

SYLVIA M. PATE, as ADMINISTRATRIX  
OF THE ESTATE OF MARION D. PATE,  
DECEASED.

Plaintiff

vs.

JERRY WOODROW DOBBINS,

Defendant

\* IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
\*  
LAW SIDE

\*

\*

\* CASE NO. 4716

Comes now the defendant in the above styled cause and demurs to the plaintiff's complaint, and each count thereof, separately and severally, and as grounds for said demurrer sets down and assigns the following, separately and severally:

1. For aught that appears the defendant owed no duty to the plaintiff's intestate.

2. For aught that appears the defendant breached no duty owing to the plaintiff's intestate.

3. For aught that appears the plaintiff's intestate was not at a place where he had a legal right to be at the time and place of which the complaint complains.

4. For aught that appears the death of the plaintiff's intestate was not the proximate result of any negligence on the part of the defendant.

5. For aught that appears the death of the plaintiff's intestate was not the proximate result of any willful, wanton, or intentional conduct of the defendant.

6. For aught that appears there was no casual connection between the death of the plaintiff's intestate and the alleged negligence of the defendant.

7. For aught that appears there was no casual connection between the death of the plaintiff's intestate and the alleged willful, wanton, or intentional conduct of the defendant.

8. For aught that appears there was no wanton act.

9. For aught that appears there was no wanton injury.

10. No facts constituting the willful, wanton, or intentional conduct are alleged.

11. There is a misjoinder of causes of action, in that willfulness wantonness, and negligence are joined.

12. For that negligence is improperly joined with wantonness.

LYONS, PIPES, & COOK  
Attorneys for Defendant

BY: W. F. Horsley  
W. F. Horsley

CERTIFICATE OF SERVICE  
I do hereby certify that I have on this 16  
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.

W. F. Horsley

FILED

10 18 1965

CLERK  
REGISTER

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 Jerry Woodrow Dobbins 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 Sylvia M. Pate, as Administratrix of the Estate of Marion D. Pate, deceased.

Witness my hand this 1 day of October, 1965.

*Alice J. Black*  
Clerk

SYLVIA M. PATE, as Administra-	X	
trix of the Estate of Marion		
D. Pate, deceased,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	LAW SIDE
JERRY WOODROW DOBBINS,	X	
Defendant.	X	

COUNT ONE

The Plaintiff claims of the Defendant the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that on, to-wit: August 22, 1965, on U. S. Highway 90 at a point about .3 miles East of the intersection of U. S. Highway 90 and Baldwin County Highway No. 27, in Baldwin County, Alabama, the Defendant negligently drove an automobile into or against an automobile in which the Plaintiff's intestate, Marion D. Pate, was riding and as a proximate consequence of the Defendant's negligence said Marion

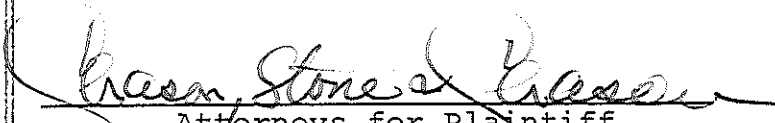
D. Pate was injured so that he died, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that on, to-wit: August 22, 1965, on U. S. Highway 90 at a point .3 miles East of the intersection of U. S. Highway 90 and Baldwin County Highway No. 27, in Baldwin County, Alabama, the Defendant wilfully or wantonly injured and killed Plaintiff's intestate by then and there wilfully or wantonly driving an automobile into or against the automobile in which the Plaintiff's intestate was riding and as a proximate result of such wilful or wanton <sup>act</sup> negligence the Plaintiff's intestate was injured and killed, hence this suit.

  
Attorneys for Plaintiff

Plaintiff demands a trial of  
this cause by jury.

  
Attorneys for Plaintiff

FILED  
OCT 1 1965  
ALICE L. DICK, CLERK  
REGISTER

Defendant's address is 1714  
Colonial Oak, Mobile, Alabama.

EX-10-5-65

RECEIVED

OCT 1 1965

TAYLOR WILKINS  
SHERIFF

Received 4 Day of Oct 1965  
and on 5 Day of Oct 1965  
I served a Conv of the within  
on Jerry Woodrow Dobbins  
by service on \_\_\_\_\_

RAY D. BRIDGES, Sheriff

By J. Thomas D.S.

RECD. SHERIFF DEPT.  
MOBILE COUNTY, ALA.  
OCT 4 10 00 AM '65

*W. 6716 5077*  
SYLVIA M. PATE, as Administra-  
trix of the Estate of Marion  
D. Pate, deceased,

Plaintiff,

VS

*dx*  
JERRY WOODROW DOBBINS,

Defendant.

\*\*\*\*\*  
SUMMONS AND COMPLAINT  
\*\*\*\*\*

FILED  
OCT 1 1965  
MADE A DICK, CLERK  
REGISTER

CHASON, STONE & CHASON  
ATTORNEYS AT LAW

SYLVIA M. PATE, as ADMINISTRATRIX  
OF THE ESTATE OF MARION D. PATE,  
DECEASED

Plaintiff

vs

JERRY WOODROW DOBBINS

Defendant

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) LAW SIDE

) NO \_\_\_\_\_

Comes now the defendant in the above styled cause and for answer to the complaint heretofore filed herein, and to each and every count thereof, separately and severally, sets down and assigns the following pleas, separately and severally:

1. The material allegations are untrue.

2. Not guilty.

3. The defendant says that at the time and place complained of the plaintiff's intestate was himself guilty of negligence which proximately contributed to his alleged injuries and death in that at said time and said place the said plaintiff's intestate so negligently operated a motor vehicle as to cause or allow the same to collide with the motor vehicle, the property of the defendant, WHEREFORE the defendant says that the plaintiff ought not to have and recover of him.

4. The defendant says that at the time and place complained of the plaintiff's intestate was himself guilty of negligence which proximately contributed to his own injuries and death, in that at said time and place, the plaintiff, acting through his servant, agent or employee who was then and there acting within the line and scope of her authority as such servant, agent or employee, so negligently operated a motor vehicle as to cause or allow the same to collide with a motor vehicle, the property of the defendant, WHEREFORE the defendant says that the plaintiff ought not to have and recover of him.

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 19  
day of Jan, 1968, served a  
copy of the foregoing pleading on counsel for all  
parties to this cause by mailing the same  
by United States Mail, properly addressed, and  
first class postage prepaid.

LYONS, PIPES AND COOK  
Attorneys for Defendant

By W. F. Lyons

FILED

JAN 20 1968

ALICE L. DUCK, CLERK  
REGISTER

221

SYLVIA M. PATE, as Administratrix  
of the Estate of MARION D. PATE,  
Deceased.

Plaintiff

vs.

JERRY WOODROW DOBBINS,

Defendant

\*

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\*

\*

\*

\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

CASE NO. 6716

ANSWERS TO INTERROGATORIES

Comes Now the defendant and for answer to the interrogatories  
propounded by the plaintiff says as follows:

1. Jerry Woodrow Dobbins, 20 years old, 1714 Colonial Oak,  
Mobile, Alabama.

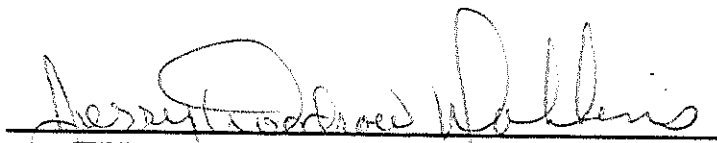
2. Single.

3. Yes.

4. Yes.

5. Yes

6. Walter Jackson Brown, Jr., Route 6, Box 145-B,  
Eight Mile, Alabama.

  
JERRY WOODROW DOBBINS

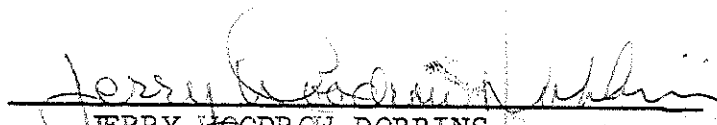
STATE OF ALABAMA

COUNTY OF MOBILE

Before me,

, a Notary Public in

and for said County and said State, personally appeared Jerry Woodrow  
Dobbins, who, being by me first duly sworn deposes and says that he  
is the defendant in the above styled case, and that he has read the  
foregoing answers to interrogatories and that the said answers are  
true and correct.

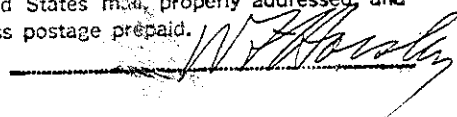
  
JERRY WOODROW DOBBINS

Subscribed and sworn to before me this the 19 day of January, 1966.

  
NOTARY PUBLIC, MOBILE, COUNTY, ALABAMA

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 19  
day of Jan, 1966, 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.



LYONS, PIPES & COOK

ATTORNEYS AT LAW  
FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

JOSEPH H. LYONS (1900-1957)  
SAM W. PIPES, III  
WALTER M. COOK  
GORDON B. KAHN  
IRWIN W. COLEMAN, JR.  
G. SAGE LYONS  
WILLIAM F. HORSLEY  
AUGUSTINE MEASER, III

36601

AREA CODE 205  
TEL. 432-4483  
P. O. DRAWER 79

October 16, 1965

Clerk of Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Sylvia M. Pate, as Administratrix of the Estate of  
Marion D. Pate, Deceased.

Dear Sir:

We enclose herewith demurrers in the above styled case, which we ask that you file. We also enclose a yellow copy of the demurrers which we request that you stamp with the file date, and return to us.

Very truly,

LYONS, PIPES, & COOK

W. F. Horsley

WFH/cl

Enclosures



BAY MINETTE, ALABAMA

JOHN CHASON  
NORBORNE C. STONE, JR.  
JOHN EARLE CHASON

March 29, 1966

TELEPHONE 937-2191

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

Dear Mrs. Duck:

Re: Case No. 6716  
Pate vs. Dobbins

Will you please dismiss the case of Sylvia M. Pate, as Administratrix of the estate of Marion D. Pate, Deceased, against Jerry Woodrow Dobbins. We have been informed by your office that the court costs have been paid.

With best regards.

Yours very truly,

CHASON, STONE & CHASON

By

JC:d1

SYLVIA M. PATE, as Administra-	X	
trix of the Estate of Marion		
D. Pate, deceased,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	LAW SIDE
JERRY WOODROW DOBBINS,	X	
Defendant.	X	

INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO  
THE DEFENDANT, JERRY WOODROW DOBBINS.

Comes now the Plaintiff, Sylvia M. Pate, as Administratrix of the Estate of Marion D. Pate, deceased, by her attorneys and affidavit having been made by John Chason, one of the attorneys of record for the Plaintiff, and propound the following interrogatories to the Defendant, Jerry Woodrow Dobbins:

1. Please state your name, age and address.
2. Are you married or single?
3. Were you driving a motor vehicle on U. S. Highway 90 at a point approximately .3 of a mile East of the intersection of U. S. Highway 90 and Baldwin County Highway No. 27 in Baldwin County, Alabama, on August 22, 1965, at about 12:50 A. M.?
4. If you state that you were driving a motor vehicle along said Highway at said time and place as set out in the last preceding interrogatory, were you at that time and place involved in an accident with another motor vehicle in which Marion D. Pate was riding?
5. Was Marion D. Pate killed in such accident?
6. Who was the owner of the motor vehicle that you were driving at said time and place and please state the address of such owner?

CHASON, STONE & CHASON

By: \_\_\_\_\_

Attorneys for Plaintiff

Defendant's address is  
1714 Colonial Oak, Mobile,  
Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Marie B. Bryars, a Notary Public, in and for said County in said State, personally appeared John Chason who is known to me, and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason and that he is one of the Attorneys of Record for Sylvia M. Pate, as Administratrix of the Estate of Marion D. Pate, deceased, who is the Plaintiff in that certain action now pending in the Circuit Court of Baldwin County, Alabama, wherein Jerry Woodrow Dobbins is the Defendant. That the answers to the Interrogatories propounded above, if well and truly made, will be material testimony and evidence for the Plaintiff in the said cause.

Dated this 1<sup>st</sup> day of October, 1965.

John Chason

Sworn to and subscribed before me on this the 1<sup>st</sup> day of October, 1965.

Marie B. Bryars  
Notary Public, Baldwin County, Alabama

FILED

OCT 1 1965

ALICE I. BUCK, CLERK  
REGISTER

RECEIVED

OCT 1 1965

TAYLOR WILKINS  
SHERIFF

Received 4 Day of Oct 19 65  
and on 3 Day of Oct 19 65  
I served a Copy of this writ on Jerry Woodrow Dobbins  
on 3 Woodrow Dobbins

by service on \_\_\_\_\_

RAY D. BRIDGES, Sheriff  
By J. D. Bridges D. S.

OCT 4 10 00 AM '65  
FEDERAL SHERIFF DEPT.  
MOBILE COUNTY, ALA.

*✓* *no. 6716* *5077*  
*g*  
SYLVIA M. PATE, as Administra-  
trix of the Estate of Marion  
D. Pate, deceased,

Plaintiff,

*67*  
vs

JERRY WOODROW DOBBINS,

Defendant.

\*\*\*\*\*  
INTERROGATORIES  
\*\*\*\*\*

FILED

OCT 1 1965

ALICE L. DICK, CLERK  
REGISTERED

CHASON, STONE & CHASON  
ATTORNEYS AT LAW