

SUMMONS

STATE OF ALABAMA, )

BALDWIN COUNTY. )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summons BROWN & ROOT, INC., and JAMES E. CARTER, 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, Alabama, at the place of holding same by ALPHONZO LEE.

Witness my hand this the 19 day of November, 1964.

Alice J. Luck  
Clerk

\* \* \* \* \*

COMPLAINT

ALPHONZO LEE,

PLAINTIFF,

VS:

BROWN & ROOT, INC. and

JAMES E. CARTER,

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

6318

COUNT I:

The Plaintiff claims of the Defendants the sum of FORTY THOUSAND & 00/100 DOLLARS (\$40,000.00), as damages, for that, heretofore on to wit: the 28th day of November, 1963, at the intersection of Baldwin County Highway #27 and Baldwin County Highway # 48. The Defendant, JAMES E. CARTER, as an agent, servant, or employee of the Defendant, BROWN & ROOT, INC., while acting in the line and scope of his employment, so negligently operated a 1962 Ford Station Wagon then and there as to cause said Ford Station Wagon to run over, upon or against a 1953 Chevrolet pickup truck in which MARIE LEE was riding and avers that as a proximate consequence thereof, the said MARIE LEE was killed. The Plaintiff was injured and damaged as the result of the injuries to and the death of his wife as follows:

The Plaintiff was caused much expense made necessary after her death and known as funeral expenses, including grave, grave space, preparation of grave to hold casket and to receive her body, for a casket within which to put the body of his wife, for a hearse, funeral cars or automobiles, for embalming and other necessary expenses incident to conducting the funeral and interring the body of his wife.

The Plaintiff has been damages as aforesaid for the loss of services of his wife, her companionship or consortium and has suffered deep grief and sorrow and continues to suffer deep grief and sorrow for the loss, love and companionship of his beloved wife, for which the Plaintiff sues.

COUNT II:

The Plaintiff claims of the Defendants the sum of FORTY THOUSAND & 00/100 DOLLARS (\$40,000.00) as damages, for that, heretofore on to wit: the 28th day of November, 1963, at the intersection of Baldwin County Highway #27 and Baldwin County Highway #48. The Defendant, JAMES E. CARTER, as an agent, servant, or employee of the Defendant, BROWN & ROOT, INC., while acting in the line and scope of his employment, so negligently operated a 1962 Ford Station Wagon then and there as to cause said Ford Station Wagon to run over, upon or against a 1953 Chevrolet pickup truck in which MARIE LEE was riding and avers that as a proximate consequence thereof, the said MARIE LEE was killed. The Plaintiff was injured and damages as the result of the injuries to and the death of his wife as follows:

The Plaintiff was caused much expense made necessary after her death and known as funeral expenses, including grave, grave space, preparation of grave to hold casket and to receive her body, for a casket within which to put the body of his wife, for a hearse, funeral cars or automobiles, for embalming and other necessary expenses incident to conducting the funeral and interring the body of his wife.

The Plaintiff has been damages as aforesaid for the loss of services of his wife, her companionship or consortium and has suffered deep grief and sorrow and continues to suffer deep grief and sorrow for the loss, love and companionship of his beloved wife.

The Plaintiff avers that the death of his beloved wife, MARIE LEE, was proximately caused by the wilful, wanton, or intentional conduct of Defendant's agent or servant who was acting within the line and scope of his employment at the time, for which the Plaintiff sues.

COUNT III:

The Plaintiff claims of the Defendants, FORTY THOUSAND & 00/100 DOLLARS (\$40,000.00) as damages, for that, on to wit: the 28th day of November, 1963, the Defendant negligently operated a 1962 Ford Station Wagon then and there as to cause said Ford Station Wagon to run over, upon or against a 1953 Chevrolet pickup truck in which the Defendant was riding at the intersection of Baldwin County Highway #27 and Baldwin County Highway #48, and as a proximate result of said negligence on the part of the Defendant, the Plaintiff was seriously and permanently injured, and caused to suffer great pain and permanently loss of mental facilities and physical and bodily infirmities, that he incurred large expenses by way of doctors' bills, hospital bills and medicine and was caused to lose a great deal of time from his business or work, all to his damage as aforesaid, for which the Plaintiff sues.


COUNT IV:

The Plaintiff claims of the Defendants, FORTY THOUSAND & 00/100 DOLLARS (\$40,000.00) as damages, for that, on to wit: the 28th day of November, 1963, the Defendant negligently operated a 1962 Ford Station Wagon then and there as to cause said Ford Station Wagon to run over, upon or against a 1953 Chevrolet pickup truck in which the Defendant was riding at the intersection of Baldwin County Highway # 27 and Baldwin County Highway #48, and as a proximate result of said negligence on the part of the Defendant, the Plaintiff was seriously and permanently injured, and caused to suffer great pain and permanently loss of mental facilities and physical and bodily infirmities, that he incurred large expenses by way of doctors' bills, hospital bills and medicine and was caused to lose a great deal of time from his business or work, all to his damage as aforesaid, for which the Plaintiff sues. And the Plaintiff avers that all of this seriously and permanently injury has caused him to suffer great pain and permanent loss of facilities, physical and bodily infirmities and large expense by way of Doctors' bills, hospital bills and medicine was proximately caused by the wilful, wanton, or intentional conduct of the Defendant's agent or servant, JAMES E. CARTER, who was acting in the line and

Complaint -

- 4 -

scope of his employment at the time, for which the Plaintiff sues.



Attorney for the Plaintiff  
Forest A. Christian  
P. O. Drawer 190  
Foley, Alabama 36535

Plaintiff demands trial by jury.



Attorney for the Plaintiff.

Defendants' Address is:

Service Agents, Fred S. Ball, Jr.  
& Richard A. Ball  
717 First National Bank Building  
Montgomery, Alabama.

FILED

NOV 19 1964

ALICE J. DUCK, CLERK  
REGISTER

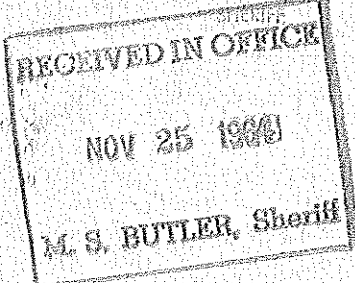
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NOV 24 1964

TAYLOR WILKINS



EXECUTED BY SERVING A  
COPY OF THE WITHIN

*on Fred S. Ball  
in as agent for  
Brown & Root  
Inc.*

This the *30* day of *Nov* 1964

M. S. BUTLER  
Sheriff Montgomery County

By *Sham*  
Deputy Sheriff

The Sheriff claims *2*  
miles at 10c per mile for a total  
of \$ *20*  
M. S. Butler  
Montgomery County, Ala.

6310

SUMMONS

ALPHONZO LEE,

PLAINTIFF,

VS:

BROWN & ROOT, INC., and  
JAMES E. CARTER,

DEFENDANTS.

Service Agents:  
Fred S. Ball, Jr. and  
Richard A. Ball  
717 First National Bank Building  
Montgomery, Alabama

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

NOV 19 1964

ALICE A. DUCK, CLERK  
REGISTER

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

ALPHONZO LEE,	§		
	§	IN THE CIRCUIT COURT OF	
Plaintiff,	§		
vs.	§	BALDWIN COUNTY, ALABAMA	
	§		
BROWN & ROOT, INC., and	§	AT LAW	NO. 6310
JAMES E. CARTER,	§		
Defendants.	§		

Comes the Defendant, Brown & Root, Inc., in the above styled cause and files this its motion to strike the following allegations of the complaint filed in said cause:

1. Those allegations of count "I" of the complaint in which the Plaintiff claims damages as follows: "The Plaintiff was caused much expense made necessary after her death and known as funeral expenses, including grave, grave space, preparation of grave to hold casket and to receive her body, for a casket within which to put the body of his wife, for a hearse, funeral cars or automobiles, for embalming and other necessary expenses incident to conducting the funeral and interring the body of his wife."

2. Those allegations of count "I" of the complaint which are as follows: "and has suffered deep grief and sorrow and continues to suffer deep grief and sorrow for the loss, love and companionship of his beloved wife"...

3. Those allegations of count "II" of the complaint which are as follows: "The plaintiff was caused much expense made necessary after her death and known as funeral expenses, including grave, grave space, preparation of grave to hold casket and to receive her body, for a casket within which to put the body of his wife, for a hearse, funeral cars or automobiles, for embalming and other necessary expenses incident to conducting the funeral and interring the body of his wife".

4. Those allegations of count "II" of the complaint which are as follows: "has suffered deep grief and sorrow and continues

to suffer deep grief and sorrow for the loss, love and companionship of his beloved wife".

5. Those allegations of count "III" of the complaint which are as follows: "the Plaintiff was seriously and permanently injured, and caused to suffer great pain and permanently loss of mental facilities and physical and bodily infirmities, that he incurred large expenses by way of doctors' bills, hospital bills and medicine and was caused to lose a great deal of time from his business or work"..

6. Those allegations of count "IV" of the complaint which are as follows: "the Plaintiff was seriously and permanently injured, and caused to suffer great pain and permanently loss of mental facilities and physical and bodily infirmities, that he incurred large expenses by way of doctors' bills, hospital bills and medicine and was caused to lose a great deal of time from his business or work"...

7. Those allegations of count "IV" which are as follows: "that all of this seriously and permanently injury has caused him to suffer great pain and permanent loss of facilities, physical and bodily infirmities and large expense by way of Doctors' bills, hospital bills and medicine"...

As grounds for the above motion the Defendant, Brown & Root, Inc., says:

a. That such claims are not proper elements of damages in this suit.

b. That such claims are not allowed by the laws of the State of Alabama in a suit by a husband arising out of the death of his wife.

c. That such claims are speculative.

d. That such claims are vague and uncertain.

e. That such claims allege injuries or damages which are

not the proper subject of a suit.

FILED

DEC 8 1964

ALICE L. DUCK

CLERK  
REGISTER

300

*Charles Stone & Charles*  
Attorneys for Defendant, Brown  
& Root, Inc.