



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

CIVIL ACTION No. _____

PATSY L. HAMAKER an individual,

Plaintiffs,

v.

BIT, INC. (d/b/a “The Furnace”), a corporation; **FICTITIOUS DEFENDANT No. 1**, whether singular or plural, that entity or those entities, that individual or individuals which are the owners or shareholders of BIT, INC. (d/b/a “The Furnace”); **FICTITIOUS DEFENDANT No. 2**, whether singular or plural, that entity or those entities, that individual or those individuals, who or which were in charge of the procedures that were carried out at BIT, INC. (d/b/a “The Furnace”); **FICTITIOUS DEFENDANT No. 3**, whether singular or plural, that entity or those entities, that individual or those individuals, who or which established, supervised and controlled the policies and procedures set forth in the operation of BIT, INC. (d/b/a “The Furnace”); **FICTITIOUS DEFENDANT No. 4**, whether singular or plural, that entity or those entities, that individual or those individuals, who or which controlled the manner and method in which policies and procedures were carried out at BIT, INC. (d/b/a “The Furnace”); **FICTITIOUS DEFENDANT No. 5**, whether singular or plural, that entity or those entities, that individual or those individuals, who or which established, supervised and controlled the policies and procedures set forth in the operation of BIT, INC. (d/b/a “The Furnace”); **FICTITIOUS DEFENDANT No. 6**, whether singular or plural, that entity or those entities, that individual or those individuals, who or which were responsible for the hiring, training and supervision of the employees of BIT, INC. (d/b/a “The Furnace”) at the time of the occurrence made the basis of this lawsuit; **FICTITIOUS DEFENDANT No. 7**, whether singular or plural, that entity or those entities, that individual or those individuals, who or which hired, maintained, managed, controlled, or regulated in any way the acts or actions of the bar tenders, the employees and/or any independent contractors of BIT, INC. (d/b/a “The Furnace”); **FICTITIOUS DEFENDANT No. 8**, whether singular or plural, that entity or those entities who or which provided any insurance coverage, of whatever kind or character, for any of the named defendants or fictitious party defendants listed or named herein; **FICTITIOUS DEFENDANT No. 9**, whether singular or plural, that entity or those entities, that individual or those individuals, other than those entities and individuals described above, whose negligence, wantonness, willfulness or other wrongful conduct contributed to cause the occurrence made the basis of this lawsuit; **FICTITIOUS DEFENDANT No. 10**, whether singular or plural, that entity or those entities which is the successor in interest of any of those entities described above. Plaintiff avers that the identities of the fictitious parties defendant herein are otherwise unknown to plaintiff at this time or, if their names are known to plaintiff their identities as proper parties defendant are not known to plaintiff at this time, and their true names will be substituted by amendment when ascertained,

Defendants.

SUMMONS

This service by Certified Mail of this summons is initiated upon the written request of Plaintiff's attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO: **BIT, INC. (d/b/a "The Furnace")**
309 28th Street. North
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 or denying each allegation in the Complaint, to **G. ALAN SMITH**, the attorney for the Plaintiff, whose address is: 2976 Pelham Parkway, Suite E-2, Pelham, Alabama 35124. **THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF DELIVERY OF THIS SUMMONS AND COMPLAINT AS EVIDENCED BY THE RETURN RECEIPT, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

Clerk of Court

Dated _____

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Defendants.

COMPLAINT

COUNT 1

1. On or about October 17, 2007, Plaintiff, Patsy L. Hamker (hereinafter Ms. Hamaker), was employed by BIT, Inc. (d/b/a The Furnace) located on 28th Street North in Birmingham, Alabama as a dancer to entertain the customers at The Furnace.
2. On or about October 17, 2008, Ms. Hamaker worked her shift at The Furnace which ended at approximately 12:00 A.M. on October 18, 2008.
3. At the aforesaid time and place, the defendant, BIT, Inc. (d/b/a The Furnace), and one or more of the fictitious party defendants described herein, were in the business of selling and/or providing alcoholic beverages to customers and dancers employed by The Furnace. Said defendants during said period of time encouraged employed dancers to have customers of The Furnace purchase the dancers alcoholic drinks. The employed dancers were encouraged to have the alcoholic drinks purchased for them by receiving a percentage of the price of the drink from The Furnace. Said defendants received valuable profits from the sell of alcoholic drinks purchased by customers for the dancers.
4. Plaintiff further alleges that the defendants, BIT, Inc. (d/b/a The Furnace), and one or more of the fictitious party defendants listed and described in the caption hereinabove, had a right to and did control the hiring, supervising and training of employees, and the conditions, methods and manner in which the polices and procedures were performed at the time and place as described above. Said defendants negligently, wantonly and/or willfully controlled the hiring, supervising and the training of employees and the conditions, methods and manner in which said activities were performed and said

negligent, wanton and/or willful conduct was a proximate cause of the plaintiff's injuries and damages as herein described.

5. The defendant, BIT, Inc. (d/b/a The Furnace), and one or more of the fictitious party defendants described in the caption hereinabove, negligently, wantonly and/or willfully caused or allowed Ms. Hamaker, to leave "The Furnace" in a highly intoxicated state following her shift where alcoholic drinks were purchased for her by customers of The Furnace. Shortly after leaving The Furnace, and due to her highly intoxicated state, Ms. Hamaker was involved in a single car accident thereby resulting in her serious injury. Said negligent, wanton and/or willful conduct of the defendants was a proximate cause of the plaintiff's injuries and damages as herein described.
6. The aforesaid wrongful, negligent, wanton and/or willful conduct of each of the above described defendants, including the fictitious party defendants, combined and concurred, and as a proximate consequence thereof, Patsy L. Hamaker suffered injuries and damages.

WHEREFORE, plaintiff demands judgment against each of the defendants, jointly and severally, including the fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, which will fairly and adequately compensate the plaintiff for injuries and damages sustained, together with interest from the date of injury, and the costs of this proceeding. Further, plaintiff requests that the jury selected to hear this case render a verdict for plaintiff and against each defendant, and that it award punitive damages to plaintiff in an amount which will adequately reflect the enormity of the defendants' wrongful act and which will effectively prevent other similar wrongful acts.

COUNT 2

1. Plaintiff hereby re-alleges and re-avers the allegations contained in Count I of this Complaint the same as if here again set out.
2. Plaintiff further alleges that the defendant, BIT, Inc. (d/b/a The Furnace), and one or more of the fictitious party defendants listed and described in the caption hereinabove, negligently, wantonly and/or willfully caused or allowed a dangerous condition to exist by allowing said plaintiff to leave its establishment in such an intoxicated state while under said defendants' supervision and control, and that in the exercise of reasonable care, the defendants knew or should have known that said dangerous condition existed. Said negligent, wanton and/or willful conduct was a proximate cause of the plaintiff's injuries and damages as herein described.
3. Plaintiff, Patsy L. Hamaker, alleges that her injuries and damages were caused as a proximate consequence of the negligent, wanton, willful and other wrongful conduct of the defendant, BIT, Inc. (d/b/a The Furnace), and the fictitious party defendants as hereinabove described.
4. The aforesaid wrongful, negligent, wanton and/or willful conduct of the above described defendant, including the fictitious party defendants, combined and concurred, and as a proximate consequence thereof, Patsy L. Hamaker, was caused to suffer injuries and damages.

WHEREFORE, plaintiff demands judgment against each of the defendants, jointly and severally, including the fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, which will fairly and adequately compensate the plaintiff for injuries and damages sustained, together with interest from the date of injury, and the costs of this

proceeding. Further, plaintiff requests that the jury selected to hear this case render a verdict for plaintiff and against each defendant, and that it award punitive damages to plaintiff in an amount which will adequately reflect the enormity of the defendants' wrongful act and which will effectively prevent other similar wrongful acts.

s/ G. Alan Smith
G. ALAN SMITH (SMI-235)
Attorney for the Plaintiff

s/ Jeffrey M. Chapman
JEFFREY M. CHAPMAN (CHA-069)
Attorney for the Plaintiff

OF COUNSEL:

SMITH & CHAPMAN, P.C.
2976 Pelham Parkway, Suite E-2
Pelham, AL 35124
(205) 663-1599

Plaintiff requests a trial by a struck jury.

s/ G. Alan Smith
Of Counsel

PLAINTIFF'S ADDRESS:

7569 15th St.
Bessemer, AL 35023

SERVED DEFENDANT BY CERTIFIED MAIL AT:

BIT, INC. (d/b/a "The Furnace")
309 28th Street. North
Birmingham, Alabama 35203