

ROY E. HENDERSON, IN THE CIRCUIT COURT OF

Plaintiff,

BALDWIN COUNTY, ALABAMA

VS:

MACKIE GARRETT,

Defendant.

CASE NO. 6 6 6 4

AT LAW

Comes the Defendant in the above styled matter and

for answer to the complaint heretofore filed and to each and

every Count thereof separately and severally files the follow-

ing separate and several pleas:

1. Not guilty.

2. The Plaintiff cannot have and recover of the De-

fendant in this matter for at the time and place complained

of in the complaint the Plaintiff himself was guilty of

negligence which proximately contributed to the injuries com-

plained of in that he did apply a highly flammable and volatile

adhesive substance in the near vicinity of a stove located in

the kitchen of the Defendant and the Plaintiff did negligently

fail to determine that the pilot light or pilot lights on said

stove were extinguished and as a direct and proximate result

of the aforesaid negligence of the Plaintiff the injuries

complained of in the complaint were proximately contributed

to, hence the Plaintiff cannot recover.

COLLINS, GALLOWAY & MURPHY

By:

THOMAS M. GALLOWAY

Attorneys for Defendant

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

October 4, 1965

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

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

In re: Roy E. Henderson  
vs: Mackie Garrett  
Case No. 6664

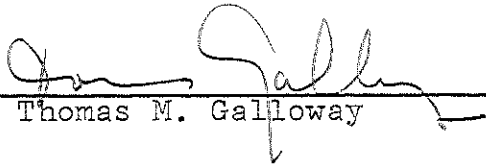
Dear Mrs. Duck:

I enclose herewith answers to be filed in this matter.

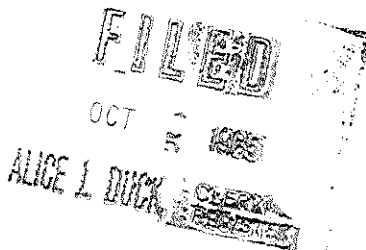
I have this date forwarded a copy of these answers to  
the Honorable Norborne Stone, Attorney for the Plaintiff.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

By:   
Thomas M. Galloway

TMG/fs  
Encls:



STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mackie Garrett 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 Roy E. Henderson.

Witness my hand this 27 day of August, 1965.

*Alice J. Mack*  
Clerk

ROY E. HENDERSON,

Plaintiff,

vs.

MACKIE GARRETT,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

COUNT ONE

The Plaintiff claims of the Defendant the sum of \$5,000.00 for that, on heretofore, to-wit: the 31st day of May, 1965, while the Plaintiff was engaged in the course of his employment by the Defendant in remodeling the kitchen in the home of the Defendant at 408 Rosa Street in Fairhope, Baldwin County, Alabama, the Defendant negligently injured the Plaintiff by negligently failing to extinguish the pilot light or pilot lights on a stove located in said kitchen while the Plaintiff and the Defendant were engaged in applying a highly flammable and volatile adhesive substance to the cabinets of the Defendant preparatory to installing a building material known as Formica on said cabinets when the Defendant had indicated to the Plaintiff that he had extinguished such pilot light or pilot lights on said

stove and knew that said pilot light or pilot lights should have been extinguished prior to beginning the application of such substance. And the Plaintiff further alleges that as the proximate consequence and result of the negligence of the Defendant aforesaid the substance which he was applying to such cabinets became ignited and as a result of such ignition and the resulting fire the Plaintiff's hands, arms and hips were burned and he was caused to suffer much pain and mental anguish and to lose much time from his work and to incur medical expenses and doctor bills in and about the care and treatment of the burns which he received. And the Plaintiff further alleges that all of his injuries and damages were the proximate consequence and result of the negligence of the Defendant aforesaid; wherefore he brings this suit and asks judgment in the above amount.

CHASON, STONE & CHASON

By

  
Attorneys for Plaintiff

EX-9-1-65

FILED

AUG 27 1955

CLERK OF COURT  
REGISTER

70. 6664

Received 30 day of Aug. 1965

and on 1 day of Sept 1965.

I served a copy of the within 800

on Mackie Garrett

By service on Mackie Garrett

TAYLOR WILKINS, Sheriff

By Roy Randall

J. Hype

BY J. Hype  
TAYLOR WILKINS, Sheriff  
70 07

ROY E. HENDERSON,

Plaintiff,

vs.

MACKIE GARRETT,

Defendant

\*\*\*\*\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

\*\*\*\*\*

FILED

AUG 27 1965

ALICE L. DUCK, CLERK  
REGISTER

CHASON, STONE & CHASON  
ATTORNEYS AT LAW

ROY E. HENDERSON, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
VS: :  
MACKIE GARRETT, : AT LAW  
Defendant. : CASE NO. 6 6 6 4

Comes the Defendant in the above styled matter and for answer to the complaint heretofore filed and to each and every Count thereof separately and severally files the following separate and several pleas:

1. Not guilty.

2. The Plaintiff cannot have and recover of the Defendant in this matter for at the time and place complained of in the complaint the Plaintiff himself was guilty of negligence which proximately contributed to the injuries complained of in that he did apply a highly flammable and volatile adhesive substance in the near vicinity of a stove located in the kitchen of the Defendant and the Plaintiff did negligently fail to determine that the pilot light or pilot lights on said stove were extinguished and as a direct and proximate result of the aforesaid negligence of the Plaintiff the injuries complained of in the complaint were proximately contributed to , hence the Plaintiff cannot recover.

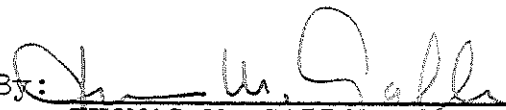
FILED

OCT 5 1985

MADE L. TRUCK, CLERK  
REGISTER

COLLINS, GALLOWAY & MURPHY

By:

  
THOMAS M. GALLOWAY  
Attorneys for Defendant