

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

<b>WILLIAM M. CUNNINGHAM, JR.,</b>	)	
<i>PERSONAL REPRESENTATIVE AND</i>	)	
<i>EXECUTOR OF THE ESTATE OF</i>	)	
<i>REBECCA C. CUNNINGHAM, DECEASED,</i>	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>CIVIL ACTION NO. 1:10-00671-KD-C</b>
	)	
<b>HONEYWELL INTERNATIONAL, INC.,</b>	)	
<i>et al.,</i>	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the Court on Defendant Ford Motor Company’s Notice of Constitutional Challenge (Doc. 120), which was filed pursuant to Fed. R. Civ. P. 5.1.

Fed. R. Civ. P. 5.1(a)(1) states that “[a] party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly . . . file a notice of constitutional question stating the question and identifying the paper that raises it . . .” Ford Motor Company’s Notice of Constitutional Challenge fails to state on its face the constitutional questions it is raising. The notice is thus insufficient under the rule in its present form, and the Court will not recognize Ford Motor Company’s constitutional challenges or certify them to the Attorney General of Alabama pursuant to it.

Accordingly, it is **ORDERED** that Defendant Ford Motor Company promptly file an amended Notice of Constitutional Challenge which clearly states the constitutional questions it is raising in this action. Ford Motor Company is further **ORDERED** to serve the Attorney

General of Alabama with copies of the amended notice and the pleading in which it raises its constitutional questions.

**DONE and ORDERED** this the 7<sup>th</sup> day of **April, 2011**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**