

Bay Minette, Ala.,

19

To the Sheriff of

County

Alabama

I enclose herewith

Please serve and return as early as possible.

Mr. McIlwain no longer at the address.

Myler Williams
Sheriff Baldwin County, Alabama

(If not found in your county please advise promptly giving information as to present location if possible)

MRS. ELIZABETH JONES

PLAINTIFF

VS

SOUTHEASTERN GREYHOUND LINES
OF TENNESSEE, a corporation,
a foreign corporation

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

711.5-881

COMPLAINT

Plaintiff claims of the Defendant the sum of Nine Thousand Dollars (\$9,000.00), damages, for that heretofore, to-wit: the 22nd day of December 1962, the Defendant was engaged in the business of operating buses as a common carrier of passengers in and upon the streets of the City of Grove Hill, Alabama, and at said date and at the Rebel Cafe in the said City of Grove Hill, Alabama, the Plaintiff was a passenger on one of Defendant's buses, for a reward which she had paid; and Plaintiff further avers that at said time and place the Defendant's agent, servants or employees, while acting within the line and scope of their employment in the operation of said bus on which the Plaintiff was riding as a passenger, so negligently conducted Defendant's said business by reason thereof and as a proximate result and consequence thereof Plaintiff fell through the door of Defendant's said bus and Plaintiff received the following personal injuries, to-wit: her left hand was cut; her left wrist, arm and shoulder and her neck were strained, bruised and made sore; she was caused to incur much expense in doctor's bills and medicines in caring for her said injuries; she suffered and will continue to suffer great pain and weakness of her left upper limb' she became sick, sore, weak and weary; she was permanently injured; for all of which Plaintiff claims damages, hence this suit.

Plaintiff demands trial by
jury.

Attorney for Plaintiff

Attorney for Plaintiff

Filed
12-23-62
Circuit Clerk

MRS. ELIZABETH JONES,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	
	)	BALDWIN COUNTY, ALABAMA
vs.)	
)	
SOUTHEASTERN GREYHOUND LINES	)	AT LAW
OF TENNESSEE, a corporation,)	
a foreign corporation,)	
	)	CASE NO. <u>5881</u>
Defendant.)	

MOTION TO QUASH SERVICE

Comes now B. L. Christian and appearing specially in the above-styled cause, and only for the purpose of filing this motion and not submitting Defendant to the jurisdiction of this Honorable Court, and appearing for no purpose other than to file this motion, respectfully moves the Court to quash, vacate, set aside and hold for naught the service of process upon Defendant through him in said cause, and as grounds for such motion assigns, separately and severally, the following separate and several grounds:

1. That heretofore and on, to-wit, the 23rd day of December, 1963, the Plaintiff filed a complaint in said cause; and that said complaint together with a summons was served on your movant by a deputy sheriff of Jefferson County, Alabama, on, to-wit, the 9th day of January, 1964; that movant at the time of such service was not, nor has he since been, an officer, agent, servant or employee of said Southeastern Greyhound Lines of Tennessee, nor has he at any of such times been designated by the said Southeastern Greyhound Lines of Tennessee as an agent upon whom service of process could be had.

2. That movant has no knowledge of any organization in existence at or before the time of filing of said complaint, or since, by the name of Southeastern Greyhound Lines of Tennessee.

3. For that the service of process upon movant is not a valid service of process upon the Defendant named in said cause and,

2.

therefore, this Honorable Court has no jurisdiction in this cause.

B. L. Christian
(B. L. Christian)

STATE OF ALABAMA
COUNTY OF JEFFERSON

Personally appeared before me, the undersigned authority, B. L. Christian, who is known to me, who before me duly deposes and says that he is informed and believes and on such information and belief avers, that the facts and allegations contained in the foregoing motion are true and correct.

B. L. Christian
(Affiant)

Sworn to and subscribed before me on this 31st day of January, 1964.

Anna Grant
Notary Public, Jefferson County, Alabama

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By: James F. May, Jr.
(Attorneys for B. L. Christian)

FILED

FEB 4 1964

ALICE J. DUCK, CLERK
REGISTER

Filed 3-4-64
Alice J. Duck
clerk

COPY

February 18, 1964

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Re: Mrs. Elizabeth Jones
Vs: Southeastern Greyhound Lines of
Tennessee
At Law, No. 5881

Dear Mrs. Duck:

At the time the summons and complaint were filed in the above styled cause, on December 28, 1963, I requested that the statutory agent for service of process designated by the defendant be served, and I named him as Mr. R. G. McIlwain, whose address was 2721 Eighth Avenue North, Birmingham, Alabama.

According to a motion to quash service filed by E. L. Christian in the cause on February 4, 1964, Mr. Christian alleges that a deputy sheriff of Jefferson County, Alabama served the papers on him.

I am therefore enclosing an additional copy of the summons and complaint, and I ask that you again send these papers to the sheriff's office of Jefferson County together with the original complaint, and ask that he again attempt to serve Mr. McIlwain as we had previously requested.

Your cooperation is appreciated.

Sincerely,

s/J. A. Brice

James A. Brice

JAB:j

cc: James L. May, Jr., Esq.
McCorvey, Turner, Johnstone, Adams & May
Mobile, Alabama

JAMES A. BRICE

ATTORNEY AT LAW

BOX 298 • FOLEY, ALABAMA • WH 3-3601

M E S S A G E

R E P L Y

TO

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

DATE

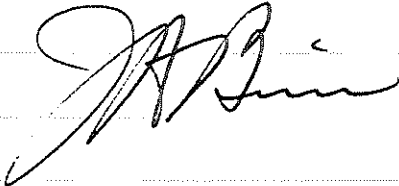
December 27, 1963

Re: Mrs. Elizabeth Jones
Vs: Southeastern Greyhound Lines
of Tennessee

Dear Mrs. Duck:

The statutory agent for service
of process on the above defendant
is: R. G. McIlwain
2721 Eighth Avenue North
Birmingham, Alabama

Sincerely,



BY

INSTRUCTIONS TO SENDER:

KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

DATE

SIGNED

INSTRUCTIONS TO RECEIVER:

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

PHONE 433-5561 P. O. BOX 1070

MOBILE, ALABAMA 36601

GESSNER T. MCCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.

C. M. A. ROGERS, III
BROCK B. GORDON
BEN H. HARRIS, JR.

December 2, 1964

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

Re: Mrs. Elizabeth Jones vs. Southeastern
Greyhound Lines of Tennessee, a corporation
Case No. 5881

Dear Mrs. Duck:

Enclosed is a motion by J. A. Wellons to quash
service of process upon the above defendant through him
in the above cause. Please file said motion in that
cause.

We also enclose a copy of such motion to quash
service in order that you may cause the same to be
served, in accordance with your usual practice, upon
Honorable James W. Howell, who is shown by the amended
complaint now to be the attorney for plaintiff.

You will note that Honorable James R. Owen, Attor-
ney, is shown on the motion to be one of the attorneys for
movant.

Yours very truly,

James L. May, Jr.
James L. May, Jr. *CL*

JLM:bjh
Encs.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

PHONE 433-5561 P. O. BOX 1070

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BEN H. HARRIS, JR.

December 2, 1964

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

Re: Mrs. Elizabeth Jones vs. Southeastern
Greyhound Lines of Tennessee, a corporation
Case No. 5881

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Enclosed is a motion by J. A. Wellons to quash
service of process upon the above defendant through him
in the above cause. Please file said motion in that
cause.

We also enclose a copy of such motion to quash
service in order that you may cause the same to be
served, in accordance with your usual practice, upon
Honorable James W. Howell, who is shown by the amended
complaint now to be the attorney for plaintiff.

You will note that Honorable James R. Owen, Attor-
ney, is shown on the motion to be one of the attorneys for
movant.

Yours very truly,

James L. May, Jr.
James L. May, Jr. *CL*

JLM:bjh
Encs.

MRS. ELIZABETH JONES,

PLAINTIFF

VS

SOUTHEASTERN GREYHOUND LINES
OF TENNESSEE, A FOREIGN CORPORATION,

DEFENDANT

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,


ALABAMA.

AT LAW

~~647~~ 5881

W I T H D R A W A L

Now comes James A. Brice as attorney for record for Mrs. Elizabeth Jones, Plaintiff, in this matter, and with her permission first hand and receive, withdraws as her attorney as record, effective this date as final.


James A. Brice



NOTE-O-GRAM

© THE DRAWING BOARD • BOX 505 • DALLAS, TEXAS

JAMES A. BRICE

ATTORNEY AT LAW

BOX 298 • FOLEY, ALABAMA • WH 3-3601

MESSAGE

REPLY

TO Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

DATE

DATE December 20, 1963

Re: Elizabeth Jones
Vs: Southeastern Greyhound Lines

Enclosure: Summons and Complaints.

SIGNED

INSTRUCTIONS TO SENDER:

INSTRUCTIONS TO RECEIVER:

KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

JAMES W. HOWELL

ATTORNEY AT LAW

P. O. BOX 206 — PHONE WH 3-3602

FOLEY, ALABAMA

October 22, 1964

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Re: Mrs. Elizabeth Jones
Vs: Southeastern Greyhound Lines
Case No. 5881

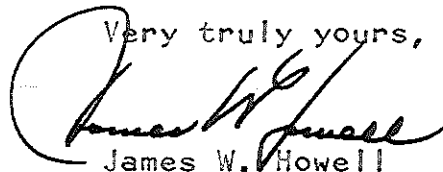
Dear Mrs. Duck:

I enclose an amended complaint to be filed in the above styled action.

I also enclose a copy of a letter to you from Mr. James A. Brice dated February 18, 1964, in which he requested that service be had on Mr. R. G. McIlwain, the statutory agent of record for Southeastern Greyhound Lines. From the file, I was unable to ascertain whether such service was perfected. If not, I should like for a copy of the original complaint as well as this amended complaint be served on him.

Thank you for your usual prompt attention to this matter.

Very truly yours,



James W. Howell

JWH:j
Enclosures

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

P.O. Box 298

WHITEHALL 3-3601

February 18, 1964

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Re: Mrs. Elizabeth Jones
Vs: Southeastern Greyhound Lines of
Tennessee
At Law, No. 5881

Dear Mrs. Duck:

At the time the summons and complaint were filed in the above styled cause, on December 28, 1963, I requested that the statutory agent for service of process designated by the defendant be served, and I named him as Mr. R. G. McIlwain, whose address was 2721 Eighth Avenue North, Birmingham, Alabama.

According to a motion to quash service filed by B. L. Christian in the cause on February 4, 1964, Mr. Christian alleges that a deputy sheriff of Jefferson County, Alabama served the papers on him.

I am therefore enclosing an additional copy of the summons and complaint, and I ask that you again send these papers to the sheriff's office of Jefferson County together with the original complaint, and ask that he again attempt to serve Mr. McIlwain as we had previously requested.

Your cooperation is appreciated.

Sincerely,


James A. Brice

JAB:j

cc: James L. May, Jr., Esq.
McCorvey, Turner, Johnstone, Adams & May
Mobile, Alabama

November 13, 1964

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA AT LAW

MRS. ELIZABETH JONES, Plaintiff
vs
SOUTHEASTERN GREYHOUND LINES OF TENNESSEE,
a corporation, Defendant

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on November 6, 1964, I sent
^{certified}
by ~~registered~~ mail in an envelope addressed as follows:

"Southeastern Greyhound Lines of Tennessee
Murfreesboro,
Tenn."

~~"Registered mail-Certified Mail
Return Receipt requested
Deliver to addressee only"~~

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"
Southeastern Greyhound Lines of Tennessee
Murfreesboro,
Tenn.

You will take notice that on November 6, 1964, The Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint and affidavit in a case entitled MRS. ELIZABETH JONES, Plaintiff VS SOUTHEASTERN GREYHOUND LINES OF TENNESSEE, a corporation, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 5881, a true copy of which summons and complaint and affidavit are attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you, being under provisions of Title 7, Section 192 of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 6 day of
November 1964

(Signed) Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Encs. 2

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint and affidavit in the above-styled cause.

I further certify that on Nov 10 1964, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at Murfreesboro, Tenn.

on 11/9/64

WITNESS MY HAND and the Great Seal of the State of Alabama this the 13 day of
November 1964

cc: Hon. James W. Howell
P.O.Box 206
Foley, Ala.

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Encs. Copy of summons and
complaint and affidavit.

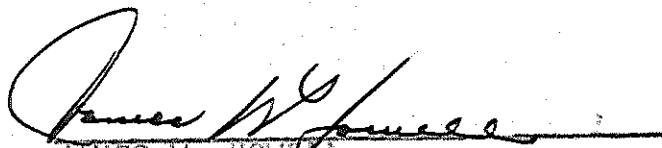
Return Receipt retained by this office in
accordance with said statute.

AFFIDAVIT

STATE OF ALABAMA }
COUNTY OF BALDWIN }

Before me, Virgie E. Johnson, a Notary Public for the State of Alabama at Large, personally appeared JAMES W. HOWELL, who being duly sworn deposes and says as follows:

That Defendant, SOUTHEASTERN GREYHOUND LINES OF TENNESSEE, a corporation, is a non-resident of the State of Alabama; that it has qualified under the Constitution and laws of the State of Alabama to do business in the State of Alabama; that it has actually done and continues to do business or performing services in the State of Alabama; that this cause of action has arisen out of the doing of such business or as an incident thereof by the said Defendant in the State of Alabama; that the Defendant has previously designated Mr. R. G. Mollwain as its agent, upon whom process, pleadings or papers issued against Defendant corporation may be served; that said designated agent of Defendant is, for cause or causes unknown, no longer available for the afore-stated process purposes; and that in accordance with the Constitution and laws of the State of Alabama, Code of Alabama (1940), Title 7, Section 192, Defendant is deemed to have appointed the Secretary of the State of Alabama to be the true and lawful attorney upon whom all such aforesaid processes may be served.


JAMES W. HOWELL
Attorney for Plaintiff

Subscribed and sworn to before
me this 4th day of November, 1964.


NOTARY PUBLIC
STATE OF ALABAMA AT LARGE



MRS. ELIZABETH JONES,

PLAINTIFF,

vs.

SOUTHEASTERN GREYHOUND LINES
OF TENNESSEE, a corporation, a
foreign corporation,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 5881

AMENDED COMPLAINT

COUNT II

Plaintiff claims of the Defendant, SOUTHEASTERN GREYHOUND LINES OF TENNESSEE, the sum of NINE THOUSAND DOLLARS (\$9,000.00) as damages, for that heretofore on, to-wit: the 22nd day of December, 1962, the Defendant was the owner and operator of a transit system, engaged in the operation of passenger buses for hire in and upon the streets and highways of Grove Hill, Alabama and on said date and prior thereto regularly operated a bus for the carriage of passengers between Pensacola, Florida and Greensboro, Alabama, and on, to-wit: the 22nd day of December, 1962, Plaintiff entered into an implied contract with the Defendant wherein and whereby, for a valuable consideration, the Defendant impliedly contracted to safely transport and carry the Plaintiff from the City of Pensacola, Florida to Greensboro, Alabama. That on said date, pursuant to the said contract, Plaintiff boarded one of Defendant's buses in Pensacola, Florida as a paid passenger, to be transported under said agreement to Greensboro, Alabama; that Defendant did not perform or fulfill the contract on its part, namely to safely transport Plaintiff to said point of debarkation, but on the contrary, Defendant, on said date, in violation of said contract of carriage, totally and completely failed to provide safe conditions in transferring Plaintiff from one bus to another at, to-wit: the Rebel Cafe in Grove Hill, Alabama, on to-wit: the 22nd day of December, 1962, in that the driver of the bus upon which Plaintiff was riding brought the said bus to a halt at a point where the ground was uneven and

2281
deeply rutted with "pot-holes" thereby making it extremely difficult to walk on the floor surface of said bus. At the hasty insistence of Defendant that Plaintiff transfer to another bus which was going to her destination, Plaintiff, an elderly lady, attempting without any assistance from Defendant to get off the bus, fell through the doorway onto and upon the ground and as a proximate result and consequence thereof Plaintiff received the following personal injuries: her left hand was cut; her left wrist, arm and shoulder and her neck were strained, bruised and made sore; she was caused to incur much expense in doctor's bills and medicines in caring for her said injuries, she suffered and will continue to suffer great pain and weakness of her left upper limb; she became sick, sore, weak and weary; she was permanently injured; for all of which Plaintiff claims damages, hence this suit.

James W. Howell

JAMES W. HOWELL
ATTORNEY FOR PLAINTIFF

PLAINTIFF DEMANDS TRIAL BY JURY.

James W. Howell

JAMES W. HOWELL
ATTORNEY FOR PLAINTIFF

FILED

OCT 29 1964

ALICE J. DUCK, CLERK
REGISTERED

MRS. ELIZABETH JONES,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	
	)	BALDWIN COUNTY, ALABAMA
vs.)	
)	
SOUTHEASTERN GREYHOUND LINES	)	AT LAW
OF TENNESSEE, a corporation,)	
a foreign corporation,)	
	)	CASE NO. <u>5881</u>
Defendant.)	

MOTION TO QUASH SERVICE

Comes now B. L. Christian and appearing specially in the above-styled cause, and only for the purpose of filing this motion and not submitting Defendant to the jurisdiction of this Honorable Court, and appearing for no purpose other than to file this motion, respectfully moves the Court to quash, vacate, set aside and hold for naught the service of process upon Defendant through him in said cause, and as grounds for such motion assigns, separately and severally, the following separate and several grounds:

1. That heretofore and on, to-wit, the 23rd day of December, 1963, the Plaintiff filed a complaint in said cause; and that said complaint together with a summons was served on your movant by a deputy sheriff of Jefferson County, Alabama, on, to-wit, the 9th day of January, 1964; that movant at the time of such service was not, nor has he since been, an officer, agent, servant or employee of said Southeastern Greyhound Lines of Tennessee, nor has he at any of such times been designated by the said Southeastern Greyhound Lines of Tennessee as an agent upon whom service of process could be had.

2. That movant has no knowledge of any organization in existence at or before the time of filing of said complaint, or since, by the name of Southeastern Greyhound Lines of Tennessee.

3. For that the service of process upon movant is not a valid service of process upon the Defendant named in said cause and,

therefore, this Honorable Court has no jurisdiction in this cause.

B. L. Christian
(B. L. Christian)

STATE OF ALABAMA
COUNTY OF JEFFERSON

Personally appeared before me, the undersigned authority, B. L. Christian, who is known to me, who before me duly deposes and says that he is informed and believes and on such information and belief avers, that the facts and allegations contained in the foregoing motion are true and correct.

B. L. Christian
(Affiant)

Sworn to and subscribed before me on this 31st day of January, 1964.

Anna Gandy
Notary Public, Jefferson County, Alabama

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By: James J. May, Jr.
(Attorneys for B. L. Christian)

FILED

FEB 4 1964

ALICE J. DUCK, CLERK
REGISTER

Filed 2-4-64
Alice J. Duck
clerk

MRS. ELIZABETH JONES,

PLAINTIFF,

vs.

SOUTHEASTERN GREYHOUND LINES
OF TENNESSEE, a corporation, a
foreign corporation,

DEFENDANT.

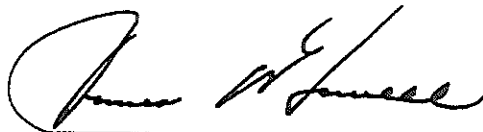
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 5881

AMENDED COMPLAINT

COUNT II

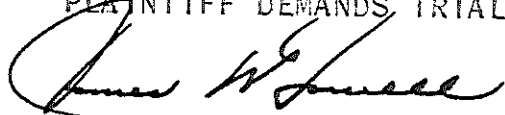
Plaintiff claims of the Defendant, SOUTHEASTERN GREYHOUND LINES OF TENNESSEE, the sum of NINE THOUSAND DOLLARS (\$9,000.00) as damages, for that heretofore on, to-wit: the 22nd day of December, 1962, the Defendant was the owner and operator of a transit system, engaged in the operation of passenger buses for hire in and upon the streets and highways of Grove Hill, Alabama and on said date and prior thereto regularly operated a bus for the carriage of passengers between Pensacola, Florida and Greensboro, Alabama, and on, to-wit: the 22nd day of December, 1962, Plaintiff entered into an implied contract with the Defendant wherein and whereby, for a valuable consideration, the Defendant impliedly contracted to safely transport and carry the Plaintiff from the City of Pensacola, Florida to Greensboro, Alabama. That on said date, pursuant to the said contract, Plaintiff boarded one of Defendant's buses in Pensacola, Florida as a paid passenger, to be transported under said agreement to Greensboro, Alabama; that Defendant did not perform or fulfill the contract on its part, namely to safely transport Plaintiff to said point of debarkation, but on the contrary, Defendant, on said date, in violation of said contract of carriage, totally and completely failed to provide safe conditions in transferring Plaintiff from one bus to another at, to-wit: the Rebel Cafe in Grove Hill, Alabama, on to-wit: the 22nd day of December, 1962, in that the driver of the bus upon which Plaintiff was riding brought the said bus to a halt at a point where the ground was uneven and

deeply rutted with "pot-holes" thereby making it extremely difficult to walk on the floor surface of said bus. At the hasty insistence of Defendant that Plaintiff transfer to another bus which was going to her destination, Plaintiff, an elderly lady, attempting without any assistance from Defendant to get off the bus, fell through the doorway onto and upon the ground and as a proximate result and consequence thereof Plaintiff received the following personal injuries; her left hand was cut; her left wrist, arm and shoulder and her neck were strained, bruised and made sore; she was caused to incur much expense in doctor's bills and medicines in caring for her said injuries, she suffered and will continue to suffer great pain and weakness of her left upper limb; she became sick, sore, weak and weary; she was permanently injured; for all of which Plaintiff claims damages, hence this suit.



JAMES W. HOWELL
ATTORNEY FOR PLAINTIFF

PLAINTIFF DEMANDS TRIAL BY JURY.



JAMES W. HOWELL
ATTORNEY FOR PLAINTIFF

FILED

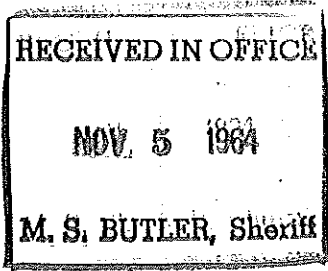
OCT. 23 1964

ALICE J. DUCK, CLERK
REGISTER

EX-11-6-64

2365

5881



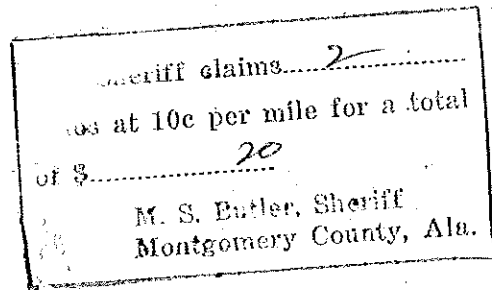
Executed by serving 3 copies of
the within on Agnes Baggett
Secretary of State of The State of
Alabama.

This the 4 day of Nov 1964

Sheriff of Montgomery County

M. S. Butler,

By J. H. Brown D. S.



MRS. ELIZABETH JONES

PLAINTIFF

VS

SOUTHEASTERN GREYHOUND LINES
OF TENNESSEE, a corporation,
a foreign corporation

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
5881

COMPLAINT

Plaintiff claims of the Defendant the sum of Nine Thousand Dollars (\$9,000.00), damages, for that theretofore, to-wit: the 22nd day of December 1962, the Defendant was engaged in the business of operating buses as a common carrier of passengers in and upon the streets of the City of Grove Hill, Alabama, and at said date and at the Rebel Cafe in the said City of Grove Hill, Alabama, the Plaintiff was a passenger on one of Defendant's buses, for a reward which she had paid; and Plaintiff further avers that at said time and place the Defendant's agent, servants or employees, while acting within the line and scope of their employment in the operation of said bus on which the Plaintiff was riding as a passenger, so negligently conducted Defendant's said business by reason thereof and as a proximate result and consequence thereof Plaintiff fell through the door of Defendant's said bus and Plaintiff received the following personal injuries, to-wit: her left hand was cut; her left wrist, arm and shoulder and her neck were strained, bruised and made sore; she was caused to incur much expense in doctor's bills and medicines in caring for her said injuries; she suffered and will continue to suffer great pain and weakness of her left upper limb; she became sick, sore, weak and weary; she was permanently injured; for all of which Plaintiff claims damages, hence this suit.

Plaintiff demands trial by
jury.

James A. J. J.
Attorney for Plaintiff

James A. J. J.
Attorney for Plaintiff

FILED

DEC 23 1963

ALICE I. DICK, CLERK
REGISTER

No. 5881

Page _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

Mrs. Elizabeth Jones

Plaintiffs

vs.

Southeastern Greyhound Lines
of Tennessee, a corporation,
a foreign corporation

Defendants

Summons and Complaint

Filed

FILED

19

DEC 22 1963

Clerk

ALICE J. DUCK

CLERK
REGISTER

Mr. Christian

R.C. 201 3

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Dec. 23, 19*63*

Sheriff.

I have executed this summons

this

19

by leaving a copy with

Malvin Bailey, Sheriff of
Jefferson County, Alabama,
claiming \$1.50 each for serving
processes and \$1.00
travel expense on each of
process(es) or a total of

2.50

Deputy Sheriff.

Executed this the 9 day of JAN 9 1964

on Southeastern Greyhound
Lines of Tenn.
a copy
by leaving a copy with
Mr. Christian, agent

MELVIN BAILEY, Sheriff
Jefferson County, Alabama
D.S.
Deputy Sheriff.

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 Southeastern Greyhound Lines of Tennessee,
a corporation, a foreign corporation

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 Southeastern Grey-
hound Lines of Tennessee, a corporation, a foreign corporation, Defendant....

by

Mrs. Elizabeth Jones

Plaintiff....

Witness my hand this

23

day of

1963

Alice Duck

Clerk

Ex-1-9-64

MRS. ELIZABETH JONES,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	
	)	BALDWIN COUNTY, ALABAMA
vs.)	
)	
SOUTHEASTERN GREYHOUND LINES	)	AT LAW
OF TENNESSEE, a corporation,)	
a foreign corporation,)	
	)	CASE NO. 5881
Defendant.)	

MOTION TO QUASH SERVICE

Comes now the undersigned and appearing specially in the above-styled cause, and only for the purpose of filing this motion and not submitting Defendant to the jurisdiction of this Honorable Court, and appearing for no purpose other than to file this motion, respectfully moves the Court to quash, vacate, set aside and hold for naught the service of process upon Defendant through him in said cause, and as grounds for such motion assigns, separately and severally, the following separate and several grounds:

1. That heretofore and on, to-wit, the 4th day of November, 1964 the Plaintiff filed an amended complaint in said cause; that a copy of said amended complaint, together with a summons, was served on the Secretary of State of the State of Alabama on, to-wit, the 6th day of November, 1964 and that said Secretary of State forwarded to the undersigned a copy of said amended complaint and summons and that such copy was received by the undersigned on, to-wit, the 9th day of November, 1964; that movant at the time of such service was not, nor has he since been, an officer, agent, servant or employee of said Southeastern Greyhound Lines of Tennessee, nor has he at any of such times been designated by the said Southeastern Greyhound Lines of Tennessee as an agent upon whom service of process could be had.

2. That movant has no knowledge of any organization in existence at or before the time of filing of said complaint, or since, by the name of Southeastern Greyhound Lines of Tennessee.

3. For that the service of process upon movant is not a valid service of process upon the Defendant named in said cause and, therefore, this Honorable Court has no jurisdiction in this cause.

x J. A. Wellons

STATE OF TENNESSEE

COUNTY OF Davidson

Personally appeared before me, the undersigned authority, J. A. Wellons, who is known to me, who before me duly deposes and says that he is informed and believes and on such information and belief avers, that the facts and allegations contained in the foregoing motion are true and correct.

x J. A. Wellons
(Affiant)

Sworn to and subscribed before me on this 27th day of November, 1964.

Lorothy Voss
Notary Public, Davidson County
Tennessee

My Commission expires 2-1-67

JAMES R. OWEN and
McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By: James L. May, Jr.
(Attorneys for Movant, et al.)

FILED

DEC 9

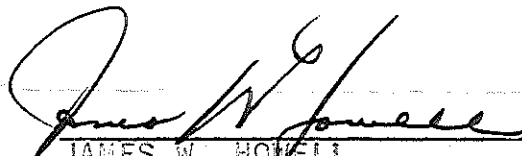
ALICE I. DUCK, CLERK
REGISTER

AFFIDAVIT

STATE OF ALABAMA }
COUNTY OF BALDWIN }

Before me, Virgie E. Johnson, a Notary Public for the State of Alabama at Large, personally appeared JAMES W. HOWELL, who being duly sworn deposes and says as follows:

That Defendant, SOUTHEASTERN GREYHOUND LINES OF TENNESSEE, a corporation, is a non-resident of the State of Alabama; that it has qualified under the Constitution and laws of the State of Alabama to do business in the State of Alabama; that it has actually done and continues to do business or performing services in the State of Alabama; that this cause of action has arisen out of the doing of such business or as an incident thereof by the said Defendant in the State of Alabama; that the Defendant has previously designated Mr. R. G. McIlwain as its agent, upon whom process, pleadings or papers issued against Defendant corporation may be served; that said designated agent of Defendant is, for cause or causes unknown, no longer available for the afore-stated process purposes; and that in accordance with the Constitution and laws of the State of Alabama, Code of Alabama (1940), Title 7, Section 192, Defendant is deemed to have appointed the Secretary of the State of Alabama to be the true and lawful attorney upon whom all such aforesaid processes may be served.

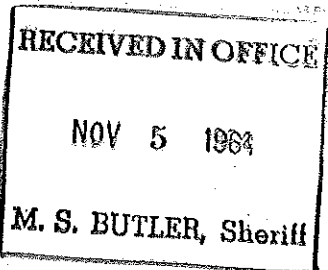

JAMES W. HOWELL
Attorney for Plaintiff

Subscribed and sworn to before me this 4th day of November, 1964.


NOTARY PUBLIC
STATE OF ALABAMA AT LARGE

62-11-6-64

2365



(3)

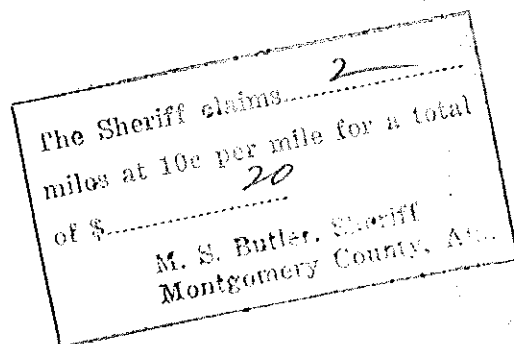
Executed by serving 3 copies of
the within on Alyce Baggett
Secretary of State of The State of
Alabama.

This the 6 day of Nov 1964

Sheriff of Montgomery County

M. S. Butler,

By J. H. Hemo D. S.



MRS. ELIZABETH JONES,

PLAINTIFF

VS

SOUTHEASTERN GREYHOUND LINES
OF TENNESSEE, A FOREIGN CORPORATION,

DEFENDANT

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA.

AT LAW

~~64-5881~~ 5881

W I T H D R A W A L

Now comes James A. Brice as attorney for record for Mrs. Elizabeth Jones, Plaintiff, in this matter, and with her permission first hand and receive, withdraws as her attorney as record, effective this date as final.


James A. Brice

No. 3881Page 1**STATE of ALABAMA****Baldwin County****CIRCUIT COURT**

Mrs. Elizabeth Jones

Plaintiffs

vs.

Southeastern Greyhound Lines
of Tennessee, a corporation,
a foreign corporation

Defendants

Summons and Complaint

Filed

FILED

19

DEC 22 1963

Clerk

ALICE J. DUCK, CLERK
REGISTER

m. Christian

3

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Dec. 23, 1963

Sheriff.

I have executed this summons

this 19

by leaving a copy with

Malvin Bailey, Sheriff of
Jefferson County, Alabama,
claiming \$1.00 each for serving
this summons and \$1.00
for each of
processes for a total of

\$2.50

Deputy Sheriff.

Executed this the 9 day of JAN 9 1964

on

Southeastern Greyhound
Lines of Tennessee
a corporation
by leaving a copy with
m. Christian, age

and co

MELVIN BAILEY, Sheriff
Jefferson County, Alabama Sheriff.D.S.
Deputy Sheriff.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

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by -----

Mrs. Elizabeth Jones-----, Plaintiff-----

Witness my hand this

23

day of

Dec 1963

Elmer. Luck

-----, Clerk

No. _____ Page _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

Mrs. Elizabeth Jones

Plaintiffs

vs.

Southeastern Greyhound Lines

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Defendants

Summons and Complaint

Filed _____ 19____

Clerk

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

_____, 19____

Sheriff.

I have executed this summons

this _____ 19____

by leaving a copy with

Sheriff.

Deputy Sheriff.