



AlaFile E-Notice

01-CV-2016-904241.00

Judge: CAROLE C. SMITHERMAN

To: COULTER BENJAMIN BROCK
Ben.Coulter@burr.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

AAL USA, INC. V. PAUL DAIGLE ET AL
01-CV-2016-904241.00

The following matter was FILED on 12/28/2016 12:36:34 PM

C001 AAL USA, INC.
MOTION TO SHORTEN TIME
[Filer: HAYSLIP VICTOR LEE]

Notice Date: 12/28/2016 12:36:34 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355
anne-marie.adams@alacourt.gov



ELECTRONICALLY FILED
12/28/2016 12:36 PM
01-CV-2016-904241.00
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

01-JEFFERSON

 District Court
 Circuit Court

CV2

CIVIL MOTION COVER SHEET

AAL USA, INC. V. PAUL DAIGLE ET AL

Name of Filing Party: C001 - AAL USA, INC.

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

Victor L. Hayslip
420 North 20th Street, Ste. 3100
Birmingham, AL 35203
Attorney Bar No.: HAY019

 Oral Arguments Requested
TYPE OF MOTION**Motions Requiring Fee**

- Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

Local Court Costs \$ 0

Motions Not Requiring Fee

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw
- Other Motion to Shorten Time
pursuant to Rule N/A (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees)

Date:
12/28/2016 12:35:03 PM

Signature of Attorney or Party
/s/ Victor L. Hayslip

ELECTRONICALLY FILED
 12/28/2016 12:36 PM
 01-CV-2016-904241.00
 CIRCUIT COURT OF
 JEFFERSON COUNTY, ALABAMA
 ANNE-MARIE ADAMS, CLERK



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

AAL USA, INC.)
)
Plaintiff,)
)
v.)
)
BLACK HALL, LLC; CORVIS ARROW, LLC;)
COLD HARBOR CERTIFICATIONS, INC.;)
HINDSIGHT COFFEE, LLC; PAUL DAIGLE;)
KEITH WOOLFORD; IBERIABANK)
CORPORATION; IBERIABANK;)
SERVISFIRST BANK; and FICTITIOUS)
DEFENDANTS A-N.)
)
Defendants.)

Case No. CV 2016-904241

**AAL USA, INC.'S MOTION TO SHORTEN TIME
 FOR PAUL DAIGLE TO RESPOND TO SINGLE DOCUMENT REQUEST
 (THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO PAUL DAIGLE)**

AAL USA, INC. ("Plaintiff" or "AAL") moves the Court to order Paul Daigle to respond to AAL's Third Request for Production of Documents to Paul Daigle, served on December 28, 2016, and comprised of one document request, at the preliminary injunction hearing currently set in this matter for January 3, 2017, at 10:00 a.m. and states the following as grounds for its motion:

1. AAL has recently learned that Paul Daigle and Keith Woolford are in talks to sell Black Hall Aerospace, Inc. ("BHA") and/or its assets. Such a sale is directly relevant to a number of claims and defenses in this lawsuit and would impact, among other things, AAL's claims against Daigle and Woolford for breach of fiduciary duty and conversion, the Defendants' repeated assertion that BHA owns claims against the Defendants, and other defenses the Defendants have asserted or alluded to in this Court.

DOCUMENT 180

2. On December 28, 2016, AAL served its "Third Request for Production of Documents to Paul Daigle," which is one request for production of documents. *See* Discovery Request, attached as Ex. 1.

3. The Alabama Rules of Civil Procedure favor the speedy and efficient resolution of every matter. In fact, Rule 1 requires that the rules "be construed and administered to secure the just, speedy and inexpensive determination of every action." ALA. R. CIV. P. 1(c).

4. Further, Rule 34 specifically contemplates that a trial court would shorten the time for responding to requests for production of documents in certain circumstances:

(b) *Procedure*....The party upon whom the request is served shall serve a written response within thirty (30) days after the service of the request, except that a defendant may serve a response within forty-five (45) days after service of the summons and complaint upon that defendant. **The court may allow a shorter or longer time.**

ALA. R. CIV. P. 34(b) (emphasis added).

5. Time is of the essence and the Court should shorten the time for Daigle to respond. Daigle, Woolford, and/or their co-conspirators are in the process of negotiating the sale of BHA and/or its assets, and if the sale goes forward, AAL could be left without a meaningful remedy for claims against the Defendants. Given that fact, Daigle should not be permitted to wait until the last moment to respond to the document request. Rather, for the good of all involved, the Court should require Daigle to respond to AAL's "Third Request for Production of Documents to Paul Daigle" at the January 3, 2017 preliminary injunction hearing.

6. The relief sought would not prejudice any party. Rather, it would shorten an unnecessary passage of time on a time-sensitive matter.

7. Finally, the Third Discovery is one single document request, for limited documents, and a response would not be burdensome. There is no reason the requested documents should not be produced.

REQUESTED RELIEF

WHEREFORE, AAL respectfully requests that the Court (1) shorten the time for the Daigle to respond to AAL's Third Request for Production of Documents to Paul Daigle; and (2) require Daigle to respond and produce documents to that request at the preliminary injunction hearing set in this case for January 3, 2017, at 10:00 a.m.

Dated: December 28, 2016

/s/ Victor L. Hayslip

Michael K. K. Choy (CHO001)

Victor Hayslip (HAY019)

Kip A. Nesmith (NES007)

Benjamin Coulter (COU027)

Attorneys for Plaintiff
AAL USA, INC.

OF COUNSEL:

BURR & FORMAN LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203
Telephone: (205) 251-3000
Facsimile: (205) 458-5100
mchoy@burr.com
vhayslip@burr.com
knesmith@burr.com
bcoulter@burr.com

CERTIFICATE OF SERVICE

I do hereby certify on December 28, 2016, that a copy of the above and foregoing has been served upon the following via electronic filing or U.S. Mail:

James H. Richardson
RICHARDSON MAPLES, P.C.
301 East Holmes Avenue, Suite 100
Huntsville, AL 35801

Roderic G. Steakley
Benjamin R. Little
SIROTE & PERMUTT, P.C.
305 Church Street, Suite 800
Huntsville, AL 35801

J. Rushton McClees
Joshua L. Hornady
SIROTE & PERMUTT, P.C.
2311 Highland Ave. South
P. O. Box 55727
Birmingham, AL 35255-5727

U.S. Mail

IberiaBank Corporation c/o
CT Corporation System
2 No Jackson Ste 605
Montgomery, AL 36104

IberiaBank c/o
CT Corporation System
2 No Jackson Ste 605
Montgomery, AL 36104

ServisFirst Bank c/o
Thomas A. Broughton, III
850 Shades Creek PKWY STE 200
Birmingham, AL 35209

/s/ Victor L. Hayslip

OF COUNSEL

EXHIBIT 1

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

AAL USA, INC.)
)
Plaintiff,)
)
v.)
)
BLACK HALL, LLC; CORVIS ARROW, LLC;)
COLD HARBOR CERTIFICATIONS, INC.;)
HINDSIGHT COFFEE, LLC; PAUL DAIGLE;)
KEITH WOOLFORD; IBERIABANK)
CORPORATION; IBERIABANK;)
SERVISFIRST BANK; and FICTITIOUS)
DEFENDANTS A-N.)
)
Defendants.)
)

Case No. CV 2016-904241

THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO PAUL DAIGLE

Pursuant to ALA. R. CIV. P. 26 and 34, AAL USA, INC. ("Plaintiff" or "AAL") propounds its third request for production of documents to Defendant Paul Daigle:

DEFINITIONS

1. "Communication" shall mean any contact or act by which any information is transmitted or conveyed between two or more persons, and shall include, without limitation, written contact by such means as letters, memoranda, telegrams, telexes, electronically transmitted messages, or by any document, and any oral contact by such means as face to face meetings or conversations and telephone conversations which are transcribed, notated or in any other manner memorialized in written, typed or recorded form.

2. "Document" shall mean any medium upon which intelligence or information can be recorded or retrieved, and includes without limitation, the original of each copy, regardless of origin or location, of any book, pamphlet, computerized data and other electronically recorded information, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, account entry, diary, calendar, telex, telegram, cable, report, records, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet, computer drive, computer disk, or data processing card or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, whether stored in tangible, mechanical or electronic form or representation of any kind (including [i] materials on or in computer tapes, disks, drives, and/or memory,

DOCUMENT 180

and [ii] backup copies and "deleted" files on a computer or computer storage device or media, whether located onsite or offsite), however produced or reproduced, which is in your possession, custody or control, or which was, but is no longer in your possession, custody or control. "Document" also includes all drafts, copies, or preliminary material that are different in any way from the executed original document.

3. "You" shall mean defendant Paul Daigle, and any agent, attorney, or any other person acting for, or on behalf of, or under the authority or control of you or others who are in possession of or who may have obtained information for or on behalf of you

4. The "Complaint" shall mean the Complaint and any amendments thereto.

5. The terms "and" and "or" as used herein are terms of inclusion and not of exclusion, and shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request for production of documents any document or information that might otherwise be construed to be outside its scope.

6. The term "any" means one or more.

7. As used herein, the term "identify" or "identification" means to set forth:

a. When used with reference to a person: (i) Full name; (ii) Present or last known place of employment and business address; and (iii) his or her present or last known address and telephone number.

b. When used with reference to a document: (i) The date the document bears or, if not, the date it was written; (ii) Name and address of each person who wrote it or participated in the writing of it; (iii) The name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; (iv) The name and address of each person who received a copy of the document; (v) A description of the document; as for instance, a letter, memorandum, etc.; (vi) Its present location or custodian or if unknown, its last known location or custodian; (vii) The present location or custodian of each copy, or if unknown, its last known location or custodian; and (viii) If any document is no longer in your possession, or subject to your control, state what disposition was made of it, the reason for such disposition and the date thereof.

c. When used with reference to an oral communication: (i) The persons participating in such oral communication; (ii) The date, number (e.g., telephone) and place at which each person who participated in or heard the oral communication was located; (iii) A description of the circumstances surrounding the communication as, for instance, meeting, speech, conversation; (iv) The name of each person who was present other than the participants; (v) The substance of the oral communication; and (vi) The information listed in b(i) through (viii) for each document concerning, referring, recording or relating to the oral communication.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any agreements or proposed agreements, including without limitation contracts, drafts and/or letters of intent, for the purchase of Black Hall Aerospace, Inc. ("BHA") or its assets, or any of your shares of BHA.

Dated: December 28, 2016



Michael K. K. Choy (CHO001)
Victor Hayslip (HAY019)
Kip A. Nesmith (NES007)
Benjamin Coulter (COU027)

Attorneys for Plaintiff
AAL USA, INC.

OF COUNSEL:

BURR & FORMAN LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203
Telephone: (205) 251-3000
Facsimile: (205) 458-5100
mchoy@burr.com
vhayslip@burr.com
knesmith@burr.com
bcoulter@burr.com

CERTIFICATE OF SERVICE

I do hereby certify on December 28, 2016, that a copy of the above and foregoing has been served upon the following via email and U.S. Mail:

Email and U.S. Mail

James H. Richardson
RICHARDSON MAPLES, P.C.
301 East Holmes Avenue, Suite 100
Huntsville, AL 35801

Roderic G. Steakley
Benjamin R. Little
SIROTE & PERMUTT, P.C.
305 Church Street, Suite 800
Huntsville, AL 35801

J. Rushton McClees
Joshua L. Hornady
SIROTE & PERMUTT, P.C.
2311 Highland Ave. South
P. O. Box 55727
Birmingham, AL 35255-5727

U.S. Mail

IberiaBank Corporation c/o
CT Corporation System
2 No Jackson Ste 605
Montgomery, AL 36104

IberiaBank c/o
CT Corporation System
2 No Jackson Ste 605
Montgomery, AL 36104

ServisFirst Bank c/o
Thomas A. Broughton, III
850 Shades Creek PKWY STE 200
Birmingham, AL 35209



OF COUNSEL