

LOIS J. SANDERSON, as Guardian of ROBERT CARL JONES, MAISY ELIZABETH JONES and STEPHEN STANLEY JONES, minors, the action being by the Guardian for the use and benefit of the minors

Plaintiff

VS.

J. T. SUTLIFF and J. T. SUTLIFF,
a corporation

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO.

5216

The Plaintiff claims of the Defendant the sum of SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 14th day of August, 1961, John Emory Jones was employed by the Laidlaw Contracting Company on a construction job site of a new highway near Bromley, better known as Blakely's Landing in Baldwin County, Alabama; that on the date aforesaid the Defendant was under contract with Laidlaw Contracting Company to haul dirt with trucks, and part of the duties of John Emory Jones was to oversee or work in connection with the unloading of the trucks in the hauling of dirt or fill, and in the performance of such duties was required to aid in the unloading of such trucks; that on the date aforesaid the Defendant negligently caused or allowed one of such trucks being used on the construction job to remain or be in a dangerously defective condition in that a cable or wire which was used in connection with the raising and lowering of the front of the truck body to cause it to dump its contents would improperly catch on an oil fitting at the rear of the frame of such truck, and in order to cause such truck to properly function it was necessary from time to time to loosen the wire or cable from the oil fitting, and on the date aforesaid, while John Emory Jones was engaged in and about the aiding in the unloading of

the truck and the causing of the body to resume its proper position on the truck undertook to remove the cable from the oil fitting, and while so doing the body of the truck fell on the head of John Emory Jones and crushed it and killed him. And the Plaintiff avers that the death of John Emory Jones was the direct and proximate result of the Defendant's causing or allowing the truck to be and remain in the dangerous condition, as aforesaid, by the Defendant, and the Plaintiff avers that the relationship of employer and employee existed between the Laidlaw Construction or Contracting Company under the Workmen's Compensation Law of the State of Alabama, and Robert Carl Jones, Maisy Elizabeth Jones and Stephen Stanley Jones were on such date the minor children of John Emory Jones and were dependant on him for their support. This suit is filed under the provisions of Section 312 of Title 26 of the Alabama Code of 1940. The Plaintiff further alleges that it is not known whether J. T. Sutliff is a corporation, a member of a partnership or a sole proprietorship, and this complaint will be amended, if necessary, to correct the name of the Defendant when ascertained, it being the intention of this complaint to file suit against the person in charge of the truck aforesaid.

Lois J. Sanderson is the duly appointed, qualified and acting guardian of the minors named above.

/s/ YOUNG, UPSHAW and GILY of
Waynesboro, Mississippi

by

HARRY SEALE

Attorneys for the Plaintiff

The Plaintiff demands that this case be tried by Jury.

/s/ YOUNG, UPSHAW and GILY of
Waynesboro, Mississippi

by

HARRY SEALE

Attorneys for the Plaintiff

FILED

JUL 25 1962

ALICE J. DUCK, CLERK
REGISTER

The Defendant may be served:

c/o Flaco Corporation
1326 Engine Street
Whistler, Alabama

Received _____ day of _____ 19____

and on _____ day of _____ 19____

Diserved a copy of the within _____

on _____

By service on _____

TAYLOR WILKINS, Sheriff

By _____ D. S.

~~1-10-19~~

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5216

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon J.T. SUTLIFF and J.T. SUTLIFF, A Corporation

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the

Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against J.T. SUTLIFF and

J.T. SUTLIFF, A corporation, Defendant.

by LOIS J. SANDERSON, As Guardian of ROBERT CARL JONES, MAISY ELIZABETH JONES AND

STEPHEN STANLEY JONES, Minors, Plaintiff.

Witness my hand this 25th day of July 19 62

E.J. - 8-13-62

Alice J. Shuck, Clerk

No. 5216

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THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

LOIS J. SANDERSON, As Guardian of

ROBERT CARL JONES, et als

Plaintiffs

vs.

J.T. SUTLIFF and J.T. SUTLIFF, a Corp.

Defendants

SUMMONS and COMPLAINT

Filed July 25, 1962

Alice J. Duck, Clerk

Harry Seale

P.O. Box 1318
Mobile, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED

RECEIVED IN OFFICE

SHERIFF'S OFFICE, 19

Sheriff

I have executed this summons

this August 13, 1962
by leaving a copy with

J. T. Sutliff, and
J. T. Sutliff a corp.
my signature on
J. T. Sutliff

Roy L. Bridges, Sheriff

H. G. Halley, Deputy Sheriff

7-25-62

Burr
15

Donald

P H 7
~~1600~~

2425
87
3900

72

425
72
100

~~5.97~~

HARRY SEALE
LAWYER
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

HARRY SEALE
M. A. MARSAL
A. J. SEALE
LEON G. DUKE

MAILING ADDRESS:
POST OFFICE BOX 1318
HEMLOCK 2-6686

July 24, 1962

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

My File 26969

Dear Mrs. Duck:

I enclose herewith an original and two carbon copies of a suit titled, "Lois J. Sanderson, etc. against J. T. Sutliff, et al". As you know, it will be necessary to send the summons and complaint back to Mobile County for service.

I was first informed that Sutliff was a non-resident of the State of Alabama, in which event I could have sued him in Mobile County, and I have sued him in Mobile County, but I am now informed that Sutliff's actual residence is in Birmingham and for that reason the suit has to be filed either whether the accident occurred or where the defendant resides, and I am again filing the suit in your county, because the accident occurred there. I will probably have to abate the Mobile suit at a later date.

Highest personal regards.

Yours truly,


HARRY SEALE

HS/sd

Encls.

CC: Honorable Stanford Young
Attorney at Law
Waynesboro, Mississippi

HARRY SEALE

LAWYER

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HARRY SEALE

M. A. MARSHAL

A. J. SEALE

LEON G. DUKE

August 23, 1962

MAILING ADDRESS:

POST OFFICE BOX 1318

HEWLOCK 2-6686

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

RE: SANDERSON as Guardian vs. J. T. SUTLIFF, et al
My File 26969 - 5216

Dear Mrs. Duck:

On July 24 I mailed you a summons and complaint in the above entitled cause. Now I find definitely that Mr. Sutliff does live in Mobile County and his attorney has filed an appearance in the suit in which I filed in Mobile County, and I therefore ask you to nol pros the suit which I filed in your county.

Yours truly,


HARRY SEALE

HS/sd

CC: Honorable G. Sage Lyons
Attorney at Law
First Natinal Bank Building
Mobile, Alabama