in supervisory positions over Defendant Pippen have received bad counsel from the General Counsel of the Department of Public Safety in that the analysis provided by Defendant Curtis in his letter of June 14, 2011, was broadcast to other employees and officers of the Department of Public Safety in contradiction with the desire of the legislature of the State of Alabama to provide its citizens with the non-abusive protections intended by Alabama Code Section 32-13-2.

COUNT I -- NEGLIGENCE

27. Plaintiff here adopts and incorporates by reference all preceding paragraphs and further alleges:

28. Defendant Pippen and the Fictitious Party Defendants owed a duty to obey the intent and letter of Alabama Code Section 32-13-2.

29. Defendant Pippen negligently violated his duty to Plaintiff and all citizens of Alabama and Defendants A-M violated a written statute which the Alabama Department of Public Safety is charged to uphold. Defendants A-M negligently failed to institute policies, procedures, regulations and/or directive to prevent violation of Alabama Code Section 32-13-2.

30. As a direct and proximate result of Defendants' negligent acts and/or omission, Plaintiff is suffering from the improper impoundment of his vehicle.

COUNT II -- WANTONNESS

31. Plaintiff hereby adopts and incorporates by reference all preceding paragraphs and further alleges:

32. Defendant Pippen acted with a reckless disregard for the rights of others. Defendants A-M wantonly failed to institute policies, procedures, regulations and/or directives to prevent premature, unlawful calls for tow such as this one. At all times relevant hereto, the Defendants' conduct was wanton and/or outrageous and beyond the bounds of reasonableness, and was in reckless disregard for the rights of others that Alabama Code Section 32-13-2 intended to address and protect.

33. As a direct and proximate result of the Defendants' wanton conduct, Plaintiff has and is suffering the improper impoundment and possible loss caused thereby of his vehicle.

COUNT III – NEGLIGENT AND WANTON HIRING, TRAINING AND SUPERVISION

34. Plaintiff hereby adopts and incorporates by reference all preceding paragraphs and further alleges:

35. Defendants A-M owed a duty to properly hire, train and supervise Defendant Pippen and the dispatch supervisors.

36. Defendants breached their duty of reasonable care by failing to supervise, employ, retain, and train reasonably responsible employees or agents to carry out their business. Defendants failed to inform personnel of the policies and regulations. The Defendants failed to have supervisors properly train the employees. The Defendants failed to require the employees to follow the policies and regulations. The Defendants knew the employees were not following rules and regulations. The Defendants knew the staffing was inadequate to properly monitor the troopers and dispatch supervisors. By violating said policies, procedures and regulations, the Defendants have breached their duty of care. The actions of Defendants A-M were made willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law.

37. As a direct and proximate result of said acts or omissions, Plaintiff has and is suffering the improper impoundment and possible loss caused thereby of his vehicle.

COUNT IV – EXTORTION

38. Plaintiff hereby adopts and incorporates by reference all preceding paragraphs and further alleges:

39. Defendants Gene McKinney and Sandra McKinney, *ab initio*, threatened to destroy or sell Plaintiff's vehicle unless money was paid, in cash only, to them as co-owner's of McKinney Wrecker Service. The Defendants used their computer system to input charges in an amount of money in excess of that required for tow in that exorbitant charges for labor and repair were added to an already overly high

charge for towing in what is believed by Plaintiff to be an attempt to discourage or make difficult the recovery of the vehicle by the owner so that Defendants can sell the vehicle for an unjust enrichment, or in the alternative to be unjustly enriched by extracting exorbitant charges from the vehicle owner to be paid in “cash only” based on a government action, and in this case a wrongful government action in that the call for tow was premature and in violation of Alabama Code Section 32-13-2 that supersedes or places on hold any “Community Caretaking Function” for at least seven days . The Defendants used their telephone more than once to tell prospective retrievers of the subject vehicle that the towed vehicle was “totaled” in apparent attempt to discourage recovery of the vehicle which would then give the Defendants an opportunity for unjust enrichment by selling the vehicle and keeping all of the proceeds from such a sale for themselves. By using their computer system and their telephone as a means to carry out their extortion plot Defendants have committed the federal crime of extortion based on a government action that was wrongfully employed and in violation of Alabama Code Section 32-13-2.

40. As a direct and proximate result of said acts of extortion, Plaintiff has and is suffering the improper impoundment and possible loss caused thereby of his vehicle.

41. These Defendants can abate these crimes of extortion against the Plaintiff and their co-conspiratorial participation in a scheme employed in violation of Alabama Code Section 32-13-2 by assessing a reasonable fee for their services that is to be paid to them and which fee they accept only from the offending State Trooper or the offending State Trooper’s Office in the form of a check that can be accounted for and traced through the banks and fully reported as income by these Defendants and by returning the subject vehicle to the Plaintiff, the current registered owner (see Exhibit 2 which is a true and correct copy of the current registration showing Plaintiff as the registered owner of the subject vehicle), without charge to Plaintiff as ordered by the Court in this action.

HEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants, including those fictitiously described herein, compelling compliance with Alabama Code Section 32-13-2 and the return of Plaintiff’s vehicle to a repair shop of his choosing in Jefferson County where the vehicle is registered, without charge to Plaintiff together with an amount to be determined by a struck jury, plus

costs, and an award of attorney's fees if Plaintiff's attorneys appear on behalf of Plaintiff, and any other relief to which Plaintiff is entitled by law.



Stephen L. Gilbreath
Plaintiff in Propria Persona
Church of God Ministry
44 Southwood Drive
Alabaster, Alabama 35007-5380
slg@cogtv.com

JURY DEMAND

PLAINTIFF REQUEST TRIAL BY STRUCK JURY



EXHIBIT 1
FOLLOWS THIS COVER SHEET

7-June-2011

Major F.A. "Bubba" Bingham, Director
ALABAMA DEPARTMENT OF PUBLIC SAFETY
P. O. Box 1511
Montgomery, Alabama 36102-1511

Re: Unlawful Towing Policy of Alabama State Trooper's Office – This is Exhibit A of SR13

Dear Major Bingham:

I am writing to you about an unauthorized, unlawful order for tow made by the State Trooper's Office of Tuscaloosa, Alabama. I was the driver of the unlawfully-towed vehicle that became immobilized in a single-vehicle incident off-road. I am a mechanic who was driving the vehicle following repairs to it and I swerved off-road to avoid a head-on collision with a car full of teenagers approaching at high-speed on my side of the road.

I stayed in the vehicle after banging my head until a little after six o'clock in the morning and then went to get my granddad and his tow truck only to find when I returned approximately two hours later that the vehicle was being towed away as the result of a towing order made by an officer who made the call without due authority or notice -- without waiting the statutorily-required time before calling for a tow.

The incident used as an excuse for the sudden, unjustly-enriching tow was a single-vehicle skimming of some trees off road -- with no property damage to other than the one vehicle itself which resulted in minor side-panel dents from trees and its becoming inoperable. I left it unattended for a period of only two hours -- after staying in the pickup for about six hours through the night and early morning hours in a dark wooded off-road area (well off the road, blocking not even a deer). When I returned with my granddad and his tow truck to where I had left the pickup, it was gone. My granddad and I raced to the local, nearby junk yard. The yard manager said he had just seen a 1994 pickup being whisked down the road on the back of a McKinney Towing truck.

My granddad exclaimed that he'd never seen a vehicle towed away so fast in all his life. My wife Crystal then called and learned that a well-meaning State Trooper had come in response to an investigation call made to his office by the Tuscaloosa County Sheriff's Office. The tow company was demanding \$300 for this simple tow right off the bat from day one. I've been a tow-truck driver and know that is literally highway robbery.

The towing company is trying to get \$90 for "repairs" when not only were no repairs authorized, the call for the tow was without proper authority. Another unauthorized added charge was made for "labor" in the amount of \$85 -- more robbery on top of a tow called for in violation of the state law section which was designed with the intent of protecting its citizens from this kind of abuse. The most that should have happened in this particular instance would be to tag the vehicle starting a minimum seven-day clock running. Otherwise, it tends to indicate that some kind of underhanded dealing is going on under the table between the Trooper or the Trooper's Office and the towing company.

The Trooper's Office tends to tow without regard to the law which requires a minimum seven-day waiting period for an unattended vehicle -- and uses a scratch as an excuse to unabashedly violate the law by policy in Tuscaloosa. The home of "roll tide" has become the home of "roll tow" against the public interest.

I have a report from the vehicle owner's lawyer. His legal research shows that the Trooper violated Alabama Code Section 32-13-2 by ordering a tow when the vehicle had been unattended for only two hours.

Will your office please investigate and order the return of the vehicle without charge to the vehicle owner. The towing company rightfully expects to be paid its \$125 tow charge. Would it not be a fair and

equitable resolve for this matter, that your officer order the charges, fees and all payments for this unauthorized, unlawful call for tow be made by the State Trooper's Office or the individual Officer who made the unauthorized call. Again, would this not be the equitable and fair consideration in view of the fact that a tow was called before the prerequisite minimum of at least seven days as required by the State of Alabama in its Code at Section 32-13-2. Is it not true that the very reason the subject law was written was to prevent the kind of abuse that was committed in this by policy of one State Trooper's Office in Tuscaloosa.

I will be repairing the dents caused by the tree that was skimmed and putting the drive shaft and the rear axle back in alignment as soon as the truck can be released to the owner who has authorized me to make the repairs that I am responsible to make.

Will your office please issue the appropriate orders for return of the vehicle to the owner without charge to the vehicle owner. Your office may or may not make a further order that if any charges or payments must be made to the towing company that such charges be made by the State Trooper's Office in Tuscaloosa or by the Trooper who made the call for a tow in contradiction to current authority. The charges for labor and misc. repair are excessive and should ordered to be deemed as not owing and should not be paid at all.

Respectfully submitted,

A handwritten signature in black ink that reads "Al Britain". The signature is written in a cursive, flowing style.

Al Britain

ENCLOSURES TO THIS EXHIBIT A TO SR-13: EXHIBITS B & C (PICTURES OF PICKUP AFTER TOW); EXHIBIT D (TOWING COMPANY INVOICE)

20-May-2011

Cell 202-701-4556

Director, Driver License Division
ALABAMA DEPARTMENT OF PUBLIC SAFETY
Safety Responsibility Unit
P. O. Box 1471
Montgomery, Alabama 36102-1471

Re: Unlawful Towing Policy of Alabama State Trooper's Office – This is Exhibit A of SR13

Dear Sir or Madam:

I am the owner of a vehicle that was towed and is now in storage because of an unlawful towing order made without due notice or the waiting of the time required before calling for tow by the State Trooper's Office of Tuscaloosa, Alabama. I am submitting this letter as Exhibit A along with an SR-13.

First, I will give a summary of the facts involved in this particular incident. Then, I will and I am requesting that your office make a full investigation to determine whether the violation of Alabama Code Section 32-13-2 by the State Trooper's Office of Tuscaloosa is because of a local Tuscaloosa-only policy abuse or whether such unlawful policy is being executed wrongly by multiple counties or even statewide.

Here is a summary of the facts:

This was a single-vehicle incident with no property damage to other than the one vehicle itself which resulted in minor side-panel dents from trees and its becoming inoperable and its being left unattended after six hours of night-time occupancy in a wooded off-road area (well off the road, blocking not even a deer). Yet, a well-meaning State Trooper comes along and in conformity with his local trooper office policy violates Alabama Code Section 32-13-2 by ordering the now-only-two-hour-unattended vehicle to be towed.

Will your office please investigate and order both compliance and restitution in the immediate case.
Details follow:

On or about 12:15 AM on 23-April-2011, Al Britain, a mechanic working on my deceased dad's pickup drove it to see what else might need to be done after doing several repairs to the truck. He was forced to make an evasive action because of an oncoming vehicle in his lane that caused him to leave the road in Abernant, Tuscaloosa County, Alabama, resulting in a single-vehicle incident. After leaving the road the truck hit a couple of trees. The sides of the truck were damaged slightly and the rear axle pulled loose from the drive chain. No other property was hurt – not even the trees that the truck hit. No persons were injured. The offending vehicle was never touched -- and after the teenagers in that vehicle stopped for a few moments to look, they then simply drove on.

With the drive shaft dislocated from the rear axle, the truck was disabled – it was immobilized in the woods of the private property where it had scraped two trees – one on each side of the truck. Two pictures that I took with my cell phone camera at the tow shop is enclosed as Exhibits B and C showing the driver and passenger sides of the vehicle respectively – which show very little dent or scrap damage. The dislocation of the drive shaft from the rear axle caused the 1974 Chevrolet Z71 pickup truck to be inoperable, un-drivable. Mr. Britain, the driver-mechanic, stayed in the truck from the time of the incident at about 12:15 AM on the 23rd of April until about 6:15 AM that morning when he exited and left the pickup unattended to walk to his granddad's place to get his truck to tow the pickup back to his shop. He and his granddad returned at about 8:15 A.M. that same morning (of 23-April-2011) with their tow truck to the site where the truck had been. To his shock and chagrin, the pickup was gone.

COMPLAINT EXHIBIT 1, Page 3 of 12

When he called the Sheriff's department he learned that the State Trooper's Office had ordered the pickup to be towed by McKinney Towing of West Blocton (4901 Truman Aldrich Parkway, West Blocton, Alabama 35184 (205) 938-7705 (877) 745-6655 (whose administrative address is 2257 17th Street, Tuscaloosa, AL 35401 (205) 759-5628). Mr. Britain had only been away from the vehicle for two hours. There are no signs that preclude parking in or around the wooded area where he left the pickup. Mr. Britain planned to repair the truck the same day but the truck was gone and the towing company refused to release the pickup to him even if he paid the \$300 they demanded and which he would have tendered and paid then.

Mr. Britain was then going to pay the \$300 charge even though he said that as a former tow-truck driver himself, he knew that the towing charges were often inflated but he was not then going to argue that. The towing company is now asking for fees in excess of \$800 (\$125 towing plus \$85 labor plus unreadable item \$90, plus storage at \$20 per day) on what was a premature, unlawful call for a tow.

When my brother – who lives in Cullman and was hard to reach for two reasons (1) because of his work for the military and (2) because of the 27-April tornado that followed in the week and knocked out electricity and telephones for about ten days in the area – but when he contacted the towing company, he was told that the pickup was "totaled." Sandra McKinney told me the same thing on the phone on 18-May-2011 but I saw the truck later that day and observed it had some fixable dents on both sides, and the rear axle was pulled away from the drive shaft. (See Exhibits B & C.) The engine started right up and all the gauge indicators showed in the proper ranges.

Mr. Britain told me that he could fix the damage for under \$250 and that he would do and pay for those repairs himself so that it would cost me nothing – and if he is allowed to and does follow through on that, I have no claim against Mr. Britain. Two attorneys opine that there is no real need to file the enclosed SR-13 (to which this writing is Exhibit A) under these circumstances but both say there is no harm in filing one and I have elected to do so as both a precaution and because the State Trooper's Office in Tuscaloosa refuses to acknowledge its violation of §32-13-2 that it is egregiously violating by policy and is blowing smoke and throwing dust to allege, among other things, that the local State Trooper's Office can ignore §32-13-2 when it finds any damage on an unattended vehicle. The Tuscaloosa Trooper Officer is wont to say that an unattended vehicle is not an unattended vehicle if it has a scratch on it. You hear people joke that a door is not a door when it's a jar (ajar) – but the Alabama Code on abandoned vehicles is clear and defines and gives the particulars of an unattended vehicle explicitly and expressly in Sections 32-13-1 and 32-13-2.

The operative verbiage of Section 32-13-2 of the Code that makes it applicable and controlling in this matter are the words "left unattended." No exception in the Code is made for damage to or scratches upon an unattended vehicle. The facts of this matter do not call for nor allow any law to be introduced relative to the vehicle needing to be moved to prevent it from impeding the flow of traffic. The vehicle was completely off road in the woods. This was a vehicle left unattended (for not more than two hours) and the Alabama Code requires that certain factors of notice and time be followed.

As to the facts in this matter, there is no authority granted to the peace officer to remove the subject vehicle from its place under the provisions of Section 32-13-2 of the Alabama Code – which is the very section that the commanding officer of the Alabama State Trooper's Office in Tuscaloosa asserted and cited as his authority for this tow – which section actually prohibited this tow and made it unlawful *ab initio*.

To be precise, Paragraph (2) of Alabama Code Section 32-13-2 did not give the peace officer (State Trooper) authority to move the vehicle. To the contrary Paragraph (2) provides in pertinent part:

"Peace officer's responsibility . . . removal by property owner, etc.; notice of removal. (a) Any peace officer who finds a MOTOR VEHICLE WHICH HAS BEEN LEFT UNATTENDED ON a public street, road, or highway OR OTHER PROPERTY FOR A PERIOD OF AT LEAST SEVEN DAYS, shall be authorized to cause the motor vehicle to be removed to the nearest garage or other place of safety.'" (b) . . . liable for gross negligence" (Emphasis added.)

The pickup had not been "left unattended" for at least seven days. It had been "left unattended" for at most two hours – tree collision or damage to the vehicle notwithstanding.

The failure of the State Trooper's Office to comply with this law prevented the driving mechanic from performing a simple retrieval and inexpensive repair of the vehicle as he had planned to do. This negligence on the part of the State Trooper's Office has worked to the harm of the public – and as it has been learned in investigating what happened, this was not simply a one-time negligent act by the one Trooper acting alone. No, this is a matter of policy by a public agency, the Alabama State Troopers, against the citizenry at large of Alabama – an unlawful act that the State Trooper's Office in Tuscaloosa violates in gross disregard of the Alabama Code its officers are sworn to uphold.

This Trooper policy disregard for the law by the Alabama State Trooper's Office prevented Mr. Britain from following through up to this moment on the immediate repair that he had planned to do when he returned to retrieve the pickup that he found missing – gone – after only two hours of being left unattended. The State Trooper injured us by prematurely and wrongly calling for tow without waiting, as the law requires the minimum at least seven days. Would it not be better to err on the side of leaving an unattended vehicle too long rather than cause the trouble such as here that this law was intended to protect against – against unlawful, untimely tows. Are the tow companies paying these officers to create an avalanche of business. Has the towing industry found a way to circumvent what "rotation" was designed to prevent? Maybe some surprise inspections on various stowing company checkbooks would provide some shocking revelations.

The most troubling factor in this, is that the Tuscaloosa Trooper's premature action and violation of the minimum time requirements before an unattended vehicle can be lawfully towed as provided in Alabama Code Section 32-13-2, is not that this is a single-trooper violation. It is more – and potentially much more. It is either a local Tuscaloosa Trooper Office policy violation or possibly a statewide policy violation.

Would the Director not only please fully investigate this and order either the local Tuscaloosa office only, or if found to be statewide then all of the State Trooper offices statewide, to use great care to come into full conformity with and stop violating Alabama Code Section 32-13-2.

And, would you please order the commanding officer of the Tuscaloosa office to work out something with McKinney Towing to release my deceased dad's pickup to me without any charge – whether that mean that (1) the Tuscaloosa office pay the charges that were caused when the officer acting under office policy unlawfully ordered the tow in this matter, or that (2) it use its weight to get the unlawful tow charges waived.

Respectfully submitted,



Stephen L. Gilbreath

ENCLOSURES TO THIS EXHIBIT A TO SR-13: EXHIBITS B & C (PICTURES OF PICKUP AFTER TOW); EXHIBIT D (TOWING COMPANY INVOICE)

PS: You may contact me if you have any questions. The following additional details are provided in case such additional detail might be helpful to you – maybe it will not and you're welcome to simply ignore the following – but please consider fully my request above to order the voiding of charges for the unlawful tow.

My brother who lives in Cullman and works for the military was the vehicle's registered owner at the time of the unlawful call for a tow of an unattended vehicle – left unattended only after the driver stayed in the vehicle all night from just after midnight until the morning of 23-April-2011 when he went for his granddad's tow truck. That is not "leaving the scene of an accident" as the State Trooper's Office in Tuscaloosa tried to assert as the commander argued every outside point he could conjure up against his office's simply being in violation of Alabama Code §32-13-2 by its longtime unlawful policy.

My brother who is the executor of my dad's estate, decided to transfer the title to me and asked me to deal with this matter (involving what was my deceased dad's truck inherited by us), because of his residency in Cullman and the aftermath of the tornado destruction there and because of his work with the military.

There is no exception in the State Code that precludes or supercedes the sections on unattended vehicle law which requires that the vehicle be left standing continuously for at least seven days (applicable completely where a vehicle was not left on a roadway blocking traffic with no road cleanup needed – and even then under present Alabama law it is more than one attorney's opinion that when left unattended, such vehicle should only be moved off the active roadway (which did not apply here because my dad's pickup was totally off-road) and notice put on the vehicle that it will be towed after seven days if is left standing for more than seven days. (California has a similar law but by its State Highway Patrol policy it protects the agency and the State and the public at large by posting a large orange card on the windshield giving notice of the date and time from which a counting clock has started.)

The fact that the vehicle was disabled because of a dislodged drive shaft or that the vehicle was located in between some trees as the result of an evasive action to avoid a head-on collision resulting in a single-vehicle crash on off-road property is notwithstanding. The fact that the vehicle was lawfully left unattended (after the driving mechanic stayed inside the vehicle for some six hours before getting out to go for towing help) establishes the priority of the application of Alabama Code Section 32-13-2. And, there was no posted notice that prohibited parking in the wooded area of the off-road area where the vehicle that became inoperative.

The driver mechanic believes that he can repair the damage to the sides of the truck and he can repair the drive shaft that was dislodged from the rear axle which immobilized the vehicle. The driver mechanic, Mr. Al Britain, who would be an expert witness in this believes the vehicle is very repairable and it was his plan when he left the vehicle to go and get his granddad's tow truck and take the truck back to his shop and repair it. There were no other persons or property involved (other than some trees in the woods). Any reporting requirement by the driver should certainly be offset by the premature call for a tow by the Trooper's Office which should have given notice on the vehicle and by mail immediately to the registered owner that a seven-day clock had begun that would result in the towing of the vehicle if it were not moved sooner by a responsible person. By definition in the law, the resulting tow can only properly be deemed as an illegal or unlawful tow. For what it may mean, there was no damage to property other than to the single-vehicle itself.

In a nutshell, if obedience to the law on vehicles left unattended were encouraged by the Tuscaloosa State Trooper's Office, then Trooper Pippen would not be guilty of violating Alabama Code Section 32-13-2. Furthermore, because the Tuscaloosa State Trooper's Office makes it a policy to disobey this law, that means that liability rests not only with the Trooper who failed to obey this law, but all the way up the chain to where such disobedience is condoned or encouraged – and that fact therefore makes this egregious violation by policy a matter of gross negligence against the Alabama public. This should concern all responsible Alabama citizens to desire a policy change against the Trooper's present unlawful policy, at least in Tuscaloosa, which is detrimental and harmful and financially injurious to a law-abiding citizenry. A person may have walked a long way to come back to their vehicle and find it prematurely gone – unlawfully called for tow. I agree with my attorney that the Director of Public Safety should tell the State Trooper's Office in Tuscaloosa that they need to arrange it so that the towing company releases the vehicle without charge because of the unlawful tow (caused by the State Trooper's Office wrongful policy in contradiction with State law) even if the Tuscaloosa State Trooper's Office has to pay the towing company it's demand of fees.

Should not a law enforcement agency at least be held to the same standard of conduct and obedience to the law to which it holds the public over whom it enforces the law. Should law enforcement not be held to an even higher standard over itself than that to which it holds the public – and certainly not the other way around. Perhaps the state agency with its unlawful policy should be required to pay the towing company its fee and to pay double that to the vehicle owner as a form of restitution. Maybe that's what should happen in any future occurrence and in this case I'm willing to forgive the offense if an order is simply made to release my dad's truck without charge./ This is **Exhibit A** – Page 4 of 4 / **COMPLAINT EXHIBIT 1, Page 6 of 12**



Exhibit B -- 18-May-2011 in McKinney tow lot – Driver's Side Picture



Exhibit C -- 18-May-2011 in McKinney tow lot – Passenger's Side Picture

Mail Payment to:
4901 Truman Aldrich Pkwy.
West Blocton, AL 35184
Ph. (205) 938-7705
1-877-745-6658

McKINNEY
2257 17th Street
Tuscaloosa, AL 35401
(205) 759-5628

No 033067
P.O. Box 458
McCalla, AL 35111
Ph. (205) 477-5057

DATE <u>4-23-11</u>	TIME	REQUESTED BY <u>State</u>	<u>#400</u> (75821)
BILLING			
NAME <u>Stephen Gillman</u>	PHONE <u>205-714-2710</u>		
ADDRESS <u>205 663. 4775</u>	<u>203.761</u>		
COMMENTS: <u>203 4466</u>	<u>4536</u>		
<u>pinch out of wheel onto</u>			
<u>roll back</u>			
<u>wreck</u>			
YEAR <u>94</u>	MAKE/MODEL/COLOR <u>Chrysler 271 Red</u>	MILEAGE <u>24654</u>	
VEHICLE LICENSE NO. <u>DDNB A1</u>	VIN <u>1BCEK1414RZ251744</u>		
TRUCK #	<input type="checkbox"/> KEY W/ CAR	<input type="checkbox"/> SLING TOW	
TRAILER #	<input checked="" type="checkbox"/> RECOVERY	<input type="checkbox"/> WHEEL LIFT	
	<input checked="" type="checkbox"/> WRECK	<input type="checkbox"/> ROLL BACK	
TOWED TO <u>McKinney 411B Lot 1</u>		TOWING CHARGE	<u>125.00</u>
FINAL DESTINATION		ROAD SERVICE	
LOCATION OF VEHICLE <u>Duffman Ridge</u>		DELIVERY CHARGE	
<input type="checkbox"/> CASH	<input type="checkbox"/> CHARGE	LABOR CHARGE	<u>85.00</u>
PO #		STORAGE CHARGE	
PO #		<u>fuel</u>	<u>90.00</u>
DRIVER'S SIGNATURE <u>K. Pearson</u>			
AUTHORIZED SIGNATURE			
TOTAL			

NOT RESPONSIBLE FOR ITEMS LEFT IN VEHICLE

Notes and Tuscaloosa Trooper Office Radio Log Data

Driver Al Britain, mechanic with Amission Transmission, Bessemer, Alabama, was working on my dad's truck to get it running. (My dad died in 2008. The truck title was passed to my brother Tracy who was the administer of my dad's estate. My brother passed the title to me to handle things following this incident.)

On or about midnight 23-April-2011, after working on the truck at the transmission shop in Bessemer where he works, Al Britain drove the subject truck home. Enroute to his home in the Abernant area of Tuscaloosa County, Mr. Britain was forced to make an evasive maneuver to avoid a head-on collision that caused the rear axle of the truck to dislodge which disabled the vehicle and prevented it from being drivable. The vehicle was completely off road on public property of the Griffin Ridge Hunting Club which has no signage related to parking near the site where the truck was left.

Mr. Britain stayed in the vehicle for about six hours until about 6:15 AM on the morning of 23-April-2011 and then walked to his home. He solicited the help of his grandfather to go get the truck with his truck. When he returned at approximately 8:15 AM on the same morning of 23-April-2011, the truck had been towed.

The Alabama State Trooper Radio Log provides the following information:

"On 23-April-2011, a Tuscaloosa County Sheriff called the State Trooper's Office at 7:27 AM to report an abandoned vehicle off Griffin Ridge Road in Abernant.

"On 23-April-2011 at 7:42 AM State Trooper Pippen was on scene Abernant and called for rotation wrecker to be sent and reported back to barracks that there was a vehicle crash with no driver."

The fact that this was the initial call on a single vehicle sitting stationary in a wooded area completely off road with no person presently in attendance, makes the officer's authority subject to the minimum waiting period provided in Section 32-13-2 of the Alabama Code which provides in pertinent part:

'Peace officer's responsibility . . . removal by property owner, etc.; notice of removal. (a) Any peace officer who finds a MOTOR VEHICLE WHICH HAS BEEN LEFT UNATTENDED ON a public street, road, or highway or OTHER PROPERTY FOR A PERIOD OF AT LEAST SEVEN DAYS, shall be authorized to cause the motor vehicle to be removed to the nearest garage or other place of safety. (b) . . . liable for gross negligence'

At the Trooper's request the vehicle was taken by McKinney Towing to its facilities at 4901 Truman Aldrich Parkway, West Blockton, Alabama 35184 (205) 938-7705 (877) 745-6655 (whose administrative address is 2257 17th Street, Tuscaloosa, AL 35401 (205) 759-5628. The vehicle is a 1974 Chevrolet Z71 Maroon (Red) pickup.

The towing company is asking for fees in excess of \$800 (storage \$20 per day, plus \$125 towing, plus labor 85.00, plus unreadable item \$90).

When Mr. Britain contacted the towing company in the afternoon of 23-April-2011, he was told that the charges would be \$300. He was going to just pay it but was told that the vehicle could not be released to him that the registered owner would have to come and bring a copy of the title before they would release the vehicle. The registered owner with title works for the US Government and was away with the military at the time.

CONCLUSION ACCORDING TO ATTORNEY SAM EDWARDS: "THERE WAS NEVER ANY NOTICE. THE VEHICLE WAS LEFT UNATTENDED ONLY FOR A FEW HOURS. THERE ARE WITNESSES TO THAT FACT. REQUEST AN ORDER FROM THE DIRECTOR OF PUBLIC SAFETY FOR RELEASE OF THE VEHICLE WITHOUT FEE BECAUSE THE MINIMUM SEVEN-DAY STANDING BEFORE TOWING LAW ON AN UNATTENDED VEHICLE WAS VIOLATED."

Alabama Department of
Public Safety

(PLEASE PRINT OR TYPE)

Driver License Division
Safety Responsibility Unit
P. O. Box 1471
Montgomery, AL 36102-1471

Reset Form

For Office Use Only

DOC No.

Case No.

COMPLETION OF THIS FORM IS REQUIRED BY §32-7-1, CODE OF ALABAMA 1975. FAILURE TO FILE A REPORTABLE ACCIDENT ON THIS FORM MAY RESULT IN SUSPENSION OF YOUR DRIVER LICENSE.

INFORMATION AND INSTRUCTIONS: Completion of this form is required ONLY if a motor vehicle accident occurring in Alabama caused death, personal injury, or property damage to any one owner in excess of \$250. The driver is legally required to file a report on this form with the Department of Public Safety within thirty (30) days after the accident regardless of who is at fault and regardless of whether or not the vehicle involved was covered by liability insurance at the time of the accident. If a driver is physically incapable of making such report, the owner of the motor vehicle involved in such accident, within thirty (30) days after learning of the accident, make such report. Use additional forms if necessary.

YOU MUST FILL IN ALL INFORMATION FOR PROCESSING

DATE OF ACCIDENT 23-April-2011		TIME: 12:15 A.M. A. M. P. M.		HOW MANY VEHICLES WERE INVOLVED One		For Office Use Only							
LOCATION OF ACCIDENT (CITY) (STREET/HWY) Abernant - Off road on private property at the Griffin Ridge Hunting Club (near curve on Griffin Ridge Road)				COUNTY Tuscaloosa									
YOUR INFORMATION (PLEASE PRINT OR TYPE)						OTHER PARTY'S INFORMATION (PLEASE PRINT OR TYPE)							
YOU ARE THE: <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> OTHER <input type="checkbox"/> PARKED <input type="checkbox"/> HIT & RUN						OTHER PARTY WAS <input type="checkbox"/> DRIVER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> OTHER <input type="checkbox"/> PARKED <input type="checkbox"/> HIT & RUN							
DRIVER'S NAME (FIRST, MIDDLE, LAST) Al A. Britain						TELEPHONE NO. 205-425-1510 205-296-7248		DRIVER'S NAME (FIRST, MIDDLE, LAST) N/a (none)					
CURRENT ADDRESS: STREET NO. 14536 Milldale Rd						205-477-6584		CURRENT ADDRESS: STREET NO.					
CITY Brookwood				STATE AL		ZIP CODE 35444		CITY				STATE ZIP CODE	
DRIVERS DATE OF BIRTH 1-30-73		SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		DRIVER LICENSE # 6288073		STATE AL		DRIVER'S DATE OF BIRTH		SEX <input type="checkbox"/> M <input type="checkbox"/> F		DRIVER LICENSE NUMBER STATE	
OWNER OF VEHICLE/PROPERTY Tracy Lloyd Gilbreath/Stephen Lloyd Gilbreath				IF SAME AS DRIVER, MARK BOX <input type="checkbox"/>		OWNER OF VEHICLE/PROPERTY				IF SAME AS DRIVER, MARK BOX <input type="checkbox"/>			
ADDRESS OF OWNER: STREET NO. 1428 Virginia Road, Bessemer, AL 35023-8417						ADDRESS OF OWNER: STREET NO.							
CITY Bessemer				STATE AL		ZIP CODE 35023-8417		CITY				STATE ZIP CODE	
YOUR VEHICLE						OTHER VEHICLE (Use additional form if more than two (2) vehicles)							
YEAR 1994	MAKE Chevrolet	TYPE PU	COMMERCIAL VEHICLE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	STATE AL	YEAR	MAKE	TYPE	COMMERCIAL VEHICLE	<input type="checkbox"/> YES <input type="checkbox"/> NO	STATE		
VIN 1GCEK14K4RZ251744			LICENSE PLATE NO. unk - truck in storage following an unlawful request for tow (see Exhibit A)			VIN			LICENSE PLATE NO.				

PROPERTY DAMAGE

DESCRIPTION OF PROPERTY DAMAGE (OTHER THAN VEHICLE, HOUSE/FENCE, UTILITY POLE/ETC)
None (single vehicle incident hit a couple of trees -- but no damage to the trees).

INSURANCE INFORMATION ON BACK MUST BE COMPLETED AND SIGNED

(COMPLETE REVERSE SIDE)

SR-13
(Revised 1-98)

Plus Exhibits A, B, C, D & E
attached hereto and made a part hereof

The original SR-13 was submitted by the owner of the 1994 pickup on 20-May-2011
This revised SR-13 is being submitted by the driver of the same on 9-June-2011

YOUR INSURANCE INFORMATION	INJURED PERSONS IN YOUR VEHICLE <input type="checkbox"/> NONE
Complete the following as required by the Safety Responsibility Law of Alabama §32-7-1, and following sections. Mark only the appropriate box. All information will be verified.	
<input checked="" type="checkbox"/> 1. When accident occurred, the vehicle I was driving was covered by liability insurance with <u>State Farm Insurance</u> <small>(List name of insurance company, not Agency's name)</small> POLICY NO. <u>180 7364-F01-01</u> POLICY PERIOD FROM <u>Dec 01 2010</u> TO <u>Jun 01 2011</u> POLICY HOLDER <u>Stephen Gilbreath</u>	FULL NAME OF INJURED IN YOUR VEHICLE <u>n/a (NONE)</u>
	DID INJURED DIE? <input type="checkbox"/> YES <input type="checkbox"/> NO
	ADDRESS: STREET NO. CITY STATE ZIP
	DATE OF BIRTH SEX <input type="checkbox"/> M <input type="checkbox"/> F INJURED WAS (Please Circle) DRIVER PASSENGER PEDESTRIAN OTHER
	FULL NAME OF INJURED IN YOUR VEHICLE DID INJURED DIE? <input type="checkbox"/> YES <input type="checkbox"/> NO
	ADDRESS: STREET NO. CITY STATE ZIP
	DATE OF BIRTH SEX <input type="checkbox"/> M <input type="checkbox"/> F INJURED WAS (Please Circle) DRIVER PASSENGER PEDESTRIAN OTHER
SIGNATURE <u>Al Britton</u> DATE <u>6-9-11</u>	

INFORMATION AND INSTRUCTIONS: Complete this portion of the form if you believe that another party is responsible for your damages and you have not been compensated for them. You must give vehicle and/or other damages in dollar amount.

VEHICLE AND/OR OTHER PROPERTY DAMAGE

I, Stephen Lloyd Gilbreath (Full Name of Person Making Claim) certify that damages to my property amounted to \$ \$850 (plus \$20 per day) low (Amount of Damage) as a result of this motor vehicle accident. I believe I am entitled to recover the amount specified from not from driver who left the vehicle unattended only after staying inside it for over six hours but -- from the State Trooper's Office . . . (Driver of Vehicle) and from . . . because of the Trooper's violation of Alabama Code Section 32-13-2 as a matter of office policy (Owner of Vehicle), and I have not released said party(ies).
 Signature of Property Owner _____ (If owner is a company, give title of person signing claim.)

INJURIES (Please complete one section for each party injured)

I, n/a (no persons were injured) (Full Name of Person Injured) certify that my medical expenses are \$ _____ (Amount of Injury) as a result of this motor vehicle accident. I believe I am entitled to recover the amount specified above from _____ (Driver of Vehicle) and from _____ (Owner of Vehicle), and I have not released said party(ies).
 Signature of Claimant/Legal Guardian of Minor _____ Date _____

I, n/a (no persons were injured) (Full Name of Person Injured) certify that my medical expenses are \$ _____ (Amount of Injury) as a result of this motor vehicle accident. I believe I am entitled to recover the amount specified above from _____ (Driver of Vehicle) and from _____ (Owner of Vehicle), and I have not released said party(ies).
 Signature of Claimant/Legal Guardian of Minor Stephen L. Gilbreath Date 20-May-2011

FORM COMPLETION REVIEW

- | | |
|--|--|
| 1. Review form to ensure all blanks have been filled in. | 4. Sign and date this form in spaces provided. |
| 2. Use your full, legal name. | 5. Use additional forms, if necessary. Be sure to include all information requested. |
| 3. Describe all property damage (Example: bicycle, farm equipment, house, fence, etc.) | 6. For more information call 334-242-4222. |

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**Plus Exhibits A, B, C, D & E
 attached hereto and made a part hereof**

Alabama Department of
Public Safety

(PLEASE PRINT OR TYPE)

Driver License Division
Safety Responsibility Unit
P. O. Box 1471
Montgomery, AL 36102-1471

Reset Form

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DATE OF ACCIDENT 23-April-2011		TIME: 12:15 A.M. A. M. P. M.		HOW MANY VEHICLES WERE INVOLVED One		For Office Use Only					
LOCATION OF ACCIDENT (CITY) (STREET/HWY) Abernant - Off road on private property at the Griffin Ridge Hunting Club (near curve on Griffin Ridge Road)					COUNTY Tuscaloosa						
YOUR INFORMATION (PLEASE PRINT OR TYPE)						OTHER PARTY'S INFORMATION (PLEASE PRINT OR TYPE)					
YOU ARE THE: <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> OTHER <input type="checkbox"/> PARKED <input type="checkbox"/> HIT & RUN						OTHER PARTY WAS <input type="checkbox"/> DRIVER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> OTHER <input type="checkbox"/> PARKED <input type="checkbox"/> HIT & RUN					
DRIVER'S NAME (FIRST, MIDDLE, LAST) AL A. Britain						TELEPHONE NO. 205-425-1510 205-296-7248					
CURRENT ADDRESS: STREET NO. 14536 Milldale Rd						CITY Brookwood					
STATE AL		ZIP CODE 35444		CITY		STATE		ZIP CODE			
DRIVER'S DATE OF BIRTH 1-30-73		SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		DRIVER LICENSE # 628013		STATE AL		DRIVER'S DATE OF BIRTH			
OWNER OF VEHICLE/PROPERTY Tracy Lloyd Gilbreath/Stephen Lloyd Gilbreath		IF SAME AS DRIVER, MARK BOX <input type="checkbox"/>		OWNER OF VEHICLE/PROPERTY		IF SAME AS DRIVER, MARK BOX <input type="checkbox"/>		DRIVER LICENSE NUMBER			
ADDRESS OF OWNER: STREET NO. 1428 Virginia Road, Bessemer, AL 35023-8417						CITY					
CITY Bessemer		STATE AL		ZIP CODE 35023-8417		CITY		STATE			
YOUR VEHICLE						OTHER VEHICLE (Use additional form if more than two (2) vehicles)					
YEAR 74	MAKE Chevrolet	TYPE PU	COMMERCIAL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	STATE AL		YEAR	MAKE	TYPE	COMMERCIAL VEHICLE <input type="checkbox"/> YES <input type="checkbox"/> NO	STATE	
VIN 1GCEK14K4RZ251744			LICENSE PLATE NO. unk - truck in storage following an unlawful request for tow (see Exhibit A)			VIN			LICENSE PLATE NO.		

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DESCRIPTION OF PROPERTY DAMAGE (OTHER THAN VEHICLE, HOUSE/FENCE, UTILITY POLE/ETC)

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(COMPLETE REVERSE SIDE)

SR-13
(Revised 1-98)

Plus Exhibits A, B, C, D & E
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EXHIBIT 2
FOLLOWS THIS COVER SHEET



ALABAMA DEPARTMENT OF REVENUE, MOTOR VEHICLE DIVISION - TITLE SECTION P. O. Box 327668, Montgomery, AL 36132-7668
MVT 5-1E (REV 03/10) Application For Certificate Of Title

Application #	<u>E304913436</u>	Application Date	<u>06/24/2011</u>	Trans Code	<u>03</u>	Legend Codes	<u>75</u>
Current AL Title #	<u>40182228</u>	Surrendering QOS Title - State		Title #		Enc AL	

VEHICLE INFORMATION

VIN	<u>1GCEK14K4RZ251744</u>	Year	<u>1994</u>	Make	<u>CHEV</u>	Model	<u>Z71</u>	Body Type	<u>PV</u>	Cyls	<u>8</u>	Color	<u>RED</u>
Purchase Date	<u>08/24/2011</u>	# Liens	<u>0</u>	Odo. Reading		Reading Type	<u>E - Exempt</u>	New/Used	<u>USED</u>				

OWNER INFORMATION (FELONY OFFENSE FOR FALSE ADDRESS) Alabama Operator (Lessee) If Different:

Name	GILBREATH STEPHEN LLOYD	Name	
Mailing Address	1428 VIRGINIA ROAD	Resident Address	
City, State, Zip	BESSEMER, AL 35023	City, State, Zip	

Gross Selling Price:	0.00	Trade In Allowance:	0.00
----------------------	------	---------------------	------

LIENHOLDER INFORMATION (FELONY OFFENSE FOR FAILURE TO NAME LIENHOLDER WITH INTENT TO DEFRAUD)

There are no lions on the vehicle.

SELLER INFORMATION

Name	GILBREATH TRACY	Physical Address	1016 COUNTY ROAD 281	City, State, Zip	CULLMAN, AL 35057
------	-----------------	------------------	----------------------	------------------	-------------------

SIGNATURES (FELONY OFFENSE FOR FALSE STATEMENTS):

I, THE UNDERSIGNED, CERTIFY THAT THE VEHICLE DESCRIBED ABOVE IS OWNED BY ME AND I HEREBY MAKE APPLICATION FOR A CERTIFICATE OF TITLE FOR SAID MOTOR VEHICLE AND THIS VEHICLE WILL NOT BE THE SUBJECT OF LIEN PRIOR TO RECEIPT OF TITLE UNLESS INDICATED ABOVE. I FURTHER CERTIFY THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Owner Signature Stephen Lloyd Willmott Date 24 June 2011

Owner Signature _____ Date _____

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED VEHICLE HAS BEEN PHYSICALLY INSPECTED BY ME AS A DESIGNATED AGENT OF THE DEPARTMENT, AS REQUIRED BY LAW AND THAT THE VIN AND DESCRIPTIVE DATA SHOWN ON THIS APPLICATION ARE CORRECT AND FURTHER, I IDENTIFIED THE PERSON SIGNING THE APPLICATION AND WITHDREW THE SIGNATURE

DA Signature _____ Date _____
DA Name JEFFERSON CTY DEPARTMENT OF REVENUE DA Account Number 01-00003-01

ATTENTION APPLICANT: You can track the status of your life application by entering the life application number listed above at the following website: www.usdoj-sis.gov

A signed copy of this application shall, in accordance with Section 20-2-38, Code of Alabama 1975, serve as a permit for the operation of the motor vehicle described above until the revenue department issues a certificate of title or refuses to issue a certificate of title and shall continue to serve as evidence of ownership and as a permit for the operation of the vehicle after title is issued.

Legends EXEMPT VEHICLE - ODOMETER READING NOT REQUIRED

ALABAMA DEPARTMENT OF REVENUE MOTOR VEHICLE REGISTRATION TAG AND TAG RECEIPT		AL OR PHOTOCO CODE 2 TAG YEAR 2012		CLE. MVR 40-12-253B (1-2007) CURRENT YEAR DECAL NO. 010464947	
06/24/11 GILBREATH				NO TYPE PC CURRENT YEAR TAG NO. 1B01W92	
VEHICLE IDENTIFICATION NO. 1GCEK14K4RZ251744		EXEMPT		RENEW THIS TAG IN APR 2012	
APPL OR TITLE E304913436 CHEV YEAR 1994		COUNTY STATE CITY TAX TAX TAX		TOTAL SALES TAX 0.00	
AD VAL START DT NEW USED X PRICE \$		AD VAL CREDIT AD VALOREM PENALTY AD VALOREM INTEREST		TOTAL AD VALOREM TAX 2.01	
ASSESSED VALUE 40 STATE 1.13 COUNTY CITY SCHOOL 0.88		AD VAL CREDIT AD VALOREM PENALTY AD VALOREM INTEREST		TOTAL AD VALOREM TAX 2.01	
CLASS CODE TRANS FEE APT FEE ADOT FEE LICENSE FEE REG FEE PENALTY OTHER ADPARENT		TOTAL TAG 22.58		TOTAL TAG & TAX 24.59	
06/24/2011 1720 05/12 426 183509 5315678 2-NBVTAM		24.59		GILBREATH STEPHEN LLOYD 1428 VIRGINIA RD BESSEMER AL 35023-8417	
SIGN HERE VT 2 TP		TRAVIS A HULLEY DIRECTOR		06/24/2011 1720 05/12 426 183509 5315678 2-NBVTAM	

ALABAMA DEPARTMENT OF REVENUE MOTOR VEHICLE REGISTRATION TAG AND TAG RECEIPT		ALABAMA LAW REQUIRES ORIGINAL OR PHOTOCOPY OF RECEIPT TO BE IN VEHICLE.		MVR 40-12-253B (1-2007)	
06/24/11 GILBREATH TRACY		JEFFERSON 01 2 2012		CURRENT YEAR DECAL NO. ESC817498	
VEHICLE IDENTIFICATION NO. 1GCEK14K4RZ251744		ESC817497 PC		RENEW THIS TAG IN MAY 2011	
APPL OR TITLE E304913436 CHEV YEAR 1994		EXEMPT		TOTAL SALES TAX 0.00	
AD VAL START DT NEW USED X PRICE \$		AD VAL CREDIT AD VALOREM PENALTY AD VALOREM INTEREST		TOTAL AD VALOREM TAX 1.00	
ASSESSED VALUE 20 STATE 0.56 COUNTY CITY SCHOOL 0.44		AD VAL CREDIT AD VALOREM PENALTY AD VALOREM INTEREST		TOTAL AD VALOREM TAX 1.00	
CLASS CODE TRANS FEE APT FEE ADOT FEE LICENSE FEE REG FEE PENALTY OTHER ADPARENT		TOTAL TAG 1.00		TOTAL TAG & TAX 1.00	
06/24/2011 1720 06/11 426 183509 5315678 2-NBVTAM		1.00		GILBREATH STEPHEN LLOYD 1428 VIRGINIA RD BESSEMER AL 35023-8417	
SIGN HERE VT 2 TP		TRAVIS A HULLEY DIRECTOR		06/24/2011 1720 06/11 426 183509 5315678 2-NBVTAM	

Please serve Defendants via Certified U.S. Mail at:

Eric C. Pippen
c/o Alabama Department of Public Safety
301 South Ripley Street
Montgomery, AL 36104

Hugh McCall
c/o Alabama Department of Public Safety
301 South Ripley Street
Montgomery, AL 36104

Jack M. Curtis
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Gene McKinney
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West Blockton, AL 35184

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