

STATE OF ALABAMA, )  
COUNTY OF BALDWIN.)

MOTION PICTURE ADVERTISING SERVICE  
COMPANY, INC.,  
Plaintiff,

vs.

J. A. REMINGTON, doing business as  
ALABAMA HOTEL AND RESTAURANT,  
Defendant.

MOTION

IN THE CIRCUIT COURT

Comes now the defendant, through and by his attorney, and moves the court to suppress the depositions taken in St. Petersburg, Pinellas County, State of Florida, before Erle B. Askew, appointed commissioner by the Circuit Court of Baldwin County, Alabama, to take the deposition of one V. S. HURLBERT on the 14th day of May, 1930.

First, That the purported certificate filed by the commissioner appointed in said cause is not a certificate such as required by the law of the State of Alabama made and provided for the taking of depositions.

Second, That said purported deposition is not certified to and that only an affidavit is made by the said Erle B. Askew; that said questions and answers were had before him, and that said affidavit is not sufficient in law or in equity to permit said testimony to be entered in said cause.

Third, That in said purported testimony the said V.S. HURLBERT attempted to testify as to his agency and does not establish said agency by any other act, writing or contract between the Motion Picture Advertising Service Company, Inc., and himself, which agency cannot be proven by the agent alone.

Wherefore, premises considered, defendant asks that the purported deposition of the one V. S. HURLBERT be suppressed and held for naught, and the case be dismissed at plaintiff's cost.

Dated this, the 22nd day of January, 1931.

  
Attorney for Defendant.

*Filed Jan 22/1931*  
*J. W. Remington*  
*Clerk*