

STATE OF ALABAMA

IN THE CIRCUIT COURT - AT LAW

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Earl D. Compton and Ploof Transport Company to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Microfilm System Service, Inc., a corporation.

Witness my hand this 21 day of December, 1964.

Price J. Muck
Clerk

MICROFILM SYSTEM SERVICE,
INC., A CORPORATION,

Plaintiff,

vs.

EARL D. COMPTON and PLOOF
TRANSPORT COMPANY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

The Plaintiff claims of the Defendants the sum of Four Hundred Eighty-one Dollars and Thirty-six Cents (\$481.36) as damages for that on, heretofore, to-wit: the 3rd day of September, 1964, at a point on U. S. Highway 90, four-tenths (4/10ths) of a mile East of the City Limits of Loxley, Baldwin County, Alabama, the Defendant Earl D. Compton, as the agent, servant or employee of the Defendant Ploof Transport Company, and while acting within the line and scope of his authority as such agent, servant or employee, did so negligently operate a motor vehicle as to cause or allow the same to run into or against a motor vehicle belonging to the Plaintiff and as a direct and proximate result of such negligence the automobile belonging to the Plaintiff was damaged

in this: the right front bumper and bumper guard, the front air scoop, the front grill, the right front headlights, the right front fender, the radiator core and the air conditioning condenser were all bent, damaged and broken to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By: John Earle Chason
Attorneys for Plaintiff

The Plaintiff respectfully demands
a trial of this cause by a jury.

John Earle Chason
Attorneys for Plaintiff

address:
Earl A. Compton,
Rt-1-Box 79
Orange Park, Fla

Proof Transfer Co.,
1901 Hill St.,
Jacksonville, Fla.

FILED
DEC 21 1936
ALICE L. DUCK, CLERK
REGISTER

STATE OF ALABAMA

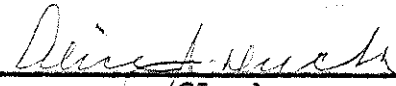
IN THE CIRCUIT COURT - AT LAW

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

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Witness my hand this 21 day of December, 1964.


Clerk

MICROFILM SYSTEM SERVICE,
INC., A CORPORATION,

Plaintiff,

vs.

EARL D. COMPTON and PLOOF
TRANSPORT COMPANY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

The Plaintiff claims of the Defendants the sum of Four Hundred Eighty-one Dollars and Thirty-six Cents (\$481.36) as damages for that on, heretofore, to-wit: the 3rd day of September, 1964, at a point on U. S. Highway 90, four-tenths (4/10ths) of a mile East of the City Limits of Loxley, Baldwin County, Alabama, the Defendant Earl D. Compton, as the agent, servant or employee of the Defendant Ploof Transport Company, and while acting within the line and scope of his authority as such agent, servant or employee, did so negligently operate a motor vehicle as to cause or allow the same to run into or against a motor vehicle belonging to the Plaintiff and as a direct and proximate result of such negligence the automobile belonging to the Plaintiff was damaged

in this: the right front bumper and bumper guard, the front air scoop, the front grill, the right front headlights, the right front fender, the radiator core and the air conditioning condenser were all bent, damaged and broken to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By:

John Earle Chason
Attorneys for Plaintiff

The Plaintiff respectfully demands
a trial of this cause by a jury.

John Earle Chason
Attorneys for Plaintiff

FILED

DEC 21 1932

CLERK
REGISTER

address:

Earl A. Compton

Rt 1 - Box 79

Orange Park - Fla.

Proof Transfer Co.
1901 Hill St.
Jacksonville, Fla.

JURY LIST - SEPTEMBER 13, 1965

- ~~1. Cleverdon, Paul L., Farmer, Summerdale~~
- ~~2. Clark, J.W., Jr., Merchant, Robertsedale~~
- ~~3. Boone, W.A., Farmer, Little River~~
- ~~4. Bankester, Artie, Retired, Robertsedale~~
- ~~5. Armstrong, Charles, Ins. Salesman, Robertsedale~~
- ~~6. Fullbright, Lex J., Army-Retired, Gulf Shores~~
- ~~7. Frank, Lawrence J., Farmer, Elberta~~
- ~~8. Gideon, Elijah M., Laborer, Bay Minette~~
- ~~9. Black, Rufus M., Farmer, Loxley~~
- ~~10. Bauer, Hilbert, Farmer, Summerdale~~
- ~~11. Good, John, Jr., Farmer, Elberta~~
- ~~12. Gottler, Joe, Farmer, Elberta~~
- ~~13. Guthrie, Hershey H., Farmer, Foley~~
- ~~14. Hatchcock, Roy, Laborer, Summerdale~~
- ~~15. Hobbs, Tom, Farmer, Rosinton~~
- ~~16. Hinkelman, Howard, Civil Service, Elberta~~
- ~~17. Herron, John L., Chemstrand, Bay Minette~~
- ~~18. Kaechele, John F., Mechanic, Elberta~~
- ~~19. Ingram, Charles C., Linesman, Foley~~
- ~~20. Horne, Thomas B., Fleet, Crossroad~~
- ~~21. Chestang, J.D., Paper Mill, Bay Minette~~
- ~~22. Keenan, Ruben A., Oil Dealer, Robertsedale~~
- ~~23. Lyles, O.C., Real Estate, Bay Minette~~
- ~~24. Hastings, Donald E., Farmer, Rosinton~~
- ~~25. Erdmann, Rudolph C., Plumber, Mag Spgs.~~
- ~~26. Capps, James C., Merchant, Bay Minette~~
- ~~27. Calloway, Lawrence E., Fisherman, Gulf Shores~~
- ~~28. Byrd, Claude, Newport, Bay Minette~~
- ~~29. Burns, Guy, Farmer, Summerdale~~
- ~~30. Brantley, E.R., Contractor, Bay Minette~~
- ~~31. Ebentheuer, Henry A., Trk. Driver, Elberta~~
- ~~32. Dyer, Ted, Mechanic, Fairhope~~
- ~~33. Dvork, Joseph, Jr., Salesman, Belforest~~
- ~~34. Day, Gladden, Salesman, Bay Minette~~
- ~~35. Crotwell, Alfred, Carpenter, Gulf Shores~~
- ~~36. Conway, Wm. Brookley Field, Bay Minette~~
- ~~37. Armstead, George, Emp. Fairhope Hardware, Daphne~~
- ~~38. Evans, Glovice, Newport Industry, Bay Minette~~
- ~~39. Hudson, Homer, Standard Furniture Co., Bay Minette~~
- ~~40. Benton, George H., Fisherman, Gulf Shores~~
- ~~41. Lindsey, Walter M., Abstractor, Bay Minette~~
- ~~42. Glisson, Courtney, Jr., Farmer, Foley~~

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STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

MRS. AGNES BAGGETT
SECRETARY OF STATE

March 3, 1965

Hon. John E. Chason
Chason, Stone & Chason
Bay Minette, Ala

Dear Mr. Chason:

Re: Microfilm System Service, Inc. VS
Earl D. Compton, et al

Please refer to your file in the above-styled cause and be advised that on January 22, I sent by certified mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

Earl D. Compton
Rt. 1, Box 79
Orange Park, Fla.

On February 25, this letter (Certified No. 50073) was returned to me with reason for non-delivery given as "NOT GIVEN".*

Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Yours very truly,

*Was forwarded to
1621 Clarkron St.
Jax. Fla.

Mrs. Agnes Baggett
Secretary of State

cc: Hon. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Ala.

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

THOS. E. TWITTY
FRANCIS H. INGE (1902-1959)
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.
SYDNEY R. PRINCE, III

MAILING ADDRESS:

P. O. BOX 1109
MOBILE, ALA.
36601

CABLE ADDRESS:

TWINING
TELEPHONE
423-5441

July 27, 1965

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

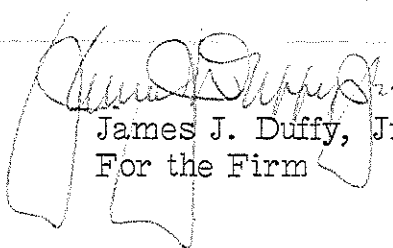
Re: Microfilm System Service, Inc. vs.
Earl D. Compton and Ploof Transport Co.

Dear Mrs. Duck:

Please find enclosed the pleas of the defendants which I
request that you place on file in the captioned case.

With much appreciation,

Yours very truly,


James J. Duffy, Jr.
For the Firm

JJDjr/mn
Enclosure

MICRO-FILM SYSTEMS and
SERVICES, INC., a Corporation,

Plaintiff,

VS.

EARL B. COMPTON and PLOOF
TRANSPORT COMPANY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

PLEA TO AMENDED COMPLAINT

Now come the defendants in the above styled cause,
separately and severally, and for answer to the amended complaint
of the plaintiff heretofore filed against them and to each count
thereof, separately and severally, file the following pleas:

1. This defendant is not guilty.
2. This defendant denies each and everyone of the material
allegations thereof.
3. Plaintiff ought not to recover of this defendant for
that at the time and place complained of in the complaint of the
plaintiff, the driver of the vehicle of the plaintiff was guilty of
negligence which proximately contributed to the matters and things
of which the plaintiff complains, wherefore, plaintiff ought not
recover.

INGE, TWITTY, DUFFY & PRINCE and
JAMES R. OWEN

FILED

SEP 17 1965

ALICE I. BUCK, CLERK
REGISTER

By 
Attorneys for Defendants

MICROFILM SYSTEM SERVICE,)	IN THE CIRCUIT COURT OF
INC., a corporation,	
Plaintiff,	BALDWIN COUNTY, ALABAMA
vs.	AT LAW
EARL D. COMPTON and PLOOF	
TRANSPORT COMPANY,	
Defendants.	

Come now the defendants in the above styled cause, separately and severally, and to the defensive pleas heretofore filed by each of them, separately and severally, add the following plea, separately and severally, by amendment, that is to say:

4. Plaintiff ought not recover of this defendant for that there is pending in the trial court of general jurisdiction in Jacksonville, Florida, the identity of which is unknown at this time, another action, involving the same parties and the same issues as presented in this action.

INGE, TWITTY, DUFFY & PRINCE

By:

James J. Duffy, Jr.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 22nd day of August, 1965.

James J. Duffy, Jr.
Attorney for

FILED

AUG 25 1965

ALL 1965

MICROFILM SYSTEM SERVICE,
INC., a corporation,

Plaintiff,

vs.

EARL D. COMPTON and PLOOF
TRANSPORT COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes the Plaintiff in the above styled cause and demurs to Plea Four filed by the Defendants in said cause and assigns the following separate and several grounds, viz:

1. That said plea is vague and indefinite.
2. That said plea does not allege when the other suit referred to was filed.
3. For aught that appears from said plea the suit in Jacksonville was not filed until after the suit was filed in Baldwin County, Alabama.
4. That said plea is a plea in abatement and is not timely filed.
5. That said plea is a plea in abatement and not a plea in bar.
6. That the Defendants cannot file Plea Four after having filed a demurrer in said cause.

Chason, Store & Chason
Attorneys for Plaintiff

I, John Chason, do hereby certify that I have this day received a copy of Plea Four which was filed by the Defendants and I have this day mailed a copy of a demurrer to such plea to Messrs. Inge, Twitty, Duffy and Prince, Attorneys for Defendants, by United States mail, postage prepaid, to their office in the Merchants National Bank Building in Mobile, Alabama.

Dated this 24th day of August, 1965.

FILED
AUG 24 1965

John Chason
Attorney for Plaintiff

6341

MICROFILM SYSTEM SERVICE, INC.,
A Corporation,

Plaintiff,

vs.

EARL D. COMPTON and PLOOF
TRANSPORT COMPANY,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

* * * * *

DEMURRER TO PLEA FOUR

* * * * *

MICROFILM SYSTEM SERVICE, INC., a corporation,)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
Plaintiff,)	
vs.)	6/24/71 AT LAW
EARL D. COMPTON and PLOOF TRANSPORT COMPANY,)	
Defendants.)	

DEMURRER

Come now Earl D. Compton and Ploof Transport Company, two of the defendants in the above styled cause, separately and severally, and demur to the complaint of the plaintiff heretofore filed against them, and to each count thereof, separately and severally, and for grounds of demurrer set down and assign the following, separately and severally, to wit:

1. That it does not state facts sufficient to constitute a cause of action.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite, and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence this defendant is called upon to defend.
4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein this defendant violated any duty it may have owed to the plaintiff.
6. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which this defendant negligently failed to perform.
7. For that there does not appear to be sufficient causal connection between this defendant's alleged negligence and the plaintiff's alleged injuries and damages.
8. No facts are alleged to show that the plaintiff sustained any damages or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

9. For that it is not alleged with sufficient certainty where said accident occurred.

10. For that the averments thereof are conflicting and repugnant.

11. For aught that appears from said complaint, the plaintiff's injuries and damages were not the direct and proximate result of any negligence on the part of this defendant.

12. For that it is not alleged that the negligence complained of proximately caused the accident, the injuries and damages complained of.

INGE, TWITTY, DUFFY & PRINCE

By:

James J. Duffy, Jr.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 22nd day of July, 1965.

James J. Duffy, Jr.
Attorney for

FILED

JUL 22 1965

AIR MAIL

MICROFILM SYSTEM SERVICE, INC., A CORPORATION,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
EARL D. COMPTON and PLOOF TRANSPORT COMPANY,	X	AT LAW
Defendant.	X	

AMENDED COMPLAINT

Comes the Plaintiff in the above styled cause and amends its complaint heretofore filed in said cause so that the same shall read as follows:

MICRO-FILM SYSTEMS & SERVICES, INC., a corporation,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
EARL D. COMPTON and PLOOF TRANSPORT COMPANY,	X	AT LAW
Defendants.	X	

The Plaintiff claims of the Defendants the sum of Twelve Hundred Fifty Dollars (\$1250.00) as damages for that on, heretofore, to-wit: the 3rd day of September, 1964, at a point on U. S. Highway 90, four-tenths (4/10ths) of a mile East of the City Limits of Loxley, Baldwin County, Alabama, the Defendant Earl D. Compton, as the agent, servant or employee of the Defendant Ploof Transport Company, and while acting within the line and scope of his authority as such agent, servant or employee, did so negligently operate a motor vehicle as to cause or allow the same to run into or against a motor vehicle belonging to the Plaintiff and as a direct and proximate result of such negligence the automobile

belonging to the Plaintiff was damaged in this: the right front bumper and bumper guard, the front air scoop, the front grill, the right front headlights, the right front fender, the radiator core and the air conditioning condenser were all bent, damaged and broken to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By:

Phil Chason
Attorneys for Plaintiff

Filed
9-17-65
Accepted
J. Albert

MICROFILM SYSTEM SERVICE, INC.,
a corporation,
Plaintiff,

vs

EARL D. COMPTON and PLOOF
TRANSPORT COMPANY,
Defendants.

*****:

AMENDED COMPLAINT

*****:

MICROFILM SYSTEM SERVICE,)
INC., a corporation,)

Plaintiff,)

vs.)

EARL D. COMPTON and PLOOF
TRANSPORT COMPANY,)

Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

6347

Come now Earl D. Compton and Ploof Transport Company,
two of the defendants in the above styled cause, separately and severally,
and for answer to the complaint of the plaintiff heretofore filed against them,
and to each count thereof, separately and severally, file the following pleas:

1. This defendant is not guilty.
2. This defendant denies each and every one of the material
allegations thereof.
3. Plaintiff ought not recover of this defendant for that
at the time and place complained of in the complaint of the plaintiff, the
driver of the vehicle of the plaintiff was guilty of negligence which proximately
contributed to the matters and things of which the plaintiff complains, where-
fore, plaintiff ought not recover.

INGE, TWITTY, DUFFY & PRINCE

By: James J. Duffy, Jr.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing
pleading has been served upon counsel
for all parties to this proceeding, by
mailing the same to each by First Class
United States Mail, properly addressed
and postage prepaid on this 27th day
of July, 1965.

James J. Duffy, Jr.
Attorney for

FILED

JUL 28 1965

ALICE L. DAVIS, CLERK
COURT CLERK

we the jury find in favor of the
defendants

ALABAMA, THURSDAY, MARCH 10, 1905

J. W. Clark
Attorney

WATTS

1905

RECEIVED
MAR 10 1905

CLERK

6347

CLERK
REGISTER

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WATTS & SONS, PRINTERS

RECEIVED
MAR 10 1905
CLERK

STATE OF ALABAMA

IN THE CIRCUIT COURT - AT LAW

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Earl D. Compton and Ploof Transport Company to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Microfilm System Service, Inc., a corporation.

Witness my hand this 21 day of December, 1964.

Richard J. ...
Clerk

MICROFILM SYSTEM SERVICE,
INC., A CORPORATION,

Plaintiff,

vs.

EARL D. COMPTON and PLOOF
TRANSPORT COMPANY,

Defendants.

§
§ IN THE CIRCUIT COURT OF
§
§ BALDWIN COUNTY, ALABAMA
§
§ AT LAW
§
§ No. 10347

The Plaintiff claims of the Defendants the sum of Four Hundred Eighty-one Dollars and Thirty-six Cents (\$481.36) as damages for that on, heretofore, to-wit: the 3rd day of September, 1964, at a point on U. S. Highway 90, four-tenths (4/10ths) of a mile East of the City Limits of Loxley, Baldwin County, Alabama, the Defendant Earl D. Compton, as the agent, servant or employee of the Defendant Ploof Transport Company, and while acting within the line and scope of his authority as such agent, servant or employee, did so negligently operate a motor vehicle as to cause or allow the same to run into or against a motor vehicle belonging to the Plaintiff and as a direct and proximate result of such negligence the automobile belonging to the Plaintiff was damaged

in this: the right front bumper and bumper guard, the front air scoop, the front grill, the right front headlights, the right front fender, the radiator core and the air conditioning condenser were all bent, damaged and broken to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By: John Earle Chason
Attorneys for Plaintiff

The Plaintiff respectfully demands
a trial of this cause by a jury.

John Earle Chason
Attorneys for Plaintiff

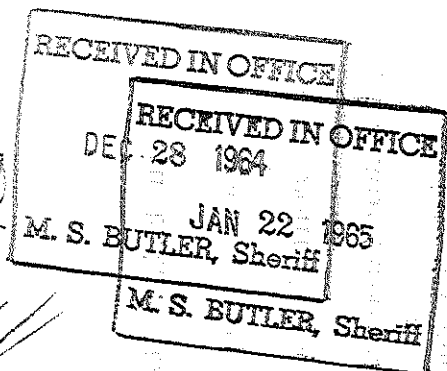
EX-12-29-64

FILED

DEC 21 1964

ALICE L. DUCK, CLERK
REGISTER

2750



3

Butler

EXECUTED BY SERVING A
COPY OF THE WITHIN
Exhibit A as
Agent for Ploof
Transport Company

This the *29* day of *Dec* 19*64*

M. S. BUTLER
Sheriff Montgomery County

By *Walker*
Deputy Sheriff

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

This the *22* day of *Jan* 19*65*

Sheriff of Montgomery County
M. S. Butler

By *J. R. ...* D. S.

6347

Microfilm System Service
Inc. A Corp.

VS

Earl D. Compton and
Ploof Transport Company

Chason, Stone & Chason
Attorneys For Plaintiff