

HENRY O. NEWBURN,  
Plaintiff

VS:

ROBERT LEROY ZECH; AND DECHANT AND ZECH,  
A FOREIGN CORPORATION AND ALAQUERQUE  
MOTOR TRANSPORT, INC., A FOREIGN  
CORPORATION, AND ALBUQUERQUE MOTOR  
TRANSPORT, INC., A FOREIGN CORPORATION;  
AND JOHN DOE AND RICHARD ROE AND XYZ,  
A CORPORATION WHOSE NAMES ARE OTHERWISE  
UNKNOWN TO THE PLAINTIFF AT THIS TIME,  
BUT WHOSE CORRECT NAMES WILL BE FURNISHED  
IMMEDIATELY UPON BEING KNOWN BY THE PLAINTIFF,  
Defendants.

\*  
IN THE CIRCUIT  
\*  
\* COURT OF BALDWIN  
\*  
COUNTY, ALABAMA,  
\*  
AT LAW  
\*  
CASE NO. 5248  
\*  
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COUNT ONE

The Plaintiff claims of the Defendant the sum of FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS as damages for that heretofore on, to-wit, August 20, 1961, Plaintiff was operating his vehicle automobile along and upon a public highway namely U. S. Highway 90 at or near the intersection of Magnolia Street at or near the town of Loxley, in the County of Baldwin, State of Alabama where he had a right to be, and while said automobile was being operated and driven along said U. S. Highway 90 a vehicle truck which was being driven by the Defendant, as agent, servant, or employee, ROBERT LEROY ZECH, while such agent, servant, or employee was acting in the line and scope of his employment, as such agent, servant, or employee, ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile, to-wit: the top, back and side of said automobile, tires and tubes, and other parts of Plaintiff's automobile was broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. The Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted said vehicle to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.

COUNT TWO

Plaintiff claims of the Defendant FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS, for that on, to-wit: August 20, 1961, the

Defendant negligently drove an motor vehicle into an automobile in which the Plaintiff was riding on a public highway, namely U.S. Highway 90 at or near the intersection of Magnolia Street, at or near the town of Loxley, in the County of Baldwin, State of Alabama, where the Plaintiff had a right to be, and as a proximate result of said negligence on the part of the Defendant, the Plaintiff was seriously injured and damaged, and was caused to suffer great pain and suffering and contusions about the body, and damage to Plaintiff's cervical spine and lumbar spine, and the Plaintiff incurred large expenses by way of doctor bills and medicine, and hospital bills, and was made sick and sore for a long period of time, and Plaintiff's physical stamina was impaired and permanently impaired, Plaintiff was caused to suffer great physical pain and mental anguish, was put to much trouble and annoyance, inconvenience, and loss of time in and about an effort to heal and cure Plaintiffs said wounds and injuries, and Plaintiff will continue in the future to suffer great pain and medical bills, and was caused to loss a great deal of time from the business and employment of the Plaintiff, all to the damage of the Plaintiff as aforesaid.

#### COUNT THREE

The Plaintiff claims of the Defendant the sum of FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS, as damages for that heretofore on, to-wit, August 20, 1961, the Plaintiff was riding in an automobile along and upon a public highway namely U.S. Highway 90 at or near the intersection of Magnolia Street at or near the town of Loxley, in the County of Baldwin, State of Alabama, where the Plaintiff had a right to be, and while said automobile was being operated and driven along said U. S. Highway 90 a vehicle truck which was being driven by the Defendant, his agent, servant, or

employee acting within the line and scope of his employment, as such agent or servant or employee at said time and place, wantonly ran the said motor vehicle against the said automobile in which the Plaintiff was riding as aforesaid, and as a proximate consequence thereof, Plaintiff was injured and damaged in that said vehicle in which the Plaintiff was riding was damaged, bent, broken, and smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid.

And Plaintiff avers that the Defendant, his agent or servant or employee, acting within the line and scope of his employment as such agent, servant, or employee, at the said time and place, wantonly injured Plaintiff by wantonly running a motor vehicle of the Defendant against the said automobile in which Plaintiff was riding at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that Plaintiff was caused to sustain, and did sustain, the injuries and damages complained of and set out herein, all to the damage of the Plaintiff.

#### COUNT FOUR

The Plaintiff claims of the Defendant the sum of FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS, as damages for that heretofore on, to-wit, August 20, 1961, the Plaintiff was riding in an automobile along and upon a public highway namely U.S. Highway 90 at or near the intersection of Magnolia Street at or near the town of Loxley, in the County of Baldwin, State of Alabama, where the Plaintiff had a right to be, and while said automobile was being operated and driven along said U.S. Highway 90 a vehicle truck which was being driven by the Defendant, his agent or servant or employee, acting within the line and scope of his employment, as such agent or servant or employee at said time and place, wantonly ran the said

motor vehicle against the said automobile in which the Plaintiff was riding as aforesaid, and as a proximate consequence thereof, Plaintiff was seriously injured and damaged and was caused to suffer great pain and suffering and contusions about the body and damage to Plaintiff's cervical spine and lumbar spine, and the Plaintiff incurred large expense by way of doctor's bills and medicine, and hospital bills and was made sick and sore for a long period of time, Plaintiff physical stamina was impaired and permanently impaired, Plaintiff was caused to suffer great physical pain and mental anguish, was put to much trouble, annoyance, inconvenience, and loss of time in and about an effort to heal and cure Plaintiffs' said wounds and injuries.

And Plaintiff avers that the Defendant, his agent or servant or employee, acting within the line and scope of his employment as such agent, servant, or employee, at the said time and place, wantonly injured Plaintiffs by wantonly running a motor vehicle of the Defendant against the said automobile in which Plaintiff was riding at said time and place, and as a proximate consequence of said wanton conduct Plaintiff avers that Plaintiff was caused to sustain, and did sustain, the injuries and damages complained of and set out herein, all to the damage of the Plaintiff.

STRICKLAND AND ZOGHBY  
ATTORNEYS FOR PLAINTIFF

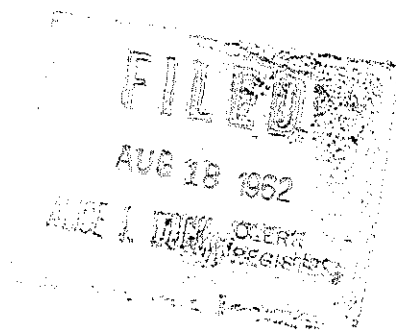
BY

Michael E. Zoghby

The Plaintiff respectfully request a trial by Jury.

The Defendants may be served by service upon the Secretary of State State of Alabama, Montgomery, Alabama.

Michael E. Zoghby



HENRY O. NEWBURN,  
Plaintiff

VS:

ROBERT LEROY ZECH AND DECHANT AND ZECH,  
A FOREIGN CORPORATION AND ALAQUERQUE  
MOTOR TRANSPORT, INC., A FOREIGN  
CORPORATION AND ALBUQUERQUE MOTOR  
TRANSPORT, INC., A FOREIGN CORPORATION;  
AND JOHN DOE AND RICHARD ROE AND XYZ,  
A CORPORATION WHOSE NAMES ARE OTHERWISE  
UNKNOWN TO THE PLAINTIFF AT THIS TIME,  
BUT WHOSE CORRECT NAMES WILL BE FURNISHED  
IMMEDIATELY UPON BEING KNOWN BY THE PLAINTIFF,  
Defendants.

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IN THE CIRCUIT  
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COURT OF BALDWIN  
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COUNTY, ALABAMA,  
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AT LAW  
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CASE NO. \_\_\_\_\_  
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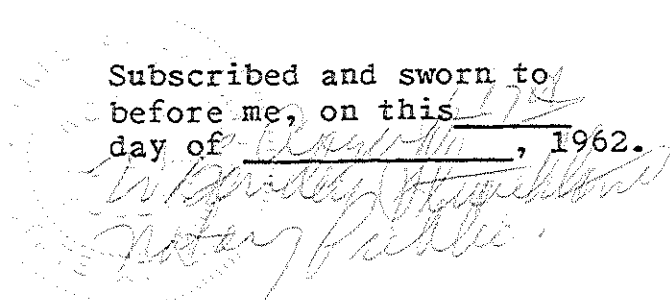
Comes now, the Plaintiff, by and through his attorney  
STRICKLAND AND ZOGHBY and hereby upon information and belief,  
avers that the Defendant ROBERT LEROY ZECH resides at 7220  
Allen Drive, Denver, Colorado; that the Defendant ALBUQUERQUE  
MOTOR TRANSPORT, INC., A FOREIGN CORPOATION, whose address  
is Denver, Colorado, is and was, on the date of the said collision,  
to-wit, the 20th day of August, 1961, a non-resident of the State  
of Alabama and the Plaintiff prays that the service of process  
upon the Defendant ROBERT LEROY ZECH AND ALBUQUERQUE MOTOR  
TRANSPORT, INC., A FOREIGN CORPORATION, may be had in accordance  
with the provision of Code of Alabama, 1940, Title 7, Section 199.

STRICKLAND AND ZOGHBY  
ATTORNEYS FOR PLAINTIFF

BY

  
Michael E. Zoghby

Subscribed and sworn to  
before me, on this 17th  
day of August, 1962.

  
The Plaintiff respectfully request a trial by Jury.

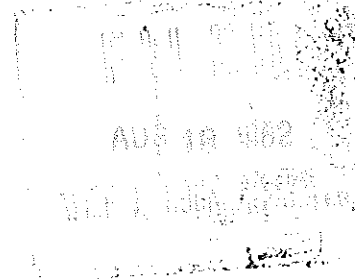
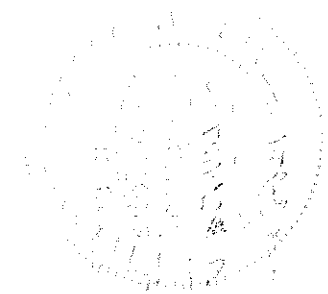
FILED  
AUG 18 1962  
CLERK OF COURT  
JAMES A. HARRIS

m. 5248

Henry O. Newburn

vs.

Robert Leroy Zecio



SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,  
BALDWIN COUNTY

No. 5248

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Robert LeRoy Zech and Albuquerque Motor Transport, Inc.,  
et al

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 Robert Leroy Zech,  
Albuquerque Motor Transport, Inc., et al, Defendant

by Henry O. Newburn

Plaintiff

Witness my hand this 20th day of August 19 62

Ed-8-22-62

Alice J. Duck, Clerk

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

HENRY O. NEWBURN

Plaintiffs

vs.

ROBERT LEROY ZECH, ALBUQUERQUE

MOTOR

TRANSPORT, INC., ET AL

Defendants

SUMMONS and COMPLAINT

Filed Aug. 20, 19 62

Alice J. Duck, Clerk

STRICKLAND & ZOGHBY

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

1562

RECEIVED IN OFFICE  
RECEIVED IN OFFICE

AUG 22 1962

M. S. BUTLER, Sheriff

6  
Sheriff

I have executed this summons

this 19

by leaving a copy with

Executed by serving 6 copies of

the within on Betty Trump

Secretary of State of The State of Alabama

(This the 22 day of Aug 1962

Sheriff of Montgomery County

M. S. Butler,

By D. S.

The Sheriff claims 2

miles at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff  
Montgomery County, Ala.

Sheriff

Deputy Sheriff

s/c/c



September 11, 1962

HENRY O. NEWBURN, Plaintiff  
VS  
ROBERT LEROY ZECH, et al, Defendants

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, AT LAW

CASE NO. 5248

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW:

I, Bettye Frink, Secretary of State, hereby certify that on August 22, 1962  
I sent by registered mail in an envelope addressed as follows:

" Robert Leroy Zech  
7220 Allen Drive  
Denver, Colorado"

"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:

" Robert Leroy Zech  
7220 Allen Drive  
Denver, Colorado

You will take notice that on August 22, 1962 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: HENRY O. NEWBURN, Plaintiff VS ROBERT LEROY ZECH, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW  
Case No. 5248 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 22  
day of August 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 Aug 30 1962 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Denver, Colo.  
on Aug 27 1962 Chaffee Sta.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 11 day  
of September 1962

*Bettye Frink*

Bettye Frink  
Secretary of State

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

cc: Hon. Michael E. Zoghby  
Strickland and Zoghby  
Attorneys at Law  
c/o Circuit Court of Baldwin County  
Bay Minette, Ala.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5243

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Robert Leroy Zech and Albuquerque Motor Transport, Inc.,

et al

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 Robert Leroy Zech,

Albuquerque Motor Transport, Inc., et al, Defendant

by Henry O. Newburn

Plaintiff

Witness my hand this 20th day of August 1962

Alice J. Luck, Clerk

HENRY O. NEWBURN,  
Plaintiff

VS:

ROBERT LEROY ZECH; AND DECHANT AND ZECH,  
A FOREIGN CORPORATION AND ALAQUERQUE  
MOTOR TRANSPORT, INC., A FOREIGN  
CORPORATION, AND ALBUQUERQUE MOTOR  
TRANSPORT, INC., A FOREIGN CORPORATION;  
AND JOHN DOE AND RICHARD ROE AND XYZ,  
A CORPORATION WHOSE NAMES ARE OTHERWISE  
UNKNOWN TO THE PLAINTIFF AT THIS TIME,  
BUT WHOSE CORRECT NAMES WILL BE FURNISHED  
IMMEDIATELY UPON BEING KNOWN BY THE PLAINTIFF,  
Defendants.

\*  
IN THE CIRCUIT  
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\* COURT OF BALDWIN  
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COUNTY, ALABAMA,  
\*  
AT LAW  
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CASE NO. 5248  
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COUNT ONE

The Plaintiff claims of the Defendant the sum of FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS as damages for that heretofore on, to-wit, August 20, 1961, Plaintiff was operating his vehicle automobile along and upon a public highway namely U. S. Highway 90 at or near the intersection of Magnolia Street at or near the town of Loxley, in the County of Baldwin, State of Alabama where he had a right to be, and while said automobile was being operated and driven along said U. S. Highway 90 a vehicle truck which was being driven by the Defendant, as agent, servant, or employee, ROBERT LEROY ZECH, while such agent, servant, or employee was acting in the line and scope of his employment, as such agent, servant, or employee, ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile, to-wit: the top, back and side of said automobile, tires and tubes, and other parts of Plaintiff's automobile was broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. The Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted said vehicle to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.

COUNT TWO

Plaintiff claims of the Defendant FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS, for that on, to-wit: August 20, 1961, the

Defendant negligently drove an motor vehicle into an automobile in which the Plaintiff was riding on a public highway, namely U.S. Highway 90 at or near the intersection of Magnolia Street, at or near the town of Loxley, in the County of Baldwin, State of Alabama, where the Plaintiff had a right to be, and as a proximate result of said negligence on the part of the Defendant, the Plaintiff was seriously injured and damaged, and was caused to suffer great pain and suffering and contusions about the body, and damage to Plaintiff's cervical spine and lumbar spine, and the Plaintiff incurred large expenses by way of doctor bills and medicine, and hospital bills, and was made sick and sore for a long period of time, and Plaintiff's physical stamina was impaired and permanently impaired, Plaintiff was caused to suffer great physical pain and mental anguish, was put to much trouble and annoyance, inconvenience, and loss of time in and about an effort to heal and cure Plaintiffs said wounds and injuries, and Plaintiff will continue in the future to suffer great pain and medical bills, and was caused to loss a great deal of time from the business and employment of the Plaintiff, all to the damage of the Plaintiff as aforesaid.

#### COUNT THREE

The Plaintiff claims of the Defendant the sum of FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS, as damages for that heretofore on, to-wit, August 20, 1961, the Plaintiff was riding in an automobile along and upon a public highway namely U.S. Highway 90 at or near the intersection of Magnolia Street at or near the town of Loxley, in the County of Baldwin, State of Alabama, where the Plaintiff had a right to be, and while said automobile was being operated and driven along said U. S. Highway 90 a vehicle truck which was being driven by the Defendant, his agent, servant, or

employee acting within the line and scope of his employment, as such agent or servant or employee at said time and place, wantonly ran the said motor vehicle against the said automobile in which the Plaintiff was riding as aforesaid, and as a proximate consequence thereof, Plaintiff was injured and damaged in that said vehicle in which the Plaintiff was riding was damaged, bent, broken, and smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid.

And Plaintiff avers that the Defendant, his agent or servant or employee, acting within the line and scope of his employment as such agent, servant, or employee, at the said time and place, wantonly injured Plaintiff by wantonly running a motor vehicle of the Defendant against the said automobile in which Plaintiff was riding at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that Plaintiff was caused to sustain, and did sustain, the injuries and damages complained of and set out herein, all to the damage of the Plaintiff.

#### COUNT FOUR

The Plaintiff claims of the Defendant the sum of FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS, as damages for that heretofore on, to-wit, August 20, 1961, the Plaintiff was riding in an automobile along and upon a public highway namely U.S. Highway 90 at or near the intersection of Magnolia Street at or near the town of Loxley, in the County of Baldwin, State of Alabama, where the Plaintiff had a right to be, and while said automobile was being operated and driven along said U.S. Highway 90 a vehicle truck which was being driven by the Defendant, his agent or servant or employee, acting within the line and scope of his employment, as such agent or servant or employee at said time and place, wantonly ran the said

motor vehicle against the said automobile in which the Plaintiff was riding as aforesaid, and as a proximate consequence thereof, Plaintiff was seriously injured and damaged and was caused to suffer great pain and suffering and contusions about the body and damage to Plaintiff's cervical spine and lumbar spine, and the Plaintiff incurred large expense by way of doctor's bills and medicine, and hospital bills and was made sick and sore for a long period of time, Plaintiff physical stamina was impaired and permanently impaired, Plaintiff was caused to suffer great physical pain and mental anguish, was put to much trouble, annoyance, inconvenience, and loss of time in and about an effort to heal and cure Plaintiff's said wounds and injuries.

And Plaintiff avers that the Defendant, his agent or servant or employee, acting within the line and scope of his employment as such agent, servant, or employee, at the said time and place, wantonly injured Plaintiff by wantonly running a motor vehicle of the Defendant against the said automobile in which Plaintiff was riding at said time and place, and as a proximate consequence of said wanton conduct Plaintiff avers that Plaintiff was caused to sustain, and did sustain, the injuries and damages complained of and set out herein, all to the damage of the Plaintiff.

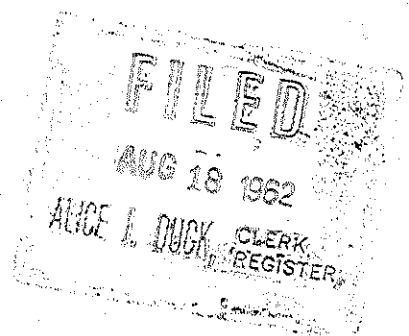
STRICKLAND AND ZOGHBY  
ATTORNEYS FOR PLAINTIFF

BY   
Michael E. Zoghby

The Plaintiff respectfully request a trial by jury.

The Defendants may be served by service upon the Secretary of State State of Alabama, Montgomery, Alabama.

  
Michael E. Zoghby



RECEIVED  
JUL 5 1964  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
IN THE CIRCUIT  
SECRET

COURT OF BALDWIN

COUNTY, ALABAMA.

AT LAW

CASE NO.

STRICKLAND AND ZOGHEY  
ATTORNEYS FOR PLAINTIFF

BY

~~Michael E. Zoghby~~

Subscribed and sworn to  
before me, on this 17th  
day of February, 1962.

The Plaintiff respectfully request a trial by Jury.



BETTYE FRINK  
SECRETARY OF STATE

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY 4, ALABAMA

September 11, 1962

Hon. Michael E. Zoghby  
Strickland and Zoghby  
Attorneys at Law  
c/o Circuit Court of Baldwin County  
Bay Minette, Ala.

Dear Mr. Zoghby:

Re: Henry O. Newburn VS Albuquerque Motor Transport, Inc.  
Doris B. Newburn VS Same

Please refer to your file in the above-styled causes and be advised that on August 22, I sent by registered mail, return receipt requested, my Notices, with copies of summons and complaint attached, to:

Albuquerque Motor Transport, Inc.  
Denver,  
Colorado

On August 30, these letters (Registered Nos. 50795 and 50805) were returned to me with reason for non-delivery given as "UNKNOWN".

Will you please advise me as to any further efforts you wish me to make in perfecting these services.

Yours very truly,

Bettye Frink  
Secretary of State

By: (Mrs.) Nancy H. Turner  
Administrative Assistant

cc: Hon. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Ala.



IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

HENRY O. NEWBURN,

Plaintiff,

vs.

ROBERT LEROY ZECH; AND BECHANT  
AND ZECH, A FOREIGN CORPORATION  
AND ALAQUERQUE MOTOR TRANSPORT,  
INC., A FOREIGN CORPORATION, AND  
ALBUQUERQUE MOTOR TRANSPORT, INC.,  
A FOREIGN CORPORATION; AND JOHN  
DOE AND RICHARD ROE AND KIZ,  
A CORPORATION WHOSE NAMES ARE  
OTHERWISE UNKNOWN TO THE  
PLAINTIFF AT THIS TIME, BUT  
WHOSE CORRECT NAMES WILL BE  
FURNISHED IMMEDIATELY UPON BEING  
KNOWN BY THE PLAINTIFF,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - CASE NO. 5248

To: Honorable Alice J. Duck  
Clerk of the Circuit Court of Baldwin County  
Courthouse  
Bay Minette, Alabama

Pursuant to the provisions of law in such cases made  
and provided, we are hereby filing with you a copy of the petition  
of Robert Leroy Zech, one of the Defendants in the above styled  
cause, to remove said cause to the United States District Court  
for the Southern Division of the Southern District of Alabama.  
Also enclosed herewith is a copy of the bond filed with said  
petition in said United States Court, which bond with good and  
sufficient surety is conditioned as is required by law, and we  
are also enclosing herewith a copy of the certificate made and  
filed by the undersigned in said United States Court, certifying  
that on the 13th day of September, 1962, we gave written notice  
of the filing of said petition for removal of said cause to the  
attorney for the Plaintiff in said cause and of the fact that on  
the 13th day of September, 1962, we filed a copy of said petition  
with you.

DATED, this 13th day of September, 1962.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Alex J. Toward  
Attorneys for the Defendant, Robert  
Leroy Zech.

IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

HENRY O. NEWBURN,

Plaintiff,

vs.

ROBERT LEROY ZECH; AND DECHANT AND  
ZECH, A FOREIGN CORPORATION AND  
ALAQUERQUE MOTOR TRANSPORT, INC.,  
A FOREIGN CORPORATION, AND  
ALBUQUERQUE MOTOR TRANSPORT, INC.,  
A FOREIGN CORPORATION; AND JOHN  
DOE AND RICHARD ROE AND XYZ,  
A CORPORATION WHOSE NAMES ARE  
OTHERWISE UNKNOWN TO THE  
PLAINTIFF AT THIS TIME, BUT  
WHOSE CORRECT NAMES WILL BE  
FURNISHED IMMEDIATELY UPON BEING  
KNOWN BY THE PLAINTIFF,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - CASE NO. 5248

PETITION FOR REMOVAL OF CIVIL ACTION FROM THE  
CIRCUIT COURT OF BALDWIN COUNTY IN THE STATE  
OF ALABAMA TO THE DISTRICT COURT OF THE UNITED  
STATES FOR THE SOUTHERN DISTRICT OF ALABAMA,  
SOUTHERN DIVISION

TO THE HONORABLE DANIEL H. THOMAS, JUDGE OF SAID DISTRICT COURT OF  
THE UNITED STATES:

Now comes your Petitioner, Robert Leroy Zech, one of the  
Defendants in the above styled cause and respectfully shows unto  
Your Honor as follows:

ONE

That a civil action has been brought and is now pending  
in the Circuit Court of Baldwin County in the State of Alabama,  
a State Court, wherein Henry O. Newburn is Plaintiff and your  
Petitioner is the only party defendant upon whom service of process  
has been effected.

TWO

That your Petitioner is informed and believes, and based  
upon such information and belief, avers that all named parties  
defendant interested in this cause are either residents of one

of the states of the United States other than the State of Alabama or that they are non-existent, and that all of the parties defendant which are named in the Complaint are residents of a state of the United States other than the State of Alabama.

THREE

That said action is a civil action of which the District Courts of the United States have original jurisdiction in that said action seeks to recover damages occasioned by alleged negligence on the part of your Petitioner.

FOUR

That according to the best knowledge, information and belief of your Petitioner the controversy out of which this cause arose is wholly between citizens of different states in that your Petitioner, Robert Leroy Zech, was at the time of the commencement of this action and still is a citizen of the State of Colorado, his home address being 7220 Alan Drive, Denver, Colorado, whereas, the Plaintiff at said time was and still is a resident of Mobile County, Alabama, and all other interested parties defendant are non-residents of the State of Alabama.

FIVE

That the matter or amount in controversy in said action, both at the time of the commencement of said action and at the present time, exceeds the sum or value of \$10,000.00, exclusive of interest and costs.

SIX

That said action was commenced in the Circuit Court of Baldwin County in the State of Alabama on, to-wit, the 20th day of August, 1962, and process therein was served on your Petitioner Robert Leroy Zech, on the 27th day of August, 1962.

SEVEN

Your Petitioner presents herewith a bond, conditioned upon his paying the costs and disbursements incurred by reason of these removal proceedings should it be determined that this action was not removable or was improperly removed.

WHEREFORE, your Petitioner, Robert Leroy Zech, prays that said bond filed herewith be accepted as good and sufficient surety and that this Honorable Court will enter such other orders as shall be meet and proper in the premises.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

BY Alex T. Howard  
Attorneys for Petitioner, Robert  
Leroy Zech.

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, Myrtle D. Sullivan, a Notary Public in and for said County in said State, personally appeared Alex T. Howard, Jr., who being duly sworn, deposes and says that he is one of the attorneys for the Petitioner in the above styled cause, that he has read the foregoing Petition which is based upon information furnished by the Petitioner, that he believes the facts contained in said Petition to be true and, based upon such information and belief, states that the facts contained in said Petition are all and singularly true; that the Petitioner is absent from and is a non-resident of the Southern District of Alabama and that affiant makes this affidavit because of the fact that the Petitioner is absent from and is a non-resident of said Southern District of Alabama.

Alex T. Howard  
(Affiant)

Subscribed and sworn to before me on  
this 13<sup>th</sup> day of September, 1962.

Myrtle D. Sullivan  
Notary Public, Mobile County, Alabama

STATE OF ALABAMA

COUNTY OF MOBILE

KNOW ALL MEN BY THESE PRESENTS, that Robert Leroy Zech, as Principal, and National Surety Corporation, as Surety, are held and firmly bound unto Henry O. Newburn in the penal sum of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS for the payment thereof, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

The condition of this bond is such that:

WHEREAS, the said Robert Leroy Zech has herewith filed his petition in the United States District Court for the Southern Division of the Southern District of Alabama for the removal to said Court of a certain cause of action pending in the Circuit Court of Baldwin County, Alabama, wherein the said Henry O. Newburn is the Plaintiff and the said Robert Leroy Zech is one of the Defendants.

NOW, THEREFORE, if said petitioner shall pay or cause to be paid all costs and disbursements incurred by reason of this said removal proceeding should it be determined that this action was wrongfully or improperly removed to said United States Court, then this obligation shall be void, otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, the above named Principal and Surety have hereunto set their hands and seals on this 13th day of September, 1962.

ROBERT LEROY ZECH

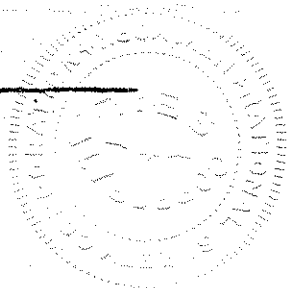
BY *Hay T. Howard* (SEAL)  
Of the Law Firm of McGorvey, Turner,  
Johnstone, Adams & May, his attorneys.

NATIONAL SURETY CORPORATION

BY *L. S. Jenkins*  
Its Attorney in Fact

Approved and accepted this  
\_\_\_\_ day of September,  
1962.

UNITED STATES DISTRICT JUDGE.



IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

HENRY O. NEWBURN,

Plaintiff,

vs.

ROBERT LEROY ZECH; AND DECHANT AND  
ZECH, A FOREIGN CORPORATION AND  
ALBUQUERQUE MOTOR TRANSPORT, INC.,  
A FOREIGN CORPORATION, AND  
ALBUQUERQUE MOTOR TRANSPORT, INC.,  
A FOREIGN CORPORATION; AND JOHN  
DOE AND RICHARD ROE AND XYZ,  
A CORPORATION WHOSE NAMES ARE  
OTHERWISE UNKNOWN TO THE  
PLAINTIFF AT THIS TIME, BUT  
WHOSE CORRECT NAMES WILL BE  
FURNISHED IMMEDIATELY UPON BEING  
KNOWN BY THE PLAINTIFF,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - CASE NO. 5248

C E R T I F I C A T E

Before me, Myrtle K. Paulsen, a Notary  
Public in Mobile County, Alabama, personally appeared Alex T. Howard,  
Jr., who being duly sworn, deposes and says that he is one of the  
attorneys of record for Robert Leroy Zech, one of the Defendants  
in the above styled cause; that promptly after the filing in said  
cause of the Petition for the removal of said case together with the  
requisite bond, he forthwith on the 13th day of September, 1962,  
gave written notice of the filing thereof to the adverse party in  
said cause by having delivered to his office a copy of such written  
notice, a copy of which is hereto attached, together with a copy  
of said removal Petition, and that on said 13th day of September,  
1962, a copy of said Petition together with the written notice to  
the Honorable Alice J. Duck, Clerk of the Circuit Court of Baldwin  
County, Alabama, of the filing thereof, a copy of which notice is  
hereto attached, was filed with said Clerk of said Court wherein  
said action originally was pending.

DATED, this 13th day of September, 1962.

Alex T. Howard Jr.  
One of the Attorneys for the Defendant,  
Robert Leroy Zech.

Subscribed and sworn to before me  
this 13th day of September, 1962.

Myrtle K. Paulsen  
Notary Public, Mobile County, Alabama

IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

HENRY O. NEWBURN,

Plaintiff,

vs.

ROBERT LEROY ZECH; AND BECHANT AND  
ZECH, A FOREIGN CORPORATION AND  
ALBUQUERQUE MOTOR TRANSPORT, INC.,  
A FOREIGN CORPORATION, AND  
ALBUQUERQUE MOTOR TRANSPORT, INC.,  
A FOREIGN CORPORATION; AND JOHN  
DOE AND RICHARD ROE AND XYZ,  
A CORPORATION WHOSE NAMES ARE  
OTHERWISE UNKNOWN TO THE  
PLAINTIFF AT THIS TIME, BUT  
WHOSE CORRECT NAMES WILL BE  
FURNISHED IMMEDIATELY UPON BEING  
KNOWN BY THE PLAINTIFF,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - CASE NO. 5248

To: Honorable Michael E. Zoghby  
Strickland and Zoghby  
Attorneys at Law  
Van Antwerp Building  
Mobile, Alabama

Please take notice that Robert Leroy Zech, one of the Defendants in the above styled cause, has on this 13th day of September, 1962, filed his petition in the United States District Court for the Southern District of Alabama, Southern Division, to remove the above styled action to said United States Court, a copy of said petition being attached hereto, and that said Defendant has this day filed in said United States District Court a bond with good and sufficient surety conditioned as is provided by law with respect to such proceedings. You are hereby further notified that a copy of said petition is today being filed with Honorable Alice J. Buck, Clerk of the Circuit Court of Baldwin County, Alabama, wherein said cause is now pending, all of which shall effect the removal of said cause from said Circuit Court to said United States District Court.

This said notice is given to you as attorney for the Plaintiff in said cause in compliance with the provisions of Section 1446 of Title 28, United States Code Annotated.

DATED, this 13th day of September, 1962.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

BY

Walter J. Howard  
Attorneys for Defendant, Robert  
Leroy Zech.

FILED



5248

STRICKLAND AND ZOGHBY  
ATTORNEYS AT LAW  
SUITE 315 VAN ANTWERP BUILDING  
MOBILE, ALABAMA  
HEMLOCK 8-4788

W. BORDEN STRICKLAND  
MICHAEL E. ZOGHBY

August 17, 1962

Honorable Alice Duck  
Clerk of Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Henry O. Newburn vs. Robert Leroy  
Zech, et. als.  
Doris B. Newburn vs. Robert Leroy  
Zech, et. als.

Dear Mrs. Duck:

Enclosed please find the Complaints with sufficient copies for the known Defendants. In the event there are not enough copies, please inform me, and I shall forward the copies to you.

Also enclosed, is our check in the amount of \$12.00, made payable to the Court, for service upon two of the known Defendants at \$3.00 each.

I wish to thank you for your kindness in filing the Complaint for me, and in the event there are any questions in your mind regarding the Complaints, please feel free to call me collect.

With kindest personal regards, we remain,

Yours very truly,

STRICKLAND AND ZOGHBY

  
Michael E. Zoghby

MEZ/fag

Enc. Ck. #819  
Complaints

HENRY O. NEWBURN VS ROBERT LEROY ZECH, et al

#1 INSTRUCTIONS TO DELIVERING EMPLOYEE

☒ Deliver ONLY to addressee ☐ Show address where delivered 5248  
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

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

*Robert Leroy Zech*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DELIVER TO ADDRESSEE ONLY

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

REGISTERED  
AUG 27 1962  
U.S. MAIL  
RICHMOND

GPO 16-71346-4

<b>RECEIVED</b> AUG 30 1962 SECRETARY OF STATE 70803		<b>DEPT. OF STATE</b> RECEIVED AUG 30 1962	<b>DEPT. OF STATE</b> RECEIVED AUG 30 1962
REGISTERED NO.		RETURN TO	
CERTIFIED NO.	STREET AND NO. OR P. O. BOX		
INSURED NO.		CITY, ZONE AND COUNTRY	
		ALABAMA	

Pub. Form 3811

CS-16-71543-4