

ELLIS HINES

Plaintiff

-VS-

REUBEN LEE EZELL and
JOSEPH PENNINGTON,
jointly and severally,

Defendants

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA,

) AT LAW.

) No. 5575

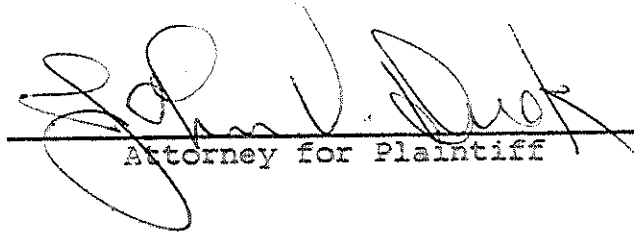
COUNT ONE:

Plaintiff claims of the Defendant, Reuben Lee Ezell, the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) as damages for that heretofore and on to-wit, the 21st day of December, 1962, at or about 12:30 P.M. while the Plaintiff was driving his vehicle at the intersection of County Road No. 27 and Fairhope Avenue, in Fairhope, Alabama, being then and there a public highway in the State of Alabama, the Defendant so negligently operated the vehicle he was driving as to run into, upon or against the plaintiff's vehicle and as a proximate result thereof, the Plaintiff was injured in this; his automobile was bent, smashed, broken and in otherwise damaged, and rendered a total loss, and he was deprived of the use thereof for a period of time; that the Plaintiff was injured in that he suffered contusions, abrasions and sprained ribs, and was otherwise made sick, sore and lame and was caused to lose a period of time from his employment, for all of which Plaintiff claims damages as aforesaid.

COUNT TWO:

Plaintiff claims of the Defendants the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), as damages, for that heretofore and on to-wit the 21st day of December, 1962, at or about 12:30 P.M., while the Plaintiff's vehicle was being operated at the corner of County Road No. 27 and Fairhope Avenue, being a

public highway in Baldwin County, Alabama, the Defendant Reuben Lee Ezell, acting as agent, servant or employee of the Defendant Joseph Pennington, and acting within the line and scope of such employment, so negligently operated the motor vehicle he was driving as to run into, upon or against the Plaintiff's vehicle and as a proximate result thereof, the Plaintiff was injured in this; his automobile was bent, smashed, broken and rendered a total loss, and he was deprived of the use thereof for a period of time; that the Plaintiff was injured in this; he suffered multiple contusions and abrasions, and sprained ribs, and was caused to lose time from his business, for all of which Plaintiff claims damages as aforesaid.


Attorney for Plaintiff

Defendants may be served on
South Section Street in
Fairhope, Alabama.

FILED
MAY 20 1923
ALICE J. DUCK, CLERK
REGISTER

**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
Form 17
MADE IN U.S.A.
NEW ENGLAND BUSINESS SERVICE, INC.
TOWNSEND, MASS.F
R
O
M**JOHN V. DUCK & RICHARD C. LACEY**
Attorneys At Law
319 Magnolia Avenue
FAIRHOPE, ALABAMAT
O
Mrs. Alice J. Duck
Clerk of Circuit Court.
P. O. Box 239
Bay Minette, Alabama

SUBJECT:

Ellis Hines=vs= Rueben Lee Ezell & Joseph
Pennington, jointly and severally

DATE:

5/17/63

Message - Reply

FOLD A THIS IS NCR (NO CARBON REQUIRED) PAPER.

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

Form 17 - New England Business Service, Inc., Townsend, Mass.

Dear Mrs. Duck:

Enclosed you will find Original and three copies of
Summons and Complaint on the above. Please serve.JVD/oq
Encl:

SIGNED:

DATE OF REPLY:

REPLY TO:

John V. Duck

SIGNED:

SENDER: MAIL RECIPIENT WHITE AND PINK SHEETS

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

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ELLIS HINES

Plaintiff

Vs

REBUNE LEE EXELL and

JOSEPH PENNINGTON,

jointly and severally,

Defendants

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)

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CIVIL CASE NO. 5575

PLEA

The Defendant, Joseph Pennington, for answer to the complaint, saith that he is not guilty of the matters alleged therein.


Attorney For Defendant

Attorney of Record

For Plaintiff: Hon John V. Duck
Attorney At Law
Fairhope, Alabama

FILED

AUG 28 1963

ALICE J. DUCK, CLERK
REGISTER

ELLIS HINES)	
Plaintiff	)	IN THE CIRCUIT COURT OF
-VS-	)	BALDWIN COUNTY, ALABAMA,
REUBEN LEE EZELL and	)	AT LAW.
JOSEPH PENNINGTON,	)	NO _____
jointly and severally,)	
Defendants)	

DEMURRER

Comes now the Defendant, Joseph Pennington, and demurs to the Bill of Complaint heretofore filed in this cause, and to each and every count thereof, separately and severally;

ONE:

Neither the Complaint, nor any Count thereof, state a cause of action against him;

TWO:

Neither the Complaint, nor any Count thereof, allege that the alleged damages were suffered in Baldwin County, Alabama.

THREE:

Neither the Complaint, nor any Count thereof, allege what parts of the Plaintiff's automobile were damaged, nor the extent of damages.

FOUR:

Neither the Complaint, nor any Count thereof, allege the manner in which negligence occurred while the automobile of the Defendant was being operated.

FIVE:

Neither the Complaint, nor any Count thereof, allege who was owner of the vehicle which allegedly damaged the Plaintiff's automobile and caused the Plaintiff to suffer bodily injuries.

SIX:

Neither the Complaint, nor any Count thereof, sufficiently describe the damages suffered nor the injuries complained of.

Kenneth Cooper
Kenneth Cooper
Attorney For Defendant

Defendant, Joseph
Pennington, respectfully
demands a jury trial
in this cause.

Kenneth Cooper
Attorney For Defendant
Joseph Pennington

Attorney of Record For Plaintiff:

Hon. John V. Duck
Fairhope, Alabama

FILED
JUN 20 1933
ALICE J. DUCK, CLERK
REGISTER

ELLIS HINES	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
-VS-)	
REUBEN LEE EZELL and	)	AT LAW.
JOSEPH PENNINGTON,)	
jointly and severally,	)	CIVIL CASE NO. 5575
Defendants)	

AMENDED BILL OF COMPLAINT

Comes now the Plaintiff in the above styled cause and amends the Bill of Complaint filed herein to read as follows:

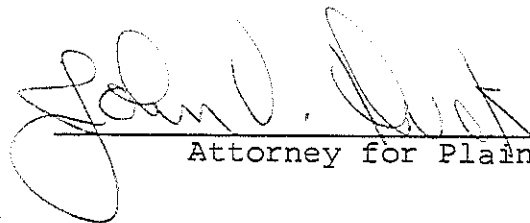
COUNT ONE:

Plaintiff claims of the defendant Reuben Lee Ezell, the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) as damages for that heretofore and on to-wit, the 21st day of December, 1962, at or about 12:30 P. M. while the Plaintiff was driving his vehicle at the intersection of County Road No. 27 and Fairhope Avenue, then and there being a public road in Baldwin County, Alabama, the Defendant ~~So~~ negligently operated the vehicle he was driving as to run into, upon or against the Plaintiff's vehicle and as a proximate result thereof, the Plaintiff was injured, in this; his automobile was bent, smashed, broken and otherwise damaged, in that the front end was bent, the engine was smashed, bent, broken and his automobile was rendered a total loss therefrom; and he was deprived of the use thereof; that the Plaintiff was injured in that he suffered contusions, abrasions and sprained ribs, and was made otherwise sick, sore, and lame and was caused to lose a period of time from his employment, for all of which the Plaintiff claims damages as aforesaid.

COUNT TWO:

Plaintiff claims of the Defendants, the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), as damages, for that heretofore and on to-wit, the 21st day of December, 1962, at or

about 12:30 P.M. while the Plaintiff's vehicle was being operated at the corner of County Road No. 27 and Fairhope Avenue, being then and there a public highway in Baldwin County, Alabama, the Defendant, Reuben Lee Ezell acting as agent, servant or employee of the Defendant Joseph Pennington, and acting within the line and scope of such employment, so negligently operated the motor vehicle of the Defendant, Joseph Pennington, as to run into, upon or against the Plaintiff's vehicle, and as a proximate result thereof, the Plaintiff was injured in this; his automobile was bent, smashed, broken and rendered a total loss, and he was deprived of the use thereof; that the Plaintiff was injured in this, he suffered multiple contusions and abrasions, and sprained ribs, and was caused to lose time from his business, for all of which Plaintiff claims damages as aforesaid.


Attorney for Plaintiff

FILED

AUG 26 1963

ALICE L. DUCK, CLERK
REGISTER

ELLIS HINES	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
Plaintiff)	
-VS-	)	AT LAW.
)	
REUBEN LEE EZELL and)	No _____
JOSEPH PENNINGTON,)	
jointly and severally,)	
)	
Defendants)	

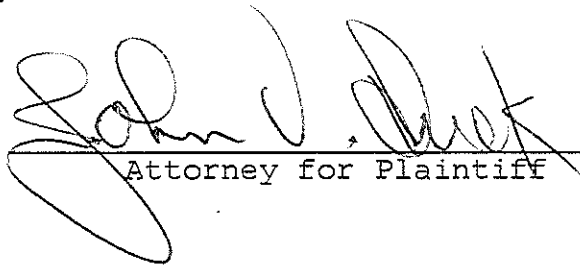
COUNT ONE:

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public highway in Baldwin County, Alabama, the Defendant Reuben Lee Ezell, acting as agent, servant or employee of the Defendant Joseph Pennington, and acting within the line and scope of such employment, so negligently operated the motor vehicle he was driving as to run into, upon or against the Plaintiff's vehicle and as a proximate result thereof, the Plaintiff was injured in this; his automobile was bent, smashed, broken and rendered a total loss, and he was deprived of the use thereof for a period of time; that the Plaintiff was injured in this; he suffered multiple contusions and abrasions, and sprained ribs, and was caused to lose time from his business, for all of which Plaintiff claims damages as aforesaid.


Attorney for Plaintiff

Defendants may be served on
South Section Street in
Fairhope, Alabama.

FILED

MAY 20 1963

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon REUBEN LEE EZELL and JOSEPH PENNINGTON,

jointly and severally

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 _____

REUBEN LEE EZELL and JOSEPH PENNINGTON, jointly _____, Defendant.
and severally

by _____

ELLIS HINES _____, Plaintiff.

Witness my hand this 20 day of May 1963

Alice D. Duck, Clerk

Ex-5-21-63

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

ELLIS HINES

Plaintiffs

vs.

in Ohio

REUBEN LEE EZELL and

JOSEPH PENNINGTON, jointly
and severally Defendants

Summons and Complaint

Filed _____

FILED

19__

MAY 20 1963

Clerk

**ALICE J. DUCK, CLERK
REGISTER**

John V. Duck

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
South Section Street in
Fairhope, Alabama

Received In Office ✓

May 20, 19*63*

Sheriff.

I have executed this summons

this *21st day of May* 19*63*
by leaving a copy with

Joseph Pennington
not found as to
Reuben Lee Ezell

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins
Fred Seibert
F. H. H. H.

Sheriff.

Deputy Sheriff.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19.....

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You Are Commanded to Summon REUBEN LEE EZELL and JOSEPH PENNINGTON,

jointly and severally

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

REUBEN LEE EZELL and JOSEPH PENNINGTON, jointly Defendant.....
and severally

by

ELLIS HINES Plaintiff.....

Witness my hand this 20 day of May 1962
Alice J. Luck Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

ELLIS HINES

Plaintiffs

vs.

REUBEN LEE EZELL and

JOSEPH PENNINGTON, jointly
and severally Defendants

Summons and Complaint

Filed FILED 19__

MAY 20 1963

ALICE J. DUCK, CLERK
REGISTER

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
South Section Street in
Fairhope, Alabama

Received In Office

_____, 19__

Sheriff.

I have executed this summons

this _____ 19__
by leaving a copy with

Sheriff.

Deputy Sheriff.

Reuben Lee Ezell
is residing in Ohio.

Reuben Lee Ezell
is residing in Ohio.