

J. TERRY REYNOLDS, JR.
AND
WILLIAM R. LAUTEN
ATTORNEYS AT LAW
605-6 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

HEMLOCK 3-3661

November 30, 1964

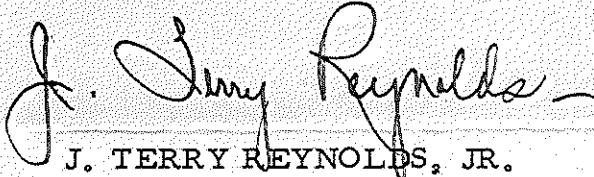
Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: Elzie Elizabeth McPherson - Plaintiff
Vs: Peter Tester & Mrs. Peter Tester - Defendants
Circuit Court Case No. 6034

Dear Mrs. Duck:

Mr. W. F. Horsley, representing the Testers, and myself have come to an amicable settlement in this case. It will be appreciated if you will dismiss this case and send the cost bill to Mr. Horsley at 517 First National Bank Building, Mobile, Alabama, for payment. Thank you most kindly for your assistance.

Very truly yours,


J. TERRY REYNOLDS, JR.

JTR:jp

June 12, 1964

ELZIE ELIZABETH MCPHERSON, Plaintiff
VS
PETER TESTER, et al, Defendants

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

CASE NO. 6034

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

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on June 9, 1964
I sent by certified mail in an envelope addressed as follows:

"Peter Tester
10 Stewart
Fort Walton Beach, Fla."

"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:

" Peter Tester
10 Stewart
Fort Walton Beach, Fla.

You will take notice that on June 9, 1964 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: ELZIE ELIZABETH MCPHERSON, Plaintiff VS PETER TESTER, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 6034 a true copy of which summons and complaint is 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.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 9 day of June 1964

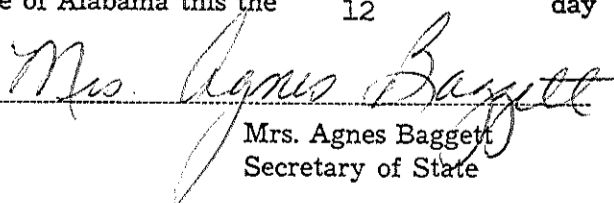
Enclosure (1)

(Signed) Mrs. Agnes Baggett
Secretary of State"

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 in the above-styled cause.

I further certify that on June 12, 1964 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Fort Walton Beach, Fla. on 6-11-64

WITNESS MY HAND and the Great Seal of the State of Alabama this the 12 day of June 1964


Mrs. Agnes Baggett
Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint.

cc: Hon. Terry Reynolds, Jr.
1st National Bank Bldg.
Mobile, Ala.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }
Baldwin County.

Circuit Court, Baldwin County

No. 6034

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Peter Tester and Mrs. Peter Tester, Individually & Jointly

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

Peter Tester and Mrs. Peter Tester, Ind. & Jointly, Defendant

by Elizie Elizabeth McPherson, Plaintiff

Witness my hand this 22nd day of April, 1964

Alice J. Duck, Clerk

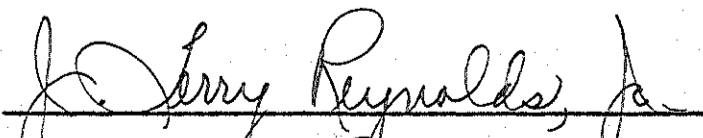

The Plaintiff claims of the Defendants the sum of TEN THOUSAND AND NO/100 (\$10,000.00) DOLLARS as damages, for that, heretofore, on, to-wit, the 21st day of July, 1963, the Defendant, Mrs. Peter Tester, while acting as the agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as agent, servant or employee, so negligently operated an automobile in a westwardly direction on the Mobile Bay Causeway known as U. S. Highway 90, at a point on said highway immediately east of the Tensaw River Bridge, said street or highway being then and there a public street or highway in the County of Baldwin, State of Alabama, so as to cause or allow said automobile to run into, upon or against the automobile in which the Plaintiff was riding, which automobile was headed also in a westwardly direction on said Mobile Bay Causeway known as U. S. Highway 90, but which automobile was then stopped waiting for the automobile traffic to proceed across said Tensaw River Bridge, and as a proximate result of the negligence as aforesaid of the Defendant, Mrs. Peter Tester, while acting as such agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as such agent, servant or employee, the Plaintiff sustained the following personal injuries and damages: her neck and head were thrown backward by the impact, and the muscles in her neck, back and body were severely stretched, she suffered a whiplash injury; she suffered and received a hyper extension injury to her neck, back and cervical spine; her spine, neck, shoulder and back were made extremely sore and painful; it became difficult for her to move her back, neck and shoulder and the limitations of movement have been since limited; she suffered and will continue to suffer numbness and loss of sensitivity in her left hand and fingers; she has suffered a weakness of the left biceps and

COUNT ONE

ELZIE ELIZABETH McPHERSON,)	Plaintiff,
)	
BALDWIN COUNTY, ALABAMA)	
)	
AT LAW)	
)	
PETER TESTER and)	
MRS. PETER TESTER,)	
)	
)	individually and jointly,
)	Defendants.
CASE NUMBER 6034)	

IN THE CIRCUIT COURT OF

also a decrease of sensation of the left upper extremity; she has been caused to suffer and continues to suffer severe migraine headaches; she has suffered and continues to suffer pain when she moves or attempts to move about; she has been permanently handicapped and injured; she was caused to suffer and will continue to suffer extreme mental anguish, anxiety, nervousness and worry; she was rendered totally incapacitated for a long period of time and has been since that time been partly incapacitated to work; she has been rendered permanently and partly unable to attend to her household duties as a housewife and to perform her marital obligations to and with her husband; she was rendered unable to sleep over a long period of time and could not lie on her back comfortably; she has been required to take sedatives and drugs in order to sleep and to retard the pain which she has suffered; she has been required to have x-rays made on a number of occasions; she has been made to take and is still taking medicines from time to time; she has been required and is still wearing a corrective corset which causes her great inconvenience and discomfort; she is caused to suffer pain when she attempts to perform her normal household duties and will be so caused to suffer in the future; she was caused and will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, treatments, sedatives, doctors' examinations and expenses for transportation to and from her doctors and the hospital; she has been caused to suffer expenses for hospitalization; she has been caused and will be caused in the future to loose time from her place of employment and to suffer her earning capacity; she avers that all of such acts, treatments and expenses were in an attempt to heal and cure her injuries and she avers that she will incur further expenses in the future; she avers that all of her said injuries and damages were caused by the negligence as aforesaid of the Defendant, Mrs. Peter Tester, while acting as the agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as such agent, servant or employee at said time and place.



Attorneys for Plaintiff

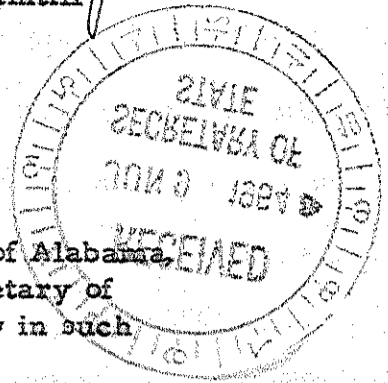
The Plaintiff respectfully demands a trial by jury in this case.

J. Terry Reynolds, Jr.
Attorney for Plaintiff

Defendants' address:

10 Stewart
Fort Walton Beach, Florida

The Defendants' being non-residents of the State of Alabama, the Plaintiff elects to serve them through the Secretary of State in Montgomery, Alabama, as provided by law in such matters.



FILED

APR 22 1964

ALICE J. DICK, CLERK
REGISTER

June 12, 1964

ELZIE ELIZABETH MCPHERSON, Plaintiff
VS
MRS. PETER TESTER,, et al, Defendants

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

CASE NO. 6034

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

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on June 9, 1964
I sent by certified mail in an envelope addressed as follows:

"Mrs. Peter Tester
10 Stewart
Fort Walton Beach, Fla."

"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:

" Mrs. Peter Tester
10 Stewart
Fort Walton Beach, Fla.

You will take notice that on June 9, 1964 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: ELZIE ELIZABETH MCPHERSON, Plaintiff VS MRS. PETER TESTER, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 6034 a true copy of which summons and complaint is 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.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 9
day of June 1964

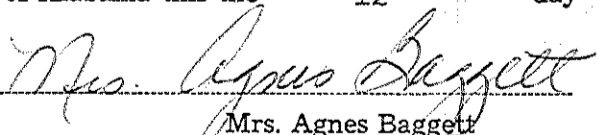
Enclosure (1)

(Signed) Mrs. Agnes Baggett
Secretary of State"

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 in the above-styled cause.

I further certify that on June 12, 1964 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Fort Walton Beach, Fla. on 6-11-64

WITNESS MY HAND and the Great Seal of the State of Alabama this the 12 day
of June 1964


Mrs. Agnes Baggett
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.
cc: Hon. Terry Reynolds, Jr.
1st National Bank Bldg.
Mobile, Ala.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

Circuit Court, Baldwin County

STATE OF ALABAMA
BALDWIN COUNTY

No. 6034.....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~Peter Tester & Mrs. Peter Tester, Ind. & Jointly~~
^{Tester}

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.....
~~Peter Tester & Mrs. Peter Tester, Ind. & Jointly~~..... Defendant.....

by ~~Elizie Elizabeth McPherson~~.....
..... Plaintiff.....

Witness my hand this..... 22nd day of..... April 19. 64.

Alice J. Wesak Clerk

ELZIE ELIZABETH McPHERSON,) IN THE CIRCUIT COURT OF
)
 Plaintiff,) BALDWIN COUNTY, ALABAMA
)
 VS:) AT LAW
)
 PETER TESTER and)
 MRS. PETER TESTER,)
 individually and jointly,)
)
 Defendants.) CASE NUMBER 6034

COUNT ONE

The Plaintiff claims of the Defendants the sum of TEN THOUSAND AND NO/100 (\$10,000.00) DOLLARS as damages, for that, heretofore, to-wit, the 21st day of July, 1963, the Defendant, Mrs. Peter Tester, while acting as the agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as agent, servant or employee, so negligently operated an automobile in a westwardly direction on the Mobile Bay Causeway known as U. S. Highway 90, at a point on said highway immediately east of the Tensaw River Bridge, said street or highway being then and there a public street or highway in the County of Baldwin, State of Alabama, so as to cause or allow said automobile to run into, upon or against the automobile in which the Plaintiff was riding, which automobile was headed also in a westwardly direction on said Mobile Bay Causeway known as U. S. Highway 90, but which automobile was then stopped waiting for the automobile traffic to proceed across said Tensaw River Bridge, and as a proximate result of the negligence as aforesaid of the Defendant, Mrs. Peter Tester, while acting as such agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as such agent, servant or employee, the Plaintiff sustained the following personal injuries and damages: her neck and head were thrown backward by the impact, and the muscles in her neck, back and body were severely stretched, she suffered a whiplash injury; she suffered and received a hyper extension injury to her neck, back and cervical spine; her spine, neck, shoulder and back were made extremely sore and painful; it became difficult for her to move her back, neck and shoulder and the limitations of movement have been since limited; she suffered and will continue to suffer numbness and loss of sensitivity in her left hand and fingers; she has suffered a weakness of the left biceps and

LAW OFFICES
 Wm Reynolds, Jr.
 AND
 Wm D. Lauten
 BANK BLDG.
 MOBILE, ALA

also a decrease of sensation of the left upper extremity; she has been caused to suffer and continues to suffer severe migraine headaches; she has suffered and continues to suffer pain when she moves or attempts to move about; she has been permanently handicapped and injured; she was caused to suffer and will continue to suffer extreme mental anguish, anxiety, nervousness and worry; she was rendered totally incapacitated for a long period of time and has been since that time been partly incapacitated to work; she has been rendered permanently and partly unable to attend to her household duties as a housewife and to perform her marital obligations to and with her husband; she was rendered unable to sleep over a long period of time and could not lie on her back comfortably; she has been required to take sedatives and drugs in order to sleep and to retard the pain which she has suffered; she has been required to have x-rays made on a number of occasions; she has been made to take and is still taking medicines from time to time; she has been required and is still wearing a corrective corset which causes her great inconvenience and discomfort; she is caused to suffer pain when she attempts to perform her normal household duties and will be so caused to suffer in the future; she was caused and will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, treatments, sedatives, doctors' examinations and expenses for transportation to and from her doctors and the hospital; she has been caused to suffer expenses for hospitalization; she has been caused and will be caused in the future to lose time from her place of employment and to suffer her earning capacity; she avers that all of such acts, treatments and expenses were in an attempt to heal and cure her injuries and she avers that she will incur further expenses in the future; she avers that all of her said injuries and damages were caused by the negligence as aforesaid of the Defendant, Mrs. Peter Tester, while acting as the agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as such agent, servant or employee at said time and place.

J. Leroy Reynolds, Jr.
W. M. R. Lauter
Attorneys for Plaintiff

The Plaintiff respectfully demands a trial by jury in this case.

J. Jay Reynolds, Jr.
Attorney for Plaintiff

Defendants' address:

10 Stewart
Fort Walton Beach, Florida

The Defendants' being non-residents of the State of Alabama, the Plaintiff elects to serve them through the Secretary of State in Montgomery, Alabama, as provided by law in such matters.

ELZIE ELIZABETH McPHERSON

) IN THE CIRCUIT COURT OF BALDWIN

) MOBILE COUNTY, ALABAMA

) Plaintiff,

) AT LAW

vs.

) CASE NO. 6034

PETER TESTER AND MRS. PETER TESTER,
individually and jointly
Defendant.)

TO: J. Terry Reynolds
First National Bank Bldg.,)
Mobile, Alabama

Please take notice that at 10:00 A.M. on the 21st day of July,
1964, in the office of Lyons, Pipes & Cook situated at
517 First National Bank Bldg., MOBILE, Alabama the defendant
will take the deposition of Elzie Elizabeth McPherson, whose
address is 346-A Baldwin Avenue, Chickasaw, Alabama, upon oral exam-
ination pursuant to an Act of the Legislature of the State of Alabama,
designated as Act No. 375, Regular Session 1955, Approved September 8,
1955, before Louis M. Hubbard, Jr., an officer
authorized to administer oaths in the County of Mobile, State of
Alabama, duly authorized to take depositions and swear witnesses
in said County in said State. The oral examination will continue
from day to day until completed and you are invited to attend and
cross-examine.

LYONS, PIPES & COOK
ATTORNEYS FOR DEFENDANT.

BY: W. F. Horsley
W. F. Horsley

CERTIFICATE

I, W. F. Horsley, attorney for the defendant
in the above styled cause, do hereby certify that I have served
a copy of the foregoing notice to take the deposition upon oral
examination of Elzie Elizabeth McPherson, by mailing the
same to Hon. J. Terry Reynolds, Jr., attorney of record
for the plaintiff in the said cause at Mobile, Alabama, on this
9th day of July, 1964.

W. F. Horsley
W. F. Horsley

NOTE TO THE CLERK:

Please issue subpoena to Elzie Elizabeth McPherson, 346-A Baldwin Avenue, Chickasaw, Alabama.

Yours truly,

W. F. Horsley
W. F. Horsley

FILED

JUL 14 1964

ALICE J. DUCK, CLERK
REGISTER

ELZIE ELIZABETH McPHERSON

Plaintiff,

vs

PETER TESTER & MRS. PETER TESTER
Individually and jointly

Defendant

TC: J. Terry Reynolds
First National Bank Bldg.,
Mobile, Alabama

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

) AT LAW

) CASE NO: 6034

Please take notice that at 6:00 on the 31st day of August,

1964 in the office of Dr. Frederick DeVane situated at

1710 Center Street, Mobile, Alabama the defendant

will take the deposition of Dr. Frederick DeVane, whose

address is 1710 Center Street, Mobile, Ala., upon oral exam-

ination pursuant to an Act of the Legislature of the State of Alabama,

designated as Act No. 375, Regular Session 1955, Approved September 8,

1955, before Walter Wise, an officer

authorized to administer oaths in the County of Mobile, State of

Alabama, duly authorized to take depositions and swear witnesses

in said County in said State. The oral examination will continue

from day to day until completed and you are invited to attend and

cross-examine.

LYONS, PIPES & COOK
ATTORNEYS FOR DEFENDANT.

BY: W. F. Horsley
W. F. Horsley

CERTIFICATE

I, W. F. Horsley, attorney for the defendant
in the above styled cause, do hereby certify that I have served
a copy of the foregoing notice to take the deposition upon oral
examination of Dr. Frederick DeVane, by mailing the
same to Hon. J. Terry Reynolds, attorney of record
for the plaintiff in the said cause at Mobile, Alabama, on this
29th day of July, 1964.

NOTE TO THE CLERK:

W. F. Horsley
W. F. Horsley

Please issue subpoena to Dr. Frederick DeVane, 1710 Center Street,
Mobile, Alabama.

Yours truly

W. F. Horsley
W. F. Horsley

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES, III
WALTER M. COOK
GORDON B. KAHN
IRWIN W. COLEMAN, JR.
G. SAGE LYONS
WILLIAM F. HORSLEY

36601

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

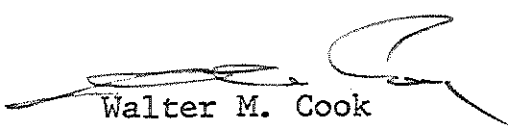
Re: Elzie Elizabeth McPherson vs Peter Tester and
Mrs. Peter Tester - Case 6034 in the Circuit Court
of Baldwin County Alabama

Dear Mrs. Duck:

Enclosed please find copies of demurrers in the above captioned
case and we would appreciate your acknowledging receipt of same.

Yours truly,

LYONS, PIPES AND COOK



Walter M. Cook

ELZIE ELIZABETH McPHERSON,) IN THE CIRCUIT COURT OF
)
 Plaintiff,) BALDWINCOUNTY, ALABAMA
)
 VS:) AT LAW
)
 PETER TESTER and)
 MRS. PETER TESTER,)
 individually and jointly,)
)
 Defendants.) CASE NUMBER 6034

COUNT ONE

The Plaintiff claims of the Defendants the sum of TEN THOUSAND AND NO/100 (\$10,000.00) DOLLARS as damages, for that, heretofore, on, to-wit, the 21st day of July, 1963, the Defendant, Mrs. Peter Tester, while acting as the agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as agent, servant or employee, so negligently operated an automobile in a westwardly direction on the Mobile Bay Causeway known as U. S. Highway 90, at a point on said highway immediately east of the Tensaw River Bridge, said street or highway being then and there a public street or highway in the County of Baldwin, State of Alabama, so as to cause or allow said automobile to run into, upon or against the automobile in which the Plaintiff was riding, which automobile was headed also in a westwardly direction on said Mobile Bay Causeway known as U. S. Highway 90, but which automobile was then stopped waiting for the automobile traffic to proceed across said Tensaw River Bridge, and as a proximate result of the negligence as aforesaid of the Defendant, Mrs. Peter Tester, while acting as such agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as such agent, servant or employee, the Plaintiff sustained the following personal injuries and damages; her neck and head were thrown backward by the impact, and the muscles in her neck, back and body were severely stretched, she suffered a whiplash injury; she suffered and received a hyper extension injury to her neck, back and cervical spine; her spine, neck, shoulder and back were made extremely sore and painful; it became difficult for her to move her back, neck and shoulder and the limitations of movement have been since limited; she suffered and will continue to suffer numbness and loss of sensitivity in her left hand and fingers; she has suffered a weakness of the left biscepts and

also a decrease of sensation of the left upper extremity; she has been caused to suffer and continues to suffer severe migraine headaches; she has suffered and continues to suffer pain when she moves or attempts to move about; she has been permanently handicapped and injured; she was caused to suffer and will continue to suffer extreme mental anguish, anxiety, nervousness and worry; she was rendered totally incapacitated for a long period of time and has been since that time been partly incapacitated to work; she has been rendered permanently and partly unable to attend to her household duties as a housewife and to perform her marital obligations to and with her husband; she was rendered unable to sleep over a long period of time and could not lie on her back comfortably; she has been required to take sedatives and drugs in order to sleep and to retard the pain which she has suffered; she has been required to have x-rays made on a number of occasions; she has been made to take and is still taking medicines from time to time; she has been required and is still wearing a corrective corset which causes her great inconvenience and discomfort; she is caused to suffer pain when she attempts to perform her normal household duties and will be so caused to suffer in the future; she was caused and will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, treatments, sedatives, doctors' examinations and expenses for transportation to and from her doctors and the hospital; she has been caused to suffer expenses for hospitalization; she has been caused and will be caused in the future to lose time from her place of employment and to suffer her earning capacity; she avers that all of such acts, treatments and expenses were in an attempt to heal and cure her injuries and she avers that she will incur further expenses in the future; she avers that all of her said injuries and damages were caused by the negligence as aforesaid of the Defendant, Mrs. Peter Tester, while acting as the agent, servant or employee of the Defendant, Peter Tester, within the line and scope of her employment as such agent, servant or employee at said time and place.

J. Terry Reynolds, Jr.
Wm. R. Lauten
Attorneys for Plaintiff

The Plaintiff respectfully demands a trial by jury in this case.

Jerry Reynolds, Jr.
Attorney for Plaintiff

Defendants' address:

10 Stewart
Fort Walton, Beach, Florida

The Defendants' being non-residents of the State of Alabama, the Plaintiff elects to serve them through the Secretary of State in Montgomery, Alabama, as provided by law in such matters.

FILED

APR 22 1984

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. 6034

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Peter Tester and Mrs. Peter Tester, Individually & Jointly

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

Peter Tester and Mrs. Peter Tester, Ind. & Jointly, Defendant

by Elizie Elizabeth McPherson, Plaintiff

Witness my hand this 25th day of April 1964.

E. J. Duck, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

~~XXXX~~ **ELZIE ELIZABETH McPHERSON**
Plaintiffs

vs.

PETER TESTER & MRS. PETER TESTER,
Ind. & Jointly

Defendants

Summons and Complaint

Filed April 22nd 1964

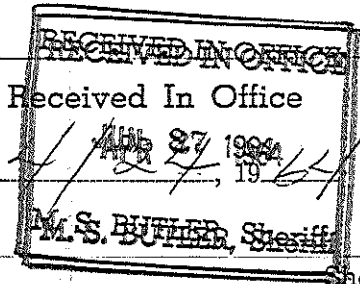
Alice J. Duck Clerk

J. Terry Reynolds, Jr. & William R. Lauten
1st National Bank Plaintiff's Attorney
Mobile, Ala.

Defendant's Attorney

807

Defendant lives at



I have executed this summons

this _____ 19____

by leaving a copy with

[Handwritten signatures]

Executed by serving 6 copies of
this within on Lynne Buggitt

Sheriff of State of The State of
Alabama.

This the 9 day of June 1964

Sheriff of Montgomery County

M. S. Butler,

By [Signature] D. S.

The Sheriff claims 2
miles at 10c per mile for a total
of \$ 20

M. S. Butler, Sheriff
Montgomery County, Ala.

Deputy Sheriff.

ELZIE ELIZABETH McPHERSON,)	IN THE CIRCUIT COURT
Plaintiff,)	OF BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
PETER TESTER and)	CASE NO. 6034
MRS. PETER TESTER, individually)	
and jointly,)	
Defendants)	

Come now the defendants in the above styled cause, separately and severally, and demur to the plaintiff's complaint, and to each count thereof, separately and severally, and as grounds for said demurrer set down and assign the following, separately and severally:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the plaintiff was not at a place where she had a legal right to be at the time and place complained of.
5. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any fact or failure to act on the part of the defendant.
6. For that said count fails to allege any causal connection between the alleged negligence of this defendant and the alleged damages of the plaintiff.

FILED
 JUL 3 1964
 HUBBARD, CLERK
 REGISTER

LYONS, PIPES & COOK
 Attorneys for the Defendants

By: 
 Walter M. Cook

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

INSTRUCTIONS: Fill in items below and on other side. If applicable, gummed ends, attach and hold firmly to back of front of article RETURN RECEIPT REQUESTED.

REGISTERED NO. _____
NAME OF SENDER _____

CERTIFIED NO. _____
MONTGOMERY, ALABAMA

CITY, ZONE AND STATE _____

INSURED NO. _____

POSTMARK OF DELIVERING OFFICE
JUN 11 1964
BIRMINGHAM, ALA.

RECEIVED
JUN 12 1964
MONTGOMERY, ALA.

SECRETARY OF STATE

3811 Apr. 1962

POB Form 3811 Apr. 1962

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

INSTRUCTIONS: Fill in items below and on other side. If applicable, gummed ends, attach and hold firmly to back of front of article RETURN RECEIPT REQUESTED.

REGISTERED NO. _____
NAME OF SENDER _____

CERTIFIED NO. _____
MONTGOMERY, ALABAMA

CITY, ZONE AND STATE _____

INSURED NO. _____

POSTMARK OF DELIVERING OFFICE
JUN 11 1964
BIRMINGHAM, ALA.

RECEIVED
JUN 12 1964
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SECRETARY OF STATE

3811 Apr. 1962

INSTRUCTIONS TO DELIVERING EMPLOYEE

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SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Mrs. Peter Testa

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DELIVER TO ADDRESSEE ONLY

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6-11-64

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SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Peter Testa

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