

**SENDER:**

Write (or type) message, pull out yellow sheet, mail the other two.

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR
MADE IN U.S.A. PRINTED IN U.S.A.
FORM 87 - 10-66T
OMrs. Alice J. Duck, Clerk
Circuit Court Baldwin County
Bay Minette, AlabamaF
R
O
MJOHN T. DUCK
Attorney at Law
FAIRHOPE, ALABAMA

SUBJECT:

James Evans v. Greland Councilman and
Site Service Stations, Inc.

DATE:

Feb. 15, 1963

Message - Reply

FOLD

THIS IS NCR (NO CARBON REQUIRED) PAPER.

{ JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 87 - New England Business Service, Inc., Townsend, Mass.

M
E
S
S
A
G
E

Dear Mrs. Alice:

I am enclosing herewith the original and two copies of
my complaint to be filed in the above styled cause.

Sincerely,

SIGNED:

DATE OF REPLY:

REPLY TO:

R
E
P
L
Y

SIGNED:

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

JAMES EVANS,

Plaintiff

vs

BRELAND COUNCILMAN and SITE
SERVICE STATIONS, INC., a
corporation, jointly and
severally,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 5477

Come the defendants in the above styled cause and propound
the following interrogatories to the plaintiff, James Evans:

1. State your name.
2. Are you the plaintiff in this cause?
3. Were you an employee of the defendant herein or either of
them?
4. State the name of the doctor who attended you following
your alleged injury on September 27, 1962.
5. At the time of the injury alleged in this action, state who
was present at the time the alleged injury occurred.
6. State how long you were out of work on the occasion com-
plained of.
7. State the date you returned to work and the name and address
of your employer.
8. Were you employed on September 27, 1962?
9. If so, state the salary which you earned on that date.
10. State the salary at which you were employed when you went
to work after the alleged injury.
11. Were you attended by a doctor any time in the past 18
months?
12. If your answer is "yes", give the name and address of
the doctor.
13. If there was more than one doctor who attended you during
the past 18 months, give the name and address of each doctor.
14. Were you employed by either of the defendants or both?
15. State the length of time which you were employed by either
of said defendants and the name of the defendant.
16. On the occasion complained of, describe the point or loca-
tion where you were standing at the site service station at the time the
altercation as alleged took place.
17. If you were in conversation with anyone, state the name of

the person with whom you were talking.

18. State the cause of the conversation.

19. Did you strike or assault in any manner, the defendant, Breland Councilman?

20. If you did not strike or touch the said Breland Councilman what did you do?

21. Were you checked up short in your funds while employed at Site Service Station?

22. Can you state the amount of your shortage?

23. State how you paid or refunded said shortage, if you have done so.

24. Was this shortage in funds a part of the conversation taking place at the time of the altercation?

25. Did you then and there offer to repay the said shortage?

26. Did you make any attempt to collect your check or pay envelope from defendant, Breland Councilman?

27. What did you state concerning the shortage before trying to take the pay you had coming to you?

28. How long were you off the job at Site Oil Company before September 27, 1962?

29. Were you ever employed at an Eagle Service Station?

30. State the name of your supervisor while in that service.

31. Were you ever injured about the body or shoulder prior to your employment by one of the defendants?

32. State the name of your employer at the time you were previously injured.

33. State the details of the previous injury.

34. How long were you unemployed before being employed by one of the defendants?

THOMPSON & WHITE

BY: 

Attorneys for defendants.

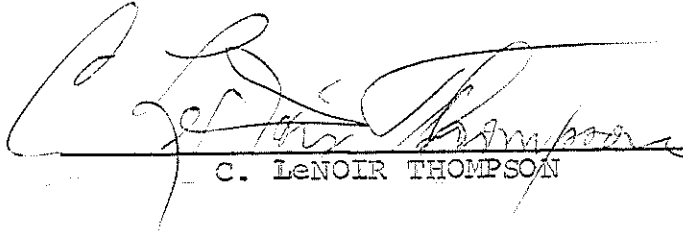
STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of

Record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendants on the trial of said cause.


C. LENOIR THOMPSON

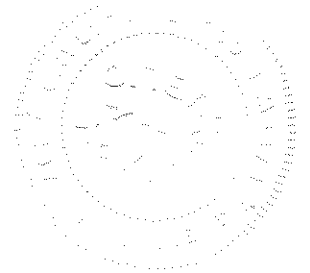
Subscribed and sworn to before me by the said C. Lenoir Thompson on this the 20th day of March, 1963.


Notary Public, Baldwin County, Alabama

FILED

MAR 20 1963

**ALICE L. DUCK, CLERK
REGISTER**



5477

James Evans
Plt.

05

Breland Councilman
& Site Service Stations
Dept.

Interrogatories

serve John V. Duck

elived 20 day of March 1963
on 15 day of March 1963
rved a copy of the within Inter.
John V. Duck

service on _____

TAYLOR WILKINS, Sheriff
By Fred Smith D. S.

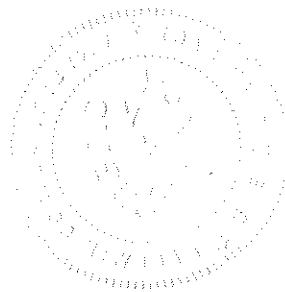
F. Smith

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

by _____
DEPUTY SHERIFF



JAMES EVANS

Plaintiff

vs

BRELAND COUNCILMAN and SITE
SERVICE STATIONS, INC., a
corporation, jointly and
severally,

Defendants

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5477

Come Thompson & White, attorneys for Breland Councilman
and Site Service Stations, Inc., and withdraw their appearance in
said cause, same having been done by letter April 16, 1963, it
being our understanding our withdrawal was so that Inge, Twitty
& Duffy could appear in the matter.

THOMPSON & WHITE

BY:

Attorneys

FILED
AUG 22 1963
ALICE J. DICK, CLERK
REGISTER

JAMES EVANS

Plaintiff

vs

BRELAND COUNCILMAN and SITE
SERVICE STATIONS, INC., a
Corporation, jointly and
severally,

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 5477

Come Thompson & White, Attorneys and withdraw their appearance
in the above styled cause.

THOMPSON & WHITE

BY: 

I hereby certify that I have this day sent Breland Councilman,
defendant, by U. S. Mail postage prepaid, a copy of the foregoing
withdrawal.

THOMPSON & WHITE

BY: 

FILED
APR 17 1963
ALICE J. DUCK, CLERK
REGISTER

JAMES EVANS

X

Plaintiff

X

vs

X

IN THE CIRCUIT COURT OF

BRELAND COUNCILMAN and SITE
SERVICE STATIONS, INC., a
corporation, jointly and
severally,

X

BALDWIN COUNTY, ALABAMA

X

AT LAW

NO. 5477

X

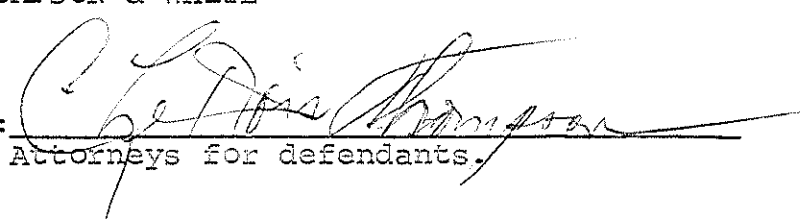
Defendants

X

Come the defendants in the above styled cause and respectfully
ask for a jury trial in said cause.

THOMPSON & WHITE

BY:


Attorneys for defendants.

FILED

MAR 20 1963

ALICE J. DUCK, CLERK
REGISTER

JAMES EVANS

X

Plaintiff

X

vs.

X

IN THE CIRCUIT COURT OF

BRELAND COUNCILMAN and SITE
SERVICE STATIONS, INC., a
Corporation, jointly and
severally,

X

BALDWIN COUNTY, ALABAMA

X

AT LAW

NO. 5477

X

Defendants

X

Come the defendants in the above styled cause and moves to
strike Counts 2 and 3 of the complaint filed in said cause and as
grounds for said motion shows unto this Honorable Court as follows:

-1-

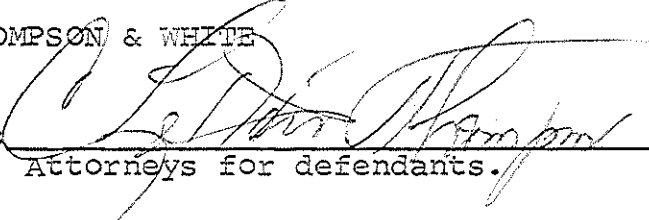
That Count 2 is subject to the rulings of the Court on
prolixity.

-2-

That count 3 is subject to the rulings of the Court on
prolixity.

THOMPSON & WHITE

BY:


Attorneys for defendants.

FILED
MAR 11 1983
ALICE J. DUCK, CLERK
REGISTER

| | | |
|-----------------------------|---|-------------------------|
| JAMES EVANS, |) | IN THE CIRCUIT COURT OF |
| Plaintiff, | : | |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| BRELAND COUNCILMAN and SITE | : | |
| SERVICE STATIONS, INC., a | : | |
| Corporation, jointly and |) | AT LAW |
| severally, | : | |
| Defendants. |) | |

COUNT ONE

Plaintiff claims of the Defendant, BRELAND COUNCILMAN, the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) damages, for assault and battery committed by the Defendant, BRELAND COUNCILMAN, on the Plaintiff, viz: the 27th day of September, 1962.

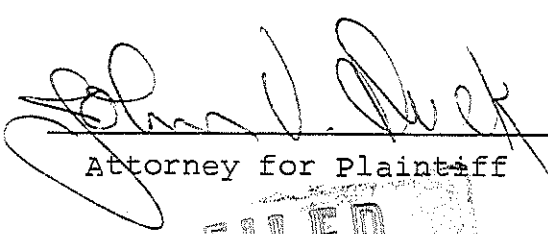
COUNT TWO

Plaintiff claims of the Defendant, BRELAND COUNCILMAN, the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) damages, for that, on to-wit, the 27th day of September, 1962, the Defendant, BRELAND COUNCILMAN, at the SITE SERVICE STATION, on U. S. Highway 90, known as the Causeway, the Defendant, BRELAND COUNCILMAN, did commit an assault and battery on and upon the Plaintiff by striking him, knocking him to the floor, and dislocating his shoulder, and the Plaintiff was caused to suffer great bodily injury, he was made sick, sore and lame, and he was caused to suffer great physical pain and mental anguish, and was caused to lose time from his employment for the injuries received on account of said assault and battery, all to his damages in the amount claimed.

COUNT THREE

Plaintiff claims of the Defendants the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) damages for that on, to-wit,

the 27th day of September, 1962, the Defendant, BRELAND COUNCILMAN, acting as agent, servant and employee, of the Defendant, SITE SERVICE STATIONS, INC., a Corporation, who was then and there acting within the line and scope of such employment, did commit an assault and battery on and upon the Plaintiff by striking him, knocking him to the floor, and dislocating his shoulder, and the Plaintiff was caused to suffer great bodily injury, he was made sick, sore and lame, he was caused to suffer great physical pain and mental anguish, and was caused to lose time from his employment for the injuries received on account of this assault and battery, and that Plaintiff was required to expend great sums of money in and about the healing and treatment of his injuries, all to his damage in the amount claimed, hence this suit.


Attorney for Plaintiff

The Defendants may be served at
SITE SERVICE STATIONS, INC.
Causeway, U. S. Highway 90

FILED

FEB 19 63

Alice I. Duck, CLERK
RECEIVED

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No.

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon SITE SERVICE STATIONS, INC., a Corporation,
and BRELAND COUNCILMAN, of U. S. Highway 90 (Causeway), Baldwin
County, Alabama

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 Breland Councilman
and Site Service Stations, Inc., a Corporation,
jointly and severally Defendant

by _____

_____, Plaintiff.....

Witness my hand this 19 day of Feb 1963

Est- 2-22-63

Alvin J. Luck Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

JAMES EVANS

Plaintiffs

vs.

BRELAND COUNCILMAN and SITE
SERVICE STATIONS, INC., a
Corporation, jointly and
severally,

Defendants

SUMMONS and COMPLAINT

Serve like Sheriff's Station
in Mobile Co.
Filed 15100 FEB 19 1963, 1963

J. W. Codey Clerk

and on

I served a copy of this summons
on Site Service Stations, Inc.

by service on

RECEIVED

MAR 4 1963

SHERIFF'S OFFICE

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Site Service Stations, Inc.
U. S. Highway 90 (Causeway)
Baldwin County, Alabama
RECEIVED IN OFFICE

February 19, 1963

, Sheriff

I have executed this summons

this 27th day of Feb, 1963

by leaving a copy with

Breland Councilman

Sheriff claims 60

Ten Cents per mile Total 6.00
TAYLOR WILKINS, 6.00

Day of March 1963

Day of March 1963

Site Service Stations, Inc.

J. W. Codey
Manager

RAY D. BRIDGES, Sheriff

By

Taylor Wilkins Sheriff
Fred Likert Deputy Sheriff

Mobile Co. Jan