

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 4885

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JANE JONES

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

JANE JONES

Defendant

IMA JEAN TOLBERT

by

Plaintiff

Witness my hand this 23rd day of September 1961

Clerk

Sub. 9-26-61

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

IMA JEAN TOLBERT

vs.

Plaintiffs

JANE JONES

Defendants

SUMMONS and COMPLAINT

Filed 9-23-61, 19____

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

RECEIVED IN OFFICE

9/25, 1961

_____, Sheriff

I have executed this summons

this 9-26, 1961

by leaving a copy with

Jane Jones

Sheriff claims 4 miles at
Ten Cents per mile Total \$ 40
TAYLOR WILKINS, Sheriff
BY W. A. Tolbert
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. A. Tolbert Deputy Sheriff

2 miles west of B.M.

IMA JEAN TOLBERT,
Plaintiff,
vs.
JANE JONES,
Defendant.

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEMURRER:

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause, and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That the place where the accident occurred is not sufficiently set out.
3. That said complaint is vague and indefinite.
4. That said complaint does not allege that the Defendant negligently injured the Plaintiff.
5. That said complaint does not allege any duty owing by the Defendant to the Plaintiff.

Barbara Stone
Attorneys for Defendant

FILED

OCT 2 1961

ALICE J. DUCK, CLERK
REGISTER

4885

IMA JEAN TOLBERT,
Plaintiff,
vs.
JANE JONES,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

* * * * *

DEMURRER

* * * * *

FILED

OCT 2 1961

ARICE I. DUCK, CLERK
REGISTER

IMA JEAN TOLBERT

Plaintiff

VS.

JANE JONES

Defendant

X IN THE CIRCUIT COURT OF

X BALDWIN COUNTY, ALABAMA

X

X CIVIL DIVISION

X CASE NO. _____

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause and amends her complaint to read as follows:

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS for that heretofore and on, to-wit, the 16th day of April, 1961, the Defendant did negligently operate an automotive vehicle on and along Pine Grove Road, at a point, to-wit, 3/4 of a mile South of Bay Minette, city limits, Pine Grove Road being a public road in Baldwin County, State of Alabama, as to run upon, over or against an automobile the Plaintiff was operating at the time or place aforesaid and as a direct and proximate result of the Defendant's negligence the Plaintiff sustained a severe injury to her back and was made sick and sore and suffered a displaced kidney and suffered physical pain and mental anguish, all for which the Plaintiff sues.

M. A. Marsal

M. A. MARSAL

Attorney for the Plaintiff

The Plaintiff demands a jury trial.

M. A. Marsal

M. A. MARSAL

Defendant may be served:

Pine Grove Road
Bay Minette, Alabama

FILED

JAN 17 1962

ALICE J. DUCK, CLERK
REGISTER

4883

IMA JEAN TOLBERT

Plaintiff

VS.

JANE JONES

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

AMENDED COMPLAINT

FILED
JAN 17 1962
ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

JOHN CHASON
NORBORNE C. STONE, JR.
JOHN EARLE CHASON

PHONE 937-2191

February 6, 1962

Mrs. Alice J. Duck
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Ima Jean Tolbert vs. Jane Jones
4885

We have agreed to take some testimony in the above cases at 1:00 P. M. on Wednesday, February 21st before Louise Dusenbury in the courthouse and it is necessary that you issue one subpoena for us. I do not want to list him as a witness for the Defendant but let your subpoena show the case in which his testimony is required.

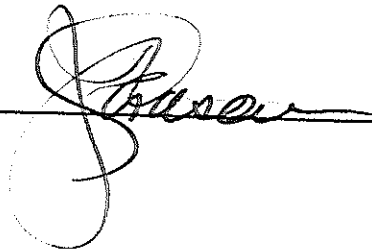
Please subpoena Marvin Jacobson whose address is Route 2, Box 67B, Bay Minette, Alabama. He is employed by International Paper Company.

With best regards, we are

Yours very truly,

CHASON & STONE

By: _____



JC:bw

HARRY SEALE

LAWYER

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HARRY SEALE

M. A. MARSAL

A. J. SEALE

LEON G. DUKE

MAILING ADDRESS:
POST OFFICE BOX 1318
HEMLOCK 2-6686

September 22, 1961

Mrs. Alice Duck, Clerk
Baldwin County Courthouse
Bay Minette, Alabama

Dear Mrs. Duck:

Please find two suits and copies thereof that I wish to file
in your good court. Please have service perfected on the
Defendant.

Your kindness is forever appreciated.

Yours truly,


M. A. MARSAL

MAM:m11

IMA JEAN TOLBERT,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
JANE JONES,	X	
Defendant.	X	CIVIL DIVISION
	X	
	X	CASE NO. _____

Comes now the Defendant in the above styled cause and for plea to the amended complaint filed in said cause, says:

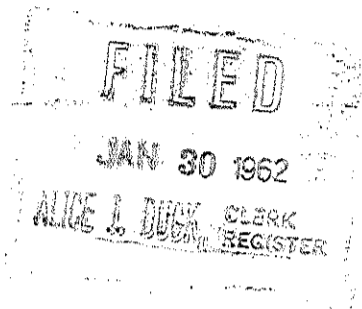
1. Not guilty.

2. That at the time and place complained of in the amended complaint the Plaintiff was guilty of contributory negligence which was the proximate cause of her injuries and damages in that she so negligently drove the automobile in which she was riding as to cause or allow it to run into or against the automobile driven by the Defendant, hence she should not recover.

3. For further plea and by way of recoupment the Defendant Jane Jones, claims of the Plaintiff, Ima Jean Tolbert, the sum of \$10,000.00 as damages for that heretofore, on to-wit: March 27, 1961, at a point on the Pine Grove Road about one-half mile South of the City Limits of Bay Minette, Alabama, said road at said point being a public road in Baldwin County, Alabama, the Plaintiff so negligently drove a motor vehicle as to cause or allow it to run into, upon or against, a motor vehicle being driven by the Defendant on such road at said time and place and as a proximate result of the negligence of the Plaintiff the Defendant was injured in this: she received a severe cut on her chin; her lower jaw was injured; four of her bottom teeth were loosened; she was caused to incur medical and dental bills; she suffered pain and mental anguish; her nerves were seriously damaged and she was caused to stay in bed approximately a week. Also her automobile which she was then and there driving was seriously damaged in that the front bumper, radiator, grill, front fenders and head-

lights were seriously bent, broken and damaged, all to the damage of the Defendant in the above sum.

James & Stone
Attorneys for Defendant



4885-

IMA JEAN TOLBERT,

Plaintiff,

vs.

JANE JONES,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

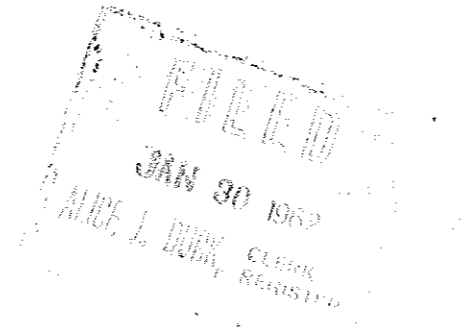
BALDWIN COUNTY, ALABAMA

CIVIL DIVISION

* * * * *

PLEAS

* * * * *



D. E. TOLBERT	§	IN THE CIRCUIT COURT
Plaintiff	§	OF BALDWIN COUNTY
VS	§	ALABAMA
JANE JONES	§	CIVIL DIVISION
Defendant	§	NO. _____

The Plaintiff claims of the Defendant the sum of TEN THOUSAND (\$10,000.00) DOLLARS for that heretofore and on, to-wit the 16th day of April, 1961 the Defendant did negligently operate an automotive vehicle on and along Pine Grove Road near the Plato residence, Pine Grove Road being a public road in Baldwin County, State of Alabama, as to run upon, over or against the Plaintiff's automobile that was being operated by the Plaintiff's wife at the time and place aforesaid and as a direct and proximate result of the negligence of the Defendant the Plaintiff's automobile was badly bent, broken or otherwise damaged and that his wife was seriously injured and that the Plaintiff has incurred expense in and about the treatment of his wife's injuries, all for which the Plaintiff sues.

M. A. Marsal
M. A. MARSAL

The Plaintiff demands a jury trial.

M. A. Marsal
M. A. MARSAL

Defendant may be served:
Pine Grove Road
Bay Minette, Alabama

FILED
SEP 23 1961
ALICE J. DUCK, CLERK
REGISTER