

HUGH HARTLEY, JR.,

Plaintiff,

VS.

JOYCE MORLEY and W. A. MORLEY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

5259

PLEAS

Now come the Defendants and for plea to the complaint heretofore filed in said cause and to each count thereof, separately and severally, say separately and severally:

1. Not guilty.

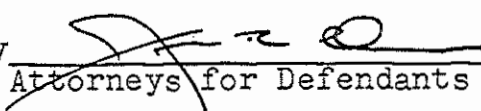
2. The Plaintiff himself was guilty of negligence at the time and place of the alleged accident which proximately contributed to his alleged injuries and damages in that at said time and place the said Plaintiff so negligently operated his said motor boat as to cause it to run into, upon, or against the motor boat being operated by the Defendant, Joyce Morley.

The Defendant, Joyce Morley, for further answer to the said complaint and to each count thereof and by way of recoupment says:

A. The Defendant, Joyce Morley (Chappita), claims of the Plaintiff, Hugh Hartley, Jr., the sum of Five Thousand Dollars (\$5,000.00) for that heretofore on to-wit, September 3, 1961, the Plaintiff so negligently operated a motor boat on Lake Shelby in Baldwin County, Alabama, which is a public park of the State of Alabama, so as to cause it to run into, upon or against a motor boat being operated by the Defendant, Joyce Morley (Chappita), and as a proximate result and consequence thereof the Defendant was injured in this: she suffered a sprained back and neck; she suffered multiple contusions and bruises; she suffered and continues to suffer great mental anguish and physical pain; she was forced to incur medical expenses in and about the treatment of her injuries for all of which she claims damages, as aforesaid.

J. B. BLACKBURN and JAMES R. OWEN

By

  
Attorneys for Defendants

*Filed  
9-10-63  
Circuit Clerk*

Hugh Hantley, Jr. Plaintiff.	} In the Circuit Court of Baldwin County, Alabama at Law
<sup>vs</sup> Joyce Mosley et al.	

Comes plaintiff, with leave of  
Court first had and obtained, and  
strikes the word "Jr." following  
his name, Hugh Hantley, wherever  
said word "Jr." appears in said  
complaint.

E. M. Ford Jr.

James H. McGinnis  
Attorney for Plaintiff

Filed 9-10-62  
Alicia J. Henck  
Clerk

HUGH HARTLEY, JR.,  
Plaintiff,

VS.

JOYCE MORLEY and W. A.  
MORLEY,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5259

DEMURRER

Now comes the defendant, W. A. Morley, and demurs to the complaint heretofore filed in said cause and to each count thereof separately and severally and as grounds for said demurrer assign the following separately and severally:

1. It does not state a cause of action.
2. It is not alleged with sufficient certain where the alleged accident occurred.
3. The allegation that the plaintiff may be required to have surgery for the removal of the bistal portion of the clavicle is a mere conclusion of the pleader.

S. R. O.  
Attorney for Defendant, W. A. Morley

FILED

MAY 17 1936

ALICE J. DUCK, CLERK  
REGISTER

HUGH HARTLEY, JR.,

VS.                      Plaintiff,

JOYCE MORLEY and W. A.  
MORLEY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

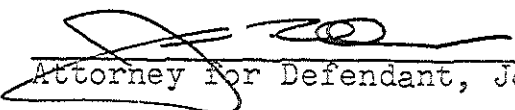
AT LAW

NO. 5259

DEMURRER

Now comes the defendant, Joyce Morley, and demurs to the complaint heretofore filed in said cause and to each count thereof separately and severally and as grounds for said demurrer assign the following separately and severally:

1. It does not state a cause of action.
2. It is not alleged with sufficient certain where the alleged accident occurred.
3. The allegation that the plaintiff may be required to have surgery for the removal of the bital portion of the clavicle is a mere conclusion of the pleader.

  
Attorney for Defendant, Joyce Morley

FILED

MAR 21 1965

ALICE L. DUCK, CLERK  
REGISTER

HUGH HARTLEY, JR.	)	
	)	
Plaintiff	)	IN THE CIRCUIT COURT OF
	)	
VS	)	BALDWIN COUNTY, ALABAMA
	)	
JOYCE MORLEY and	)	AT LAW
W. A. MORLEY,	)	
	)	
Defendants	)	

COUNT ONE

The Plaintiff claims of the Defendant, Joyce Morley, the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that on, to-wit, September 3, 1961, the Plaintiff was operating a boat equipped with an outboard motor, commonly referred to as a "Speedboat", in the Gulf State Park, a park of the State of Alabama park system, on Lake Shelby in Baldwin County, Alabama, where he had a right to be at approximately 3:30 o'clock P.M., at which time and place, the Defendant, Joyce Morley so negligently operated a boat with an outboard motor, commonly referred to as a "Speedboad", that by reason thereof and as the proximate result and consequence thereof, the two boats collided, and thereby, as the proximate result and consequence thereof, the Plaintiff received severe injuries in this, to-wit, he suffered lacerations of the chin; lacerations of the right eye; contusions of the right eye; fracture of the fifth right rib; contusions of the right shoulder; sprain of the thoractic spine; sprain of the lumbar spine; lacerations and separation of the right acromio clavicular joint; multiple contusions and bruises; and concussion; was permanetly injured; sufferred and continues to suffer great mental anguish and physical pain; lost time from his work; forced to incur considerable expenses for medical treatment, hospital services, and the purchase of medicines and drugs in and about the treatment of his said injuries; may be required to have surgery for the removal of the distal portion of the clavicle, all for which he claims damages as aforesaid.

The Plaintiff avers that he received said injuries as

aforesaid as the proximate result and consequence of the negligence of the Defendant, Joyce Morley.

COUNT TWO

The Plaintiff claims of the Defendants, Joyce Morley and W. A. Morley, Fifty Thousand Dollars (\$50,000.00) as damages for that, heretofore on, to-wit, The 3rd. day of September, 1961, the Plaintiff was operating a boat equipped with an outboard motor, commonly referred to as a "Speedboard", in the Gulf State Park, a park of the State of Alabama Park System, on Lake Shelby in Baldwin County, Alabama, where he had a right to be, at approximately 3:30 o'clock P.M., at which time the Defendant, Joyce Morley, the agent, servant, or employee of the Defendant, W. A. Morley, while acting within the line or scope of her employment as such agent, servant or employee, so negligently operated a boat with an outboard motor, commonly referred to as a "Speedboard", that by reason thereof and as the proximate result and consequence thereof, the two boats collided, and thereby, as the proximate result and consequence thereof, the Plaintiff received severe personal injuries in this, to-wit; he suffered lacerations of the chin; lacerations of the right eye; contusions of the right eye; fracture of the fifth right rib; contusions of the right shoulder; sprain of the thoractic spine; sprain of the lumbar spine; lacerations and separation of the right acromio clavicular joint; multiple contusions and bruises and concussion; was permanently injured; suffered and continues to suffer great mental anguish and physical pain; lost time from his work; was forced to incur considerable expenses for medical treatment, hospital services, and the purchase of medicines and drugs in and about the treatment of his said injuries; may be required to have surgery for the removal of the distal portion of the clavicle; all for which he claims damages as aforesaid.

The Plaintiff avers that he received said injuries as afore-

**FILED**

C. G. C.

ALICE J. DUCK, CLERK  
REGISTER

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said as the proximate result and consequence of the negligence of the Defendant, Joyce Morley, while acting within the line or scope of her employment as agent, servant or employee of the Defendant, W. A. Morley.



Attorney for Plaintiff

Plaintiff demands  
trial by jury  
E. Rhasan

FILED

JUG 29 1962

ALICE J. DUCK, CLERK  
REGISTER

5259

BILL OF COMPLAINT

\*\*\*\*\*

Hugh Hartley, Jr.,

Plaintiff

vs

Joyce Morley and W. A. Morley,

Defendants

\*\*\*\*\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

\*\*\*\*\*

FILED

AUG 29 1962

ALICE J. DUCK, CLERK  
REGISTER

CECIL G. CHASON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

We the jury find  
for the defendant  
Joyce Morley

William C. Duck  
Jr.



SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5259

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~HUGH HARTLEY, JR.~~

JOYCE MORLEY & W.A. MORLEY

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

JOYCE MORLEY & W.A. MORLEY

Defendant

by HUGH HARTLEY, JR.

Plaintiff

Witness my hand this 29th day of August 19 62

EV-3-6-62

Alvie J. Clark, Clerk

Hal

No. 5259

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Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

~~HUGH HARTLEY~~

HUGH HARTLEY, JR.

Plaintiffs

vs.

*W.A. Morley*  
JOYCE MORLEY & W.A. MORLEY

*1904 Lucerne Ave  
Mobile, Ala.*

Defendants

SUMMONS and COMPLAINT

Filed August 29, 1962

Alice J. Duck

Clerk

RECEIVED

SEP 12 1962

SHERIFF'S OFFICE

C.G. Chason

Plaintiff's Attorney

Defendant's Attorney

9/10/62

Defendant lives at

RECEIVED IN OFFICE

*March 1*, 1963

Sheriff

I have executed this summons

this *March 1*, 1963

by leaving a copy with

*Joyce Morley &  
W.A. Morley*

~~RETURNED~~

~~Not found in my County after di~~

~~gent not at home~~

~~RAY D. BRIDGES, Sheriff~~

~~By *H. K. Halley* D.~~

*Ray D. Bridges* Sheriff  
*H. K. Halley* Deputy Sheriff

5259-5262

Hartley vs. Thomsen

JURY LIST - FALL SESSION - SEPTEMBER 9, 1963

1. Koch, William, Ideal Cement cost Controller, Spanish Ft.
2. Cooper, John L., Laborer, Bay Minette
3. Cox, Y.A., Jr., Farmer, Stockton
4. Garrett, Malcolm, Farmer, Belforest
5. Gates, Carl B., Farmer, Robertsedale
6. Gee, Luther, State Employee, Bay Minette
7. Hall, John, Sr., Carpenter, Loxley
8. Hayles, J. Otis, Farmer, Perdido
9. Hedge, Langston, Chemist, Bay Minette
10. Helms, Kenneth B., Civil Service, Elberta
11. Hinterlighter, Daniel G., Clerk, Bay Minette
12. Hoffman, Winfred C., Gov't Emp., Bay Minette
13. Landcaster, Eartis, Paperwood, Robertsedale
14. Larson, Arthur, Farmer, Rosinton
15. Lipscomb, Frederick A., Farmer, Mag. Spgs.
16. Little, Bernie, Mechanic, Bay Minette
17. Long, Fred, Brookley Field, Fairhope
18. Lowery, Robert, Dairyman, Fairhope
19. Mascaro, Edward, Corp. Secretary, Spanish Fort,
20. Mason, Arnold K., Farmer, Mag. Spgs.
21. McKenzie, J.D., Farmer, Robertsedale
22. Page, Glenn A., Jr., Ins., Bay Minette
23. Urbanch, Robert C., Brookley Field, Fairhope
24. Weeks, Ellis, Laborer, Mag. Spgs.
25. Wilcox, Roy E., Trk. Driver, Elberta
26. Kaiser, Paul, Jr., Farmer, Gulf Shores
27. Allegri, Angelo, Carpenter, Fairhope
28. Armstrong, William, Civil Service, Elberta
29. Baker, Lewis E., Foley Fert. Co., Foley
30. Barnhill, Charles W., Oil Dealer, Robertsedale
31. Bell, Bill, Brookley Field, Rosinton
32. Blackwell, Earl, Merchant, Foley
33. Boeschen, Arthur, Farmer, Bay Minette
34. Boone, DeWitt, Ideal Cement Cost Controller, Spanish Ft.
35. Bryant, Roy Woolf, Farmer, Bay Minette
36. Bryars, Charles Henry, Jr., Farmer, Stockton
37. Buck, Eddie, Shipyard, Robertsedale
38. Chafin, J. Horace, Trk. Driver, Perdido
39. Chesnick, Joe, Farmer, Robertsedale
40. Childress, Kenneth, Barber, Foley
41. Childress, Rube, Farmer, Loxley
42. Cocke, James, Jeweler, Fairhope
43. Conway, James, Mobile Construction, Daphne
44. Lipscomb, Ira, Farmer, Mag. Spgs.
45. Inge, McKinley, Clerk, Bay Minette
46. Smith, Samuel, Sr., Brookley Field, Daphne
47. Stephens, W. Henry, Millman, Stockton
48. Styron, Theo, Farmer, Foley

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CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

September 8, 1962

Mr. Taylor Wilkins, Sheriff  
Bay Minette, Alabama

Re: Hartley vs Morley

Dear Mr. Wilkins:

The defendants in the above styled cause  
reside at 1904 Luckie Avenue, Mobile,  
Alabama.

Yours very truly,



C. G. Chason

CGC/rc

cc: Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

LAW OFFICE OF  
**E. M. FORD, JR.**  
ATTORNEY AND COUNSELOR AT LAW

P. O. BOX 146,  
2600 7TH STREET,  
TUSCALOOSA, ALA.

July 8, 1963.

OFFICE PHONE  
PL 4-4781  
HOME PHONE  
PL 4-7409

Hon. James R. Owen,  
Attorney at Law,  
Bay Minette, Alabama.

Dear Mr. Owen:

Re: Hartley vs. Morley  
Cases No. 5259 and 5260

I am sorry to be late writing you regarding the taking of depositions in the above cases.

I must return to Tuscaloosa on July 17, 1963, for the State Bar meeting, which I trust you plan to attend and vote for my friend, Ralph R. Williams, for the next vice-president. Then on July 22, 1963, we try a case in Pickens County, Alabama, at Carrollton, which will take three days. I hope to be back at Gulf Shores by July 29, 1963. We can take these depositions any time after that date providing it is convenient with you. We would like to take the depositions of your clients at the same time you take Mr. Hartley's deposition.

If you will set the date some time after July 29, 1963, making the arrangements with the court reporter, and informing me where they will be taken, I will have Mr. Hartley present at the time and place you so designate.

By copy of this letter, I am asking Mrs. Duck to remove Mr. Cecil Chason's name from the court record as representing Mr. Hartley and insert the firm name of Ford and McGuire as representing Mr. Hartley. I understand that you have filed some further pleadings which we have not received but which were forwarded to Mr. Cecil Chason who sent them to Mr. Hartley who lost them. If you have additional copies of same, we would appreciate your forwarding them to us.

Sincerely yours,



E. M. FORD, JR.

EMF:mmm

cc: Mrs. Alice Duck, Circuit Clerk,  
Bay Minette, Alabama.