

String fellow
nubuck

1. Pierce, Herman, Farmer, Summerdale
2. Mikkelsen, Robert, Savings & Loan, Robertsdale
3. Jones, Dolphus S., Farmer, Lottie
4. Keldorfer, William E., County Emp., Elberta
5. Marco, Fred, Farmer, Belforest
6. McKenzie, Floyd W., Farmer, Fairhope
7. Middleton, Frank, Trucker, Loxley
8. Heidelberg, Joe, Jr., Farmer, Robertsdale
9. Middleton, Laverne, Businessman, Loxley
10. Avera, Leon W., Farmer, Foley
11. Averitt, Chester C., Appliance Repair, Foley
12. Baker, Louis, Peoples Fertilizer, Foley
13. Banner, W.M., Farmer, Foley
14. Bendix, Mike, Mechanic, Fairhope
15. Bergman, Albert, Farmer, Foley
16. Blackwell, Earl, Merchant, Foley
17. Boesch, Arthur, Farmer, Bay Minette
18. Boykie, William E., Laborer, Robertsdale
19. Bryant, George E., Farmer, Stockton
20. Chafin, J. Horace, Truck Driver, Perdido
21. Childress, Calvin, Farmer, Summerdale
22. Clay, Ray, Farmer, Fairhope
23. Langston, Hedge, Chemist, Bay Minette
24. Harrison, Bibb, Farmer, Fairhope
25. Drew, Norman Lee, Mechanic, Bay Minette
26. Engel, Edward W., Farmer, Summerdale
27. Schultz, Carl, R.R. Emp., Foley
28. Styron, Theo, Farmer, Foley
29. Thomas, Jennings, Farmer, Foley
30. Weeks, Elliot, Mechanic, Mag. Spgs.
31. Weeks, Ellis, Laborer, Mag. Spgs.
32. Wiggins, James, Civil Service, Stapleton
33. ~~Rowe, Jerry, Farmer, Silverhill~~
34. James, Lonnie, Salesman, Bay Minette
35. Jones, Harold P., Merchant, Bay Minette
36. DeLoach, Percy, Farmer, Bay Minette
37. Crook, Prince, Warehouseman, Bay Minette
38. Conway, William, Brookley Field, Bay Minette
39. Langham, Lloyd, Merchant, Bay Minette
40. Lynd, Joe E., Plumber, Bay Minette
41. Miller, Ernest, Ala. Power Co., Bay Minette
42. HINTERLIGHTER, Daniel C., Clerk, Bay Minette
43. Knight, Robert W., Clerk, Bay Minette
44. Kinsey, Elmer D., Jr., Farmer, Foley
45. Engel, George, Farmer, Summerdale

P XXXXX XXXXX

① XXXXX XXXX

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
DAHLBERG BUILDING
P. O. BOX 729
BAY MINETTE, ALABAMA

September 1, 1965

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

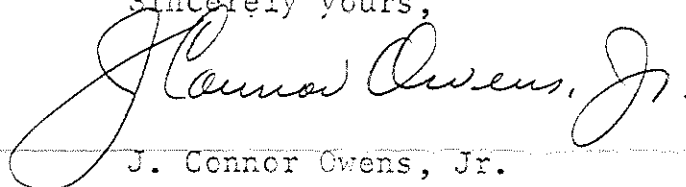
Subject: J. L. Stringfellow vs. Paul J.
Dubrock

Dear Mrs. Duck:

This is with reference to the above styled matter and to advise you that my name should be entered as attorney for the plaintiff upon the transfer of the above styled matter from Mobile County, and the docketing of the same in Baldwin County, Alabama.

Thank you for your aid and consideration in the matter.

Sincerely yours,


J. Connor Owens, Jr.

JCO:am

FILED
SEP 2 1965
ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT LAW

CASE NO. 16527

FOREMAN & BROWN
BY: JAMES A. JOHNSTON
Attorneys for Plaintiff

J.L. STRINGFELLOW - Plaintiff

JURY

VS. Suit for \$1,000.00 damages to automobile.
(TORT)

CHASON, STONE & CHASON
Bay Minette, Alabama
Attorneys for Defendant

PAUL J. DUBROCK - Defendant

N.J.

PLEADINGS, PROCESS, ETC. * FILING DATE *

1. Complaint & Summons * 7-14-65 * C & S served on Paul J. Dubrock on July 19, 1965.

2. Plea in Abatement * 8-10-65 *

3. Motion * 8-30-65 *

Plaintiff's motion, filed August 30, 1965 for Court to transfer
this cause to the Circuit Court of Baldwin County, Alabama.
September 17, 1965 - Motion Granted. - Robert T. Ervin, Jr. - Judge

FILED

OCT 15 1965

ALICE L. DUCK, CLERK
REGISTER

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above
is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.

In witness whereof I have hereunto set my hand and attached my official seal as such Clerk of said Court at Mobile, Mobile
County, Alabama, on this the 14th day of October, 1965.

John E. Mandeville, Clerk.

720-6933

100

J. L. STRINGFELLOW,

Plaintiff,

Vs.

PAUL J. DUBROCK,

Defendant.

*

*

*

*

IN THE CIRCUIT COURT

OF MOBILE COUNTY,

ALABAMA

AT LAW

CASE NO: 16527

COUNT ONE

The Plaintiff claims of the Defendant the sum of One Thousand and no/100 (\$1,000.00) Dollars, as damages for on, to-wit, the 23rd day of February, 1965, the Defendant so negligently operated a motor vehicle on one of the public roads of Baldwin County, Alabama, to-wit, on U.S. Highway 31, near the east end of the Apalachee River Bridge in said County, so at said time and place to cause or allow said vehicle to collide with a vehicle of the Plaintiff and as a proximate result of the Defendant's negligence the property of the Plaintiff was damaged as follows: the Plaintiff's motor vehicle was bent, broken, torn and otherwise damaged, the Plaintiff lost the use of said vehicle for a period of time, the market value of said vehicle permanently depreciated, all to the damage and injury in the amount aforesaid, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of One Thousand and no/100 (\$1000.00) Dollars, as damages for on, to-wit, the 23rd day of February, 1965, the Defendant so negligently operated a motor vehicle on one of the public roads of Baldwin County, Alabama, to-wit, on U.S. Highway 31, near the east side of the Apalachee River Bridge, in said County, by negligently parking said vehicle on said public road at the said time and place so as to block said road from oncoming traffic and thereby to cause or allow said vehicle to collide with a vehicle of the Plaintiff's and as a proximate result of the Defendant's negligence as aforesaid, the property of the Plaintiff was damaged as follows: the Plaintiff's motor vehicle was bent, broken, torn and other-

wise damaged, the Plaintiff lost the use of said vehicle for a period of time, the market value of said vehicle permanently depreciated, all to the damage and injury in the amount aforesaid, hence this suit.

FOREMAN & BROWN,
Attorneys for Plaintiff

BY


James A. Johnston

Plaintiff respectfully demands a trial by jury.

FOREMAN & BROWN,
Attorneys for Plaintiff

BY


James A. Johnston

Serve defendant by having the
Sheriff of Baldwin County, Alabama
serve him at Robertsdale, Alabama.

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

JUL 14 1 45 PM '65


CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

PAUL J. DUBROCK

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of

J. L. STRINGFELLOW

WITNESS: John E. Mandeville, Clerk of said Court, this 14th day of July, 1965

Attest: John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ Day
of _____, 19____, I served a copy of
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

DEPT. SHERIFF DEPT.
MOBILE COUNTY, ALA.

001 4 3 11 65

served 16 day of July 1965
on 19 day of July
received a copy of the within 5 & C
Paul J. Dubrock

service on _____

TAYLOR WILKINS, Sheriff

Sheriff claims 60 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY Carlisle Childress
DEPUTY SHERIFF

mail

No. 16527

JUDGE Erwin DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

J. L. STRINGFELLOW

VS. }

Complaint and Summons

PAUL J. DUBROCK

Issued 14th day of July, 1965

Defendant's Address

(Serve defendant by having the
Sheriff of Baldwin County,
Alabama serve him at Robertsda
Alabama.)

FOREMAN & BROWN

BY: JAMES A. JOHNSTON

Plaintiff's Attorney

Extra Copy

J. L. STRINGFELLOW,	*	IN THE CIRCUIT COURT
Plaintiff,	*	OF MOBILE COUNTY,
Vs.	*	ALABAMA
PAUL J. DUBROCK,	*	AT LAW
Defendant.	*	CASE NO: <u>16527</u>

COUNT ONE

The Plaintiff claims of the Defendant the sum of One Thousand and no/100 (\$1,000.00) Dollars, as damages for on, to-wit, the 23rd day of February, 1965, the Defendant so negligently operated a motor vehicle on one of the public roads of Baldwin County, Alabama, to-wit, on U.S. Highway 31, near the east end of the Apalachee River Bridge in said County, so at said time and place to cause or allow said vehicle to collide with a vehicle of the Plaintiff and as a proximate result of the Defendant's negligence the property of the Plaintiff was damaged as follows: the Plaintiff's motor vehicle was bent, broken, torn and otherwise damaged, the Plaintiff lost the use of said vehicle for a period of time, the market value of said vehicle permanently depreciated, all to the damage and injury in the amount aforesaid, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of One Thousand and no/100 (\$1000.00) Dollars, as damages for on, to-wit, the 23rd day of February, 1965, the Defendant so negligently operated a motor vehicle on one of the public roads of Baldwin County, Alabama, to-wit, on U.S. Highway 31, near the east side of the Apalachee River Bridge, in said County, by negligently parking said vehicle on said public road at the said time and place so as to block said road from oncoming traffic and thereby to cause or allow said vehicle to collide with a vehicle of the Plaintiff's and as a proximate result of the Defendant's negligence as aforesaid, the property of the Plaintiff was damaged as follows: the Plaintiff's motor vehicle was bent, broken, torn and other-

(Extra Copy)

wise damaged, the Plaintiff lost the use of said vehicle for a period of time, the market value of said vehicle permanently depreciated, all to the damage and injury in the amount aforesaid, hence this suit.

FOREMAN & BROWN,
Attorneys for Plaintiff

BY


James A. Johnston

Plaintiff respectfully demands a trial by jury.

FOREMAN & BROWN,
Attorneys for Plaintiff

BY


James A. Johnston

Serve defendant by having the Sheriff of Baldwin County, Alabama serve him at Robertsdale, Alabama.

J. L. STRINGFELLOW,

Plaintiff,

vs.

PAUL J. DUBROCK,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

AT LAW

CASE NO. 16527 - E

PLEA IN ABATEMENT

Comes now the Defendant in the above styled cause, appearing specially and only for the purpose of filing this plea in abatement and for no other object or purpose, and files this his plea in abatement to the complaint heretofore filed by the Plaintiff and alleges the following in support thereof:

That the Defendant is a resident citizen of Baldwin County, Alabama, and that his permanent residence is in Robertsdale, Baldwin County, Alabama, and was his permanent residence at the time of the accident complained of in the complaint and at the time of the filing of this suit and service of the same upon the Defendant, wherefore the Defendant says that the Circuit Court of Mobile County, Alabama, is without jurisdiction of the premises.


Paul J. Dubrock

OF COUNSEL:

CHASON, STONE & CHASON
Attorneys at Law
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County in said State, personally appeared Paul J. Dubrock, 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 Paul J. Dubrock; that he executed the foregoing Plea in Abatement and the allegations contained therein are true and correct.

Paul J. Dubrock

Sworn to and subscribed before me on
this the 10 day of August, 1965.

John Earle Chason
Notary Public, Baldwin County, Alabama

I, John Earle Chason, one of the attorneys of record for the Defendant in the above styled cause, do hereby certify that I have this day mailed a copy of the above to Foreman and Brown, attorneys of record for the Plaintiff, postage prepaid and properly addressed to them at their office in Mobile, Alabama.

Done this the 10 day of August, 1965.

John Earle Chason
John Earle Chason

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

AUG 10 9 44 AM '65

Paul M. ...
CLERK

James A. Johnston - Atty. Gen. Prof.

J. L. STRINGFELLOW,

Plaintiff,

VS.

PAUL J. DUBROCK,

Defendant.

PLEA IN ABATEMENT

J. L. STRINGFELLOW,

Plaintiff,

Vs.

PAUL J. DUBROCK,

Defendant.

*

*

*

*

IN THE CIRCUIT COURT

OF MOBILE COUNTY,

ALABAMA

AT LAW

CASE NO: 16,527 - E

Comes now the Plaintiff in the above entitled cause and confesses the Plea in Abatement heretofore filed by the Defendant and prays that this Honorable Court will order a transfer of this cause to the Circuit Court of Baldwin County, Alabama, and forward the transfer of all minutes, orders and other proceedings in this cause to the Clerk of the Circuit Court of Baldwin County, Alabama, under authority of Title 7, Section 64(1) and 64(2), Pocket Parts, Code of Alabama 1940.

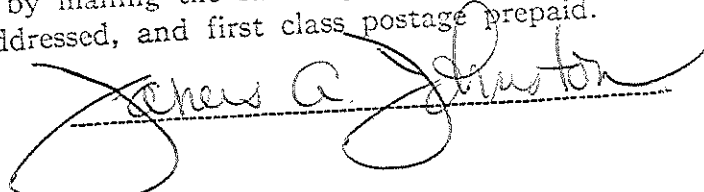
FOREMAN & BROWN,
Attorneys for Plaintiff

BY


James A. Johnston

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30th day of August, 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.



STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

AUG 30 11 10 AM '65


CLERK

FRIDAY, SEPTEMBER 17, 1965

J. L. STRINGFELLOW
ERVIN -vs- 16527
PAUL J. DUBROCK

PLAINTIFF'S MOTION, FILED
AUGUST 30, 1965 FOR COURT TO
TRANSFER THIS CAUSE TO THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA - MOTION GRANTED

This day in open Court came the parties by their attorneys, and plaintiff's motion filed August 30, 1965 for Court to transfer this cause to the Circuit Court of Baldwin County, Alabama, in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that the Plaintiff's said motion, filed August 30, 1965 for Court to transfer this cause to the Circuit Court of Baldwin County, Alabama, in this cause, be, and the same is hereby granted.

Minute Book 32

Page 446

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of Order of Court


as rendered by the said Circuit Court on the 17th day of September, 19 65, in the cause
entitled No. 16527 - J.L. STRINGFELLOW

_____, Plaintiff,
— versus — PAUL J. DUBROCK

Defendant, ~~(Together with the cancellation thereof)~~, as the same remains of record in this office in
Minute Book No. 32, Page No. 446.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 14th day of October, 19 65.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

10-14-65

C. C. LAW 34-5M-1-65

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

J. L. STRINGFELLOW

Plaintiff

No. 16527

VS.

PAUL J. DUBROCK

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less \$ 6.00			Serving Summons & Complaint \$ 1.50	7 50	
Suits for over \$100 but less than \$1,000 10.00			Serving Writ of Garnishment 1.50		
Suits for \$1,000 and over 20.00	20 00		Serving Sci Fa.-Notices 1.50		
Suits in detinue, ejectment, etc. 10.00			Levying Attachment & Return 6.25		
Suits not otherwise provided 10.00			Executing Writ Possession 5.00		
Writs, Mandamus, Prohibition, etc. 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Court General			Serving subpoenas, each .75		
Sessions 15.00			Impanelling Jury .75		
Appeals from Probate Court 20.00			Taking & Approving Bond 2.00		
Appeals from JP Courts 6.00			Collecting Costs Execution 1.50		
Appeals from State Dept of Pub. Safety, and other State			Serving Contempt Writ 1.50		
Agencies 10.00			Making Deed for Property sold 2.50		
Workmen's Compensation Settle. 10.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Garnishment on Judgment 6.00					
Order of Sale, Motions to sell. 6.00			Total \$	7 50	
Recording executions from State					
Agencies 3.00					
Cert. Copy of XXXXXX Minute XXXXXX Entry .15		80			
Taking Appeal Bond .75					
Record for Supreme Court etc., per 100 words .15					
Add'l Copies of Record for Supreme Court, per 100 words .05					
Checking - including Reporters					
Transcript of Evidence 10.00					
Certifying Abstract in lieu of Transcript on Appeal 5.00					
Collecting Money on Judgments over 30 days old; ½ the per- centage allowed Sheriffs \$					
Total \$	20 00				

RECAPITULATION	
Clerk	20 00 80
Sheriff	7 50
Inferior Civil Court	
Justice Peace fees	
Witness fees	
Commissioner's fees	
Certificate of Judgment	
Judgment	
10% Damages	
Interest	
Stenographer's fees (\$10.00 Day)	
Library fee 1.50	1 50
Trial Tax (County) 1.50	1 50
Trial Tax (State) 1.50	1 50
Advertisement	
Garnishee's fees	32 00 80
	\$32.80

I respectfully beg to advise that if this bill for costs is not paid before 19____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk

J. L. STRINGFELLOW,

Plaintiff,

vs.

PAUL J. DUBROCK,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the complaint heretofore filed against him in said cause and to each and every count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. That said complaint does not state a cause of action against the Defendant.

2. That the place where the accident is alleged to have happened is insufficiently designated.

3. The complaint fails to allege that the Defendant's vehicle was left on the paved or improved or main traveled portion of said highway.

4. The complaint fails to allege that it was practicable to park or leave such vehicle standing off the paved or improved or main traveled portion of such highway.

5. The complaint fails to allege that there was less than fifteen feet of unobstructed main traveled portion of said highway opposite such standing vehicle.

6. The complaint fails to allege that there was not a clear view of such vehicle for a distance of two hundred feet in each direction upon such highway.

7. The complaint fails to allege that the place where the accident happened was outside of a business or residence district.

8. The complaint fails to allege for what period of time the Plaintiff lost the use of his vehicle.

CHASON, STONE & CHASON

By


Attorneys for Defendant

CERTIFICATE OF SERVICE

We do hereby certify that we have on this 27th day of September, 1965, served a copy of the above pleading on counsel for the Plaintiff by mailing the same through the United States Mail, properly addressed and First Class postage prepaid.

CHASON, STONE & CHASON

By John Earle Chason
Attorneys for Defendant

FILED

SEP 27 1965

ALICE L. DUCK, CLERK
REGISTER

6733

J. L. STRINGFELLOW,

Plaintiff,

VS.

PAUL J. DUBROCK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

FILED

SEP 27 1965

ALICE L. DICK, CLERK
REGISTER

CHASON, STONE & CHASON
ATTORNEYS AT LAW

J. L. STRINGFELLOW,)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.)	BALDWIN COUNTY, ALABAMA
PAUL J. DUBROCK,)	
Defendant.)	LAW SIDE.

AMENDED COMPLAINT

Now comes the Plaintiff in the above styled cause, by his attorney, and amends the Bill of Complaint heretofore filed in this cause, so that as amended, the same shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendant the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) as damages, for on, to-wit, the 23rd day of February, 1965, during the hours between one-half hour after sunset and one-half hour before sunrise, the Defendant so negligently operated a motor vehicle on a public road in Baldwin County, Alabama, to-wit, on the West bound lane of U. S. Highway 31 on the Apalachee River Bridge, approximately 50 to 75 feet from the East end of said bridge, in said County, by parking said vehicle on the main traveled portion of said highway and bridge, without a red light visible from a distance of 500 feet to the rear, there not being sufficient light to reveal an object within a distance of 500 feet upon said highway and thereby to cause or allow said vehicle to collide with a vehicle of the Plaintiff, and as a proximate result of the Defendant's negligence as aforesaid, the property of the Plaintiff was damaged as follows: The Plaintiff's motor vehicle was bent, broken, torn and otherwise damaged; the Plaintiff lost the use of said vehicle for a period of four weeks, the market value of said vehicle permanently depreciated, all to the damage and injury of the Plaintiff in the amount aforesaid, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of One Thousand and no/100 Dollars (\$1,000.00) as damages, for on, to-wit, the 23rd day of February, 1965, the Defendant so negligently operated a motor vehicle on a public road in Baldwin County, Alabama, to-wit, on the West bound lane of U. S. Highway 31, on the Apalachee River Bridge, approximately 50 to 75 feet from the East end of said bridge, in said County, by parking said vehicle on the said Apalachee River Bridge and thereby to cause or allow said vehicle to collide with a vehicle of the Plaintiff, and as a proximate result of the Defendant's negligence as aforesaid, the property of the Plaintiff was damaged as follows: The Plaintiff's motor vehicle was bent, broken, torn and otherwise damaged; the Plaintiff lost the use of said vehicle for a period of four weeks, the market value of said vehicle permanently depreciated, all to the damage and injury of the Plaintiff in the amount aforesaid, hence this suit.

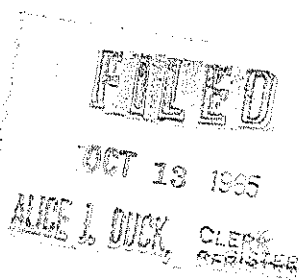
J. CONNOR OWENS, JR.

By: Walter S. Patton

Attorney for Plaintiff.

I, the undersigned Walter S. Patton, do hereby certify that I have this day mailed a copy of the foregoing amended complaint to John Earle Chason, one of the Attorneys for the Defendant through the United States Mail, properly addressed, postage prepaid. This 13th day of October, 1965.

Walter S. Patton



J. L. STRINGFELLOW,	℥	
Plaintiff,	℥	
	℥	IN THE CIRCUIT COURT OF
vs.	℥	BALDWIN COUNTY, ALABAMA
	℥	
	℥	AT LAW
PAUL J. DUBROCK,	℥	
Defendant.	℥	

DEMURRER TO AMENDED COMPLAINT

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the complaint heretofore filed against him in said cause and to each and every count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. That said complaint does not state a cause of action against the Defendant.

2. Count Two fails to allege that the Defendant's vehicle was left on the paved or improved or main traveled portion of such highway.

3. Said complaint fails to allege that it was practicable to park or leave such vehicle standing off the paved or improved or main traveled portion of such highway.

4. The complaint fails to allege that there was less than fifteen feet of unobstructed main traveled portion of said highway opposite such standing vehicle.

5. The complaint fails to allege that there was not a clear view of such vehicle for a distance of two hundred feet in each direction upon such highway.

6. The complaint fails to allege that the place where the accident happened was outside of a business or residence district.

CHASON, STONE & CHASON

By John Earle Chason
Attorneys for Defendant

FILED
OCT 20 1935
ALICE I. DICK, CLERK
REGISTER

CERTIFICATE OF SERVICE

We do hereby certify that we have this 20th day of October, 1965, served a copy of the above pleading on Counsel for the Plaintiff by mailing the same through the United States mail, properly addressed and first class postage prepaid.

CHASON, STONE & CHASON

By John Earle Chason
Attorneys for Defendant

FILED

OCT 20 1965

ALICE J. DUCK, CLERK
REGISTER

4733

J. L. STRINGFELLOW,
Plaintiff,

vs.

PAUL J. DUBROCK,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

DEMURRER TO AMENDED COMPLAINT

* * * * *

FILED
OCT. 20 1935
ALICE L. DUCK, CLERK
REGISTER

CHASON, STONE & CHASON
ATTORNEYS AT LAW

J. L. STRINGFELLOW,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	
PAUL J. DUBROCK,)	BALDWIN COUNTY, ALABAMA
Defendant.)	LAW SIDE NO.

AMENDED COMPLAINT

Now comes the Plaintiff in the above styled cause, by his attorney, and amends the Bill of Complaint heretofore filed in this cause, so that as amended, the same shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendant the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) as damages, for on, to-wit, the 23rd day of February, 1965, during the hours between one-half hour after sunset and one-half hour before sunrise, the Defendant so negligently operated a motor vehicle on a public road in Baldwin County, Alabama, to-wit, on the West bound lane of U. S. Highway 31 on the Apalachee River Bridge, approximately 50 to 75 feet from the East end of said bridge, in said County, by parking said vehicle on the main traveled portion of said highway and bridge, when it was not necessary to do so to avoid conflict with other traffic nor was it done in compliance with laws or the directions of a police officer or traffic control device, without a red light visible from a distance of 500 feet to the rear, there not being sufficient light to reveal an object within a distance of 500 feet upon said highway and thereby to cause or allow said vehicle to collide with a vehicle of the Plaintiff, and as a proximate result of the Defendant's negligence as aforesaid, the property of the Plaintiff was damaged as follows: The Plaintiff's motor vehicle was bent, broken, torn and otherwise damaged; the Plaintiff lost the use of said vehicle for a period of four weeks, the market value of said vehicle permanetly depreciated, all to the damage and injury of the Plaintiff in the amount aforesaid, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) as damages, for on, to-wit, the 23rd day of February, 1965, the Defendant so negligently operated a motor vehicle on a public road in Baldwin County, Alabama, to-wit, on the West bound lane of U. S. Highway 31, on the Apalachee River Bridge, approximately 50 to 75 feet from the East end of said bridge, in said County, by parking said vehicle on the said Apalachee River Bridge, when it was not necessary to do so to avoid conflict with other traffic nor was it done in compliance with laws or the directions of a police officer or traffic control device, and thereby to cause or allow said vehicle to collide with a vehicle of the Plaintiff, and as a proximate result of the Defendant's negligence as aforesaid, the property of the Plaintiff was damaged as follows: The Plaintiff's motor vehicle was bent, broken, torn and otherwise damaged; the Plaintiff lost the use of said vehicle for a period of four weeks, the market value of said vehicle permanently depreciated, all to the damage and injury of the Plaintiff in the amount aforesaid, hence this suit.

J. CONNOR OWENS, JR.

By: Walter S. Patton
Attorney for Plaintiff.

I, the undersigned Walter S. Patton, do hereby certify that I have this day mailed a copy of the foregoing amended complaint to John Earle Chason, one of the Attorney for the Defendant in the within styled cause, through the United States mail, properly addressed, postage prepaid.

FILED

OCT 25 1965

WILLIAM J. DUCK, CLERK
REGISTERED

J. L. STRINGFELLOW,

Plaintiff,

vs.

PAUL J. DUBROCK,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

PLEA

Comes now the Defendant in the above styled cause and for plea to the Complaint heretofore filed in said cause and to each count thereof, separately and severally, says, separately and severally:

1. Not Guilty.

2. At the time and place complained of, the Plaintiff acting by and through his agent, servant or employee who was then and there acting within the line and scope of his authority as such agent, servant or employee was guilty of negligence which proximately contributed to his damages and injuries because of which he should not recover in this action.

3. For further plea and by way of recoupment, the Defendant claims of the Plaintiff the sum of Seven Hundred Dollars (\$700.00) damages for that heretofore on to-wit, the 23rd day of February, 1965, on U. S. Highway 31, near the West end of the Apalachee River bridge in Baldwin County, Alabama, the Plaintiff acting by and through his agent, servant or employee who was then and there acting within the line and scope of his authority as such agent, servant or employee did so negligently operate a motor vehicle as to cause or allow it to run into, upon or against the motor vehicle of the Defendant and as a proximate result of the negligence of the Plaintiff aforesaid, the motor vehicle of the Defendant was totally destroyed all to the damage of the Defendant in the sum aforesaid, hence this suit.

FILED

NOV 1 1965

ALICE J. DUCK, CLERK
REGISTER

118

John Earle Chason
Attorneys for Defendant

CERTIFICATE

We do hereby certify that we have this day served a copy of the foregoing pleading on Walter S. Patton, the attorney for the Plaintiff, by mailing a copy of the same to him at his address in Bay Minette, Alabama with United States postage prepaid.

CHASON, STONE & CHASON

By

John Earle Chason

FILED

NOV 2 1965

ALICE L. DICK, CLERK
REGISTER

6733

J. L. STRINGFELLOW,
Plaintiff,

vs.

PAUL J. DUBROCK,
Defendant.

* * * * *

PLEA

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

* * * * *

FILED
NOV 1 1965
PAUL J. DUBROCK, CLERK
BALDWIN COUNTY, ALABAMA

CHASON, STONE & CHASON
ATTORNEYS AT LAW

*We the jury find for the Defendant and
see no damages for recoupment.*

Charles Henry J. Thomas,

J. L. STRINGFELLOW,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	
PAUL J. DUBROCK,)	BALDWIN COUNTY, ALABAMA
Defendant.)	LAW SIDE.

Now comes the Plaintiff in the above styled cause and for answer to the plea of recoupment heretofore filed by the Defendant in the above styled matter says:

1. Not guilty.
2. That at the time and place complained of the Defendant was guilty of negligence which proximately contributed to his damages and injuries, because of which he should not recover in this suit.

J. CONNOR OWENS, JR.

By: Walter S. Patton
Attorney for Plaintiff.

I, the undersigned Walter S. Patton, do hereby certify that I have this day mailed a copy of the foregoing to John Earle Chason, one of the Attorneys for the Defendant in the within styled cause, through the United States mail, properly addressed, postage prepaid.

Walter S. Patton

FILED
NOV 8 1965
ALICE L. DICK, CLERK
REGISTER

J. L. STRINGFELLOW,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
PAUL J. DUBROCK,	X	AT LAW
Defendant.	X	

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and files additional grounds of demurrer to the complaint heretofore filed against him in said cause and to each and every count thereof, separately and severally;

7. The Complaint fails to allege that the alleged parking of the vehicle was not necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

CHASON, STONE & CHASON

FILED

OCT 29 1965

ALICE J. RUCK, CLERK
REGISTER

By: John E. Chason