

JOHN V. DUCK  
RICHARD C. LACEY  
ATTORNEYS AT LAW  
FAIRHOPE, ALABAMA

February 12, 1963

5470

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

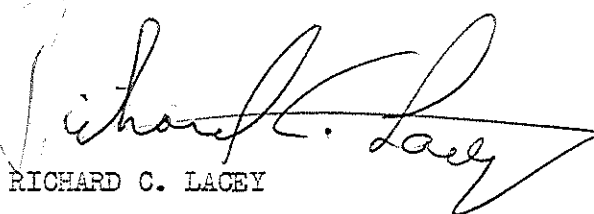
Re: Raymond Wood, et al, v. James  
Richard Cocke, Sr., et al.

Dear Mrs. Alice:

I am enclosing herein a complaint in the above styled cause,  
together with summons, which I would appreciate your filing at  
the earliest convenience.

Thanking you for your cooperation, I am

Sincerely,

  
RICHARD C. LACEY

RCL  
aj  
Encl.

JOHN V. DUCK  
RICHARD C. LACEY  
ATTORNEYS AT LAW  
FAIRHOPE, ALABAMA  
April 22, 1963

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

RE: Raymond Wood, et al  
VS: James Richard Cocke, Sr., et al  
CASE NO. 5470

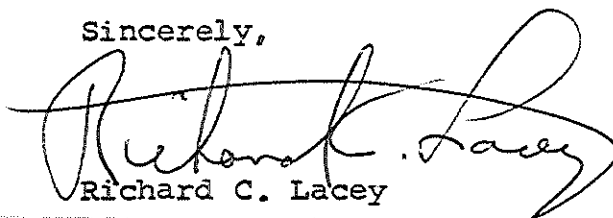
Dear Mrs. Duck:

I am enclosing a Motion to Amend the Judgment rendered in subject case, said Amendment having been discussed with Judge Hall, and I believe he is in agreement with this procedure.

I am also enclosing a letter from Thomas E. Twitty, Jr., Esquire, attorney for the Defendant, which gives us the authority for the Amendment.

Please bring this to the attention of Judge Hall at your earliest convenience and please send me three certificates of the Amended Judgment.

Sincerely,



Richard C. Lacey

RCL/jl

Encls: a/s

cc: Thomas E. Twitty, Jr., Esquire  
Inge, Twitty & Duffy, Attorneys  
P.O. Box 1109  
Mobile, Alabama

INGE, TWITTY & DUFFY  
LAWYERS

THOS. E. TWITTY  
FRANCIS H. INGE (1902-1959)  
RICHARD H. INGE  
THOS. E. TWITTY, JR.  
JAMES J. DUFFY, JR.  
SYDNEY R. PRINCE, III

MERCHANTS NATIONAL BANK BUILDING  
MOBILE, ALABAMA

MAILING ADDRESS:

P. O. BOX 1109  
MOBILE, ALA.

CABLE ADDRESS:  
TWINING  
TELEPHONE:  
HEMLOCK 3-5441

April 20, 1963

Richard C. Lacey, Esq.  
Attorney at Law  
319 Magnolia Avenue  
Fairhope, Alabama

Re: Raymond Wood, as father and next  
friend of Coleman Wood, a minor  
-VS-  
James Richard Cocke, Sr., et al.  
Case No. 5470

Dear Mr. Lacey:

This will confirm our telephone discussions this week in which I advised you that we wish to have the complaint amended in this suit to add "Coleman Wood, a minor suing by and through his father and next friend, Raymond Wood" as a party plaintiff, and the \$1,500.00 judgment amended accordingly to run in favor of the son and father both, so that this judgment will be res adjudicata as to any further claims that young Coleman Wood might have on account of this accident.

We shall appreciate your attending to these details for us, and you may consider this as your authority to take this action with our consent. Please ask the Clerk to send us two certificates of the judgment after this has been done, and we would also like to have two copies of any pleadings that you might file to this end.

With kindest regards,

Cordially,



Thomas E. Twitty, Jr.

for

INGE, TWITTY & DUFFY

TET, Jr.:cwm

RAYMOND WOOD as father and next	)	
next friend of COLEMAN WOOD, a	)	IN THE CIRCUIT COURT OF
minor,	)	
	)	BALDWIN COUNTY, ALABAMA
PLAINTIFF	)	
	)	AT LAW
VS.	)	
	)	CASE NO. <u>5470</u>
JAMES RICHARD COCKE, SR., and	)	
JAMES RICHARD COCKE, JR., a	)	
minor.	)	
	)	
DEFENDANTS	)	

MOTION TO AMEND

Now comes Raymond Wood, the Plaintiff in the above styled cause and makes this his motion on application to amend nunc pro tunc the judgment heretofore rendered against the defendant in this cause on the 2nd day of April, 1963 in the following particulars:

The style of the case should be amended by adding to the Plaintiff the words, "and Coleman Wood, a minor suing by his father and next friend Raymond Wood".

And as grounds for this motion on application the said Raymond Wood avers and shows to the Court:

That it is the opinion of the Defendants that the words "and Coleman wood, a minor suing by his father and next friend Raymond Wood", should be invested in the style of the Bill of Complaint in order to adequately protect the Defendants from future actions by the minor Coleman Wood, and, that it was always the intention of the Plaintiff that Coleman Wood, a minor, sue by his father and next friend Raymond Wood, and that through inadvertance the words, "and, Coleman Wood, a minor suing by his father and next friend Raymond Wood," were omitted from the original Bill of Complaint in this cause, and that all parties to this suit are in complete agreement with this said proposed amendment.

WHEREFORE, the said Plaintiff prays that this Honorable Court will make and enter an order or judgment amending the judgment of April 2nd, 1963 as hereinabove prayed for.

DUCK & LACEY

BY: \_\_\_\_\_  
Attorneys for Plaintiff

RAYMOND WOOD as father and next  
next friend of COLEMAN WOOD, a  
minor,

PLAINTIFF

VS.

JAMES RICHARD COCKE, SR., and  
JAMES RICHARD COCKE, JR., a  
minor.

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5470

MOTION TO AMEND

Now comes Raymond Wood, the Plaintiff in the above styled cause and makes this his motion on application to amend nunc pro tunc the judgment heretofore rendered against the defendant in this cause on the 2nd day of April, 1963 in the following particulars:

The style of the case should be amended by adding to the Plaintiff the words, "and Coleman Wood, a minor suing by his father and next friend Raymond Wood".

And as grounds for this motion on application the said Raymond Wood avers and shows to the Court:

That it is the opinion of the Defendants that the words "and Coleman wood, a minor suing by his father and next friend Raymond Wood", should be invested in the style of the Bill of Complaint in order to adequately protect the Defendants from future actions by the minor Coleman Wood, and, that it was always the intention of the Plaintiff that Coleman Wood, a minor, sue by his father and next friend Raymond Wood, and that through inadvertance the words, "and, Coleman Wood, a minor suing by his father and next friend Raymond Wood," were omitted from the original Bill of Complaint in this cause, and that all parties to this suit are in complete agreement with this said proposed amendment.

WHEREFORE, the said Plaintiff prays that this Honorable Court will make and enter an order or judgment amending the judgment of April 2nd, 1963 as hereinabove prayed for.

DUCK & LACEY

BY: \_\_\_\_\_

Attorneys for Plaintiff

INGE, TWITTY & DUFFY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

MAILING ADDRESS:

P. O. BOX 1109  
MOBILE, ALA.

CABLE ADDRESS:

TWINING  
TELEPHONE:  
HEMLOCK 3-5441

THOS. E. TWITTY  
FRANCIS H. INGE (1902-1959)  
RICHARD H. INGE  
THOS. E. TWITTY, JR.  
JAMES J. DUFFY, JR.  
SYDNEY R. PRINCE, III

March 6, 1963

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

Re: Raymond Wood, as father and next friend  
of Coleman Wood, a minor, Plaintiffs,  
vs. James Richard Cocke, Sr. and James  
Richard Cocke, Jr., a minor, Defendants  
Case No. 5470, Circuit Court, Baldwin  
County, Alabama - At Law

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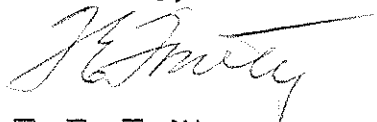
Dear Mrs. Duck:

I am enclosing herewith the original and two (2) copies of  
Demurrer of Defendant James Richard Cocke, Sr. to the Complaint.

Please file this Demurrer and advise me of the date of filing.

Thanking you for your attention to this matter and with kind-  
est regards, I am

Cordially,



T. E. Twitty

For the Firm

TET/d  
Encls. 3

JOHN V. DUCK  
RICHARD C. LACEY  
ATTORNEYS AT LAW  
FAIRHOPE, ALABAMA

March 27, 1963

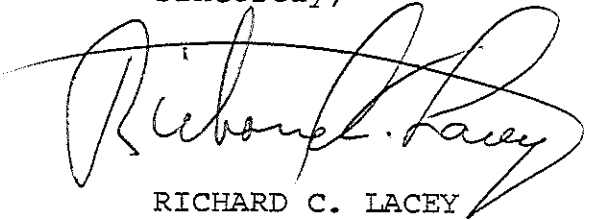
Hon. Hubert M. Hall, Judge  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: Raymond Wood, et al, v.  
James Richard Cocke, et  
al, Case No. 5470.

Dear Judge Hall:

By agreement we have arrived at a settle-  
ment in the subject case. The Defendants request  
that, in order that all parties be protected, a judg-  
ment be entered against them in the amount of \$1,500.  
In consideration of this request by the Defendants, we  
agree to the settlement and withdraw our request for a  
jury trial, and respectfully request that a decree be  
rendered for the Plaintiffs in the amount of \$1,500.

Sincerely,



RICHARD C. LACEY

RCL  
aj

cc: Mr. T. E. Twitty  
Inge and Twitty  
Merchants Bank Bldg.  
Mobile, Alabama

RAYMOND WOOD, as father and next	)	
friend of COLEMAN WOOD, a minor,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiffs,	)	BALDWIN COUNTY,
	)	
VS.	)	ALABAMA
	)	
JAMES RICHARD COCKE, SR. and	)	AT LAW
JAMES RICHARD COCKE, JR., a minor,	)	
	)	NO. 5 4 7 0
Defendants.	)	

DEMURRER OF DEFENDANT JAMES RICHARD  
COCKE, SR. TO THE COMPLAINT

Comes now the Defendant James Richard Cocke, Sr., and demurs to the Complaint herein, and to each count thereof, separately and severally, on the following separate and several grounds:

1. Sufficient facts are not alleged therein to constitute a cause of action against this Defendant.
2. Sufficient facts are not alleged therein to show the existence of any legal duty owing by this Defendant to the Plaintiffs, or either of them, with respect to the matters alleged therein.
3. Sufficient facts are not alleged therein to show any breach of any legal duty by this Defendant owing to the Plaintiffs, or to either of them, with respect to the matters alleged therein.
4. It does not sufficiently appear therefrom that any breach of any legal duty by this Defendant proximately caused the injuries and damages alleged therein.
5. There is a misjoinder of parties defendant.
6. There is a misjoinder of causes of action in the same suit.
7. There is a misjoinder of causes of action in the same count.
8. Said count is duplex.
9. Said count misjoins two causes of action, namely, a cause of action by one of the Plaintiffs who is a minor for personal injuries to himself and a separate cause of action by one of the Plaintiffs who is the father of said minor for loss of services and companionship of the said minor, and for the recovery



of other damages incurred by said father in the premises.

INGE, TWITTY & DUFFY

By J. C. Inge

Attorneys for Defendant  
James Richard Cocke, Sr.

FILED

MAY 7-63

MADE L. DICK, CLERK

RAYMOND WOOD as father and next	)	
next friend of COLEMAN WOOD, a	)	
minor,	)	IN THE CIRCUIT COURT OF
	)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
	)	
VS.	)	AT LAW
	)	
JAMES RICHARD COCKE, SR., and	)	CASE NO. <u>5470</u>
JAMES RICHARD COCKE, JR., a	)	
minor.	)	
	)	
DEFENDANTS	)	

MOTION TO AMEND

Now comes Raymond Wood, the Plaintiff in the above styled cause and makes this his motion on application to amend nunc pro tunc the judgment heretofore rendered against the defendant in this cause on the 2nd day of April, 1963 in the following particulars:

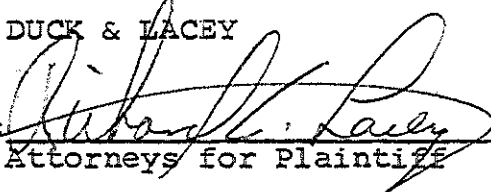
The style of the case should be amended by adding to the Plaintiff the words, "and Coleman Wood, a minor suing by his father and next friend Raymond Wood".

And as grounds for this motion on application the said Raymond Wood avers and shows to the Court:

That it is the opinion of the Defendants that the words "and Coleman wood, a minor suing by his father and next friend Raymond Wood", should be invested in the style of the Bill of Complaint in order to adequately protect the Defendants from future actions by the minor Coleman Wood, and, that it was always the intention of the Plaintiff that Coleman Wood, a minor, sue by his father and next friend Raymond Wood, and that through inadvertance the words, "and, Coleman Wood, a minor suing by his father and next friend Raymond Wood," were omitted from the original Bill of Complaint in this cause, and that all parties to this suit are in complete agreement with this said proposed amendment.

WHEREFORE, the said Plaintiff prays that this Honorable Court will make and enter an order or judgment amending the judgment of April 2nd, 1963 as hereinabove prayed for.

**FILED**  
 APR 23 1963  
 ALICE J. DUCK, CLERK  
 REGISTER

DUCK & LACEY  
 BY:   
 Attorneys for Plaintiff

RAYMOND WOOD, as father and next	)	IN THE CIRCUIT COURT
friend of COLEMAN WOOD, a minor,	)	OF
Plaintiffs,	)	BALDWIN COUNTY, ALABAMA
vs.	)	
JAMES RICHARD COCKE, SR. and	)	AT LAW
JAMES RICHARD COCKE, JR., a minor,	)	NO. <u>5470</u>
Defendants.	)	

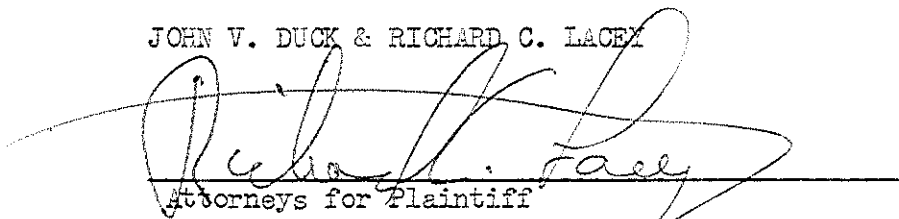
COUNT ONE

Plaintiffs claim of Defendants Ten Thousand and No/100 Dollars (\$10,000.00) as damages for that heretofore, to-wit, on February 19, 1962, Coleman Wood, the minor son of Raymond Wood, Plaintiffs, was on a bicycle upon Church Street, a public street in the City of Fairhope, County of Baldwin, State of Alabama, at a point north of the intersection of Nichols Avenue and Church Street in said City, and on said date a car owned by Defendant James Richard Cocke, Sr., and operated by James Richard Cocke, Jr., the agent, servant or employee of James Richard Cocke, Sr., who was then and there acting within the line and scope of his authorities, such agent, servant, or employee ran upon or against said Plaintiff's minor son on said bicycle, while said bicycle and said Plaintiff's minor son were upon said public street; and as a proximate consequence thereof, said Plaintiff's minor son was injured in this, to-wit: he was cut about his face and body; he was permanently injured in the left kidney; he suffered and he continues to suffer great mental and physical pain; he was confined to his bed, and confined to the hospital and remained there for a great length of time.

And Plaintiff avers that as the result and consequence of said injuries sustained by his said minor son, he was put to the expense of doctor bills and hospital expenses; and that Plaintiff's said minor son was permanently injured and that Plaintiff will be put to the expense of further doctor bills and hospital expenses; Plaintiff was forced to lose the services and companionship of his said minor son; all to the damage of the Plaintiff as aforesaid.

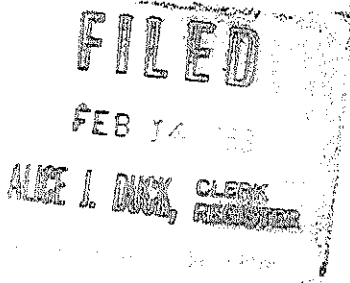
The Plaintiff alleges that said damages to his said minor son were proximately caused by the negligence of the Defendant and as a proximate consequence thereof the Plaintiff was damaged as aforesaid.

JOHN V. DUCK & RICHARD C. LACEY

  
Attorneys for Plaintiff

Plaintiff demands Trial by Jury.

Defendant resides at Fairhope, Alabama.



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 James Richard Cocke, Sr and James Richard Cocke, Jr

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 \_\_\_\_\_  
James Richard Cocke Sr. and James Richard Jr., Defendant.....

by Raymond Wood, as father and next friend od Coleman Wood, a minor

Plaintiff.....

Witness my hand this 14 day of February 19 63

Alvin J. Aluck, Clerk

Ed-2-18-63

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

RAYMOND WOOD, as father and next friend  
of  
COLEMAN WOOD, a minor

Plaintiffs

vs.

JAMES RICHARD COCKE, Sr., and

JAMES RICHARD COCKE, Jr. *102 white*

*F. Lopez*  
Defendants

SUMMONS and COMPLAINT

Filed 2-14, 1963

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Feb. 14, 1963

Sheriff

I have executed this summons

this 18<sup>th</sup> day of Feb, 1963

by leaving a copy with

*James Richard Cocke Sr.*  
*J. James Richard Cocke Jr.*

Sheriff claims 140 miles at

Ten Cents per mile Total \$ 14.00

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Sheriff

Deputy Sheriff

*Taylor Wilkin*  
*Fred L. Lohr*  
*F. Lopez*