

LYONS, PIPES AND COOK
ATTORNEYS-AT-LAW

516-519 FIRST NATIONAL BANK BUILDING

432-4484 P. O. DRAWER 79

MOBILE, ALABAMA 36601

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

July 6, 1965

6/38

C
O
P
Y
Mr. Norborne C. Stone, Jr.
Chason, Stone & Chason
Attorneys at Law
Bay Minette, Alabama

Re: Hibbler v. Springhill Broadcasting Company
and Riviera Utilities

Dear Norborne:

I have received a copy of a letter from Louis Braswell to Judge Mashburn, enclosing the order of the Referee in Bankruptcy staying our suit against Springhill Broadcasting Company. I note that a copy was also forwarded to you.

Upon the appointment of a receiver, it is my thinking that we should file a motion requesting permission to liquidate our claim in the Circuit Court of Baldwin County, which I will proceed to do unless you have other suggestions.

With kindest regards,

Sincerely,

LYONS, PIPES & COOK

G. Sage Lyons

GSL:hw

cc: Mr. and Mrs. Nathaniel Hibbler ✓

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

July 2, 1965

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. DRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. McDOWELL

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5514
AREA CODE 205

Hon. Telfair Mashburn
Judge, Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: Leola Hibbler v. Springhill Broadcasting
Company, et al
Case No. 6138

Dear Judge Mashburn:

Our firm has filed a petition in the United States District Court on behalf of Springhill Broadcasting Company, Inc., the defendant in the above case, under Chapter XI of the Bankruptcy Act. Judge Gray has entered an order staying all suits against Springhill Broadcasting Company. Enclosed for your consideration is a copy of this order.

We would appreciate very much you having this order noted on the record of the above case. Also, we would appreciate you having Mrs. Alice Duck put the copy of the order in the file.

Thank you very much.

Yours very truly,

Louis E. Draswell
For the firm

LEB:cq
Enclosure

cc: G. Sage Lyons, Esq.
Norborne C. Stens, Jr., Esq.
J. Connor Owens, Esq.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION

In the Matter

:

-of-

:

In Proceedings
for an Arrangement

SPRINGHILL BROADCASTING
CO., INC.,

:

Debtor.

:

No. 21,524

ORDER STAYING SUITS

At Mobile, in said District, on the 28th day of June, 1965 upon the annexed petition of Springhill Broadcasting Company, the above named debtor, praying for a stay of suits against him, and it appearing that no notice of the hearing thereon should be given, and no adverse interest having been represented, and it further appearing that the rights of creditors will not be prejudiced by requiring an adjudication of their claims on the merits in this court, it is

ORDERED that all persons be, and they hereby are, enjoined and stayed until final decree herein commencing or continuing any suit against Springhill Broadcasting Company, Inc., the above named debtor, other than the suit to enforce a lien upon its property.

SIDNEY J. GRAY

Referee in Bankruptcy

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

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J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. McDOWELL

February 2, 1965

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

Re: Leola Hibbler, as Administratrix of the
Estate of Roosevelt Hibbler, Deceased
v. Springhill Broadcasting Company, et al,
Case #6138

Dear Mrs. Duck:

Enclosed please find executed Amended Plea in Abatement which I would appreciate your filing. If you would please stamp the filing date on the enclosed copy of the letter and return it to us in the self-addressed envelope we would appreciate it.

Thanking you in advance for your cooperation, I am,

Yours very truly,

Louis E. Braswell
/D

For the Firm

LEB.mbd
Enclosure

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

July 31, 1964

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

Dear Mrs. Duck:

I enclose herewith the original and two copies of
a complaint which I will appreciate your filing.

Very truly yours,

LYONS, PIPES & COOK



G. Sage Lyons

GSL:hw

Enclosure

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5514
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
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THOMAS G. GREAVES, JR.
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J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. McDOWELL

December 11, 1964

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

Re: Hibbler vs. Springhill Broadcasting Company
Case No: 6138
Our File: DFP 6040

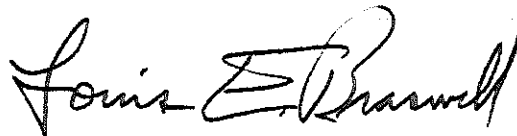
Dear Miss Duck:

Enclosed is a plea in abatement which we wish to file in
the above case.

Would you please indicate on the enclosed carbon copy of
this letter that the plea in abatement has been filed and then
return the carbon copy of this letter to us.

Thank you very much.

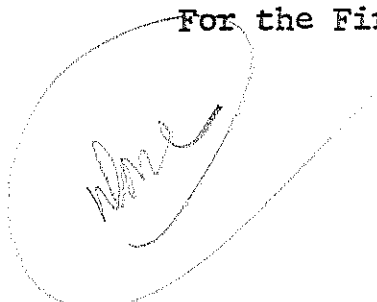
Yours very truly,



For the Firm

LEB.sc

Enc.



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

September 1, 1964

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

Re: Leola Hibbler, As Administratrix of the
Estate of Roosevelt Hibbler, Deceased v.
Springhill Broadcasting Company, et al,
Case No. 6138

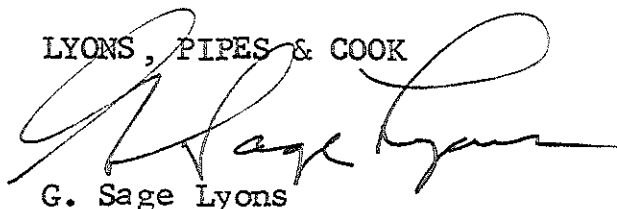
Dear Mrs. Duck:

Please file the enclosed amendment in the above-styled
cause. I have forwarded a copy to the attorneys for
Riviera Utilities, but am enclosing a copy for Spring-
hill Broadcasting Company for their attorney when an
appearance is filed by them.

Thank you very much for your assistance.

Very truly yours,

LYONS, PIPES & COOK



G. Sage Lyons

cc: Armbrecht, Jackson, McConnell & DeMouy
Merchants National Bank Bldg.,
Mobile, Alabama

Mr. C. G. Chason
Attorney at Law
Foley, Alabama

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5514
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.

September 18, 1964

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

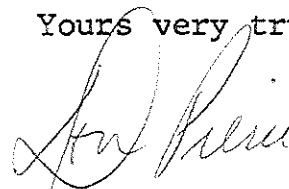
Re: Leola Hibbler, as Administrator of the Estate
of Roosevelt Hibbler, Deceased v. Springhill
Broadcasting Company, a Corporation and
Riviera Utilities, a Corporation, Individually
and Joinly, Defendants, Case Number 6138

Dear Mrs. Duck:

Enclosed please find a Plea in Abatement which we
would appreciate your filing for us in the above-
referenced matter. Upon receipt and filing would you
please indicate on the carbon copy of this letter the
date of filing so that we can note it on our file copy.
We have enclosed a stamped self-addressed envelope for
your convenience in returning same to us.

Thanking you for your cooperation, I am,

Yours very truly,



For the Firm

DFP.mbd
Encl.

ARMBRECHT, JACKSON, McCONNELL & DeMOUY
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

MOBILE, ALABAMA

36601

AREA CODE 205
PHONE 433-1891

CABLE ADDRESS
SEALAW

WM. H. ARMBRECHT
THEODORE K. JACKSON
JOHN W. McCONNELL, JR.
MARSHALL J. DeMOUY
WM. H. ARMBRECHT, III
RAE M. CROWE
BROOK G. HOLMES
W. BOYD REEVES
JOHN GROW

August 31, 1964

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

Re: Leola Hibbler, as Administratrix
of the Estate of Roosevelt Hibbler,
Deceased,

-VS-

Springhill Broadcasting Company
and Riviera Utilities.

At Law - Case No. _____

Dear Miss Duck:

Enclosed please find pleas which we wish to file on behalf
of the Defendant, Riviera Utilities, in the above captioned matter.

Very truly yours,

ARMBRECHT, JACKSON, McCONNELL &
DeMOUY

By: 
BROOK G. HOLMES

BGH:bp

Encl.

110 6/30

IN THE UNITED STATES DISTRICT COURT FOR THE

SOUTHERN DISTRICT OF ALABAMA,

SOUTHERN DIVISION

In the Matter :

-of- :

In Proceedings
for an Arrangement

SPRINGHILL BROADCASTING
CO., INC.,

Debtor. :

No. 21,524

ORDER STAYING SUITS

At Mobile, in said District, on the 28th day of June, 1965 upon the annexed petition of Springhill Broadcasting Company, the above named debtor, praying for a stay of suits against him, and it appearing that no notice of the hearing thereon should be given, and no adverse interest having been represented, and it further appearing that the rights of creditors will not be prejudiced by requiring an adjudication of their claims on the merits in this court, it is

ORDERED that all persons be, and they hereby are, enjoined and stayed until final decree herein commencing or continuing any suit against Springhill Broadcasting Company, Inc., the above named debtor, other than the suit to enforce a lien upon its property.

SIDNEY J. GRAY

Referee in Bankruptcy

Filed 6-12-65
Alice J. Smith

LYONS, PIPES & COOK

ATTORNEYS AT LAW

25TH FLOOR 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
AUGUSTINE MEAHER, III

36601

AREA CODE 205
TEL. 432-4483
P.O. DRAWER 79

March 21, 1966

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

Re: Hibbler vs. Springhill Broadcasting Company, Inc.,
Circuit Court, At Law, Case No. 6138

Dear Mrs. Duck:

The above case has been settled and, on behalf of the plaintiff, please enter an order dismissing suit. According to our agreement with the defendant's attorney, Court costs will be paid by the defendant and we will appreciate your forwarding the costs bill to Mr. Louis E. Braswell, P.O. Box 123, Mobile, Alabama.

With kindest regards,

Sincerely,

LYONS, PIPES AND COOK


G. SAGE LYONS

GSL/lak

cc: Hon. Louis E. Braswell
cc: Hon. Norborne C. Stone

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION

In the Matter)

-of-)

SPRINGHILL BROADCASTING
COMPANY, INC.,)

Debtor)

In Proceedings for an
Arrangement, Chapter XI

No. 21, 524

ORDER AMENDING ORDER STAYING SUITS

At Mobile, in said District, on this the 18th day of
October, 1965.

This matter coming on for hearing on the motion of Leola
Hibbler, as Administratrix of the estate of Roosevelt Hibbler,
deceased, seeking an amendment to the order staying suits entered
herein on the 28th day of June, 1965, and the right to proceed
in that certain law suit now pending in the Circuit Court of
Baldwin County, Alabama, Case No. 6138, wherein the said Leola
Hibbler, as Administratrix of the estate of Roosevelt Hibbler,
deceased, is plaintiff and Springhill Broadcasting Company, Inc.,
is defendant, and the same having come on to be heard before me
on the 14th day of October, 1965, upon due notice to the said
Springhill Broadcasting Company, Inc.,

NOW, upon the said application and notice of motion and
after hearing arguments in support of the motion and attorney for
the said debtor not appearing in opposition thereto, and no adverse
interest having been represented, and it further appearing that
it is in the interest of all of the parties that the claim of
Leola Hibbler be liquidated and the amount of the claim reduced
to liquidated damages and a sum certain, it is

ORDERED, that the order of this Court dated June 28, 1965,
staying any suit against Springhill Broadcasting Company, Inc.,

the above named debtor, be and the same hereby is amended so as to allow the said Leola Hibbler, and the said Leola Hibbler is hereby allowed, to proceed to the trial on the merits of said litigation being Case No. 6138, in the Circuit Court of Baldwin County, Alabama, and it is further

ORDERED, that a copy of this order be forwarded to the Circuit Court of Baldwin County, Alabama, Bay Minette, Alabama.

Lidner J. Gray
Referee in Bankruptcy

10-19-67

LEOLA HIBBLER, As adminis-
tratrix of the Estate of
ROOSEVELT HIBBLER, Deceased,

Plaintiff,

-vs-

SPRINGHILL BROADCASTING
COMPANY, a corporation, and
RIVIERA UTILITIES, a corpora-
tion, and THE UTILITIES BOARD OF
THE CITY OF FOLEY, a public corp-
oration, individually and d/b/a
RIVIERA UTILITIES, individually
and jointly,

Defendants.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. 6138

NOW COMES the plaintiff in the above styled cause and
prays that the Court enter a non-suit as to the defendants
Riviera Utilities, a corporation, and The Utilities Board of
the City of Foley, a public corporation, individually and d/b/a
Riviera Utilities.

CHASON, STONE & CHASON
and
LYONS, PIPES & COOK
Attorneys for the Plaintiff

By:


Norborne C. Stone, Jr.


G. Sage Lyons

11-20-64 The foregoing motion considered and
granted this date —

Jeffery J. Madlbaum

FILED

NOV 20 1964

WILLIAM I. DUCK, Clerk

4:08 P.M.

LEOLA HIBBLER, as Adminis-	)	IN THE CIRCUIT COURT OF
tratrix of the Estate of)	
ROOSEVELT HIBBLER, Deceased,	)	BALDWIN COUNTY, ALABAMA
)	
Plaintiff,	)	AT LAW
)	
-vs-)	
)	
SPRINGHILL BROADCASTING)	
COMPANY, a Corporation and	)	CASE NO. 6138
RIVIERA UTILITIES, A Cor-)	
poration, And the UTILITIES)	
BOARD OF THE CITY OF FOLEY,)	
a public corporation,)	
individually and d/b/a)	
RIVIERA UTILITIES, individ-)	
ually and jointly,)	
)	
Defendants.)	

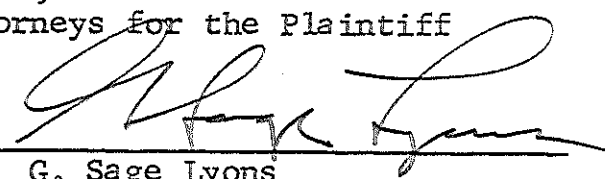
DEMURRER TO PLEA IN ABATEMENT

COMES NOW the plaintiff in the above-styled cause and demurs to the Plea in Abatement filed herein by the defendant Springhill Broadcasting Company, a corporation, and each paragraph thereof, separately and severally, and as grounds therefor sets down and assigns the following:

1. Said plea fails to show any reason why this cause should be abated.
2. For aught that appears from said plea, the cause should not be abated.
3. Said plea fails to give the plaintiff a better writ.
4. Said plea is, in effect, a plea in bar and not a plea in abatement.
5. For that it affirmatively appears from said plea in abatement that the defendant is not entitled to the relief it seeks.

*Re-Filed
November 12, 1965
Abatement Plea in
Superior Court
FILED
SEP 22 1964
ALICE J. DUCK, CLERK
REGISTER*

LYONS, PIPES & COOK
Attorneys for the Plaintiff

By: 
G. Sage Lyons

LEOLA HIBBLER, as Adminis-	)	IN THE CIRCUIT COURT OF
trator of the Estate of)	
ROOSEVELT HIBBLER, Deceased,)	
	)	BALDWIN COUNTY, ALABAMA
Plaintiff)	
)	
vs.	)	AT LAW
)	
SPRINGHILL BROADCASTING)	
COMPANY, a Corporation and)	
RIVIERA UTILITIES, a Cor-)	
poration, Individually and)	
Jointly,)	
)	
Defendants.	)	CASE NO. 6138

PLEA IN ABATEMENT

Comes now the defendant, Springhill Broadcasting Company, a Corporation, separately and severally, and appears solely and specially for the purpose of filing this Plea in Abatement, and for no other purpose, and, pleading in abatement, assigns to each separate and several count of the complaint filed herein the following separate and several pleas, separately and severally:

1. At the time and place described in the complaint, the plaintiff's intestate and this defendant were subject to the Workmen's Compensation Act of Alabama, Title 26, Section 253, et seq., Code of Alabama of 1940, as amended, which provides the exclusive remedy against this defendant.

2. At the time and place described in the complaint, to-wit, May 27, 1964, this defendant and plaintiff's intestate were in an employer-employee relationship and were both subject to the Workmen's Compensation Act of Alabama, Title 26, Section 253, et seq., Code of Alabama of 1940,

as amended, so that the remedy provided by said Act is the exclusive remedy against this defendant.

WHEREFORE, this defendant says that this suit should be abated.

Richard H. Kline

Louis E. Braswell

Trial Attorneys for Defendant
SPRINGHILL BROADCASTING COMPANY
622 First National Bank Building
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

STATE OF ALABAMA:
COUNTY OF MOBILE:

Before me, Rachel K. Woodbury, a Notary Public in and for said County in said State, personally appeared SAMUEL R. DAVID, who, being by me first duly sworn doth depose and say under oath that he is the Vice-President of SPRINGHILL BROADCASTING COMPANY, a Corporation, that he is authorized to make this affidavit, that he has knowledge of the facts herein contained, and that said facts are true and correct.

SPRINGHILL BROADCASTING COMPANY,
A Corporation

By: Samuel R. David
Its Vice-President

Subscribed and sworn to before me on this, the 19 day of September, 1964.

Rachel K. Woodbury
Notary Public, Mobile County, Alabama

FILED
SEP 19 1964
MADE & DICK
CLERK
RECORDED

CERTIFICATE OF SERVICE

I, Donald F. Pierce, hereby certify that I have mailed a true and correct copy of the foregoing Plea in Abatement to G. Sage Lyons, Esq., Attorney for Plaintiff, by depositing a copy of same in the United States Mail, postage prepaid, addressed to Mr. Lyons at his office in Mobile, Alabama on this, the 17th day of September, 1964.

Donald F. Pierce

FILED
SEP 19 1964
ALICE J. DICK, CLERK
REGISTER

LEOLA HIBBLER, As Adminis-	)	IN THE CIRCUIT COURT OF
trator of the Estate of)	
ROOSEVELT HIBBLER, Deceased,	)	BALDWIN COUNTY, ALABAMA
)	
Plaintiff,	)	AT LAW
-vs-)	
)	
SPRINGHILL BROADCASTING	)	CASE NO. <u>6138</u>
COMPANY, a corporation and)	
RIVIERA UTILITIES, a corp-)	
oration, individually and)	
jointly,)	
)	
Defendants.)	

COUNT ONE

Plaintiff claims of the defendants the sum of THREE HUNDRED THOUSAND & No/100 (\$300,000.00) DOLLARS, as damages, for the negligent killing of the plaintiff's intestate in Baldwin County, Alabama, on, to-wit, May 27, 1964; and plaintiff avers that at and prior to the time of said killing her intestate was in the employ of the defendant Springhill Broadcasting Company, a corporation, and was engaged in the performance of his duties as such employee of defendant Springhill Broadcasting Company, at its transmitter plant located off of the Bell Forest Road near Daphne, Baldwin County, Alabama; and plaintiff avers that at said time and place the defendant Springhill Broadcasting Company was the operator of Radio Station WMOE, and was a Louisiana Corporation qualified to do business in the State of Alabama, regularly employing less than eight employees in its business in the State of Alabama and, as such employer, had not accepted the provisions of the Workmen's Compensation Act of the State of Alabama.

The plaintiff further avers that on, to-wit, said day and date and at said time and place the defendant Riviera Utilities was engaged in the business of distributing electric current and in connection with said business, had previously installed,

energized and grounded, and then supplied energy to and maintained uninsulated wires or an uninsulated electric line or lines in and to the transmitter plant on the premises of the defendant Springhill Broadcasting Company, charged with currents of electricity dangerous or deadly to the life or limb of human beings coming into contact or close proximity therewith, and in close and dangerous proximity to the place where the plaintiff's intestate was then working in the transmitter plant building of the defendant Springhill Broadcasting Company.

The plaintiff further avers that the defendant Riviera Utilities then had knowledge or notice, or in the exercise of ordinary reasonable care should have had knowledge or notice that the plaintiff's intestate and other employees of the defendant Springhill Broadcasting Company were working or would work in the transmitter building of the defendant Springhill Broadcasting Company and in close proximity to the said electric power lines or lines energized and grounded by the defendant Riviera Utilities. The plaintiff further avers that the defendant Springhill Broadcasting Company then had knowledge or notice or in the exercise of ordinary reasonable care should have had knowledge or notice that the plaintiff's intestate and other workmen employed by the said Springhill Broadcasting Company were working or would work in close proximity to said electric power line or lines, and on, to-wit, said day and date and at said time and place the defendant Riviera Utilities so negligently caused or allowed said electric wires, line or lines to become or remain in a dangerous or unsafe condition that when the plaintiff's intestate came in contact therewith, while working in the transmitter plant building of the defendant Springhill Broadcasting Company, a deadly current of electricity

from said electric power wire, wires, line or lines was caused to pass through and into the body of the plaintiff's intestate thereby proximately inflicting injuries upon him causing his death;

Plaintiff further avers that the injuries causing the death of her intestate were received as a proximate consequence of a defect in the condition of the works, ways, machinery or plant connected with or used in the business of the defendant Springhill Broadcasting Company which defect arose from the act or acts of the defendant Springhill Broadcasting Company, or some person in the service of the defendant Springhill Broadcasting Company and entrusted with the duty of seeing that the ways, works, machinery or plant were in proper condition, in negligently failing to provide or employ safeguards to prevent persons inside of its transmitter plant building from coming in contact with the said dangerous or unsafe electric wire, line or lines, and as a proximate consequence of the act or acts of the defendant Riviera Utilities in negligently grounding and causing or allowing said electric wire, line or lines, to become or remain in a dangerous or unsafe condition and plaintiff avers that the negligence of the defendant Springhill Broadcasting Company, as aforesaid, and the negligence of the defendant Riviera Utilities, as aforesaid, combined or concurred in proximately causing the death of the plaintiff's intestate, hence this suit.

COUNT TWO

Plaintiff claims of the defendants the sum of THREE HUNDRED THOUSAND & No/100 (\$300,000.00) DOLLARS, as damages, for the negligent killing of plaintiff's intestate in Baldwin County, Alabama, on, to-wit, May 27, 1964; and plaintiff avers that at and prior to the time of said killing her intestate was in

the employ of the defendant Springhill Broadcasting Company, a corporation, and was engaged in the performance of his duties as such employee of defendant Springhill Broadcasting Company, at its transmitter plant located off of the Bell Forest Road near Daphne, Baldwin County, Alabama; and plaintiff avers that at said time and place the defendant Springhill Broadcasting Company was the operator of Radio Station WMOE, and was a Louisiana Corporation qualified to do business in the State of Alabama, regularly employing less than eight employees in its business in the State of Alabama and, as such employer, had not accepted the provisions of the Workmen's Compensation Act of the State of Alabama.

The plaintiff further avers that on, to-wit, said day and date and at said time and place the defendant Riviera Utilities was engaged in the business of distributing electric current and in connection with said business, had previously installed, energized and grounded, and then supplied energy to and maintained uninsulated wires or an uninsulated electric line or lines in and to the transmitter plant on the premises of the defendant Springhill Broadcasting Company, charged with currents of electricity dangerous or deadly to the life or limb of human beings coming into contact or close proximity therewith, and in close and dangerous proximity to the place where the plaintiff's intestate was then working in the transmitter plant building of the defendant Springhill Broadcasting Company.

The plaintiff further avers that the defendant Riviera Utilities then had knowledge or notice, or in the exercise of ordinary reasonable care should have had knowledge or notice that the plaintiff's intestate and other employees of the defendant Springhill Broadcasting Company were working or would work in the transmitter building of the defendant Springhill

Broadcasting Company and in close proximity to the said electric power line or lines energized and grounded by the defendant Riviera Utilities. The plaintiff further avers that the defendant Springhill Broadcasting Company then had knowledge or notice or in the exercise of ordinary reasonable care should have had knowledge or notice that the plaintiff's intestate and other workmen employed by the said Springhill Broadcasting Company were working or would work in close proximity to said electric power line or lines, and on, to-wit, said day and date and at said time and place the defendant Riviera Utilities so negligently caused or allowed said electric wires, line or lines to become or remain in a dangerous or unsafe condition that when the plaintiff's intestate came in contact therewith, while working in the transmitter plant building of the defendant Springhill Broadcasting Company, a deadly current of electricity from said electric power wire, wires, line or lines was caused to pass through and into the body of the plaintiff's intestate thereby proximately inflicting injuries upon him causing his death;

Plaintiff avers that the injuries causing the death of her intestate were a proximate consequence of and caused by reason of the negligence of a certain person whose name is otherwise unknown to the plaintiff, who was in the service or employ of the defendant Springhill Broadcasting Company and who had superintendence entrusted to him, while in the exercise of such superintendence, in that the said person negligently failed to cut off the currents of electricity to the said uninsulated wires or uninsulated electric line or lines in the said transmitter plant after having instructed the plaintiff's intestate to work in close and dangerous proximity thereto and negligently failed to provide any safeguards to prevent the plaintiff's intestate

from coming in contact with the said dangerous or unsafe electric wire, line or lines, and as a proximate consequence of the negligence of the defendant Riviera Utilities in grounding and causing or allowing said electric wires, line or lines, to become or remain in a dangerous or unsafe condition and plaintiff avers that the negligence of the defendant Springhill Broadcasting Company, as aforesaid, and the negligence of the defendant Riviera Utilities, as aforesaid, combined or concurred in proximately causing the death of the plaintiff's intestate, hence this suit.

COUNT THREE

Plaintiff claims of the defendants the sum of THREE HUNDRED THOUSAND & NO/100 (\$300,000.00) DOLLARS, as damages, for the negligent killing of plaintiff's intestate in Baldwin County, Alabama, on, to-wit, May 27, 1964; and plaintiff avers that at and prior to the time of said killing her intestate was in the employ of the defendant Springhill Broadcasting Company, a corporation, and was engaged in the performance of his duties as such employee of defendant Springhill Broadcasting Company, at its transmitter plant located off of the Bell Forest Road near Daphne, Baldwin County, Alabama; and plaintiff avers that at said time and place the defendant Springhill Broadcasting Company was the operator of Radio Station WMOE, and was a Louisiana Corporation qualified to do business in the State of Alabama, regularly employing less than eight employees in its business in the State of Alabama and, as such employer, had not accepted the provisions of the Workmen's Compensation Act of the State of Alabama.

The plaintiff further avers that on, to-wit, said day and date and at said time and place the defendant Riviera Utilities was engaged in the business of distributing electric current

and in connection with said business, had previously installed, energized and grounded, and then supplied energy to and maintained uninsulated wires or an uninsulated electric line or lines in and to the transmitter plant on the premises of the defendant Springhill Broadcasting Company, charged with currents of electricity dangerous or deadly to the life or limb of human beings coming into contact or close proximity therewith, and in close and dangerous proximity to the place where the plaintiff's intestate was then working in the transmitter plant building of the defendant Springhill Broadcasting Company.

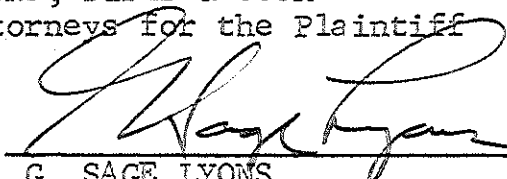
The plaintiff further avers that the defendant Riviera Utilities then had knowledge or notice, or in the exercise of ordinary reasonable care should have had knowledge or notice that the plaintiff's intestate and other employees of the defendant Springhill Broadcasting Company were working or would work in the transmitter building of the defendant Springhill Broadcasting Company and in close proximity to the said electric power line or lines energized and grounded by the defendant Riviera Utilities. The plaintiff further avers that the defendant Springhill Broadcasting Company then had knowledge or notice or in the exercise of ordinary reasonable care should have had knowledge or notice that the plaintiff's intestate and other workmen employed by the said Springhill Broadcasting Company were working or would work in close proximity to said electric power line or lines, and on, to-wit, said day and date and at said time and place the defendant Riviera Utilities so negligently caused or allowed said electric wires, line or lines to become or remain in a dangerous or unsafe condition that when the plaintiff's intestate came in contact therewith, while working in the transmitter plant building of the defendant Springhill Broad-

casting Company, a deadly current of electricity from said electric power wire, wires, line or lines was caused to pass through and into the body of the plaintiff's intestate thereby proximately inflicting injuries upon him causing his death;


Plaintiff further avers that the injuries causing the death of her intestate were a proximate consequence of the negligence of a certain person, whose name is otherwise unknown to the plaintiff at this time, in the service or employment of the defendant Springhill Broadcasting Company, to whose orders or direction the plaintiff's intestate at the time of the injury was to conform, and did conform, and that the plaintiff's intestate suffered said injuries and death from his having so conformed, in that the said employee of the defendant Springhill Broadcasting Company to whose orders or directions the plaintiff's intestate was bound to conform negligently failed to cut off the currents of electricity to the said uninsulated wire or line or lines in the said transmitter plant and failed to provide any safeguards to prevent the plaintiff's intestate from coming in contact with the said wire or line or lines, and caused the plaintiff's intestate to be or remain in dangerous and close proximity to said wire or line or lines, all in such a way that when the plaintiff's intestate came in contact therewith while working in close proximity thereto, a deadly current of electricity from said electric power wire, wires, line or lines, was caused to pass through and into the body of the plaintiff's intestate, thereby proximately inflicting injuries upon him causing his death, and as a proximate consequence of the negligence of the defendant Riviera Utilities in grounding and causing or allowing said electric wires, line or lines, to become or remain in a dangerous or unsafe condition and plaintiff avers that the negligence of the defendant

Springhill Broadcasting Company, as aforesaid, and the negligence of the defendant Riviera Utilities, as aforesaid, combined or concurred in proximately causing the death of the plaintiff's intestate, hence this suit.

LYONS, PIPES & COOK
Attorneys for the Plaintiff

By: 
G. SAGE LYONS

Plaintiff demands trial by jury.


G. SAGE LYONS

Addresses of Defendants:

Riviera Utilities
Foley, Alabama

Springhill Broadcasting Company
c/o Mr. Samuel R. David, General Manager
513 General Gibson Drive,
Spanish Fort, Alabama

FILED

AUG 3 1964

ALICE L. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 6138

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Springhill Broadcasting Company, a corp and Riviera Utilities, a corp.,

individually and 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 Springhill Broadcasting Co.,
A Corp

Riviera Utilities, a corp

-----, Defendant-----

by Leola Hibbler, As Administrator of the Estate of Roosevelt Hibbler, deceased

-----, Plaintiff-----

Witness my hand this 3 day of August 19 64

Alice J. Smith, Clerk

copy 2340

No. 6138 Page

The State of Alabama
Baldwin County

CIRCUIT COURT

LEOLA HIBBLER, As Administrator
of the Estate of
ROOSEVELT HIBBLER, deceased

Plaintiffs

vs.

SPRINGHILL BROADCASTING COMPANY,
a corp
and
RIVIERA UTILITIES, a corp.
individually and jointly
Defendants

Summons and Complaint

Filed 19

FILED

AUG 3 1964

ALICE J. DUCK, CLERK
REGISTER

Plaintiff's Attorney

Defendant's Attorney

RECEIVED

Defendant lives at
AUG 13 1964

SHERIFF'S OFFICE

Received In Office

8/13 1964

I have executed this summons

this 8/17 1964
by leaving a copy with

Riviera utilities

Roy C. LeDrew, August 8-7-64
Springhill Broadcasting Co.
Sam B. Davis, Vice Pres
Sp Fork 8-22-64

Sheriff claims 1160 miles

Ten Cows per mile Total 11760

BY Deputy Sheriff

Raymond Wilkins Sheriff
Deputy Sheriff

8/21/64

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Evelyn M. Wirth, a
Notary Public in and for said County in said State, personally
appeared C. G. CHASON, who is known to me, and who after
being by me first duly and legally sworn, deposes and says
under oath as follows: That his name is C. G. CHASON; that
he is regularly and duly a licensed practicing attorney-at-
law with offices in Foley, Alabama; that he is the attorney
regularly retained by The Utilities Board of the City of
Foley, a public corporation, and has been regularly and
duly retained as attorney for the said The Utilities Board
of the City of Foley since 1946; that as such attorney he is
familiar with the matters and facts set out in the foregoing
plea and that the statements of fact contained therein are
true.

C. G. Chason

Sworn to and subscribed
before me, a Notary Public, on this
the 29th day of August, 1964.

Evelyn M. Wirth
Notary Public, Baldwin County
State of Alabama

FILED
SEP 1 1964
ALICE J. DUCK, CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 31st day
of AUGUST, 1964, served a copy of the
foregoing pleading on counsel for all parties to this
proceeding, by mailing the same by United States mail,
properly addressed, and first class postage prepaid.

Brook B. Helme

LEOLA HIBBLER, As Adminis-	)	IN THE CIRCUIT COURT OF
tratrix of the Estate of)	
ROOSEVELT HIBBLER, Deceased,	)	BALDWIN COUNTY, ALABAMA
)	
Plaintiff,)	
-vs-	)	AT LAW
)	
SPRINGHILL BROADCASTING)	
COMPANY, a corporation and	)	CASE NO. 6138
RIVIERA UTILITIES, a corp-)	
oration, individually and)	
jointly,)	
)	
Defendants.)	

AMENDMENT TO COMPLAINT

COMES NOW the plaintiff in the above-styled cause and amends her complaint herein, and each count thereof, by adding The Utilities Board of the City of Foley, a public corporation, individually and d/b/a Riviera Utilities, as a party defendant thereto, so that the caption shall now read as follows:

LEOLA HIBBLER, As Adminis-	)	IN THE CIRCUIT COURT OF
tratrix of the Estate of)	
ROOSEVELT HIBBLER, Deceased,	)	BALDWIN COUNTY, ALABAMA
)	
Plaintiff,)	
-vs-	)	AT LAW
)	
SPRINGHILL BROADCASTING)	
COMPANY, a corporation, and	)	CASE NO. 6138
RIVIERA UTILITIES, a corp-)	
oration and THE UTILITIES)	
BOARD OF THE CITY OF FOLEY,)	
a public corporation, indiv-)	
idually and d/b/a RIVIERA)	
UTILITIES, individually and)	
jointly,)	
)	
Defendants.)	

Plaintiff further amends the complaint herein, and each count thereof, by adding therein after wherever the words, "The defendant Riviera Utilities" appears the following words:

"And the defendant The Utilities Board of the City of Foley,
a public corporation, individually and d/b/a Riviera Utilities".

LYONS, PIPES & COOK
Attorneys for the Plaintiff

By: 

G. Sage Lyons

Plaintiff demands trial by jury.


G. Sage Lyons

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 1st day of
September, 1964, served a copy of the foregoing pleading on
counsel for the defendant The Utilities Board of the City of
Foley, a public corporation, individually and d/b/a Riviera
Utilities, by mailing the same by United States mail, prop-
erly addressed, and first class postage prepaid.


G. Sage Lyons

FILED

SEP 3-64

ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

SPRINGHILL BROADCASTING)
COMPANY, a corporation, and)
RIVIERA UTILITIES, a corporation,)
individually and jointly,)

CASE NO.

ARMBRECHT, JACKSON, McCONNELL & DeMOUY

By: Marshall J. Demouy
MARSHALL J. DeMOUY

By: Brook G. Holmes
BROOK G. HOLMES

C. G. CHASON

Attorneys for the Defendant,
The Utilities Board of the City of Foley

LEOLA HIBBLER, as	:	IN THE CIRCUIT COURT OF
Administratrix of	:	
the Estate of ROOSE-	:	BALDWIN COUNTY, ALABAMA
VELT HIBBLER, Deceased,	:	
Plaintiff	:	AT LAW
vs.	:	
SPRINGHILL BROAD-	:	
CASTING COMPANY,	:	
et al,	:	
Defendants.	:	Case No. 6138

AMENDED PLEA IN ABATEMENT

Comes now the defendant Springhill Broadcasting Company, a corporation, separately and severally, and appears solely and specially for the purpose of filing this Amended Plea in Abatement, and for no other purpose, and, amends its Plea in Abatement, by assigning to each separate and several count of the complaint filed herein, as last amended, the following separate and several pleas in abatement, separately and severally:

1. At the time and place described in the complaint, to-wit, May 27, 1964, the plaintiff's intestate and this defendant were subject to the Workmen's Compensation Act of Alabama, Title 26, Section 253, et. seq., Code of Alabama of 1940, as amended, in that this defendant regularly employed eight or more employees at said time and that neither this defendant nor the plaintiff's intestate had given notice prior to May 27, 1964, not to accept or be bound by the provisions of said Workmen's Compensation Act of Alabama; therefore, plaintiff ought not recover because said Workmen's

Compensation Act of Alabama provides the exclusive remedy against this defendant.

2. At the time and place described in the complaint, to-wit, May 27, 1964, the plaintiff's intestate and this defendant were subject to the Workmen's Compensation Act of Alabama, Title 26, Section 253, et. seq., Code of Alabama of 1940, as amended, in that this defendant had elected to accept the provisions of said Workmen's Compensation Act of Alabama and plaintiff's intestate had not given notice of his election not to accept or be bound by the provisions of said Workmen's Compensation Act of Alabama; therefore, plaintiff ought not recover because said Workmen's Compensation Act of Alabama provides the exclusive remedy against this defendant.

3. The plaintiff cannot maintain this action because the provisions of Title 7, Section 119, Code of Alabama of 1940, as amended, have not been met in that the plaintiff is the personal representative of a deceased minor, Roosevelt Hibbler, deceased, and this suit was brought to recover damages because of the death of said deceased minor within six months from the death of said deceased minor, this suit having been filed on, to-wit, August 3, 1964, and said deceased minor having died on, to-wit, May 27, 1964.

4. The plaintiff has discontinued this action as to one or more of the defendants other than this defendant, thereby working a discontinuance as to this defendant; hence, this action cannot be maintained against this defendant.

WHEREFORE, this defendant says that this suit should be abated.

Donald H. Hume

Louis E. Brumwell

Trial Attorneys for Defendant,
Springhill Broadcasting Company
622 First National Bank Building
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

✓ STATE OF ALABAMA:
COUNTY OF Mobile:

Before me, Evelyn Howell Laverd, a Notary Public in and for said County in said State, personally appeared Samuel R. David, who, being by me first duly sworn, doth depose and say under oath as follows: that he is the President of Springhill Broadcasting Company, a corporation; that he is authorized to make this affidavit; that he has personal knowledge of the facts herein contained; and that said facts are true and correct.

SPRINGHILL BROADCASTING COMPANY,
A Corporation

By: S. R. David
Its President

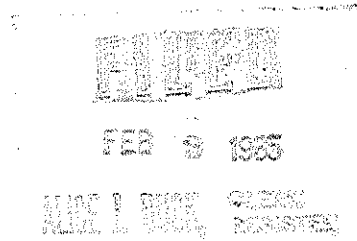
Subscribed and sworn to before me on this the 1st
day of February, 1965.

Evelyn Howell Laverd
Notary Public, Mobile County,
Alabama

CERTIFICATE OF SERVICE

I, Donald F. Pierce, hereby certify that I have mailed a true and correct copy of the foregoing Plea in Abatement to G. Sage Lyons, Esquire, attorney for the plaintiff, by depositing a copy of the same in the United States mail, postage prepaid, addressed to Mr. Lyons at his office in Mobile, Alabama, on this 2 day of February, 1965.

Louis E. Braswell



LEOLA HIBBLER, as	:	IN THE CIRCUIT COURT OF
Administrator of	:	
the Estate of	:	MOBILE COUNTY, ALABAMA
ROOSEVELT HIBBLER,	:	
Deceased,	:	AT LAW
Plaintiff	:	
vs.	:	
SPRINGHILL BROAD-	:	
CASTING COMPANY,	:	
et al,	:	
Defendants.	:	Case No. 6138

PLEA IN ABATEMENT

Comes now the defendant Springhill Broadcasting Company, a corporation, separately and severally, and appears solely and specially for the purpose of filing this Plea in Abatement, and for no other purpose, and, pleading in abatement, assigns to each separate and several count of the complaint filed herein, as last amended, the following separate and several pleas, separately and severally:

1. At the time and place described in the complaint, the plaintiff's intestate and this defendant were subject to the Workmen's Compensation Act of Alabama, Title 26, Section 253, et seq., Code of Alabama of 1940, as amended, which provides the exclusive remedy against this defendant.

2. At the time and place described in the complaint, to-wit, May 27, 1964, this defendant and plaintiff's intestate were in an employer-employee relationship and were both subject to the Workmen's Compensation Act of Alabama,

Title 26, Section 253, et seq., Code of Alabama of 1940, as amended, so that the remedy provided by said Act is the exclusive remedy against this defendant.

3. The plaintiff is the personal representative of a deceased minor, and this suit was brought to recover damages because of the death of said deceased minor within six months from the death of said deceased minor.

4. The plaintiff has discontinued this action as to one or more of the defendants other than this defendant, thereby working a discontinuance as to this defendant.

WHEREFORE, this defendant says that this suit should be abated.

Louis E. Bassett
Donald J. Hines
Trial Attorneys for Defendant
SPRINGHILL BROADCASTING COMPANY
622 First National Bank Building
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

STATE OF ALABAMA:
COUNTY OF MOBILE:

Before me, Charles L. Harrison, a Notary Public in and for said County in said State, personally appeared SAMUEL R. DAVID, who, being by me first duly sworn doth depose and say under oath that he is the Vice-President of SPRINGHILL BROADCASTING COMPANY, a corporation, that he is authorized to make this affidavit, that he has knowledge

of the facts herein contained, and that said facts are true and correct.

SPRINGHILL BROADCASTING COMPANY,
A Corporation

By: *Samuel R. Priest*
Its Vice-President

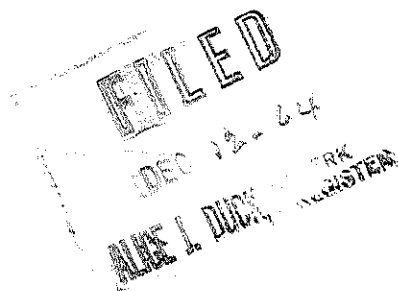
Subscribed and sworn to before me on this, the 10th
day of December, 1964.

Ernest Lee Harrison
Notary Public, Mobile County,
Alabama - State at Large

CERTIFICATE OF SERVICE

I, Donald F. Pierce, hereby certify that I have mailed a true and correct copy of the foregoing Plea in Abatement to G. Sage Lyons, Esq., Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Lyons at his office in Mobile, Alabama on this, the 11th day of December, 1964.

Donald F. Pierce



LEOLA HIBBLER, As Adminis-	)	IN THE CIRCUIT COURT OF
tratrix of the Estate of)	
ROOSEVELT HIBBLER, Deceased,	)	BALDWIN COUNTY, ALABAMA
)	
Plaintiff,	)	AT LAW
-vs-)	
)	
SPRINGHILL BROADCASTING)	
COMPANY, a corporation,	)	CASE NO. 6138
)	
Defendant.)	
)	

AMENDED COMPLAINT

NOW COMES the plaintiff in the above styled cause and amends her complaint so that the same shall now read as follows:

COUNT ONE

Plaintiff claims of the defendant the sum of ONE HUNDRED THOUSAND & NO/100 (\$100,000.00) DOLLARS, as damages, for the negligent killing of the plaintiff's intestate in Baldwin County, Alabama, on, to-wit, May 27, 1964; and plaintiff avers that at and prior to the time of said killing her intestate was in the employ of the defendant Springhill Broadcasting Company, a corporation, and was engaged in the performance of his duties as such employee of the defendant at its transmitter plant located off of the Bell Forest Road near Daphne, Baldwin County, Alabama; and plaintiff avers that at said time and place the defendant was the operator of Radio Station WMOE, and was a Louisiana corporation qualified to do business in the State of Alabama, regularly employing less than eight employees in its business in the State of Alabama and, as such employer, had not accepted the provisions of the Workmen's Compensation Act of the State of Alabama.

The plaintiff avers that, while engaged in the discharge of his duties as such employee of the defendant, at the time and place aforesaid, the plaintiff's intestate came in contact with

a dangerous electric power wire, wires, line or lines, transmitter or conductor, while working in the transmitter plant building of the defendant Springhill Broadcasting Company, and a deadly current of electricity from said electric power wire, wires, line or lines, transmitter or conductor, was caused to pass through and into the body of the plaintiff's intestate thereby proximately inflicting injuries upon him causing his death.

Plaintiff further avers that the injuries causing the death of her intestate were received as a proximate consequence of a defect in the condition of the works, ways, machinery or plant connected with or used in the business of the defendant, which defect arose from the act or acts of the defendant, or some person in the service of the defendant and entrusted with the duty of seeing that the ways, works, machinery or plant were in proper condition, in negligently failing to provide or employ safeguards to prevent persons inside of its transmitter plant building from coming in contact with the said dangerous or unsafe electric wire, wires, line or lines, transmitter or conductor, and the plaintiff avers that the negligence of the defendant Springhill Broadcasting Company, as aforesaid, proximately caused the death of the plaintiff's intestate; wherefore, the plaintiff claims damages as aforesaid.

COUNT TWO

Plaintiff claims of the defendant the sum of ONE HUNDRED THOUSAND & NO/100 (\$100,000.00) DOLLARS, as damages, for the negligent killing of the plaintiff's intestate in Baldwin County, Alabama, on, to-wit, May 27, 1964; and plaintiff avers that at and prior to the time of said killing her intestate was in the employ of the defendant Springhill Broadcasting Company, a corp-

oration, and was engaged in the performance of his duties as such employee of the defendant at its transmitter plant located off of the Bell Forest Road near Daphne, Baldwin County, Alabama; and plaintiff avers that at said time and place the defendant was the operator of Radio Station WMOE, and was a Louisiana corporation qualified to do business in the State of Alabama, regularly employing less than eight employees in its business in the State of Alabama and, as such employer, had not accepted the provisions of the Workmen's Compensation Act of the State of Alabama.

The plaintiff avers that, while engaged in the discharge of his duties as such employee of the defendant, at the time and place aforesaid, the plaintiff's intestate came in contact with a dangerous electric power wire, wires, line or lines, transmitter or conductor, while working in the transmitter plant building of the defendant Springhill Broadcasting Company, and a deadly current of electricity from said electric power wire, wires, line or lines, transmitter or conductor, was caused to pass through and into the body of the plaintiff's intestate thereby proximately inflicting injuries upon him causing his death.

Plaintiff avers that the injuries causing the death of her intestate were a proximate consequence of and caused by reason of the negligence of a certain person whose name is otherwise unknown to the plaintiff, who was in the service or employ of the defendant and who had superintendence entrusted to him, while in the exercise of such superintendence, in that the said person negligently failed to cut off the currents of electricity to the said electric wire, wires, line or lines, transmitter or conductor in the said transmitter plant after having instructed the plaintiff's intestate to work in close and dangerous proximity thereto

and negligently failing to provide any safeguards to prevent the plaintiff's intestate from coming in contact with the said dangerous or unsafe electric wire, wires, line or lines, transmitter or conductor, and the plaintiff avers that the negligence of the defendant Springhill Broadcasting Company as aforesaid, proximately caused the death of the plaintiff's intestate; wherefore, the plaintiff claims damages as aforesaid.

COUNT THREE

Plaintiff claims of the defendant the sum of ONE HUNDRED THOUSAND & NO/100 (\$100,000.00) DOLLARS, as damages, for the negligent killing of the plaintiff's intestate in Baldwin County, Alabama, on, to-wit, May 27, 1964; and plaintiff avers that at and prior to the time of said killing her intestate was in the employ of the defendant Springhill Broadcasting Company, a corporation, and was engaged in the performance of his duties as such employee of the defendant at its transmitter plant located off of the Bell Forest Road near Daphne, Baldwin County, Alabama; and plaintiff avers that at said time and place the defendant was the operator of Radio Station WMOE, and was a Louisiana corporation qualified to do business in the State of Alabama, regularly employing less than eight employees in its business in the State of Alabama and, as such employer, had not accepted the provisions of the Workmen's Compensation Act of the State of Alabama.

The plaintiff avers that, while engaged in the discharge of his duties as such employee of the defendant, at the time and place aforesaid, the plaintiff's intestate came in contact with a dangerous electric power wire, wires, line or lines, transmitter or conductor, while working in the transmitter plant building of the defendant Springhill Broadcasting Company, and a deadly current of electricity from said electric power wire,

wires, line or lines, transmitter or conductor, was caused to pass through and into the body of the plaintiff's intestate thereby proximately inflicting injuries upon him causing his death.

Plaintiff further avers that the injuries causing the death of her intestate were received as a proximate consequence of a defect in the condition of the works, ways, machinery or plant connected with or used in the business of the defendant Springhill Broadcasting Company, which defect arose from the act or acts of the defendant Springhill Broadcasting Company, or some person in the service of the defendant and entrusted with the duty of seeing that the ways, works, machinery or plant were in proper condition, in negligently failing to provide or employ safeguards to prevent persons inside of its transmitter plant building from coming in contact with the said dangerous or unsafe electric wire, wires, line or lines, transmitter or conductor, and plaintiff avers that the negligence of the defendant Springhill Broadcasting Company, as aforesaid, proximately caused the death of the plaintiff's intestate; wherefore, the plaintiff claims damages as aforesaid.

COUNT FOUR

Plaintiff claims of the defendant the sum of ONE HUNDRED THOUSAND & NO/100 (\$100,000.00) DOLLARS, as damages, for the negligent killing of the plaintiff's intestate in Baldwin County, Alabama, on, to-wit, May 27, 1964; and plaintiff avers that at and prior to the time of said killing her intestate was in the employ of the defendant Springhill Broadcasting Company, a corporation, and was engaged in the performance of his duties as such employee of the defendant at its transmitter plant located off of the Bell Forest Road near Daphne, Baldwin County, Alabama; and

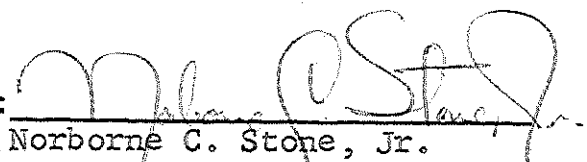
plaintiff avers that at said time and place the defendant was the operator of Radio Station WMOE, and was a Louisiana corporation qualified to do business in the State of Alabama, regularly employing less than eight employees in its business in the State of Alabama and, as such employer, had not accepted the provisions of the Workmen's Compensation Act of the State of Alabama.

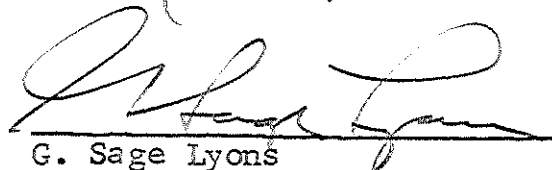
The plaintiff avers that, while engaged in the discharge of his duties as such employee of the defendant, at the time and place aforesaid, the plaintiff's intestate came in contact with a dangerous electric power wire, wires, line or lines, transmitter or conductor, while working in the transmitter plant building of the defendant Springhill Broadcasting Company, and a deadly current of electricity from said electric power wire, wires, line or lines, transmitter or conductor, was caused to pass through and into the body of the plaintiff's intestate thereby proximately inflicting injuries upon him causing his death.

Plaintiff further avers that the injuries causing the death of her intestate were a proximate consequence of the negligence of a certain person, whose name is otherwise unknown to the plaintiff at this time, in the service or employment of the defendant Springhill Broadcasting Company, to whose orders or direction the plaintiff's intestate at the time of the injury was to conform, and did conform, and that the plaintiff's intestate suffered said injuries and death from his having so conformed, in that the said employee of the defendant to whose orders or directions the plaintiff's intestate was bound to conform negligently failed to cut off the currents of electricity to the said electric wire, wires, line or lines, transmitter or conductor in the said transmitter plant and failed to provide any safeguards to prevent the plaintiff's

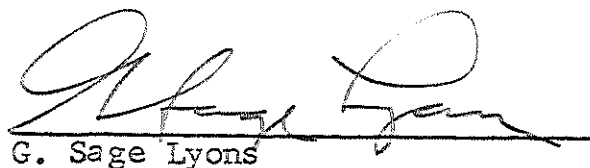
intestate from coming in contact with the said wire, wires, line or lines, transmitter or conductor, and caused the plaintiff's intestate to be or remain in dangerous and close proximity to said wire, wires, line or lines, transmitter or conductor, all in such a way that when the plaintiff's intestate came in contact therewith while working in close proximity thereto, a deadly current of electricity from said electric power wire, wires, line or lines, transmitter or conductor, was caused to pass through and into the body of the plaintiff's intestate, thereby proximately inflicting injuries upon him causing his death, and plaintiff avers that the negligence of the defendant Springhill Broadcasting Company, as aforesaid, proximately caused the death of the plaintiff's intestate; wherefore, the plaintiff claims damages as aforesaid.

CHASON, STONE & CHASON
and
LYONS, PIPES & COOK
Attorneys for the Plaintiff

By: 
Norborne C. Stone, Jr.


G. Sage Lyons

Plaintiff respectfully demands a trial by jury.


G. Sage Lyons

FILED

NOV 20 1937

4:10 p.m.

ALICE J. DICK, CLERK
REGISTER