

IVY M. SMITH, as father and
next friend of VERNA KAY
SMITH, his deceased minor
daughter,

Plaintiff,

VS:

CHARLES W. GRIFFITH,

Defendant.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA - AT LAW

CASE NO.

4870

COUNT ONE

Plaintiff claims of the Defendant the sum of ONE HUNDRED THOUSAND & 00/100 (\$100,000.00) DOLLARS as damages, for that heretofore and on, to-wit, the 4th day of November, 1960, the Defendant so negligently operated a motor vehicle northwardly on U. S. Highway 31, a public highway in Baldwin County, Alabama, at a point approximately two-tenths (2/10ths) of a mile north of the city limits of Bay Minette, Alabama, so as to cause or allow said vehicle to run over, upon and against the person of VERNA KAY SMITH, Plaintiff's minor daughter, ten (10) years of age, who was then and there operating a bicycle in a northwardly direction on said U. S. Highway 31 at said time and place; and, as a direct and proximate result of the negligence of the Defendant as aforesaid, Plaintiff's minor daughter received injuries and damages from which she died.

COUNT TWO:

Plaintiff claims of the Defendant the sum of ONE HUNDRED THOUSAND & 00/100 (\$100,000.00) DOLLARS as damages, for that heretofore and on, to-wit, the 4th day of November, 1960, the Defendant wantonly killed the Plaintiff's minor daughter, VERNA KAY SMITH, who was then ten (10) years of age, by so wantonly operating a motor

vehicle northwardly on U. S. Highway 31, a public highway in Baldwin County, Alabama, at a point approximately two-tenths (2/10ths) of a mile north of the city limits of Bay Minette, Alabama, so as to cause or allow said vehicle to run over, upon and against the person of VERNA KAY SMITH, Plaintiff's minor daughter, ten (10) years of age, who was then and there operating a bicycle in a northwardly direction on said U. S. Highway 31 at said time and place; and, as a direct and proximate result of the wantonness of the Defendant as aforesaid, Plaintiff's minor daughter received injuries and damages from which she died.

HOWELL, JOHNSTON & LANGFORD

BY: 

ATTORNEYS FOR PLAINTIFF.

Plaintiff respectfully requests a trial by jury.

HOWELL, JOHNSTON & LANGFORD

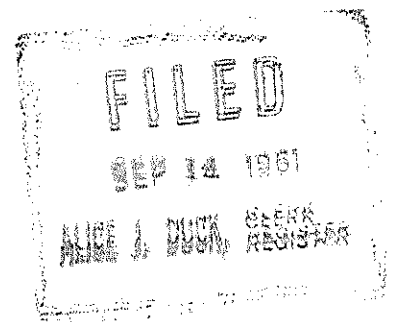
BY: 

ATTORNEYS FOR PLAINTIFF.

Defendant, Charles W. Griffith,
may be served at the Alabama
ABC Board, Field Office, at 102
N. Jackson Street, Mobile, Alabama.

Address of Plaintiff's attorneys is:

903 Waterman Bldg., and/or P. O. Box 1652
Mobile, Alabama



IVY M. SMITH, as father and
next friend of VERNA KAY
SMITH, his deceased minor
daughter,

Plaintiff,

Vs.

CHARLES W. GRIFFITH,

Defendant.

X
X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4870

Comes now the Defendant in the above styled cause and
files the following pleas to Count one (1) and Count two (2)
of the Plaintiff's Complaint, and to each and every count
therein, separately and severally:

1.

The Defendant says that he is not guilty of the matters
alleged therein.

2.

The Defendant says that the Complainant is barred from
recovering in this suit because he had deserted his family
prior to the 4th day of November, 1960, and had lost his
right to the service of his minor daughter, Verna Kay Smith.

3.

The Defendant says that the Plaintiff is barred from
recovering in this suit because he had deserted his family
prior to the 4th day of November, 1960 thereby losing the
right of action; that he had ceased to perform the marital
duties of maintenance, education and care of Verna Kay Smith,
hence his right of the named child's services is barred.

WILTERS & BRANTLEY

BY:

Locher M Brantley

FILED

DEC 11 1961

ALICE J. DUCK, CLERK
REGISTER

IVY M. SMITH, as father and
next friend of Verna Kay
Smith, his deceased minor
daughter,

Plaintiff,

Vs.

Charles W. Griffith,

Defendant.

X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

Baldwin County, Alabama

AT LAW

CASE NO. _____

Comes now the Defendant in the above styled cause and
demurs to the Plaintiff's Complaint and to each and every
count thereof separately and severally and for grounds there-
fore says:

1.

That it fails to state a cause of action.

WILTERS & BRANTLEY

BY:

John M Brantley

FILED

SEP 27 1961

ALICE J. DUCK, CLERK
REGISTER

IVY M. SMITH, as father and
next friend of VERNA KAY
SMITH, his deceased minor
daughter,

Plaintiff,

VS.

CHARLES W. GRIFFITH,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4870

MOTION TO STRIKE

Now comes the plaintiff and moves to strike Pleas 2 and 3
filed by the defendant in this cause on December 11, 1961, each
separately and severally, and as grounds of this motion assigns,
separately and severally, the following:

1. The pleas are prolix.
2. The pleas are irrelevant.
3. The pleas are frivolous.

J. B. Blackburn
Henrich Johnston & Langford
Attorneys for Plaintiff

MOTION TO STRIKE

IVY M. SMITH, as father and next
friend of Verna Kay Smith, his
deceased minor daughter,

Plaintiff,

vs.

CHARLES W. GRIFFITH,

Defendant.

IN THE CIRCUIT COURT OF

Baldwin County, Alabama

AT LAW

NO. 4870

FILED

JUL 24 1962

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES OF
HOWELL, JOHNSTON & LANGFORD
NINTH FLOOR, WATERMAN BUILDING
P. O. BOX 1652
MOBILE, ALABAMA
36601

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
IRVIN J. LANGFORD
GEORGE W. FINKBOHNER, JR.

May 10, 1965

Clerk, Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

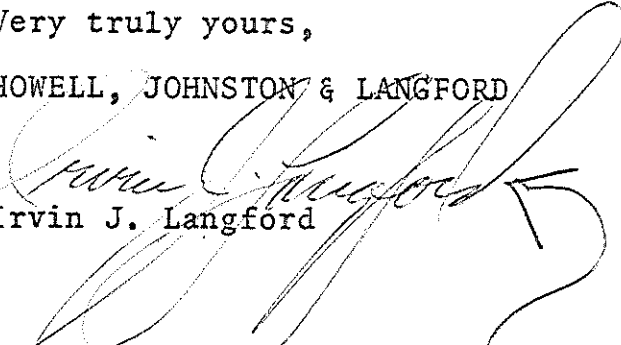
Re: Ivy M. Smith, as next friend, etc.
vs. Charles W. Griffith
Baldwin County, Case No. 4870

Dear Sir:

Please dismiss the above styled case with prejudice.

Very truly yours,

HOWELL, JOHNSTON & LANGFORD


Irvin J. Langford

IJL:bjm

cc: Mr. Tolbert M. Brantley
Wilters & Brantley
Attorneys at Law
Bay Minette, Alabama

cc: Mr. J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

CP2 to

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. _____

TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CHARLES W. GRIFFITH

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 _____

CHARLES W. GRIFFITH, Defendant

by IVY M. SMITH, as father and next friend of VERA KAY SMITH, his deceased minor daughter

Plaintiff

Witness my hand this 11th day of September 19 61

David J. [Signature], Clerk

EX- 9-14-61

No. 4870

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

IVY M. SMITH, as father and
next friend of VERA KAY SMITH,
his deceased minor daughter
Plaintiffs

vs.

CHARLES W. GRIFFITH

Defendants

SUMMONS and COMPLAINT

Filed 9-14-61, 19

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

9/14, 1961

Taylor Wilkins, Sheriff

I have executed this summons

this 9/14, 1961

by leaving a copy with

Charlie W. Griffith

Taylor Wilkins, Sheriff

Deputy Sheriff