

PATRICIA A. SIBLEY,  
Plaintiff,  
Vs.  
M and S SERVICE STATION,  
L. H. SHEPHERD, JR., et al,  
Defendants.

\* IN THE CIRCUIT COURT  
\* OF BALDWIN COUNTY, ALABAMA  
\* AT LAW  
\*  
\*  
\* CASE NO: 5547  
\*

Comes now the Plaintiff in the above styled cause and amends her complaint by striking M and S Service Station as a party defendant.

FOREMAN & BROWN,  
Attorneys for Plaintiff

BY Alton R. Brown, Jr.  
Alton R. Brown, Jr.

FILED

SEP 12 1963

ALICE I. DICK, CLERK

#### CERTIFICATE OF SERVICE

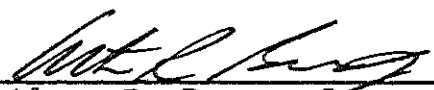
I do hereby certify that I have on this 12<sup>th</sup>  
day of September, 1963, served a copy of the  
foregoing pleading on counsel for all parties to this  
proceeding, ~~by mailing the same by United States mail,~~  
~~properly addressed, and first-class postage prepaid.~~

Alton R. Brown, Jr.

PATRICIA A. SIBLEY,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	BALDWIN COUNTY,
Vs.	*	ALABAMA
M and S. SERVICE STATION,	*	AT LAW
et al	*	CASE NO. 5447
Defendants.		


Comes now the Plaintiff in the above styled cause and moves this Court to strike the amended answers of the Defendants.

FOREMAN & BROWN  
Attorneys for Plaintiff

BY   
Alton R. Brown, Jr.  
Trial Attorney

# CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11<sup>th</sup>  
day of September, 1963, served a copy of the  
foregoing pleading on counsel for all parties to this  
proceeding ~~by mailing the same by United States mail,~~  
~~properly addressed, and first class postage prepaid.~~



FILED

SEP 11 1963

ALICE J. DUCK, CLERK  
REGISTER

PATRICIA A. SIBLEY,  
Plaintiff,

Vs.

M and S SERVICE STATION,  
L. H. SHEPHERD, JR., et al,  
Defendants.

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

Ø CASE NO. 5547  
Ø

Comes now the Plaintiff in the above styled cause and  
moves this Honorable Court to quash the subpoena issued to  
Patricia Agnes Sibley, 407 Fairwood Boulevard, Fairhope,  
Alabama.

FOREMAN & BROWN,  
Attorneys for Plaintiff

BY *Alton R. Brown, Jr.*  
Alton R. Brown, Jr.

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11<sup>th</sup>  
day of September, 1963, served a copy of the  
foregoing pleading on counsel for all parties to this  
proceeding, ~~by mailing the same by United States mail,~~  
~~properly addressed, and first class postage prepaid.~~

*Alton R. Brown, Jr.*

FILED

SEP 11 1963

ALICE J. DUCK, CLERK  
REGISTER

PATRICIA A. SIBLEY,

Plaintiff,

Vs.

M and S SERVICE STATION,  
et al,

Defendants.

\* IN THE CIRCUIT COURT  
\* OF BALDWIN COUNTY,  
\* ALABAMA  
\* AT LAW  
\*  
\* CASE NO. 5547  
\*

Comes now the Plaintiff in the above styled cause and demurs to Pleas No. 2, <sup>and 4</sup> ~~and 3~~ of the Defendant M and S Service Station and assigns the following separate and several grounds:

1. For that said pleas are not answers to the complaint.
2. For that said pleas are vague, indefinite and uncertain.
3. For that said pleas are immaterial and irrelevant.
4. For that said pleas do not state defenses to the Complaint.
5. For that the facts alleged, if true, do not state good defenses to this action.

FOREMAN & BROWN,  
Attorneys for Plaintiff

BY

Alton R. Brown, Jr.

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11<sup>th</sup> day of September, 1963, served a copy of the foregoing pleading on counsel for all parties to this proceeding, by ~~mailing the same by United States Mail, properly addressed, and first class postage prepaid.~~

Alton R. Brown, Jr.

FILED

SEP 11 1963

ALICE J. DUCK, CLERK  
REGISTER

PATRICIA A. SIBLEY,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	BALDWIN COUNTY,
Vs.	*	ALABAMA
M and S SERVICE STATION,	*	AT LAW
et al,	*	CASE NO. 5547
Defendants		

Comes now the Plaintiff in the above styled cause and demurs to Pleas No. 4 and 5 of the Defendant L. H. Shepherd, Jr. and assigns the following separate and several grounds:

1. For that said pleas are not answers to the Complaint.
2. For that said pleas are vague, indefinite and uncertain.
3. For that said pleas are immaterial and irrelevant.
4. For that said pleas do not state defenses to the Complaint.
5. For that the facts alleged, if true, do not state good defenses to this action.

FOREMAN & BROWN  
Attorneys for Plaintiff

By *Alton R. Brown, Jr.*  
Alton R. Brown, Jr.  
Trial Attorney

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11<sup>th</sup> day of September, 1963, served a copy of the foregoing pleading on counsel for all parties to this proceeding, ~~by mailing the same by United States mail, properly addressed, and first class postage prepaid.~~

*Alton R. Brown, Jr.*

FILED

SEP 11 1963

ALICE J. DUCK, CLERK  
REGISTER

PATRICIA A. SIBLEY,

Plaintiff,

vs.

M and S SERVICE STATION,  
L. H. SHEPHERD, JR., et al,

Defendants.

\*

\*

\*

\*

\*

\*

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 5447

Comes now the Plaintiff in the above styled cause and  
amends her Complaint by striking as party defendant

"JOE DOE, whose name is to the plaintiff otherwise unknown,  
but who is the person, firm or corporation for whom the defendant  
L. H. SHEPHERD, JR. was acting on August 27, 1962 and whose true  
name and legal status when ascertained will be added by amendment,".

FOREMAN & BROWN,  
Attorneys for Plaintiff

BY

Alton R. Brown, Jr.  
Alton R. Brown, Jr.

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11<sup>th</sup>  
day of September, 1963, served a copy of the  
foregoing pleading on counsel for all parties to this  
proceeding, ~~by mailing the same by United States mail,~~  
~~properly addressed, and first class postage prepaid.~~

Alton R. Brown, Jr.  
**FILED**

SEP 11 1963

ALICE J. DUCK, CLERK  
REGISTER

PATRICIA A. SIBLEY,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY
	)	
Vs.	)	ALABAMA
	)	
M and S SERVICE STATION,	)	AT LAW
et al,	)	
Defendants.	)	CASE NO. 5547

AMENDED ANSWER

Comes now M and S Service Station, one of the defendants in the above cause, and amends the answer heretofore filed by it by adding thereto the following separate and several pleas:

2. At the time and place alleged in the complaint, on, to-wit, August 27, 1962, on Section Street, a public street in Fairhope, Baldwin County, Alabama, at a point between the intersections of said street with Foster Avenue and with Volanta Avenue, the plaintiff did so negligently operate her motor vehicle as to cause or allow the same to collide with the motor vehicle operated by said L. H. Shepherd, Jr., thereby proximately contributing to the injuries and damages of which the plaintiff complains, and, accordingly, the plaintiff ought not recover.

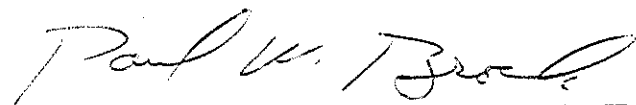
3. At the time and place complained of in the complaint, on, to-wit, August 27, 1962, on Section Street, a public street in the City of Fairhope, Baldwin County, Alabama, there was in full force and effect an ordinance of the City of Fairhope prohibiting the operation of a motor vehicle at a speed in excess of forty miles an hour, said ordinance being Ordinance Number 240, which, in part, reads as follows:

"Section I. No person shall operate a motor vehicle at a greater speed than forty (40) miles per hour in the following listed zones in the city:

1. On Alabama Highway No. 98 (Section St.)  
from the North City Limit, South to  
Pensacola Avenue."

that at said time and place the plaintiff so negligently operated a motor vehicle within the City of Fairhope, Alabama on Section Street at a point between the north city limit of Fairhope and Pensacola Avenue that the collision described in said complaint resulted, the plaintiff having then and there operated said motor vehicle in violation of the afore-said ordinance of the City of Fairhope, in that she was then and there operating said motor vehicle in excess of forty miles an hour, thereby proximately contributing to the injuries and damages of which she complains and, hence, plaintiff ought not recover.

4. Defendant alleges that the plaintiff, after the occurrence of the accident described in said complaint did either herself, or, acting by and through her duly appointed agent, who was acting within the line and scope of his or its authority as such, paid the defendant, L. H. Shepherd, Jr., who was operating his automobile when he was involved in said described accident, the full amount of the damages to said automobile. Wherefore, this defendant avers that the plaintiff is estopped to maintain this action and, hence, ought not recover.

  
Paul W. Brock  
*attorney for M & D Service Station*



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing amended answer has been served upon Alton R. Brown, Jr., Esq., attorney for Patricia A. Sibley, and Walter M. Cook, Esq., attorney for L. H. Shepherd, Jr., by depositing same in the United States Mail, postage prepaid, addressed to Mr. Brown and Mr. Cook at their respective offices in Mobile, Alabama, on the 5<sup>th</sup> day of September, 1963.

Paul W. Brock  
Paul W. Brock

FILED

SEP 5 1963

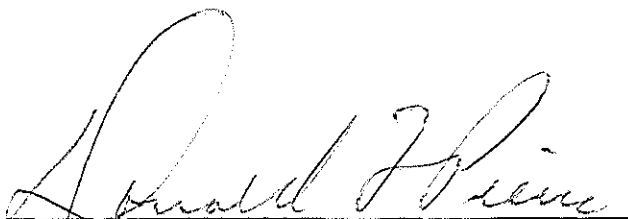
ALICE J. DUCK, CLERK  
REGISTER

PATRICIA A. SIBLEY	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW
M and S SERVICE STATION	)	
L. H. SHEPHERD, JR., and	)	
JOHN DOE, WHOSE NAME IS TO	)	
THE PLAINTIFF OTHERWISE	)	
UNKNOWN, BUT WHO IS THE	)	
PERSON, FIRM OR CORPORATION	)	
FOR WHOM THE DEFENDANT,	)	
L. H. SHEPHERD, JR., WAS	)	
ACTING ON AUGUST 27, 1962	)	
AND WHOSE TRUE NAME AND	)	
LEGAL STATUS WHEN ASCER-	)	
TAINED WILL BE ADDED BY	)	
AMENDMENT, jointly and	)	
separately,	)	
Defendants	)	CASE NO. 5447

A N S W E R

Comes now the defendant in the above-styled cause,  
M and S Service Station, and for separate and several answer  
to each count of the complaint heretofore filed, sets down  
and assigns separately and severally the following separate  
and several pleas:

1. Not guilty.

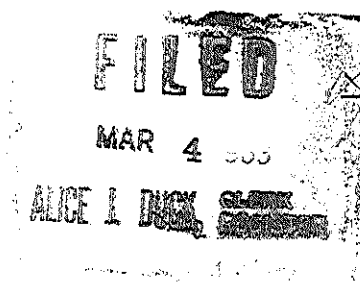
  
Attorney for Defendant

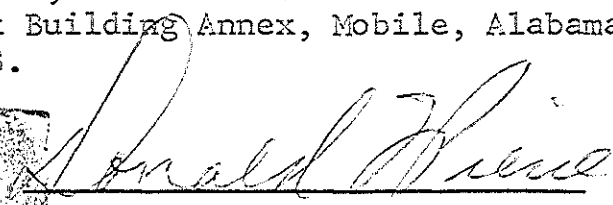
Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I, Donald F. Pierce, one of the attorneys for the defendant  
in the above-styled cause, do hereby certify that a copy of the  
foregoing Answer has been served upon counsel for the plaintiff,  
Alton R. Brown, Jr., Esq., by depositing a copy of same in the  
United States mail, postage prepaid, addressed to him at his  
office in the First National Bank Building Annex, Mobile, Alabama,  
on the 28 day of February 1963.





PATRICIA A. SIBLEY,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
-vs-	:	
	:	AT LAW
M and S SERVICE STATION,	:	
L. H. SHEPHERD, JR., et	:	
al,	:	CASE NO. 5847.
Defendants.	:	

COMES NOW L. H. Shepherd, Jr., one of the defendants in the above cause, and amends the answer heretofore filed by him by adding the following separate and several pleas:

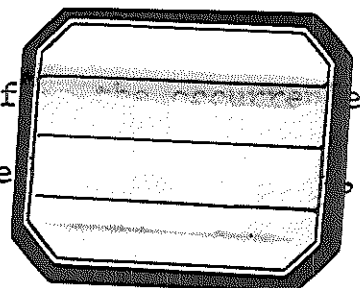
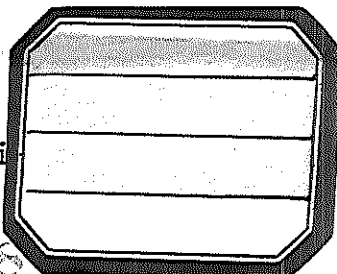
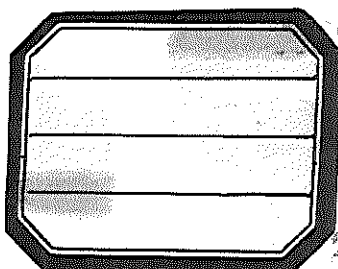
4. At the time and place complained of in the complaint, on, to-wit, August 27, 1962, on Section Street, a public street in the City of Fairhope, Baldwin County, Alabama, there was in full force and effect an ordinance of the City of Fairhope prohibiting the operation of a motor vehicle at a speed in excess of forty miles an hour, said ordinance being Ordinance No. 240, which, in part, reads as follows:

"Section I. No person shall operate a motor vehicle at a greater speed than forty (40) miles per hour in the following listed zones in the city:

1. On Alabama Highway No. 98 (Section St.) from the North City Limit, South to Pensacola Avenue."

that at said time and place the plaintiff so negligently operated a motor vehicle within the City of Fairhope, Alabama on Section Street at a point between the north city limit of Fairhope and Pensacola Avenue that the collision described in said complaint resulted, the plaintiff having then and there operated said motor vehicle in violation of the aforesaid ordinance of the City of Fairhope, in that she was then and there operating said motor vehicle in excess of forty miles an hour, thereby proximately contributing to the injuries and damages of which she complains and, hence, plaintiff ought not recover.

5. of the f, af did e



acting by and through her duly appointed agent, who was acting within the line and scope of his or its authority as such, paid the defendant, L. H. Shepherd, Jr., who was operating his automobile when he was involved in said described accident, the amount of the damages to said automobile. WHEREFORE this defendant avers that the plaintiff is estopped to maintain this action and, hence, ought not recover.

LYONS, PIPES AND COOK  
Attorneys for the defendant  
L. H. Shepherd, Jr.

By: 

Walter M. Cook

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing amended answer has been served upon Mr. Alton R. Brown, Jr., Attorney for Patricia A. Sibley, and Paul W. Brock, Attorney for M and S Service Station, by depositing same in the United States Mail, postage prepaid, addressed to them at their respective offices in Mobile, Alabama, on the 6 day of September, 1963.

  
Walter M. Cook

FILED  
SEP 8 1963  
ALICE J. DICK, CLERK  
REGISTERED

We the jury find for the  
defendant.

Ira Lipscomb

PATRICIA A. SIBLEY,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY,
Vs.	)	ALABAMA
M and S SERVICE STATION,	)	
L. H. SHEPHERD, JR., and	)	
JOHN DOE, WHOSE NAME IS TO	)	AT LAW
THE PLAINTIFF OTHERWISE	)	
UNKNOWN, BUT WHO IS THE	)	
PERSON, FIRM OR CORPORATION	)	
FOR WHOM THE DEFENDANT	)	
L. H. SHEPHERD, JR., WAS ACTING	)	CASE NO. 5547
ON AUGUST 27, 1962, AND WHOSE	)	
TRUE NAME AND LEGAL STATUS WHEN	)	
ASCERTAINED WILL BE ADDED BY	)	
AMENDMENT, jointly and	)	
separately,	)	
Defendants,	)	

Comes now the defendant, L. H. SHEPHERD, JR., and for answer to the plaintiff's complaint says as follows:

1. That the material allegations are untrue.
2. Not guilty.

3. The defendant says that at the time and place complained of the plaintiff was herself guilty of negligence which proximately contributed to her alleged injuries and damages in that at said time and said place the said plaintiff so negligently operated a motor vehicle as to cause or allow the same to collide with the motor vehicle, the property of the defendant, WHEREFORE the defendant says that the plaintiff ought not to have and recover of him.

LYONS, PIPES AND COOK  
Attorneys for Defendant,  
L. H. Shepherd, Jr.

By: Frank T. Pope Jr.

FILED  
FEB 19 1963  
ALICE J. DUCK, CLERK  
REGISTER

PATRICIA A. SIBLEY,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY,
Vs.	)	ALABAMA
M and S SERVICE STATION,	)	
L. H. SHEPHERD, JR., and	)	
JOHN DOE, WHOSE NAME IS TO	)	AT LAW
THE PLAINTIFF OTHERWISE	)	
UNKNOWN, BUT WHO IS THE	)	
PERSON, FIRM OR CORPORATION	)	
FOR WHOM THE DEFENDANT	)	
L. H. SHEPHERD, JR., WAS ACTING	)	CASE NO. 5747
ON AUGUST 27, 1962, AND WHOSE	)	
TRUE NAME AND LEGAL STATUS WHEN	)	
ASCERTAINED WILL BE ADDED BY	)	
AMENDMENT, jointly and	)	
separately,	)	
Defendants,	)	

Comes now the defendant, L. H. SHEPHERD, JR., in the above entitled cause, and demurs to the plaintiff's complaint, and to each count thereof, and as grounds for said demurrer sets down and assigns the following, separately and severally:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.

2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.

3. For aught that appears from said count, the accident did not occur on a public street.

4. For aught that appears from said count, the plaintiff was not at a place where she had a legal right to be at the time and place complained of.

5. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.

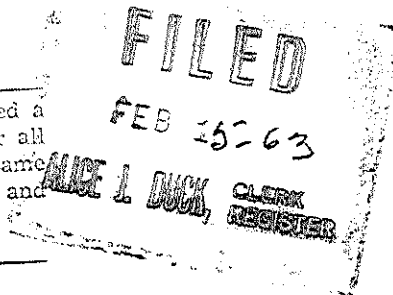
6. For that said count fails to allege any causal connection between the alleged negligence of this defendant and the alleged damages of the plaintiff.

LYONS, PIPES AND COOK  
Attorneys for the Defendant,  
L. H. SHEPHERD, JR.

By: 

Walter M. Cook

CERTIFICATE OF SERVICE  
I do hereby certify that I have on this \_\_\_\_\_  
day of \_\_\_\_\_, 196\_\_\_\_, served a  
copy of the foregoing pleading on counsel for all  
parties to this proceeding by mailing the same  
by United States mail, properly addressed, and  
first class postage prepaid.





S U M M O N S

STATE OF ALABAMA :

COUNTY OF BALDWIN:

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon M and S Service Station to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and then and there to plead, answer or demur to the complaint of Patricia A. Sibley.

Witness my hand this 29 day of Jan, 1963.

Reice J. Duck  
CLERK

=====

S U M M O N S

STATE OF ALABAMA :

COUNTY OF BALDWIN:

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon L. H. Shepherd, Jr. to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and then and there to plead, answer or demur to the complaint of Patricia A. Sibley.

Witness my hand this 29 day of Jan, 1963.

Reice J. Duck  
CLERK

=====

S U M M O N S

STATE OF ALABAMA :

COUNTY OF BALDWIN:

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon John Doe, whose name is to the Plaintiff otherwise unknown, but who is the person, firm or corporation for whom the Defendant, L. H. Shepherd, Jr., was acting on August 27, 1962, and whose true name and legal status when ascertained will be added by amendment, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and then and there to plead, answer or demur to the complaint of Patricia A. Sibley.

Witness my hand this 29 day of Jan, 1963.

Reice J. Duck  
CLERK

PATRICIA A. SIBLEY,	Ø	IN THE CIRCUIT COURT
Plaintiff,	Ø	OF BALDWIN COUNTY,
Vs.	Ø	ALABAMA
M and S SERVICE STATION,	Ø	
L. H. SHEPHERD, JR. and	Ø	
JOHN DOE, WHOSE NAME IS TO	Ø	
THE PLAINTIFF OTHERWISE	Ø	
UNKNOWN, BUT WHO IS THE	Ø	AT LAW
PERSON, FIRM OR CORPORATION	Ø	
FOR WHOM THE DEFENDANT,	Ø	
L.H. SHEPHERD, JR., WAS ACTING	Ø	
ON AUGUST 27, 1962, AND WHOSE	Ø	
TRUE NAME AND LEGAL STATUS WHEN	Ø	
ASCERTAINED WILL BE ADDED BY	Ø	
AMENDMENT, jointly and	Ø	
separately,	Ø	
Defendants.	Ø	CASE NO: <u>5447</u>

COUNT ONE

Plaintiff claims of the Defendants the sum of Fifty Thousand and no/100 (\$50,000.00) Dollars, as damages, for that heretofore and on, to-wit, August 27, 1962, the Defendant, L. H. Shepherd, Jr., an agent, servant or employee of the Defendant M and S Service Station and John Doe, whose name is to the Plaintiff otherwise unknown, but who is the person, firm or corporation for whom the Defendant, L. H. Shepherd, Jr., was acting on August 27, 1962, and whose true name and legal status when ascertained will be added by amendment, while acting within the line and scope of his authority as such, so negligently operated a motor vehicle on United States Highway 98, a public street in Baldwin County, Alabama, between said highway's intersections with Foster Avenue and Volanta Avenue in Fairhope, Baldwin County, Alabama, as to cause said vehicle to run in front of, and be struck by, an automobile owned and being operated on said United States Highway 98 by the Plaintiff and as a proximate result of the negligence of the Defendant as aforesaid, the Plaintiff was injured and damaged as follows: her body was bruised and broken; she was made sick, sore and lame; she was caused to suffer excruciating physical pain and mental anguish, still so suffers and will so suffer in the future; she was caused to incur doctors, hospital and medical expenses for the care and treatment of her said injuries and will incur further such expenses in the future; she was caused to lose time from her work;

she was permanently injured; her motor vehicle was bent, broken and damaged and she lost the use thereof over a period of time and the same depreciated in value; hence this suit.

FOREMAN & BROWN,  
Attorneys for Plaintiff

BY *Alton R. Brown, Jr.*  
Alton R. Brown, Jr.

Plaintiff demands a trial by jury.

FOREMAN & BROWN,  
Attorneys for Plaintiff

BY *Alton R. Brown, Jr.*  
Alton R. Brown, Jr.

Defendants L.H. Shepherd, Jr. and  
M and S Service Station may be  
served at 51 North Section Street,  
Fairhope, Alabama

**FILED**  
JAN 23 1963  
ALICE L. DUCK, CLERK  
REGISTER

Jury

20, 5447

Patricia A. Sibley

vs.

M. & S. Service Station

L. H. Shepherd, Jr  
et als

Received 29 day of Jan  
and on 30 day of Jan

I served a copy of the within D+C  
on Howard Davis, Mgr M&S  
Service Station, M&S Service Sta

By service on Howard Davis, Mgr &  
J. H. Shepherd, Jr.  
TAYLOR WILKINS, Sheriff  
By Fred Schubert  
F. Schubert

Sheriff claims 140 miles at  
Ten Cents per mile Total \$ 14.00  
TAYLOR WILKINS  
BY Fred Schubert

FILED

JAN 29 1963

ALICE I. DUCK, CLERK  
REGISTER

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

G. SAGE LYONS

February 14, 1963

Mrs. Alice J. Duck  
Clerk of the Circuit Court of Baldwin County  
Court House  
Bay Minette, Alabama

Re: Patricia A. Sibley vs M and S Service Station,  
L. H. Shepherd, Jr., et al - Case No. 5547 in  
the Circuit Court of Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed please find demurrers to be filed on behalf of the  
defendant L. H. Shepherd, Jr. We will appreciate your ac-  
knowledging receipt of the same on copy of the enclosed, re-  
turning it to us in the enclosed self-addressed stamped envelope.

Yours truly,

LYONS, PIPES AND COOK



Walter M. Cook

WMC/a  
encl

P.S. Please advise us as to the day of the week set aside for  
hearing pleadings in your county.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON, JR.  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
W. C. BOONE, JR.  
DONALD F. PIERCE

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAB

TELEPHONE:  
HEMLOCK 2-5514

February 27, 1963


Miss Alice J. Duck  
Clerk, Circuit Court  
of Baldwin County  
Bay Minette, Alabama

Re: Patricia A. Sibley vs.  
M and S Service Station, et al.  
Case No. 5447

Dear Miss Duck:

Please file the enclosed Answer in the Circuit Court of  
Baldwin County, Alabama, in case no. 5447, on behalf of  
M and S Service Station.

Yours very truly,



For the Firm

DFP:msc

Encl.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. GREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON, JR.  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
W. C. BOONE, JR.  
DONALD F. PIERCE

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAB

TELEPHONE:  
HEMLOCK 2-5514

February 13, 1963

Miss Alice J. Duck  
Clerk, Circuit Court  
of Baldwin County  
Bay Minette, Alabama

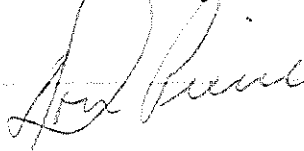
Re: Patricia A. Sibley vs.  
M. and S. Service Station  
and L. H. Shepherd, Jr.  
Case No. 5447

Dear Miss Duck:

Enclosed please find a demurrer in the above-styled cause which we would like for you to file in the Circuit Court of Baldwin County on behalf of M and S Service Station.

With best personal regards,

Yours very truly,



For the Firm

DFF:mse

PATRICIA A. SIBLEY,  
Plaintiff,

Vs.

M and S SERVICE STATION,  
L. H. SHEPHERD, JR., and  
JOE DOE, WHOSE NAME IS TO  
THE PLAINTIFF OTHERWISE  
UNKNOWN, BUT WHO IS THE  
PERSON, FIRM OR CORPORATION  
FOR WHOM THE DEFENDANT  
L. H. SHEPHERD, JR., WAS ACTING  
ON AUGUST 27, 1962, AND WHOSE  
TRUE NAME AND LEGAL STATUS WHEN  
ASCERTAINED WILL BE ADDED BY  
AMENDMENT, jointly and  
separately,

Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. <sup>5447</sup>5547.

TO: HON. ALTON BROWN, ATTORNEY AT LAW, ANNEX, FIRST NATIONAL  
BANK BUILDING, MOBILE, ALABAMA:

Please take notice that at 3:30 p.m. on the 28th day of  
February, 1963, in the office of Don Pierce, situated at 6th  
Floor, 1st National Bank Building, Mobile, Alabama, the defendant  
will take the deposition of C. A. Sibley, whose address is 407 Fair-  
hope Blvd., Fairhope, Alabama, upon oral examination pursuant to an  
Act of the Legislature of the State of Alabama, designated as Act No.  
375, Regular Session 1955, Approved September 8, 1955, before Louis  
M. Hubbard, Jr., an officer authorized to administer oaths in the  
County of Mobile, State of Alabama, duly authorized to take depositions  
and swear witnesses in said County in said State. The oral examination  
will continue from day to day until completed and you are invited to  
attend and cross-examine.

LYONS, PIPES & COOK  
Attorneys for Defendant.

By: Frank T. Pope, Jr.  
Frank T. Pope, Jr.

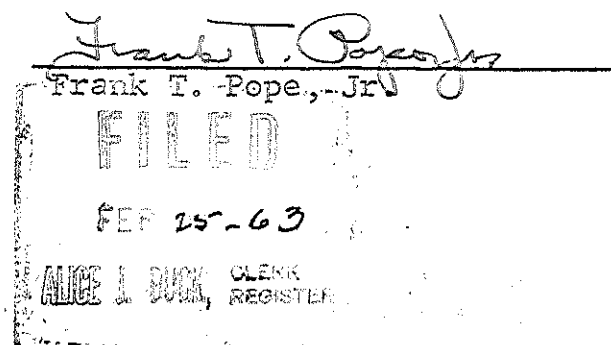
NOTE TO THE CLERK:

Please issue subpoena to C. A. Sibley, 407 Fairhope Blvd., Fairhope, Ala.

*Done 2-25-63*

CERTIFICATE OF SERVICE  
I do hereby certify that I have on this 20th  
day of February, 1963, served a  
copy of the foregoing pleading on counsel for all  
parties to this proceeding by mailing the same  
by United States mail, properly addressed, and  
first class postage prepaid.

Frank T. Pope, Jr.





) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY,

Vs.

) AT LAW

) CASE NO. ~~5547~~

)

Please take notice that at 2:30 on the 28th day of February, 1963, in the office of Don Pierce situated at 6th Floor, 1st National Bank Bldg., the defendant will take the deposition of Patricia A. Sibley, whose address is 407 Fairhope Blvd., Fairhope, Alabama, upon oral examination pursuant to an Act of the Legislature of the State of Alabama, designated as Act No. 375, Regular Session 1955, Approved September 8, 1955, before Louis M. Hubbard, Jr., an officer authorized to administer oaths in the County of Mobile, State of Alabama, duly authorized to take depositions and swear witnesses in said County in said State. The oral examination will continue from day to day until completed and you are invited to attend and cross-examine.

By: Frank T. Pope, Jr.  
Frank T. Pope, Jr.

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 20<sup>th</sup> day of January, 1963, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

postage prepaid.  
Frank T. O'Connell

NOTE TO THE CLERK:

Please issue subpoena duces tecum to Patricia A. Sibley, 407 Fairhope Avenue, Fairhope, Alabama, to bring with her all medical bills, hospital bills, doctor bills and an itemized list of expenses incurred as the result of the alleged accident of August 27, 1962, made the basis of this suit.

*done 2-25-63*

Very truly yours,

*Frank T. Pope, Jr.*

Frank T. Pope, Jr.  
Attorney for Defendant.

**FILED**

FEB 25 1963

WILLIAM L. DICK, JR.

NO. 5447

Patricia A. Sibley

05 M.S. Service Sta

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, Robertsdale~~
- ~~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. Hightlighter, Daniel G., Clerk, Bay Minette~~
- ~~12. Hoffman, Winfred C., Gov't Emp., Bay Minette~~
- ~~13. Landcaster, Eartis, Paperwood, Robertsdale~~
- ~~14. Lerson, 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, Robertsdale~~
- ~~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, Robertsdale~~
- ~~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, Robertsdale~~
- ~~38. Chafin, J. Horace, Trk. Driver, Perdido~~
- ~~39. Chesnick, Joe, Farmer, Robertsdale~~
- ~~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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JURY LIST - FALL SESSION - SEPTEMBER 9, 1963  
*Jones Floor*

- ~~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~~
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- ~~19. Mascaro, Edward, Corp. Secretary, Spanish Fort,~~
- ~~20. Mason, Arnold K., Farmer, Mag. Spgs.~~
- ~~21. McKenzie, J.D., Farmer, Robertsedale~~
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- ~~48. Styron, Theo, Farmer, Foley~~

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PATRICIA A. SIBLEY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW
M and S SERVICE STATION,	)	
L. H. SHEPHERD, JR. and	)	
JOHN DOE, WHOSE NAME IS TO	)	
THE PLAINTIFF OTHERWISE	)	
UNKNOWN, BUT WHO IS THE	)	
PERSON, FIRM OR CORPORATION	)	
FOR WHOM THE DEFENDANT,	)	
L. H. SHEPHERD, JR., WAS	)	
ACTING ON AUGUST 27, 1962	)	
AND WHOSE TRUE NAME AND LEGAL	)	
STATUS WHEN ASCERTAINED WILL)	)	
BE ADDED BY AMENDMENT,	)	
jointly and separately,	)	
Defendants.	)	CASE NO. 5447

D E M U R R E R

Comes now the defendant in the above-styled cause, M and S Service Station, and demurs to each count of the complaint filed herein, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against this defendant.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.

4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.

5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

6. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7. For that the averments set up, if true, do not show any liability on the part of this defendant.

8. For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9. For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

11. It is not alleged with sufficient certainty where said accident occurred.

12. For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

13. It is not alleged that the negligence complained of

proximately caused the accident and the injuries and damages complained of.

Paul M. Brock

Donald F. Pierce

Attorneys for Defendant  
622 First National Bank Building  
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I, Donald F. Pierce, one of the attorneys for the defendant in the above-styled cause, do hereby certify that a copy of the foregoing Demurrer has been served upon counsel for the plaintiff, Alton R. Brown, Jr., Esq., by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Brown, at his office in the First National Bank Building Annex, Mobile, Alabama, on the 12<sup>th</sup> day of February 1963.

Donald F. Pierce

