

1964 MAR 17 AM 8:48

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert Q. Weekley to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of David E. Savage.

WITNESS my hand this 16 day of March, 1964.

Alice J. Duck
Clerk

Defendant may be served at his residence at 1704 Woodlawn Road, Birmingham, Alabama, or at his place of employment at Eastwood Barber Shop, 5003 15th Avenue, North, Birmingham, Alabama.

* * * * *

DAVID E. SAVAGE,)	
Plaintiff,)	
VS.)	IN THE CIRCUIT COURT OF
ROBERT Q. WEEKLEY,)	BALDWIN COUNTY, ALABAMA
Defendant.)	AT LAW

5978

COMPLAINT

The plaintiff claims of the defendant Five Hundred Dollars (\$500.00) damages for that heretofore on to-wit, September 2, 1963, the defendant so negligently operated an automobile on U. S. Highway 90 in Baldwin County, Alabama, at a point 96 feet West of the intersection of U. S. Highway 98 and U. S. Highway 90, so as to cause it to run into, upon or against the automobile of plaintiff and as a proximate result thereof the plaintiff's automobile was bent, broken and damaged; his front bumper, front fenders and hood were broken and bent; his front head lights were broken; the front grill was broken and damaged and the frame of his automobile was bent and damaged, all to his damages aforesaid. Plaintiff avers that all of his damages were caused as a result of the negligence of the defendant at said time and place, hence this suit.

FILED

MAR 16 1964

Alice J. Duck
Attorney for Plaintiff

ALICE J. DUCK, CLERK
EX-2-18, 1964

Baldwin

5978

David E. Savage.

Pitt.

vs.

X Robert G. Weekley

Dept.

1704 Hollaway Rd.

@ Mrs.

Eastwood Barber Shop
5003 15th No.

4

MAR 18 1964

EXECUTED this the

day of _____, 196

by leaving a copy of the within with

Robert G. Weekley

MELVIN BAILEY, Sheriff
Jefferson County, Alabama

By

G. F. Riddle

Melvin Bailey, Sheriff of
Jefferson County, Alabama,
claims \$1.50 each for serving

150 process(es) and \$1.00
travel expense on each of

100 process(es) or a total of

\$ 2.50

G. F. Riddle Deputy Sheriff.

DAVID E. SAVAGE	*	IN THE CIRCUIT COURT OF
PLAINTIFF	*	BALDWIN COUN TY, ALABAMA
VS.	*	AT LAW
ROBERT Q. WEEKLEY	*	
DEFENDANT	*	CASE NO. 5978

DEMURRER

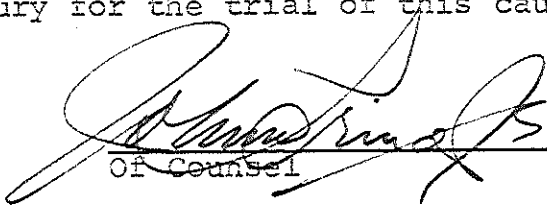
Comes now Robert Q. Weekley, Defendant herein, and demurs to the complaint heretofore filed herein and as grounds for said demurrer sets down and assigns the following separate and several grounds separately and severally:

1. Said complaint does not state a cause of action against this Defendant.
2. The quo modo of the negligence is not stated.
3. From aught that appears the Defendant did naught which contributed proximately to any of the damages suffered by the Plaintiff.
4. From aught that appears the Plaintiff was without a front bumper.
5. From aught that appears the negligence of the Plaintiff was the sole proximate cause of Plaintiff's injuries.

PRINCE, JONES, FOWLER & PROPST
Attorneys for Defendant
By


of Counsel

Defendant demands a jury for the trial of this cause.


of Counsel

FILED

APR 23 1934

ALICE J. DUCK, CLERK
REGISTER

DAVID E. SAVAGE,	*	IN THE CIRCUIT COURT OF
PLAINTIFF,	*	BALDWIN COUNTY, ALABAMA
VS.	*	AT LAW
ROBERT Q. WEEKLEY,	*	
DEFENDANT.	*	CASE NO. 5978

DEFENDANT'S PLEAS AND COUNTER CLAIM

Comes now the Defendant and for answer to the Plaintiff's complaint files the following pleas separately and severally:

1. The Defendant is not guilty.

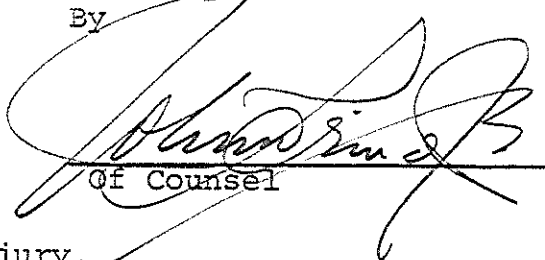
2. The Plaintiff was guilty of negligence at the time and place alleged in the complaint which said negligence of the Plaintiff proximately contributed to the Plaintiff's said damages.

3. For further answer and plea the Defendant files the following plea of recoupment: The Defendant claims of the Plaintiff the sum of Three Thousand (\$3,000.) Dollars as damages for that heretofore on to-wit: the 2nd day of September, 1963, the Plaintiff so negligently operated an automobile on United States Highway 90 in Baldwin County, Alabama, at a point to-wit: 96 feet west of the intersection of United States Highway 98 and United States Highway 90, so as to cause the automobile then and there operated by the Plaintiff to run into, upon, or against the automobile of the Defendant, and as a proximate result thereof, the Defendant's automobile was damaged and rendered less valuable to the Defendant and the Defendant was made sick and sore and caused to suffer great pain and anguish, all to Defendant's damage, as aforesaid. Defendant avers that all his damages and injuries were caused as a result of the negligence of the Plaintiff, as aforesaid, at said time and place.

4. For further answer and plea, the Defendant files the following plea of recoupment: The Defendant claims of the Plaintiff the sum of Eight Hundred (\$800.) Dollars damages for that on heretofore on to-wit: the 2nd day of September, 1963, the Plaintiff so negligently operated an automobile on United States Highway 90 in Baldwin County, Alabama, at a point, to-wit: 96 feet west of the intersection of the United States Highway 98 and United

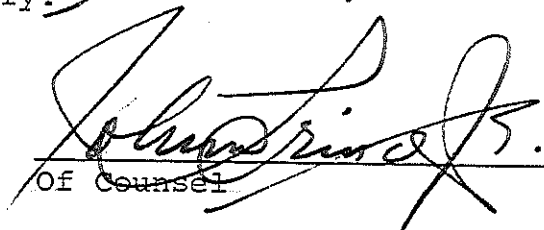
States Highway 90 so as to cause Plaintiff's automobile to run into, upon, or against the automobile of the Defendant and as a proximate result thereof, the Defendant's wife, who was then and there a passenger in the automobile of the Defendant, was made sick, sore and lame; she was bruised and contused, Defendant was caused to lose the consortium and services of his wife and was put to great trouble and expense in and about the procurement of doctors, medicines, to heal her said injuries, all to Defendant's damage as aforesaid. Defendant avers that all his damages and injuries were caused as a result of the negligence of the Plaintiff, as aforesaid, at said time and place.

PRINCE, JONES, FOWLER & PROBST
Attorneys for Defendant
By



Of Counsel

Defendant demands a trial by jury.



Of Counsel

FILED

MAY 18 1906

ALICE L. BROWN, CLERK
REGISTERED

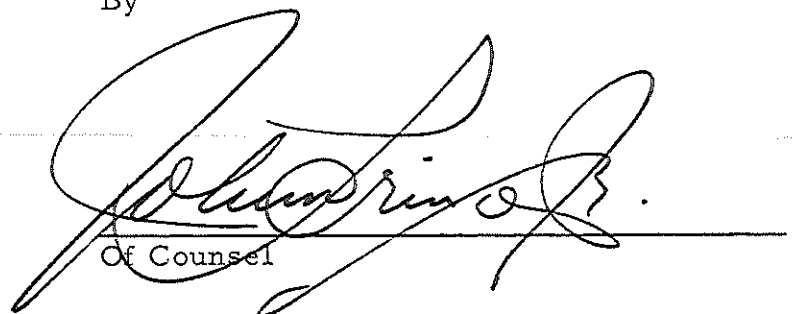
DAVID E. SAVAGE,)	IN THE CIRCUIT COURT
)	
Plaintiff,)	OF BALDWIN COUNTY, ALABAMA
)	
VS.)	AT LAW
)	
ROBERT Q. WEEKLEY,)	
)	
Defendant)	

WITHDRAWAL OF COUNSEL

Come now Prince, Jones, Fowler & Propst and John D Prince, Jr, whose names have heretofore been entered of record as Attorneys for the Defendant in the above styled cause, and withdraw from this cause as Attorneys for the Defendant, ROBERT Q. WEEKLEY.

PRINCE, JONES, FOWLER & PROPST
and JOHN D PRINCE, JR
Attorneys for Defendant

By

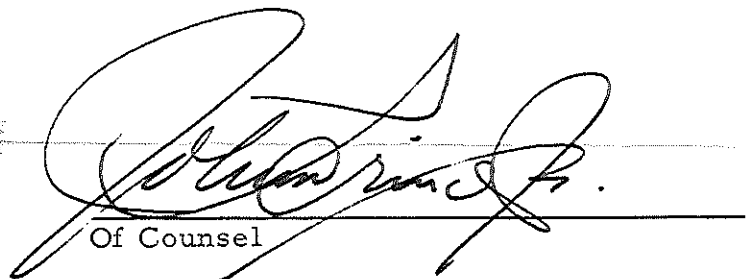


Of Counsel

CERTIFICATE OF SERVICE

I certify that I have mailed a copy of the foregoing Withdrawal to The Honorable James R. Owen, Attorney at Law, Bay Minette, Alabama, 36507, Counsel of Record for the Plaintiff, postage prepaid, this 14th day of September, 1965.

FILED
SEP 15 1965
ALICE J. DUCK, CLERK
REGISTERED



Of Counsel

JOHN D. PRINCE, JR.
ATTORNEY AT LAW

500 The 2121 Building
~~XX~~
BIRMINGHAM, ALABAMA
Phone 328-5326

September 14, 1965

The Honorable Alice Duck
Circuit Clerk
Courthouse
Bay Minette, Alabama

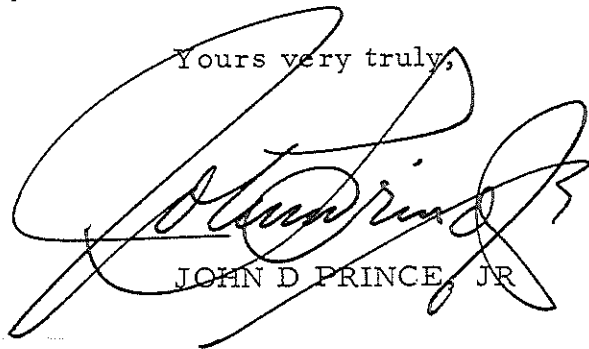
Re: Savage vs Weekley
Circuit Court File 5978
Our File 001443

Dear Madam:

We enclose herewith the original and a copy of a Withdrawal of Counsel for filing in the above case. I understand that this case is set for trial September 15, 1965 and will appreciate it if you will stamp the copy with the date of filing, file the original for us, and return the copy to us as our receipt for filing.

Thank you for your courtesy.

Yours very truly,



JOHN D. PRINCE, JR.

JDPJr/mp
Enclosures 2

LAW OFFICES

PRINCE, JONES, FOWLER & PROPST

JOHN D. PRINCE, JR.
RICHARD L. JONES
WILLIAM G. FOWLER
JACK E. PROPST

AREA CODE 205
TELEPHONE 323-6348
1532 THE 2121 BUILDING
2121 EIGHTH AVENUE NORTH
BIRMINGHAM, ALABAMA
35203

May 14, 1964

The Honorable Alice Duck
Circuit Clerk
Courthouse
Bay Minette, Alabama

Re: Savage Vs. Weekley
Circuit Court #5978
Our file #001443

Dear Madam:

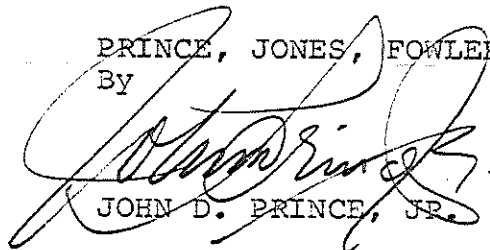
We enclose herewith the original and a copy of the defendant's pleas and counter claim in the above case. We would appreciate it if you would stamp the copy with the date of filing and file the original for us, returning the copy to us as our receipt for filing.

It is our intention to file a motion to require a cost deposit or cost bond from the non resident plaintiff in the above case. We would appreciate advice as to whether or not the rules in your circuit require such motion to be on motion paper, or whether such motion may be filed on regular legal size paper.

Thanking you for your many courtesies, we remain

Faithfully yours,

PRINCE, JONES, FOWLER & PROPST
By

A large, stylized handwritten signature in dark ink, appearing to read "John D. Prince, Jr.", is written over the typed name below.

JOHN D. PRINCE, JR.

JDP/mb
Enclosures