

2098

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

THE WATER WORKS AND SEWER BOARD)
OF THE CITY OF BIRMINGHAM,)
a public corporation,)

Plaintiff,)

vs.)

CASE NO. 28 31

DANTRACT, INC., an Alabama)
corporation; DANIEL)
CORPORATION, an Alabama)
corporation,)

Defendants.)

MOTION TO SHORTEN TIME TO RESPOND
TO REQUEST FOR PRODUCTION OF DOCUMENTS

Come now Defendants, Dantract, Inc. and Daniel Corporation, and move the Court to shorten the time to respond to the request made the subject of the Request for Production of Documents filed of even date herewith, a copy of which is attached hereto, and for grounds thereof state as follows:

1. Although the map referred to as identified and admitted into evidence, plaintiff has refused to allow defendants to copy same.

2. In the hearing before Judge Snowden plaintiff's witness, A. B. Martin, testified that there was a prepared report pertaining to the proposed water storage tank and stated that said report had various engineering calculations which pertained to the amount of pressure which would be produced at a particular fire district as a result of the installation of the water storage tank. Said report purportedly also contains other relative engineering data. Plaintiff initially agreed to provide said document but has


Burr & Forman

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subsequently, recently, reversed its position and refuses to make said document available.

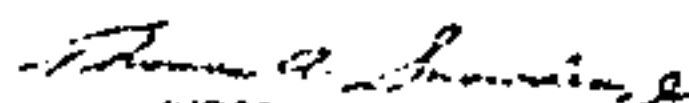
3. The information pertaining to other nearby water storage tanks is relevant and necessary to analyze the storage capacity and pressure either delivered or which could be delivered to an area that plaintiff states needs additional water pressure.

4. Defendants have questioned whether the water storage tank is either reasonable or necessary, and inasmuch as the requested documents form a basis of the plaintiff's allegations that the property should be condemned, defendants request a reasonable opportunity to review same.


John F. De Buys, Jr.
Attorney for Defendants

ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED.

89 MAR 31 PM 3:20


JUDGE OF PROBATE

OF COUNSEL:

BURR & FORMAN
3000 SOUTHTRUST TOWER
420 NORTH 20TH STREET
BIRMINGHAM, ALABAMA 35203
(205) 251-3000

CERTIFICATE OF SERVICE

I hereby certify that I have delivered a copy of the above and foregoing Request for Production to Charlie D. Waldrep and K. Mark Parnell, Gorham, Waldrep, Stewart, Kendrick & Bryant, 1507 City Federal Building, Birmingham, Alabama 35203, by hand on this the 31 day of March, 1989.


OF COUNSEL

NOTICE OF HEARING

This motion is set to be heard on the _____ day of _____, 1989, at _____ .m.

danmtj.stm

RECORDING FEES	
Recording Fee	\$ <u>500</u>
Index Fee	<u>100</u>
TOTAL	<u>600</u>