



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

**MARK TRAYWICK, as Executor of the)
Estate of Irene B. Traywick,)**

PLAINTIFFS,)

vs.)

ENERGEN CORPORATION, et al.,)

DEFENDANTS,)

CASE NO: CV 2005-927

MOTION TO CONTINUE

Comes now Jon B. Terry, as one of the attorneys for the Defendants and would move to continue the current trial setting of January 4, 2010 and as grounds therefore would aver as follows:

1. This case was set for trial several months ago before certain monumental events occurred that were beyond the anticipation of the attorneys and the clients.

2. Since the setting of this case, one of the two great college football teams in this State has reached levels on a national scale that have not been enjoyed by any team in this State in 17 years next preceding the date hereof.

3. Currently, one of the two great teams in this State are playing for a national championship and has enjoyed an undefeated season and clinched the SEC Title Game.

4. Most of the attorneys representing all of the named Defendants have tickets and

reservations to be in Pasadena on the 6th day of January, 2010, which date would conflict with the trial date as travel times and schedules for the game overlap the trial as currently set.

5. In fact, the Honorable Jim Lloyd has children that live in the area and is scheduled to be with them in California to celebrate the game and the Tide s success.

6. Attempts to resolve this conflict directly with the Plaintiffs has been unfruitful as the reply has been that they are for the other great team in this State who did not make the playoffs. Unfortunately, that response remains short-sighted as they may one day find themselves in the same position that the Defendant attorneys are in and, unfortunately, the BSC Title Game is no longer scheduled on January 1st, but has been moved to January 7th.

7. In checking with your Honor s Office, it was determined that there are potential quick dates available during March, the only known conflict being that Jim Lloyd has recently been elected President of the Birmingham Bar and must attend a conference on March 10-12. Other than that, the Defendants can be ready to be first out during any available week for trial during the month of February, March, or April and believe that there would be no harm, considering the magnitude of this event and its impact on this State, and the fact such an event only comes infrequently during a person s lifetime and is an achievement of such a magnitude that all involved in this litigation should want everyone to fully participate in this achievement.

8. It is also understood that many of the witness involved are trying to acquire tickets to the game and/or scheduled to be at the game in Pasadena on January 7th and certainly any juror selected to participate will likely be preoccupied and not able to devote their full attention to the case before them during the week of January 4, 2010, and therefore, the parties would be prejudiced by the distraction caused by such a major event of such significant importance to so many people in this State.

9. **ROLL TIDE!!** (although my secretary is for the other great team of this State, she feels that I need to attend this championship game!); and may the Longhorns be defeated.

/s/ Jon B. Terry
JON B. TERRY

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing document on

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Michael L. Bell, Esquire
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by depositing a copy of the same in the United States Mail, postage prepaid and properly addressed on this the 15th day of December, 2009.

/s/ Jon B. Terry
JON B. TERRY