

J. H. Reichert,
Plaintiff,

-vs-

Jerome H. Sheip, Inc., and
Fannie I. Becker,
Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA.

AT LAW.

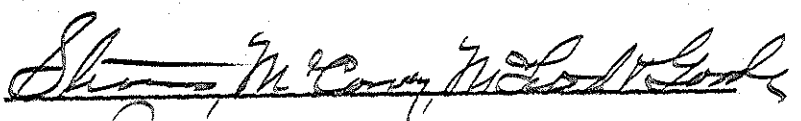
Come the above named defendants and move the Court to ~~discontinue~~ ^{supersede} the deposition of Cecelia Leland, a witness on behalf of plaintiff, whose deposition heretofore has been taken and filed in the said cause, this motion being upon each of the following separate grounds:-

1. Said deposition was taken upon written interrogatories under a commission ordering the taking of the same upon interrogatories, and the affidavit filed shows as the only ground or reason for taking the deposition that the said witness is a woman.

2. The affidavit filed in said cause shows as the only reason for taking the deposition of the said witness that she is a woman and a material witness for plaintiff. The affidavit was accompanied by written interrogatories on behalf of the plaintiff to the said witness. The notice given to the defendants was merely a notice of the filing of interrogatories and the commission issued to the Commissioner who took the said deposition instructed and authorized the taking of the said deposition upon interrogatories.

3. Said deposition was taken under Sub-division 1 of Section 4030 of the Code of Alabama, and not under Sub-division 3 of said Section, and it was taken under written interrogatories and the commission authorized the taking of the same upon written interrogatories and the affidavit filed to support the issuance of the commission gave no reason for the taking of the deposition other than that the witness was a woman and that she was a material witness.

4. Under the laws of Alabama a deposition in a case at law cannot be taken upon written interrogatories under Sub-division 1 of Section 4030 of the Code of Alabama.



ATTORNEYS FOR DEFENDANTS.

RECEIVED BY THE SECRETARY OF THE DEPARTMENT OF JUSTICE

MAY 28 1924

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MAY 28 1924

16
Motion to Reopen
Deposition of Cuba
Lamson

Filed May 28/24
The Recorder
Clark

✓

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