

GEORGE W. WRIGHT,

Plaintiff,

=vs=

GEORGE GARNER and DAULPHIS
WILLIAMS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER 6693

Now comes George Garner, one of the Defendants in the above styled cause, and for answer to the Complaint heretofore filed in said cause, and to each count thereof, separately and severally, says as follows:

PLEA ONE

Not guilty.

PLEA TWO

The allegations of the Complaint are untrue.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Brock B. Gordon
Attorneys for Defendant George Garner

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 18th day of Oct., 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.

Brock B. Gordon

FILED

OCT 19 1965

RECEIVED

GEORGE W. WRIGHT, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
vs. :
 : AT LAW
GEORGE GARNER and DAULPHIS :
WILLIAMS, :
 :
Defendants. : CASE NO: 6693
 :

Comes now the plaintiff in the above-styled cause,
and propounds the following interrogatories to the defendant,
George Garner:

1. By whom were you employed on September 25, 1964?
2. State your job title and the nature of your employment
at said time.
3. If you were self-employed, were you engaged in work as
an independent contractor on September 25, 1964.
4. If so, state with whom you so contracted.
5. Were you the owner on September 25, 1964 of the 1960
Ford Panel Truck which was involved in a collision on said
date, while being driven by Daulphis Williams on U. S. Highway
31 in Baldwin County, Alabama?
6. If not, state who was the owner of said vehicle at said
time.
7. If you were not the owner did you operate the said
vehicle during the year immediately preceeding September 25, 1964?
8. If so, state:
 - (a) The purpose for which you so operated the
said vehicle;
 - (b) From whom persmission was obtained to so operate
said vehicle;
 - (c) The nature and extent of such permission.
9. If you did not own the said vehicle, state whether
you exercised supervision over its use as an agent, servant or
employee of the owner.
10. If so, state:

- (a) By whose authority such permission was exercised.
 - (b) Nature and extent of such supervision.
- 11. State whether as owner of said vehicle or in the exercise of supervision over it you gave anyone permission to operate said vehicle.
- 12. If so, state:
 - (a) The name of the persons to whom permission was given;
 - (b) The nature and extent of such permission.
- 13. Did you ever prohibit anyone from operating the said vehicle?
- 14. If so, for each occasion state:
 - (a) The name of each person you so prohibited.
 - (b) The date of such prohibition, and
 - (c) The nature of your authority to prohibit anyone from operating the vehicle.
- 15. State:
 - (a) How many sets of keys there were to said vehicle;
 - (b) In whose possession such keys as you know of were on September 25, 1964.
 - (c) By whose authority such persons possessed such keys.
- 16. Was Daulphis Williams employed by you on September 25, 1964?
- 17. If so, state the nature of his employment.
- 18. If not employed by you, by whom was Daulphis Williams employed on said date.
- 19. If not employed by you, did you exercise supervision over him on said date?
- 20. If so, state:
 - (a) The nature and extent of such supervision;
 - (b) By whose authority such supervision was exercised.
- 21. If you deny ownership of the said vehicle, did you have any other form of interest in it?
- 22. If so, state:
 - (a) The nature and extent of your interest;

(b) How said interest was acquired.

23. Was the said vehicle covered by insurance on September 25, 1964?

24. If so, for each policy of insurance state:

- (a) The name, address and job title of the person who made application;
- (b) Name of the insured;
- (c) Name of the insurance company.

JOHNSTON, JOHNSTON & NETTLES
Attorneys for the Plaintiff

BY Robert G. Kendall
Robert G. Kendall

STATE OF ALABAMA)
COUNTY OF MOBILE)

Before me, the undersigned authority in and for said county in said state, this day personally appeared Robert G. Kendall, who is known to me, and who, being by me first duly sworn, upon oath deposes and says that he is the attorney for said specified plaintiff in the above entitled cause, and as such is authorized to make this affidavit; that the answers of the defendant to the foregoing interrogatories, when well and truly made and filed, will be material testimony for said plaintiff on the trial of this cause.

Robert G. Kendall

Sworn and subscribed to before me on this
14 day of December, 1965.

Mary Nelson Price
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

CERTIFICATE OF SERVICE

~~This is to~~ certify that I have this day served counsel for the ~~opposing~~ party in the foregoing matter with a copy of this ~~pleading~~ by depositing in the United States Mail a copy of ~~same~~ in a properly addressed envelope with adequate postage ~~thereon~~.

~~This~~ 14 day of December, 1965
-3-
Robert G. Kendall
Attorney for Plaintiff

FILED

DEC 16 1965

NOT. PUBLIC, CLERK
REGISTER

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

PHONE 433-5561 P. O. BOX 1070

MOBILE, ALABAMA 36601

GESSNER T. MCCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTA HILL
CHARLES B. BAILEY, JR.

C. M. A. ROGERS, III
BROCK B. GORDON
BEN H. HARRIS, JR.

October 18, 1965

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

Re: George W. Wright vs. George
Garner and Daulphis Williams
Case No. 6693

Dear Mrs. Duck:

Enclosed herewith please find the answer filed by Mr. George Garner, one of the Defendants in the above styled cause. We shall appreciate your noting our appearance as attorney for Mr. Garner and keeping us advised of all court settings in connection with this case.

With very best wishes, we are,

Very truly yours,

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By

Brock B. Gordon
Brock B. Gordon

BBG:dk
Enclosure

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

GESSNER T. MCCORVEY (1882-1965)

PHONE 433-5561 P. O. BOX 1070

MOBILE, ALABAMA 36601

BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES S. BAILEY, JR.
C. M. A. ROGERS, III

May 5, 1966

BROCK B. GORDON
BEN H. HARRIS, JR.
WILLIAM H. HARDIE, JR.

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

Re: George W. Wright v. George Garner
and Dolphis Williams
Case No. 6693

Dear Mrs. Duck:

Plaintiff's attorney has advised us that he has
a case set for trial in the Circuit Court of Mobile
County, Alabama May 12, 1966 and we have agreed with
him that the above case may be passed on that date and
set for trial on May 26, 1966 commencing at 1:30 o'clock.

Very truly yours,

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By

Brock B. Gordon
Brock B. Gordon

BBG:dk

cc: Mr. Robert G. Kendall
Attorney at Law
P. O. Box 550
Mobile, Alabama

FILED

5-6-66

ALICE J. DUCK, CLERK
REGISTERED

STATE OF ALABAMA X

BALDWIN COUNTY X

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon George Garner and Daulphis Williams 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 the same, then and there to answer the complaint of George W. Wright.

WITNESS my hand this 17 day of September, 1965.

Alice J. Luck
CLERK

* * * * *

GEORGE W. WRIGHT, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA

VS. :

GEORGE GARNER and DAULPHIS : AT LAW 6693
WILLIAMS, :

Defendants. : CASE NUMBER:
:

COUNT ONE

Plaintiff claims of the Defendants the sum of FIVE HUNDRED and no/100 (\$500.00) DOLLARS, as damages for that heretofore on, to-wit, the 25th day of September, 1964, the defendant Daulphis Williams, an agent, servant or employee of the Defendant George Garner, while acting within the line and scope of his employment, so negligently operated a motor vehicle on U. S. Highway 31 at or near its intersection with Pine Grove Road, near the city of Bay Minette, Alabama, both being public highways or roads in Baldwin County, Alabama, as to cause the same to run into, upon or against a motor vehicle operated by Lonnie Boyett, Jr., causing the motor vehicle operated by Lonnie Boyett, Jr., to run into, upon or against an automobile owned by the plaintiff, causing

Plaintiff's automobile to run into, upon or against a motor vehicle operated by Raymond Pugh; as a proximate result of such negligence plaintiff's automobile was damaged as follows: the bumpers, grill, frame, chassis and doors were broken, bent, smashed or otherwise damaged.

Wherefore the plaintiff asks for damages in the sum of \$500.00.

COUNT TWO

Plaintiff claims of the defendants the sum of FIVE HUNDRED and no/100 (\$500.00) DOLLARS as damages for that, on, to-wit: the 25th day of September, 1964, the defendant George Garner negligently allowed the defendant Daulphis Williams to drive a motor vehicle belonging to the said George Garner on the public streets and highways of Baldwin County, Alabama, when said motor vehicle was in a dangerous and defective condition due to defective and dangerous brakes thereon, and the defendant Daulphis Williams was negligent in that he did operate the said motor vehicle in the said defective and dangerous condition on U. S. Highway 31 at or near its intersection with Pine Grove Road, near the city of Bay Minette, Alabama, both being public highways or roads in Baldwin County, Alabama, and at the time and place and on the occasion aforesaid, the motor vehicle driven by the defendant Daulphis Williams and owned by the defendant George Garner did run into, upon or against a motor vehicle operated by Lonnie Boyett, Jr., causing the said motor vehicle operated by Lonnie Boyett, Jr., to run into, upon or against plaintiff's automobile, causing plaintiff's automobile to run into, upon or against the vehicle operated by Raymond Pugh; as a proximate result of such negligence of the defendants plaintiff's automobile was damaged as follows: the bumpers, grill, frame, chassis, and doors were broken, bent, smashed or otherwise damaged.

Wherefore the Plaintiff asks for damages in the sum of \$500.00.

COUNT THREE

Plaintiff claims of the defendants the sum of FIVE HUNDRED and no/100 (\$500.00) DOLLARS, as damages for that, on, to-wit: the 25th day of September, 1964, the defendant George Garner negligently allowed the defendant Daulphis Williams to drive a motor vehicle belonging to the said George Garner on the public streets and highways of Baldwin County, Alabama, knowing that the said motor vehicle was in a dangerous and defective condition due to dangerous and defective brakes thereon, and the defendant Daulphis Williams was negligent in that he did operate the said motor vehicle while knowing of the said dangerous and defective condition on U. S. Highway 31 at or near its intersection with Pine Grove Road, near the city of Bay Minette, Alabama, both being public highways or roads in Baldwin County, Alabama, and at the time and place and on the occasion aforesaid, the motor vehicle driven by the defendant Daulphis Williams and owned by the defendant George Garner did run into, upon or against a motor vehicle operated by Lonnie Boyett, Jr., causing the said motor vehicle operated by Lonnie Boyett, Jr., to run into, upon or against plaintiff's automobile, causing plaintiff's automobile to run into, upon or against the vehicle operated by Raymond Pugh; as a proximate result of such negligence of the defendants plaintiff's automobile was damaged as follows: the bumpers, grill, grame, chassis, and doors were broken, bent, smashed or otherwise damaged.

Wherefore the plaintiff asks for damages in the sum of \$500.00.

JOHNSTON, JOHNSTON & NETTLES
Attorneys for the Plaintiff

BY

Robert G. Kendall
ROBERT G. KENDALL

Defendants may be served:

Stockton, Alabama

EX-10-23-65

-3- FILED

SEP 27 1965

ALICE J. DUCK, CLERK
REGISTER

CASE NO. 6693

GEORGE W. WRIGHT,
Plaintiff,
vs.

GEORGE GARNER AND DAULPHIS
WILLIAMS,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

FILED
SEP 17 1965

AT LAW

CLERK
REGISTER

Received 17 day of Sept. 1965
and on 23 day of Oct 1965
served a copy of the within A & C
in George Garner
Daulphis Williams

By service on _____
TAYLOR WILKINS, Sheriff
By W A Solbert
5 miles west of
Hockley

Sheriff claims 64 miles at
Ten Cents per mile Total 6.40
TAYLOR WILKINS, Sheriff
By W A Solbert
DEPUTY SHERIFF

GEORGE W. WRIGHT,

Plaintiff,

vs.

GEORGE GARNER and DAULPHIS
WILLIAMS,

Defendants.

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY, ALABAMA

:

AT LAW

:

:

CASENO: 6693

:

Comes now the Plaintiff in the above-styled cause
and moves the Court to dismiss the complaint as to the
defendant, George Garner.

Plaintiff further moves the Court to enter a judgment
by default against the defendant, Daulphis Williams,
said defendant not having appeared herein, with leave
for plaintiff to prove his damages.

JOHNSTON, JOHNSTON & NETTLES
Attorneys for Plaintiff

BY

Robert G. Kendall
Robert G. Kendall

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the
opposing party in the foregoing matter with a copy of the
pleading by depositing in the United States Mail a copy of
same in a properly addressed envelope with adequate postage
thereon.

This 26 day of May, 1966

Robert G. Kendall
Attorney for Plaintiff