

CEASER CORTOPASSI, )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA  
RICHARD A. BINGHAM, ) AT LAW NO. 5187  
Defendant. )

ANSWER

Now comes the defendant and for answer to the complaint  
saith that he is not guilty of the matters alleged therein.

*J. B. Blackburn*  
*J. R. O.*

Attorneys for Defendant

FILED

MAR 11 1963

WILLIAM L. BAKER, CLERK

ANSWER

CEASER CORTOPASSI,

Plaintiff,

VS.

RICHARD A. BINGHAM,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 5187

CEASER CORTOPASSI, )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA  
RICHARD A. BINGHAM, ) AT LAW NO. 5187  
Defendant. )

DEMURRER

Now comes the defendant, by his attorneys, and demurs to the original complaint heretofore filed in this cause and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. No facts are alleged on which the relief sought can be granted.
3. The allegations of the complaint are vague, indefinite and uncertain in that it does not describe the place where the alleged accident occurred with sufficient certainty.
4. The allegations of the complaint are conclusions of the pleader.
5. The allegations of the complaint are vague, indefinite and uncertain in that it does not describe the plaintiff's injuries with sufficient certainty.

J. B. BLACKBURN and JAMES R. OWEN

By

J. B. Blackburn  
Attorneys for Defendant

FILED

AUG 3 1962

ALICE J. DUCK, CLERK  
REGISTER

5187  
DEMURRER

CEASER CORTOPASSI,

Plaintiff,

VS.

RICHARD A. BINGHAM,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

NO. 5187

FILED

AUG 3 1962

ALICE J. DUCK, CLERK  
REGISTER

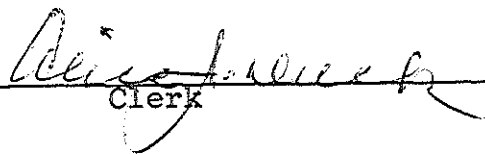
STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Richard A. Bingham to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Ceaser Cortopassi.

Witness my hand this the 27 day of June, 1962.

  
Clerk

CEASER CORTOPASSI,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
RICHARD A. BINGHAM,	X	
Defendant.	X	AT LAW
	X	

The Plaintiff claims of the Defendant Twenty Thousand Dollars (\$20,000.00) as damages for that on, heretofore, to-wit: the 7th day of February, 1962, the Defendant so negligently operated an automobile on U. S. Highway 31 at a point approximately three miles North of Stapleton, in Baldwin County, Alabama, a public road in said County, as to cause or allow the same to run into, upon and against an automobile in which the Plaintiff was riding as a passenger, and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the Plaintiff was seriously and permanently injured in this: his right elbow was dislocated and permanently injured and disfigured, he suffered a laceration of his head, he was caused to have cuts and lacerations in his mouth, he was caused to have a cracked rib, he was knocked unconscious for a period of approximately one hour, he suffered and continues to suffer great pain and mental anguish as a result of

the injury to his elbow, he was made sick, sore and lame, and his capacity to earn a livelihood was greatly impaired; all to the damage of the Plaintiff, wherefore he brings this suit and asks judgment in the above amount.

CHASON & STONE

By: John Earle Chason  
Attorneys for Plaintiff

The Plaintiff respectfully demands a trial of this case by a jury.

CHASON & STONE

By: John Earle Chason  
Attorneys for Plaintiff

FILED  
JUN 27 1962  
ALICE J. DUCK, CLERK  
REGISTER

Executed by serving copy of within on

Richard A. Bingham  
Name

This the 6 day of July 1962

Chester C. Noble, Sheriff

By Coley C. Noble, D. S.

THE SHERIFF CLAIMS 32  
MILES AT 10¢ PER MILE FOR

A TOTAL OF \$ 3.20  
Chester C. Noble Sheriff

72.5187

CEASER CORTOPASSI,

Plaintiff,

vs.

RICHARD A. BINGHAM,

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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SUMMONS AND COMPLAINT

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FILED

JUN 27 1964

ALICE I. DICK, CLERK,  
REGISTER

CHASON & STONE  
ATTORNEYS AT LAW  
BAY MINETTE, ALABAMA

(see given charge 3.)

3-9-64

We the jury find for the  
Defendant.

C-C Beck -  
Foreman

JURY LIST - MARCH 9, 1964.

1. Beck, Charles C., Businessman, Lillian
2. Blalock, Greene C., Carpenter, Fairhope
3. Bloch, Herman, Farmer, Elberta
4. Malone, T.E., Merchant, Fairhope
5. Mason, Jimmy, Salesman, Fairhope
6. Mosley, Rufus, Farmer, Stapleton
7. Eslava, Clarence, Farmer, Mag. Spgs.
8. Haden, James T., Salesman, Robertsdale
9. Quinley, Wilburn, Farmer, Bay Minette
10. Rhodes, Charles R., Farmer, Foley
11. Rhodes, Larkin T., Jr., Farmer, Bay Minette
12. Rieben, Ray, Paper Mill, Bay Minette
13. Roberson, Mutt, Laborer, Robertsdale
14. Lazzari, Anglo, Farmer, Belforest
15. Lazzari, Joe, Jr., Farmer, Belforest
16. Lazzari, John, Farmer, Belforest
17. Lager, J.E., Salesman, Foley
18. Little, W.F., Mgr. Bell Tele. Commercial, Spanish Fort
19. Robinson, Dale L., Ins. Agt., Foley
20. Sanders, E. Frank, Banker, Foley
21. Andress, Herbert E., Farmer, Foley
22. Dickey, O.L., Butcher, Robertsdale
23. Crosby, James W., Bookkeeper, Foley
24. Arnould, M.L., Floor Finisher, Robertsdale
25. Barton, John, Jr., Newport, Bay Minette
26. Thompson, Albert M., Merchant, Bay Minette
27. Wenzel, Emmett O., Merchant, Gulf Shores
28. Woodward, C.H., Merchant, Fairhope
29. Wright, Justice D., Forester, Stapleton
30. Boan, Jessie Forest, Farmer, Stapleton
31. Bung, Floyd, Merchant, Fairhope
32. Oblak, John, Jr., Farmer, Silverhill
33. Leiterman, Nick, Civil Service, Elberta
34. Smith, Clinton, Defense Worker, Bay Minette
35. Suddith, Jack, Officer Manager, Bay Minette
36. Bosby, Eugene, Construction Worker, Fairhope
37. Bryant, Nathan, Clerk, Fairhope
38. Denton, Alphonse, Carpenter, Fairhope
39. Lamar, Reuben, Laborer, Foley
40. McReynolds, Leon, Labor Worker, Bay Minette
41. Moore, Jessie, Court House, Bay Minette
42. Wilson, Frank E., Brookley Field, Daphne
43. Tullios, Abe, Brookley Field, Fairhope

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D. XXXXX



case no. 5189  
 Crispasse - Bingham  
 JURY LIST - MARCH 11, 1963

- ~~1. Bishop, Woodrow, Farmer, Fairhope~~
- ~~2. Bodenhamer, O.L., Contractor, Foley~~
- ~~3. Bornholt, Roy H., Farmer, Elberta~~
- ~~4. Brown, Wesley, Farmer, Perdido~~
- ~~5. Childress, Calvin, Farmer, Summerdale~~
- ~~6. Coley, Luke Mc., Fisherman, Gulf Shores~~
- ~~7. Cooper, Quitman, Bldg. Supply Dealer, Gulf Shores~~
- ~~8. Dubose, Jim, Civil Service, Foley~~
- ~~9. Early, L.J., Timber & Lumber, Foley~~
- ~~10. Hastings, Donald E., Farmer, Rosinton~~
- ~~11. Hobbs, Tom, Farmer, Rosinton~~
- ~~12. Hortman, Charles W., Baker, Foley~~
- ~~13. Howell, Elvin, Farmer, Bay Minette~~
- ~~14. Evans, John G., Farmer, Foley~~
- ~~15. Ellison, W.V., Farmer, Robertsedale~~
- ~~16. Gill, James, Brookley Field, Robertsedale~~
- ~~17. Kriss, Phillip, Farmer, Silverhill~~
- ~~18. Lazzari, Joe, Farmer, Daphne~~
- ~~19. Lee, Cecil E., Farmer, Gateswood~~
- ~~20. Little, Fred, State Emp., Bay Minette~~
- ~~21. Lovell, M.A., Jr., Farmer, Loxley~~
- ~~22. Mikkelsen, Robert, Savings & Loan, Robertsedale~~
- ~~23. Moravac, Edward P., Farmer, Robertsedale~~
- ~~24. Nittelberg, Harry, Carpenter, Robertsedale~~
- ~~25. Nix, Ellis, Feed Mill, Silverhill~~
- ~~26. Teem, Kenneth, Linesman, Foley~~
- ~~27. Parker, Sim M., Farmer, Bon Secourt~~
- ~~28. Patterson, Elbert, Salesman, Fairhope~~
- ~~29. Phillips, Otto, Farmer, Little River~~
- ~~30. Powers, James, Farmer, Summerdale~~
- ~~31. Pucky, Charlie, Farmer, Rosinton~~
- ~~32. Sellars, James R., Chemstrand, Robertsedale~~
- ~~33. Simmons, Martin, Brookley Field, Bay Minette~~
- ~~34. Slaughter, Ashton B., Timberman, Tensaw~~
- ~~35. Peterson, Morris Sidney, Farmer, Gateswood~~
- ~~36. Jansen, Claude A., Mfg., Fairhope~~
- ~~37. Anderson, Evar, Civil Service, Elberta~~
- ~~38. Weston, Harold, Clerk, Fairhope~~
- ~~39. Weeks, Hugh, Farmer, Mag. Spgs.~~
- ~~40. White, Harold, Trk, Driver, Foley~~
- ~~41. Whitten, Lewis S., Electrician, Fairhope~~
- ~~42. Stuckey, Whit Nelson, Millman, Bay Minette~~
- ~~43. Langston, Shelby, Brookley Field, Bay Minette~~
- ~~44. Bryars, Ewing E., Reserve Fleet, Bay Minette~~
- ~~45. Hand, Charles C., Jr., Brookley Field, Bay Minette~~
- ~~46. Stapleton, Albert I., Clerk, Bay Minette~~
- ~~47. Moorer, Uale, Newport, Bay Minette~~
- ~~48. Murrah, Wendel A., Production, Bay Minette~~

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5187

First Trial

1963

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Cortepasse

VS

Bingham

do not  
place in  
file

3. The Court charges the Jury that it is a Rule of the Road in Alabama that no person shall turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until such movement can be made with reasonable safety. If you are reasonably satisfied from the evidence in this case that Thomas J. McCabe, the driver of the automobile in which the plaintiff was riding at the time and place alleged in the complaint, made a left turn into a private driveway when such movement could not be made with reasonable safety, and that such action on the part of Thomas J. McCabe was the proximate cause of the plaintiff's injuries, your verdict should be for the defendant.

Handwritten signature and initials in the bottom right corner of the page.

2. I charge you, Gentlemen of the Jury, that the driver of a car, desiring to make a left-hand turn to enter a private road or driveway, should exercise extra precaution before attempting the left turn in order to see that such turn can be made in safety, and if you are reasonably satisfied from the evidence in this case that Thomas J. McCabe, the driver of the automobile in which the plaintiff was riding, failed to exercise extra precaution in making the left turn and that this action on the part of the said driver, Thomas J. McCabe, was the proximate cause of the plaintiff's injuries, your verdict should be for the defendant.

*Spencer  
Wm. H. H. H.*