

IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

In Re: _____ :

The Estate of _____ :

_____, _____ : Case No. _____

PETITION FOR DISCOVERY PRIOR TO ADMINISTRATION

Comes now your petitioner, _____, and files this verified petition, pursuant to *A.R.C.P.* 27(A)(1), asking this Court to allow her/him to obtain his/her deceased spouse's medical records, showing unto the Court as follows:

1. _____ was the _____ of _____, at the time of his/her death on _____, at the age of ____.

2. At the time of his/her death, _____ was a resident of Mobile County, Alabama.

3. _____ died without a will and the small size of his estate made probating it cost prohibitive.

4. Shortly before his/her death, _____ was in the hospital where he/she may have been provided _____, a drug that could have hastened his/her death.

5. Additional information is needed from the hospital where _____'s surgery and possible exposure to _____ occurred, _____ Medical Center.

6. If _____ was exposed to _____, _____ expects to bring a claim against the manufacturers in Mobile County, Alabama for the wrongful and early death of his/her beloved spouse.

7. The suit will involve various tort theories, including products liability, negligence, and possibly, breach of warranty theories.

8. Should it be show that _____ was exposed to _____, _____ will ask to be named personal representative of his/her spouse's estate in order to bring a claim on his/her estate's behalf.

9. At this time, _____ is unaware of the expected adverse parties and their addresses.

10. _____ asks this Court to allow him/her to subpoena records from _____ Medical Center, _____, Mobile, Alabama, to determine whether his/her deceased spouse was exposed to _____ or to any other relief to which he/she is entitled. Because of the possible running of the statute of limitations, _____ further requests this Court to expedite any remedies it affords him/her.

WHEREFORE, Petitioner moves this Court to grant his/her petition and allow him/her to obtain discovery prior to administration from _____ Medical Center, to determine whether it will be feasible and economical to bring a suit against the manufacturers of _____.

Petitioner

STATE OF _____)

COUNTY OF _____)

Personally appeared before me, the undersigned Notary Public in and for said State and County, _____, who is known to me, and who being by me first duly sworn, on oath, deposes and says that he/she has read the foregoing , is informed and believes and upon such information and belief avers that the allegations of fact therein are true and correct.

SWORN TO AND SUBSCRIBED

before me this ____ day
of _____, _____.

NOTARY PUBLIC

My Commission Expires: _____

Attorney for Petitioner