



AlaFile E-Notice

47-CV-2011-900145.00

To: THOMAS H SINIARD
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

DEBRA M. MORIARTY v. AMY BISHOP ANDERSON ET AL
47-CV-2011-900145.00

The following complaint was FILED on 2/4/2011 11:48:48 AM

Notice Date: 2/4/2011 11:48:48 AM

JANE C. SMITH
CIRCUIT COURT CLERK
MADISON COUNTY, ALABAMA
MADISON COUNTY, ALABAMA
HUNTSVILLE, AL 35801

256-532-3390
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**COVER SHEET
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:
47-CV-201

Date of Filing:
02/04/2011



ELECTRONICALLY FILED
2/4/2011 11:48 AM
CV-2011-900145.00
CIRCUIT COURT OF
MADISON COUNTY, ALABAMA
JANE C. SMITH, CLERK

GENERAL INFORMATION

**IN THE CIRCUIT OF MADISON COUNTY, ALABAMA
DEBRA M. MORIARTY v. AMY BISHOP ANDERSON 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: ASSAULT AND BATTERY

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: SIN008

2/4/2011 11:47:39 AM

/s THOMAS H SINIARD

MEDIATION REQUESTED: Yes No **Undecided**



IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

DEBRA M. MORIARTY,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	CV11- _____
)	
AMY BISHOP ANDERSON, and)	
JAMES E. ANDERSON, JR;)	
)	

There may be other entities whose true names and identities are unknown to plaintiff at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by plaintiff when their true names and identities are accurately ascertained by discovery. Until that time, plaintiff 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.

Defendants A, B, C, being that or those person(s), corporation(s), or other entity that breached any duty owed to the Plaintiff on the occasion described herein;

Defendants D, E, F, being that or those person(s), corporation(s), or other entity whose negligent or wanton conduct is responsible for the Plaintiff's injuries on the occasion described herein;

Defendants G, H, I, being that or those person(s), corporation(s), or other entity who or which supplied, entrusted, or otherwise provided Amy Bishop Anderson access to the firearm used on the occasion described herein;

Defendants J, K, L, being that or those person(s), corporation(s), or other entity that manufactured, assembled, marketed, modified, sold, prescribed, and/or distributed any drug, pharmaceutical product, or medication to Defendant Amy Bishop Anderson that contributed or caused the occasion described herein;

Defendants P, Q, R, being that or those person(s), corporation(s), or other entity responsible for falsely imprisoning the Defendant Debra M. Moriarty on the occasion described herein,

Defendants.)

COMPLAINT

1. Plaintiff Debra M. Moriarty is over nineteen years old and is a resident of Madison County, Alabama.

2. Defendant Amy Bishop Anderson is over nineteen years old and is a resident of Madison County, Alabama.

4. Defendant James E. Anderson, Jr. is over nineteen years old and is a resident of Madison County, Alabama.

5. The true names and identities of the other named defendants are unknown to plaintiff at this time and will be added by amendment in accordance with Rule 9(h) of the Alabama Rules of Civil Procedure when the true names and identities are ascertained.

6. The accident complained of herein occurred in Madison County, Alabama and the amount in controversy exceeds \$10,000.

COUNT ONE – ASSAULT AND BATTERY AMY BISHOP ANDERSON

7. On or about the 12th day of February, 2010, Amy Bishop Anderson, in rudeness, anger, and a hostile manner, repeatedly threatened, kicked or otherwise struck Debra M. Moriarty during a tenure meeting at the University of Alabama in Huntsville.

8. As a direct and proximate result of Amy Bishop Anderson's assault and battery, Debra M. Moriarty suffered injuries to her physical and mental health, including, but not limited to post-traumatic stress disorder.

9. The circumstances surrounding the assault and battery are aggravated by willful misconduct, malice, wantonness, oppression, and an entire want of care.

10. Plaintiff Debra M. Moriarty is entitled to compensation from Amy Bishop Anderson for:

- a) the cost of medical treatment and medication;
- b) the cost of future medical treatment and medication;
- c) pain and suffering on account of personal injury;
- d) loss of earnings;
- e) permanent injury;
- f) mental anguish.

11. Accordingly, Debra M. Moriarty is entitled to punitive damages.

WHEREFORE the Plaintiff Debra M. Moriarty demands judgment against the Defendant Amy Bishop Anderson in an amount deemed appropriate under the circumstances plus the costs of this action.

**COUNT TWO – CIVIL CONSPIRACY
JAMES E. ANDERSON, JR.**

12. Plaintiff adopts and realleges paragraphs 1 through 11 as if they were set forth in full.

13. On or about the 12th day of February 2010, James E. Anderson, Jr. encouraged, aided, abetted, assisted, or was otherwise ready to encourage, aid, abet, and assist Amy Bishop Anderson in the perpetration or commission of her actions upon Debra M. Moriarty.

14. As a direct and proximate result of James E. Anderson, Jr.'s civil conspiracy, with Amy Bishop, Debra M. Moriarty suffered injuries to her physical and mental health, including, but not limited to post-traumatic stress disorder.

15. The circumstances surrounding the civil conspiracy to commit assault and battery are aggravated by willful misconduct, malice, wantonness, oppression, and an entire want of care.

16. Plaintiff Debra M. Moriarty is entitled to compensation from James E. Anderson, Jr. for:

- a) the cost of medical treatment and medication;
- b) the cost of future medical treatment and medication;
- c) pain and suffering on account of personal injury;
- d) loss of earnings;
- e) permanent injury;
- f) mental anguish.

17. Accordingly, Debra M. Moriarty is entitled to punitive damages.

WHEREFORE the Plaintiff Debra M. Moriarty demands judgment against the Defendant James E. Anderson, Jr., in an amount deemed appropriate under the circumstances plus the costs of this action.

**COUNT THREE – NEGLIGENT ENTRUSTMENT
JAMES E. ANDERSON, JR.**

18. Plaintiff adopts and realleges paragraphs 1 through 17 as if they were set forth in full.

19. On or about the 12th day of February 2010, James E. Anderson Jr. negligently entrusted, supplied, furnished, or provided Amy Bishop Anderson with the firearm which

contributed to or caused the aggravated circumstances and events that form the basis of this lawsuit.

20. Prior to the events described herein, James E. Anderson Jr. negligently entrusted Amy Bishop Anderson with a firearm. Specifically, the Defendant entrusted the firearm to Amy Bishop Anderson with knowledge that she was unable or unlikely to have exercised reasonable safety in handling a firearm due to mental incompetency, dangerous temperament, or other factors related to her condition.

21. As a direct and proximate result of James E. Anderson Jr.'s negligent entrustment, the Plaintiff, Debra M. Moriarty, sustained injuries to her physical and mental health, including, but not limited to post-traumatic stress disorder.

22. Plaintiff Debra M. Moriarty is entitled to compensation from James E. Anderson Jr. for:

- a) the cost of medical treatment and medication;
- b) the cost of future medical treatment and medication;
- c) pain and suffering on account of personal injury;
- d) loss of earnings;
- e) permanent injury;
- f) mental anguish.

WHEREFORE the Plaintiff Debra M. Moriarty demands judgment against the Defendant James E. Anderson Jr. in an amount deemed appropriate under the circumstances plus the costs of this action.

**COUNT FOUR – WANTON ENTRUSTMENT
JAMES E. ANDERSON JR.**

23. Plaintiff adopts and realleges paragraphs 1 through 22 as if they were set forth in full.

24. On or about the 12th day of February 2010, James E. Anderson Jr. wantonly entrusted, supplied, furnished, or provided Amy Bishop Anderson with the firearm which contributed to or caused the aggravated circumstances and events that form the basis of this lawsuit.

25. Prior to the events described herein, James E. Anderson Jr. wantonly entrusted Amy Bishop Anderson with the firearm. Specifically, Defendants entrusted a firearm to Amy Bishop Anderson with knowledge that she was unable or unlikely to have exercised reasonable safety in handling a firearm due to mental incompetency, dangerous temperament, or other factors related to her condition.

26. As a direct and proximate result of James E. Anderson Jr. wanton entrustment, the Plaintiff, Debra M. Moriarty, sustained injuries to her physical and mental health, including, but not limited to post-traumatic stress disorder.

27. Plaintiff Debra M. Moriarty is entitled to compensation from James E. Anderson Jr. for:

- a) the cost of medical treatment and medication;
- b) the cost of future medical treatment and medication;
- c) pain and suffering on account of personal injury;
- d) loss of earnings;
- e) permanent injury;
- f) mental anguish.

28. Accordingly, Debra M. Moriarty is entitled to punitive damages.

WHEREFORE the Plaintiff Debra M. Moriarty demands judgment against the Defendant James E. Anderson Jr. in an amount deemed appropriate under the circumstances plus the costs of this action.

**COUNT FIVE – FALSE IMPRISONMENT
AMY BISHOP ANDERSON**

29. Plaintiff adopts and realleges paragraphs 1 through 28 as if they were set forth in full.

30. On or about the 12th day of February 2010, Amy Bishop Anderson falsely imprisoned the Plaintiff Debra M. Moriarty, whereby she was deprived of her personal liberty.

31. At the time of said incident, Amy Bishop Anderson acted with malice, ill will, and with a wanton disregard for the Plaintiff's rights.

32. As a direct and proximate result of Amy Bishop Anderson's act of false imprisonment, the Plaintiff sustained injuries to her physical and mental health, including, but not limited to post-traumatic stress disorder.

33. Plaintiff Debra M. Moriarty is entitled to compensation from Amy Bishop Anderson for:

- a) the cost of medical treatment and medication;
- b) the cost of future medical treatment and medication;
- c) pain and suffering on account of personal injury;
- d) loss of earnings;
- e) permanent injury;
- f) mental anguish.

34. Accordingly, Debra M. Moriarty is entitled to punitive damages.

WHEREFORE the Plaintiff Debra M. Moriarty demands judgment against the Defendant James E. Anderson Jr. in an amount deemed appropriate under the circumstances plus the costs of this action.

**COUNT SIX – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AMY BISHOP ANDERSON**

35. Plaintiff adopts and realleges paragraphs 1 through 34 as if they were set forth in full.

36. On or about the 12th day of February 2010, Amy Bishop Anderson shot six of Debra M. Moriarty's co-workers while in her presence.

37. After shooting her co-workers, Amy Bishop Anderson then pointed the firearm at Debra M. Moriarty from point blank range and pulled the trigger several times, but the gun did not discharge.

38. The conduct of Amy Bishop Anderson was so outrageous in character and so extreme in degree that it extended beyond all possible bounds of decency, and is regarded as atrocious and utterly intolerable in civilized society.

39. The conduct of Amy Bishop Anderson intentionally or recklessly caused Debra Moriarty emotional distress, so severe that no reasonable person could be expected to endure it.

40. As a direct and proximate result of Amy Bishop Anderson's intentional infliction of emotional distress, Debra M. Moriarty sustained injuries to her physical and mental health, including, but not limited to post-traumatic stress disorder.

41. Plaintiff Debra M. Moriarty is entitled to compensation from Amy Bishop Anderson for:

- a) the cost of medical treatment and medication;
- b) the cost of future medical treatment and medication;
- c) pain and suffering on account of personal injury;
- d) loss of earnings;
- e) permanent injury;
- f) mental anguish.

42. Accordingly, Debra M. Moriarty is entitled to punitive damages.

WHEREFORE the Plaintiff Debra M. Moriarty demands a judgment against the Defendant Amy Bishop Anderson for an amount deemed appropriate under the circumstances, plus the costs of this action.

**COUNT SEVEN
FICTITIOUS DEFENDANTS**

43. Plaintiff adopts and realleges paragraphs 1 through 42 as if they were set forth in full.

44. Plaintiff alleges and avers that the negligence or wanton acts and/or omissions of Fictitious Defendants A-R proximately caused and/or combined and concurred with the negligence or wantonness of Amy Bishop Anderson and James E. Anderson, Jr., to proximately cause the Plaintiff's injuries and damages set forth in Counts I-VI above.

45. The true names and identities of Fictitious Defendants A-R are unknown to plaintiff at this time and will be added by amendment in accordance with Rule 9(h) of the Alabama Rules of Civil Procedure when the true names and identities are ascertained.

WHEREFORE, the Plaintiff Debra M. Moriarty demands judgment against the Defendants in an amount deemed appropriate under the circumstances plus the costs of this action.

Respectfully submitted on this the 4th day of February, 2011.

Tommy H. Siniard
Tommy H. Siniard (SIN 008)

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SERVE DEFENDANTS BY CERTIFIED MAIL:

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