

COLLINS, GALLOWAY & MURPHY  
ATTORNEYS AT LAW  
958 DAUPHIN STREET  
MOBILE, ALABAMA 36604

FRED G. COLLINS  
THOMAS M. GALLOWAY  
M. THOMAS MURPHY (1924-1956)  
JAMES H. LACKEY

February 8, 1965

P. O. BOX 4492  
TELEPHONE  
432-0568  
AREA CODE 205

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

Re: Hannis Harville  
vs: Julia Olson Stiles  
Case No. 6371

Dear Mrs. Duck:

We enclose demurrer in the referenced case which  
we would appreciate your filing for us on behalf of the  
Defendant.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Fred G. Collins

FGC/brm

Encl.

COLLINS, GALLOWAY & MURPHY  
ATTORNEYS AT LAW  
958 DAUPHIN STREET  
MOBILE, ALABAMA 36604

FRED G. COLLINS  
THOMAS M. GALLOWAY  
M. THOMAS MURPHY (1924-1956)  
-----  
JAMES H. LACKEY

P. O. BOX 4492  
TELEPHONE  
432-0568  
AREA CODE 205

May 3, 1965

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

Re: Hannis Harville  
vs: Julia Olson Stiles  
Case No. 6371

Dear Mrs. Duck:

I enclose herewith a motion to strike in the above  
referenced matter which I would appreciate your filing  
on behalf of the defendant.

Thank you.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY:

  
Fred G. Collins

FGC/brm

Encls.

COLLINS, GALLOWAY & MURPHY  
ATTORNEYS AT LAW  
958 DAUPHIN STREET  
MOBILE, ALABAMA 36604

FRED G. COLLINS  
THOMAS M. GALLOWAY  
M. THOMAS MURPHY (1924-1950)

JAMES H. LACKEY

P. O. BOX 4492  
TELEPHONE  
432-0568  
AREA CODE 205

September 21, 1965

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

Re: Hannis Harville  
vs: Julia Olson Stiles  
Case No. 6371

Dear Mrs. Duck:

I enclose copy of answer in the referenced case.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY:   
Fred G. Collins

FGC/brm

Encl.

HANNIS HARVILLE	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
JULIA OLSON STILES	X	AT LAW NO. 6371
Defendant	X	

Comes the plaintiff in the above styled cause and moves to strike Pleas 2 and 3 filed therein and as grounds for said motion shows unto this Honorable Court as follows:

1. That the negligence of the driver can not be imputed to the passenger in respect to a third party.

2. That the allegations of Plea 2 constitute an allegation of the workings of plaintiff's mind and further allege a duty upon the said plaintiff to maintain a constant lookout for sudden or unexpected dangers which the law does not require, there being no duty on the passenger under all circumstances to keep a constant lookout for sudden dangers.

3. That the allegations of Plea 3 constitute an allegation of the workings of plaintiff's mind and further allege a duty upon the said plaintiff to maintain a constant lookout for sudden or unexpected dangers which the law does not require, there being no duty on the passenger under all circumstances to keep a constant lookout for sudden dangers.

4. That Plea 3 alleges a duty upon the said plaintiff which is not placed upon said plaintiff by the law.

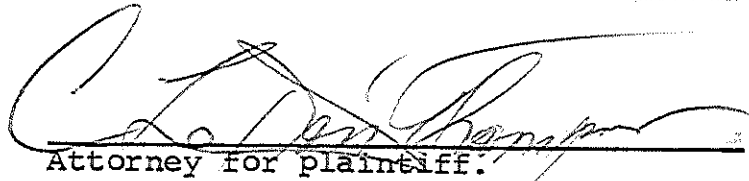
5. And further as to Plea 2, said plea alleges a duty to protest, but the requirement to protest is not a necessary duty.

6. And further that said Plea 2 alleges that plaintiff knew the automobile in which he was riding was being driven at an excessive and dangerous rate of speed without alleging that plaintiff had an opportunity to know.

7. And further that said Plea 3 alleges that plaintiff knew the automobile in which he was riding was being driven at an excessive and dangerous rate of speed without alleging that plaintiff had an opportunity to know.

8. And further that the said Plea 2 fails to allege that the circumstances demanded said plaintiff's watchful attention and that he actually observed the dangerous speed alleged by the said defendant.

9. And further that the said Plea 3 fails to allege that the circumstances demanded said plaintiff's watchful attention and that he actually observed the dangerous speed alleged by the said defendant. Wherefore, this motion.

  
Attorney for plaintiff.

FILED

DEC 2 1965

ALICE L. DUCK, CLERK  
REGISTER

HANNIS HARVILLE,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	
VS:	:	BALDWIN COUNTY, ALABAMA
JULIA OLSON STILES,	:	AT LAW
Defendant.	:	CASE NO. 6 3 7 1

Comes now the Defendant in the above styled cause and amends her answer heretofore filed by adding thereto the following separate and several pleas.

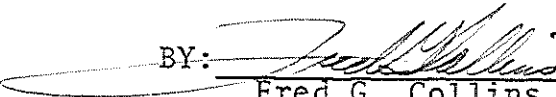
2. The Plaintiff aught not to have and recover of the Defendant in this cause for at the time and place described in the Complaint the Plaintiff was himself guilty of negligence which proximately contributed to the injuries complained of in that the Plaintiff was on to-wit, February 15, 1964, riding in an automobile being then and ~~there~~ operated by James Barlow on U. S. Highway 90 at a point just east of the Tensaw River Bridge in Baldwin County, Alabama, which said highway is a public highway, and at said time and place the said automobile in which the Plaintiff was riding was being operated by James Barlow at an excessive and dangerous rate of speed, and Defendant avers that the Plaintiff knew or by the exercise of reasonable care should have known that the automobile in which he was riding was being driven by the said James Barlow at an excessive and dangerous rate of speed, yet the Plaintiff himself negligently failed and neglected to take any steps to prevent the said James Barlow from driving said automobile while he was a passenger therein at a highly excessive and dangerous rate of speed, and as a direct and proximate result of such contributory negligence on the part of the Plaintiff, the automobile in which he was riding was involved in a three-way collision described in the Complaint.

3. The Plaintiff aught not to have and recover of the Defendant in this cause for at the time and place complained of in the Complaint the Plaintiff was himself guilty of negligence which proximately contributed to the injuries complained of in that the

Plaintiff was on to-wit, February 15, 1964 riding in an automobile being then and there operated by James Barlow on U. S. Highway 90 at a point just east of the Tensaw River Bridge in Baldwin County, Alabama, which said highway is a public highway, and at the said time and place there was not less than two people immediately to the east of the place of the collision hereinafter described, and described in the complaint and being the collision which the Plaintiff alleges proximately caused his alleged injuries, who with the use of flashlights were flagging down and warning traffic approaching the point of the collision described in the complaint, of an obstruction in said road, and the said James Barlow, driver of the vehicle in which the Plaintiff was riding as a passenger, failed to immediately slow down when approaching said two people using flashlights to flag down and warn approaching vehicular traffic, and the Defendant avers that the Plaintiff knew or by the exercise of reasonable care should have known, that the automobile in which he was riding was being driven in a negligent manner by failing to immediately slow down when it was approaching said two people with flashlights warning approaching vehicles of an obstruction in said road, and the Plaintiff himself negligently failed and neglected to take any steps to prevent the said James Barlow from continuing to drive the automobile in which Plaintiff was a passenger upon and along said U. S. Highway 90 at a point just east of the Tensaw River Bridge, without reducing the speed of said vehicle, and as a direct and proximate result of such contributory negligence on the part of the Plaintiff, the automobile in which he was riding was caused to be involved in the three car collision described in the complaint.

COLLINS, GALLOWAY & MURPHY

BY:

  
Fred G. Collins

BY:

  
Thomas M. Galloway

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17  
day of Nov, 1965, 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.

James H. Lackey

FILED

NOV 18 1965

ANGEL DUCK, CLERK  
REGISTER



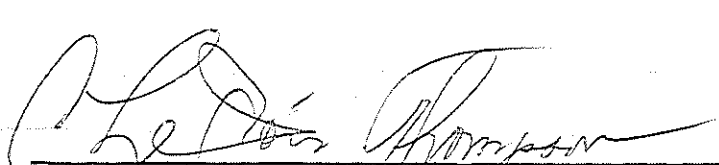
COMPLAINT AS LAST AMENDED

HANNIS HARVILLE	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
VS	X	BALDWIN COUNTY, ALABAMA
JULIA OLSON STILES	X	AT LAW NO. <u>6371</u>
Defendant	X	

Comes your plaintiff and amends his complaint heretofore  
filed in said cause to read as follows:

COUNT ONE:

The plaintiff claims of the defendant the sum of Ten Thousand and no/100 Dollars (\$10,000.00) for damages for that on to-wit, February 15, 1964, at about 6:50 P.M. the defendant so negligently operated a motor vehicle on U. S. Highway numbered 90 at a point just East of the Tensaw River Bridge of said Highway in Baldwin County, Alabama, where said highway is a public highway, as to negligently cause a three way collision which involved the motor vehicle in which your plaintiff was then and there riding at said time and place as a passenger, and as a direct and proximate result and consequence of the aforesaid negligence of the defendant, plaintiff suffered severe cuts, bruises, lacerations and wounds and was made sick, sore and lame and suffered severe pain and mental anguish and was permanently injured and permanently scarred immediately above his eyes and on his face and plaintiff was caused to expend great sums of money for medical, hospital, doctor and nurses care in and about the treatment of his injuries; and plaintiff lost much time from his employment as the result of his injuries; hence this suit.

  
Attorney for plaintiff.

**FILED**  
SEP 7 1965  
ALICE J. DICK, CLERK  
REGISTER

HANNIS HARVILLE, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
VS: :  
JULIA OLSON STILES, : AT LAW  
Defendant. : CASE NO. 6 3 7 1

Comes now the Defendant in the above styled cause and for  
answer to the Complaint as last amended says as follows:

1. Not guilty.

COLLINS, GALLOWAY & MURPHY

BY:

Fred G. Collins

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 21  
day of Sept, 1965, 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.

**FILED**

SEP 22 1965

ALICE L. DUCK, CLERK  
REGISTERED

HANNIS HARVILLE, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
VS: :  
JULIA OLSON STILES, : AT LAW  
Defendant. : CASE NO. 6 3 7 1

Comes now the Defendant in the above styled cause and moves to strike from the Complaint as last amended the following allegation:

"and plaintiff lost his job as a truck driver carrying the U. S. Mail as the result of his injuries;"

And in support of said motion respectfully shows unto the Court as follows:

1. Said allegation seeks the recovery of damages which are not recoverable.
2. Said allegation seeks the recovery of damages which as a matter of law are not recoverable by the Plaintiff.
3. Said allegation seeks the recovery of damages which would be purely speculative in nature.
4. Said allegation apparently seeks damages for the loss of a job and does not seek damages for lost wages or income as a proximate result of any injuries allegedly received.

COLLINS, GALLOWAY & MURPHY

BY: *Fred G. Collins*

Fred G. Collins  
ATTORNEYS FOR DEFENDANTS



AMENDED COMPLAINT

HANNIS HARVILLE

\*

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

\*

BALDWIN COUNTY, ALABAMA

JULIA OLSON STILES

X

AT LAW

NO. 6371

Defendant

\*

Comes your plaintiff and amends his complaint heretofore  
filed in said cause to read as follows:

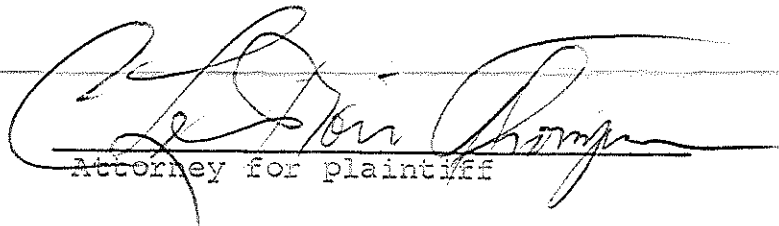
COUNT ONE:

The plaintiff claims of the defendant the sum of TEN THOUSAND  
AND NO/100 DOLLARS (\$10,000.00) for damages for that on to-wit,  
February 15, 1964, at about 6:50 P.M. the defendant so negli-  
gently operated a motor vehicle on U. S. Highway numbered 90  
at a point just East of the Tensaw River Bridge of said Highway  
in Baldwin County, Alabama, where said highway is a public high-  
way, as to negligently cause a three way collision which in-  
volved the motor vehicle in which your plaintiff was then  
and there riding at said time and place as a passenger, and as  
a direct and proximate result and consequence of the aforesaid  
negligence of the defendant, plaintiff suffered severe cuts,  
bruises, lacerations and wounds and was made sick, sore and lame  
and suffered severe pain and mental anguish and was permanently  
injured and permanently scarred immediately above his eyes and  
on his face and plaintiff was caused to expend great sums of  
money for medical, hospital, doctor and nurses care in and  
about the treatment of his injuries; and plaintiff lost his job  
as a truck driver carrying the U. S. Mail as the result of his  
injuries; hence this suit.

FILED

APR 28 1965

ALICE I. DUCK, CLERK  
REGISTER

  
Attorney for plaintiff

HANNIS HARVILLE, : IN THE CIRCUIT COURT OF  
Plaintiff, :  
VS: : BALDWIN COUNTY, ALABAMA  
JULIA OLSON STILES, : AT LAW  
Defendant. : CASE NO. 6 3 7 1

D E M U R R E R

Comes now the Defendant in the above styled cause and demurs to the complaint heretofore filed and as grounds for said demurrer sets down and assigns the following separate and several grounds:

1. Said Count fails to state a cause of action.
2. Said Count is vague, indefinite and uncertain in that from the allegations therein contained it is impossible to determine whether a collision occurred between the motor vehicle being operated by this Defendant and the motor vehicle in which the Plaintiff was riding.
3. It does not appear that there was any connection between the alleged collision of this Defendant and one motor vehicle and the alleged collision between that motor vehicle and the motor vehicle in which the Plaintiff was then and there riding.
4. It does not affirmatively appear from any allegations of said Count that there was any casual connection between the alleged collision of this Defendant's motor vehicle with one motor vehicle and the subsequent collision between some other motor vehicle and the motor vehicle in which the Plaintiff was then and there riding.
5. Said Count does not charge this Defendant with negligently causing a collision between said motor vehicle and the motor vehicle in which the Plaintiff was then and there riding.

6. It does not appear from any allegations of said Count that there was any causal connection between this defendant's alleged negligent operation of a motor vehicle and the alleged collision between some other/<sup>motor</sup>vehicle and the motor vehicle in which the Plaintiff was then and there riding.

7. The alleged negligence of this Defendant is but a conclusion of the pleader not supported by any allegations of fact.

8.

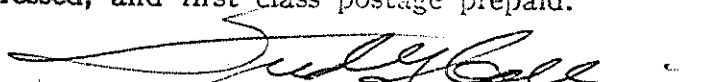
COLLINS, GALLOWAY & MURPHY

By: 

Fred G. Collins  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 8 day of Feb, 1965, 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.



FILED

FEB 9 1965

ALICE L. DUCK, CLERK  
REGISTER

HANNIS HARVILLE	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
JULIA OLSON STILES	X	AT LAW NO. <u>6371</u>
Defendant	X	

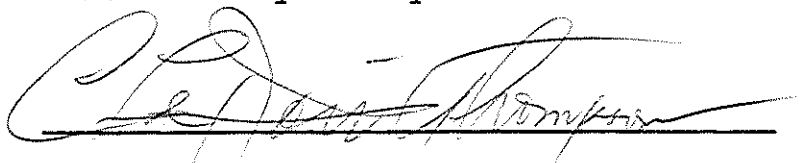
COUNT ONE

The plaintiff claims of the defendant the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) for damages for that on to-wit, February 15, 1964, at about 6:50 P.M. the defendant so negligently operated a motor vehicle on U. S. Highway numbered 90 at a point just East of the Tensaw River Bridge of said Highway in Baldwin County, Alabama, where said highway is a public highway, as to cause or allow said motor vehicle to collide with a motor vehicle thereby blocking the West bound lane of said highway 90 negligently causing a collision between said motor vehicle and the motor vehicle in which your plaintiff was then and there riding at said time and place as a passenger and as a direct and proximate result and consequence of the aforesaid negligence of the defendant, plaintiff suffered severe cuts, bruises, lacerations and wounds and was made sick, sore and lame and suffered severe pain and mental anguish and was permanently injured and permanently scarred immediately above his eyes and on his face and plaintiff was caused to expend great sums of money for medical, hospital, doctor and nurses care in and about the treatment of his injuries; and plaintiff lost his job as a truck driver carrying the U. S. Mail as the result of his injuries; hence this suit.

THOMPSON & WHITE

BY:   
Attorneys for Plaintiff

Plaintiff demands a trial of  
this cause by a Jury.



FILED

JAN 27 1965

MADE I. BUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6371

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Julia Olson Stiles

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.....  
Julia Olson Stiles....., Defendant.....

by Hannis Harville

....., Plaintiff.....

Witness my hand this 27 day of Jan 1965  
W. J. French Clerk



dr  
No. 6371

262)  
Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

HANNIS HARVILLE

Plaintiffs

vs.

JULIA OLSON STILES

Defendants

SUMMONS AND COMPLAINT

Filed 1-27-1965

Heise J. J. Clerk

RECEIVED

JAN 28 1965

SHERIFF'S OFFICE

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at  
356 S. Broad St.  
Mobile, Ala.

RECEIVED  
received in Office

JAN 27 1965

TAYLOR WILKINS Sheriff

I have executed this summons

this Feb - 1 1965  
by leaving a copy with

Julia Olson Stiles

Ray L. Bridges Sheriff  
L. J. Chambers Deputy Sheriff