

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6617

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon James H. OGwynns & Gulf Coast Truck & Equipment  
Co., Inc., Jointly & Severally

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 James H. OGwynns  
& Gulf Coast Truck & Equipment Co., Inc., Jointly & Severally....., Defendant.....  
by Wyman Dale Stabler, a minor suing by his next friend & Mother, Artie V. Stabler  
....., Plaintiff.....

Witness my hand this 27th day of July 1965

EX-8-4-65

Alvie J. Sluck, Clerk

2955 Co  
L. G. G.

No. 6617 Page.....

STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

WYMAN DALE STABLER, a minor suing  
by his next friend & Mother Artie  
V. Stabler

Plaintiffs

vs.

JAMES H. OGWYNN, & GULF COAST TRUCK  
TRUCK & EQUIPMENT CO., INC., Jointly  
& Severally

Defendants

SUMMONS AND COMPLAINT

Filed July 27, 19 65

Alice J. Duck Clerk

BY  
JUL 27 9 05 AM '65  
REC'D. SHERIFF DEPT.  
MOBILE COUNTY, ALA.

Arthur C. Epperson  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

7-28 1965

..... Sheriff

I have executed this summons

this Aug 4 1965  
by leaving a copy with

*Mr. Lewis, Mgr.*

*Gulf Coast Truck  
& Equipment Co.*

*James H. O'Quinn*

.....  
.....  
.....  
.....  
.....

*Ray L. Bridges* Sheriff

*J. H. Davis* Deputy Sheriff

WYMAN DALE STABLER, a )  
Minor, suing by his next )  
friend and mother, Artie )  
V. Stabler, )

Plaintiff )

VS. )

JAMES H. OGWYNNS, and )  
GULF COAST TRUCK AND )  
EQUIPMENT COMPANY, INC. )  
Jointly and severally, )

Defendants )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

6617

COUNT ONE

The plaintiff, Wyman Dale Stabler, a minor suing by his next friend and mother, Artie V. Stabler, claims of the defendants, jointly and severally, and whose names are otherwise unknown to the plaintiff and if incorrect will be changed to the correct name by amendment when discovered by the plaintiff, the sum of One Thousand Dollars (\$1,000.00) as damages for that he avers that on to-wit, the 28th day of July, 1964, James H. Ogwynns, the agent, servant or employee of Gulf Coast Truck and Equipment Company, Inc., in charge of the operation or control of a truck on public highway number 59 at or near the intersection of said highway with First Street in the Town of Summerdale, Baldwin County, Alabama, while acting within the line or scope of his employment as such agent, servant or employee of Gulf Coast Truck and Equipment Company, Inc. negligently ran said truck upon or against an automobile in which the plaintiff was a passenger at or near said intersection of said highway 59 and First Street, and by reason thereof and as a proximate result and consequence thereof, the plaintiff received personal injuries in this to-wit: he suffered whip lash and back strain, he was required to go to a doctor for medical attention, he lost much time from his work and he suffered great pain and mental anguish, for all of which he claims damages as aforesaid.

*Arthur C. Epperson*  
Attorney for the Plaintiff

The Plaintiff demands  
a trial by Jury.

*Arthur C. Epperson*  
Attorney for the Plaintiff

FILED  
JUL 21 1965  
ALICE J. DUCK, CLERK  
REGISTER

75

WYMAN DALE STABLER, ) IN THE CIRCUIT COURT OF  
a minor, suing by his next friend )  
and mother, Artie V. Stabler, ) BALDWIN COUNTY, ALABAMA  
Plaintiff, )  
vs. ) AT LAW  
) 6617  
JAMES H. OGWYNNS, and )  
GULF COAST TRUCK AND )  
EQUIPMENT COMPANY, INC., )  
jointly and severally, )  
Defendants. )

DEMURRER

Come now James H. Ogwynns and Gulf Coast Truck and Equipment Company, Inc., separately and severally, and demur to the complaint of the plaintiff herein and for grounds of demurrer set down and assign the following, separately and severally, that is to say:

1. For 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 sufficient causal connection between this defendant's alleged breach of duty and the plaintiff's alleged injuries and damages.
8. For that no facts are alleged therein to show that the plaintiff

sustained any damage 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 it is not alleged that the negligence complained of proximately caused the accident, the injuries and the damages complained of.

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

12. For that no causal connection appears between this defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

INGE, TWITTY, DUFFY & PRINCE

By:

*James J. Duffy, Jr.*

James J. Duffy, Jr. - Designated Trial Attorney

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 21st day of Aug., 1965.

*James J. Duffy, Jr.*  
Attorney for

FILED  
AUG 23 1965  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WYMAN DALE STABLER,  
a minor, suing by his next friend  
and mother, Artie V. Stabler,

Plaintiff,

vs.

JAMES H. OGWYNNS and GULF  
COAST TRUCK AND EQUIPMENT  
COMPANY, INC., jointly and  
severally,

Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. 6617  
)

ANSWER OF DEFENDANTS

Come now the defendants in the above styled cause, and in answer to the complaint of the plaintiff, and to each and every count thereof, separately and severally, files the following pleas, separately and severally, that is to say:

1. This defendant is not guilty.
2. This defendant denies each and every one of the material allegations therein contained.

INGE, TWITTY, DUFFY & PRINCE

By *James J. Duffy, Jr.*  
James J. Duffy, Jr.

*filed 9-15-66  
Arlene Duck  
Clerk*

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 13 day of Sept, 1966.

*James J. Duffy, Jr.*  
Attorney for

WYMAND DALE STABLER, a )  
Minor suing by his next )  
freind and mother, )  
ARTIE V. STABLER )  
Plaintiff )  
Vs. )  
JAMES H. OGWYNNS, )  
et al. )  
Defendants )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
Number 6617

Before me the undersigned authority, personally appeared ARTIE V. STABLER, who first being duly sworn, doth depose and say on oath: that she is the mother of Wymand Dale Stabler; that Wymand DAle Stabler was born on the Fourth day of September, 1946 and now is over the age of twenty-one years; that Wymand Dale Stabler has completely recovered from his injuries, the basis of this suit and that there was no permanent or disabling injuries; that Wymand Dale Stabler is agreeable to the consent settlement of \$350.00 made between the attorneys in the case.

Artie V. Stabler  
Artie V. Stabler

Sworn to and subscribed before me this the 18th day of October, 1967.

R. H. Wance  
Justice of the Peace

FILED

OCT 20 1967

ALICE J. BOCK CLERK REGISTER

INGE, TWITTY, DUFFY & PRINCE  
LAWYERS

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

MERCHANTS NATIONAL BANK BUILDING  
MOBILE, ALABAMA  
36602

MAILING ADDRESS:  
P. O. BOX 1109  
MOBILE, ALA.  
36601  
CABLE ADDRESS:  
TWINING  
TELEPHONE  
433-5441

September 15, 1967

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

Re: Dale Stabler vs. Gulf Coast Truck and Equipment Co. 6617

Dear Mrs. Duck:

The above captioned case was concluded by a judgment by the Court for \$350.00 in accordance with agreement reached between counsel which was communicated to Judge Mashburn and I am enclosing herewith check No. E584-5887 of Liberty Mutual Insurance Company in the amount of the judgment, \$350.00, payable to your order. If you will advise me of any costs of court which remain unpaid, I will forward to you our check in payment of the same. In addition, I do not presume that the judgment can be canceled in view of the fact that the judgment creditor is a minor. In any event, I would like a certificate from you evidencing the fact that a judgment was entered by the Court and that said judgment has been paid in full so that I might close my file and advise my client accordingly.

If you have any question please do not hesitate to give me a call.

Trusting this finds you well and with best regards, I remain

Yours cordially,

  
James J. Duffy, Jr.  
For the Firm

JJD, jr:fy

cc: Honorable Telfair J. Mashburn  
Arthur C. Epperson, Esquire