

SAM CHILDRESS,

Plaintiff,

vs.

DENNIS O'CASEY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5204

NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION

TO: HON. JOHN P. BEEBE, ATTORNEY AT LAW, ROBERTSDALE, ALABAMA,
ATTORNEY FOR SAM CHILDRESS.

Please take notice that the Deposition Upon Oral Examination of Jim Hanley, a witness in the above styled cause, whose address is 219 Le Bouef Street, Algiers, Louisiana, will be taken on Thursday, January 10, 1963, at 10:00 A. M. before Earle Christenberry, Jr., an authorized reporter, who is hereby designated as the officer before whom such deposition shall be taken, at the law offices of Porteous & Johnson, 925 Hibernia Bank Building, New Orleans, Louisiana.

Done this the 27 day of December, 1962.

CHASON & STONE

By:

John Earle Chason
Attorneys for Defendant

I, John Earle Chason, one of the attorneys of record for the Defendant in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing Notice of Taking Of Deposition Upon Oral Examination to Hon. John P. Beebe, Attorney at Law, Robertsdale, Alabama, postage prepaid and properly addressed to him at his office in Robertsdale, Alabama.

Done this the 27 day of December, 1962.

FILED

JAN 7 1963

ALICE I. DICK

CLERK
REGISTER

John Earle Chason
John Earle Chason

August 2, 1962

SAM CHILDRESS, Plaintiff
VS
DENNIS O. CASEY, Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

CASE NO. 5204

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Bettye Frink, Secretary of State, hereby certify that on July 18, 1962
I sent by registered mail in an envelope addressed as follows:

" Dennis O. Casey
Rt. 1, Box 936
Cantonment, Fla."

"Registered Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Dennis O. Casey
Rt. 1, Box 936
Cantonment, Fla."

You will take notice that on July 18, 1962 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: SAM CHILDRESS, Plaintiff VS DENNIS O. CASEY, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
Case No. 5204 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 18
day of July 1962

Enclosure (1)

(Signed) Bettye Frink
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on Jul 23 1962 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Cantonment -la
on Jul 20 1962

WITNESS MY HAND and the Great Seal of the State of Alabama this the 2 day
of August 1962

Bettye Frink
Bettye Frink
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

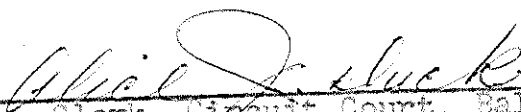
cc: Hon. John P. Beebe
Attorney at Law
Robertsdale, Ala.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon DENNIS C. CASEY to appear within thrity days from the service of this writ in the Circuit Court, to be held for said County, at the place of holding the same, then and there to answer the complaint of SAM CHILDRESS.

Witness my hand, this the 17 day of July, 1962.



Clerk, Circuit Court, Baldwin
County, Alabama.

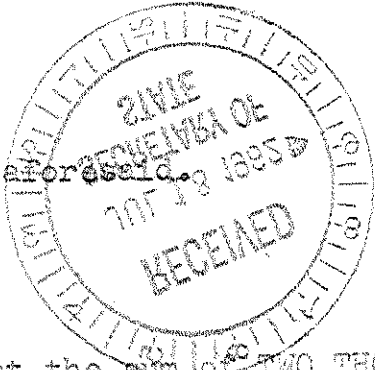
SAM CHILDRESS,
Plaintiff,
vs
DENNIS C. CASEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. 5-204

COUNT ONE

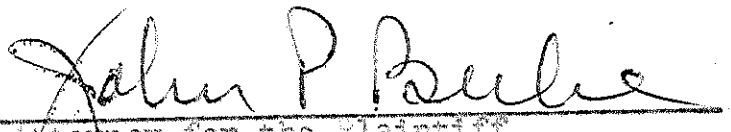
The Plaintiff claims of the Defendant the sum of TWO THOUSAND (\$2,000.00) DOLLARS, as damages, for that heretofore on, to-wit: May 22nd, 1962, the Plaintiff's tractor being operated by Calvin McArthur, the employee of the said Plaintiff, who was driving the same in a westerly direction across U. S. Highway No. 90, at the intersection of said Highway No. 90 and County Road known as "Silverhill Air Field Road", in the corporate limits of the Town of Robertsdale, in Baldwin County, Alabama, where he had a right to be, and the Defendant, while operating an automobile in a northerly direction on or along said Highway No. 90, at said time and place, so negligently operated said automobile as to cause the same to run over, against or upon the said tractor being operated by Plaintiff's employee; and the Plaintiff avers that as a proximate consequence of such negligence of the Defendant in the operation of said automobile, as aforesaid, the Plaintiff's tractor was completely demolished and declared a total loss; and that the said damages suffered by the Plaintiff, as aforesaid, was a direct and proximate consequence of the negligence of the said Defendant in the operation of said automobile, at the time and

place, all to the damage of the Plaintiff, as aforesaid.



COUNT TWO

The Plaintiff claims of the Defendant the sum of TWO THOUSAND (\$2,000.00) DOLLARS, as damages, for that heretofore on, to-wit: May 22nd, 1962, the Plaintiff's tractor being operated by Calvin McArthur, the employee of the said Plaintiff, who was driving the same in a westerly direction across U. S. Highway No. 90, at the intersection of said Highway No. 90, and County Road known as "Silverhill Air Field Road", in the corporate limits of the Town of Robertsedale, in Baldwin County, Alabama, where he had a right to be, and the Defendant, while operating an automobile in a northerly direction on or along said Highway No. 90, at said time and place, wilfully or wantonly caused said automobile to run over, against or upon the said tractor being operated by Plaintiff's employee; and the Plaintiff avers that as a proximate consequence of said wilful or wanton negligence of the Defendant in the operation of said automobile, as aforesaid, the Plaintiff's tractor was completely demolished and declared a total loss; and that the said damages suffered by the Plaintiff, as aforesaid, was a direct and proximate consequence of the wilful or wanton negligence of the Defendant in the operation of said automobile at the time and place, all to the damage of the Plaintiff, as aforesaid.


Attorney for the Plaintiff

John P. Beebe,
Attorney at Law,
Robertsedale, Alabama.

FILED

JUL 17

ALICE I. DUCK, CLERK
REGISTER

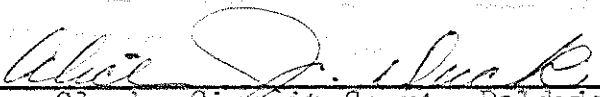
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon DENNIS O. CASEY to appear within thrity days from the service of this writ in the Circuit Court, to be held for said County, at the place of holding the same, then and there to answer the complaint of SAM CHILDRESS.

Witness my hand, this the 17 day of July, 1962.


Clerk, Circuit Court, Baldwin
County, Alabama.

SAM CHILDRESS,

Plaintiff,

vs

DENNIS O. CASEY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 5204

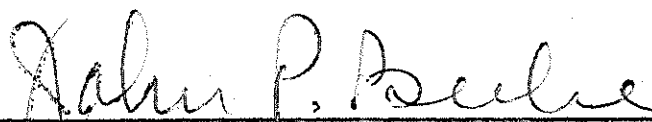
COUNT ONE

The Plaintiff claims of the Defendant the sum of TWO THOUSAND (\$2,000.00) DOLLARS, as damages, for that heretofore on, to-wit: May 22nd, 1962, the Plaintiff's tractor being operated by Calvin McArthur, the employee of the said Plaintiff, who was driving the same in a westerly direction across U. S. Highway No. 90, at the intersection of said Highway No. 90 and County Road known as "Silverhill Air Field Road", in the corporate limits of the Town of Robertsdale, in Baldwin County, Alabama, where he had a right to be, and the Defendant, while operating an automobile in a northerly direction on or along said Highway No. 90, at said time and place, so negligently operated said automobile as to cause the same to run over, against or upon the said tractor being operated by Plaintiff's employee; and the Plaintiff avers that as a proximate consequence of such negligence of the Defendant in the operation of said automobile, as aforesaid, the Plaintiff's tractor was completely demolished and declared a total loss; and that the said damages suffered by the Plaintiff, as aforesaid, was a direct and proximate consequence of the negligence of the said Defendant in the operation of said automobile, at the time and

place, all to the damage of the Plaintiff, as aforesaid.

COUNT TWO

The Plaintiff claims of the Defendant the sum of TWO THOUSAND (\$2,000.00) DOLLARS, as damages, for that heretofore on, to-wit: May 22nd, 1962, the Plaintiff's tractor being operated by Calvin McArthur, the employee of the said Plaintiff, who was driving the same in a westerly direction across U. S. Highway No. 90, at the intersection of said Highway No. 90, and County Road known as "Silverhill Air Field Road", in the corporate limits of the Town of Robertsedale, in Baldwin County, Alabama, where he had a right to be, and the Defendant, while operating an automobile in a northerly direction on or along said Highway No. 90, at said time and place, wilfully or wantonly caused said automobile to run over, against or upon the said tractor being operated by Plaintiff's employee; and the Plaintiff avers that as a proximate consequence of said wilful or wanton negligence of the Defendant in the operation of said automobile, as aforesaid, the Plaintiff's tractor was completely demolished and declared a total loss; and that the said damages suffered by the Plaintiff, as aforesaid, was a direct and proximate consequence of the wilful or wanton negligence of the Defendant in the operation of said automobile at the time and place, all to the damage of the Plaintiff, as foresaid.



Attorney for the Plaintiff

John P. Beebe,
Attorney at Law,
Robertsedale, Alabama.

FILED

JUL 17 1962

ALICE J. DUCK, CLERK
REGISTER

SAM CHILDRESS,

Plaintiff,

vs.

DENNIS O. CASEY,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5204

Comes now the Defendant in the above styled cause by his attorneys and demurs to the complaint filed in said cause and to each and every count thereof, separately and severally, and assigns the following separate and several grounds of demurrer, viz:

1. That said complaint does not state a cause of action.
2. That the facts alleged in Count One of said complaint do not show any duty owing by the Defendant to the Plaintiff.
3. That the allegations in said complaint that the Plaintiff was "where he had a right to be" are the conclusions of the pleader.
4. That said complaint does not allege the time of the day or night at which the accident occurred.
5. That it does not appear in Count Two that the Defendant wantonly injured the Plaintiff.
6. That no facts are alleged in Count Two showing that the Defendant wantonly injured the Plaintiff.

CHASON & STONE

By: John Earle Chason
Attorneys for Defendant

Defendant demands a trial
of this cause by jury.

CHASON & STONE

By: John Earle Chason
Attorneys for Defendant

FILED

AUG 8 1962

ALICE J. DUCK, CLERK
REGISTER

SAM CHILDRESS,

Plaintiff,

vs.

DENNIS O. CASEY,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5204

PLEA

Comes now the Defendant in the above styled cause, and for answer to the complaint heretofore filed in said cause, pleads, separately and severally, as follows:

1. Not guilty.

2. That the Plaintiff, acting by and through his agent, servant or employee, who was, at the time and place complained of, acting within the line and scope of his authority as such agent, servant or employee, was guilty of negligence which proximately contributed to his alleged damages in that the Plaintiff's agent, servant or employee so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against the automobile which was then and there being driven by the Defendant Dennis O. Casey, hence he should not recover.

3. For further plea and by way of recoupment, the Defendant, Dennis O. Casey, claims of the Plaintiff the sum of \$1,500.00 as damages for that, heretofore, on to-wit: May 22, 1962, at a point on U. S. Highway #90, at the intersection of said highway with the Silverhill Air Field Road, in the corporate limits of the Town of Robertsdale, Alabama, in Baldwin County, Alabama, the Plaintiff, acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment as such agent, servant or employee, so negligently operated a motor vehicle as to cause or allow the same to run into upon or against a motor vehicle driven by the Defendant Dennis O. Casey, and as a proximate result of such negligence the automobile of the Defendant was damaged in this: the front bumper and grill, headlights and their supports were bent, damaged and broken; the motor supports, fan blades, radiator and its supports were bent,

damaged and broken; both front fenders and their supports were bent, damaged and broken and the Defendant lost the use of his said automobile for more than two weeks, all to the damage of the Defendant in the above sum.

CHASON & STONE

By: John Earle Chason
Attorneys for Defendant

FILED

OCT 16 1962

ALICE L. DUCK, CLERK
REGISTER

SAM CHILDRRESS VS DENNIS O. CASEY

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

☒ Deliver ONLY to addressee

☐ Show address where delivered

5204

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OF NAME OF ADDRESSEE (must always be filled in)

D. O. Casey
SIGNATURE OF ADDRESSEE'S AGENT IF ANY

DELIVER TO ADDRESSEE ONLY

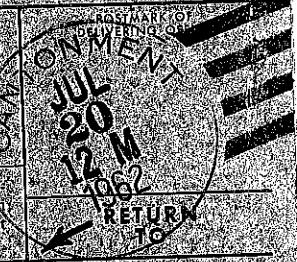
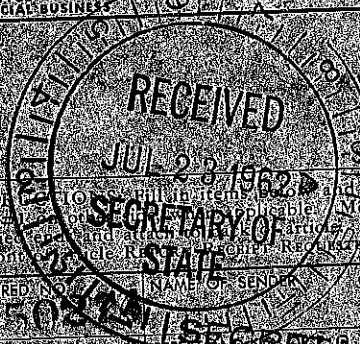
DATE DELIVERED

JUL 20 1962

ADDRESS WHERE DELIVERED (only if requested in item # 1)

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300



INSTRUCTIONS: Complete this form in item 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO.	SECRETARY OF STATE
INSURED NO.	MONTGOMERY, ALABAMA

Post Form 3811 Jan 1958

CSU-16-71548-A