

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. ....

..... TERM, 19....

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon PATRICK EMORY BOYINGTON - Loxley, Alabama

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 .....

~~PATRICK EMORY BOYINGTON~~ ..... Defendant.....

by .....

JOE RYBAR .....

Plaintiff.....

Witness my hand this .....

14

day of

July

1945

....., Clerk

JOE RYBAR,

PLAINTIFF

vs

PATRICK EMORY BOYINGTON,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

1. ~~FACTS, RELEVANT & MERE~~

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00) as damages for that heretofore on, to-wit: December 11, 1964, the Plaintiff was operating an automobile along and upon a public street in the Town of Robertsedale, Baldwin County, Alabama, on, to-wit, Milwaukee Street in front of Wilson's Welding Shop, where he had a right to be and while said automobile was being operated and driven along said Milwaukee Street; an automobile which was being driven by the Defendant, ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile as follows: The left front wheel, front bumper, front tire and tube, left fender and other parts were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. The Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.

2.

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00) as damages for that heretofore on, to-wit: December 11, 1964, the Plaintiff was driving along Milwaukee Street in the Town of Robertsedale, in Baldwin County, Alabama, at a point in front of Wilson's Welding Shop and at said time and place the Defendant was driving along said highway carelessly and heedlessly in willful and wanton disregard of the rights or safety of others, and with knowledge that he would very likely injure or damage the Plaintiff and his said automobile thereby, and as a proximate consequence wantonly ran his said car into collision or against the automobile of the Plaintiff and causing great damage to the automobile of the

6403  
 Joe Rybar vs. emroy Borgstrom  
 Patricia  
 JURY LIST - December 8, 1963

- ~~1. [Name], [Address], Bay Minette~~ 6
- ~~2. [Name], [Address], Bay Minette~~
3. Blackman, W.K., Farmer, Foley P
- ~~4. [Name], [Address], Bay Minette~~
5. Campbell, A.S., Farmer, Rosinton 104
- ~~6. [Name], [Address], Bay Minette~~
- ~~7. [Name], [Address], Bay Minette~~ 103
- ~~8. [Name], [Address], Bay Minette~~ 105
- ~~9. [Name], [Address], Bay Minette~~ P
10. Ellis, Thomas, Paperwork, Foley, Bay Minette
- ~~11. [Name], [Address], Bay Minette~~ 10
- ~~12. [Name], [Address], Bay Minette~~ 109
13. Green, Harold Keo, Mechanic, Bay Minette
- ~~14. [Name], [Address], Bay Minette~~ 104
- ~~15. [Name], [Address], Bay Minette~~ 101
- ~~16. [Name], [Address], Bay Minette~~ 101
17. Kennedy, Raymond, Electric, Bay Minette P
- ~~18. [Name], [Address], Bay Minette~~
19. Little, Fred, State Emp., Bay Minette
20. Manning, Wesley W., Civil Service, Foley 10
- ~~21. [Name], [Address], Bay Minette~~ 10
- ~~22. [Name], [Address], Bay Minette~~ 10
23. Salac, Tommy, Farmer, Robertsdale
- ~~24. [Name], [Address], Bay Minette~~
- ~~25. [Name], [Address], Bay Minette~~ 101
- ~~26. [Name], [Address], Bay Minette~~ 101
- ~~27. [Name], [Address], Bay Minette~~ 101
28. Wilson, Jack H., Merchant, Foley P
- ~~29. [Name], [Address], Bay Minette~~ P
- ~~30. [Name], [Address], Bay Minette~~ 101
- ~~31. [Name], [Address], Bay Minette~~ 101
32. Coleman, John E., Farmer, Bay Minette 107
- ~~33. [Name], [Address], Bay Minette~~ 101
- ~~34. [Name], [Address], Bay Minette~~ 101
35. McGill, Jake M., Insurance, Bay Minette
36. Wilson, Libert H., Bookkeeper, Bay Minette
37. Steele, Clyde Madison, Merchant, Bay Minette
- ~~38. [Name], [Address], Bay Minette~~ 108
- ~~39. [Name], [Address], Bay Minette~~ 105
- ~~40. [Name], [Address], Bay Minette~~

37  
 12  
 2 55

P XXXXX XXXXX XE

D XXXXX XXXXX XXX

Plaintiff as follows: The left front wheel, front bumper, front tire and tube, left fender and other parts were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

By:

Thos S Nesbit  
Attorneys for Plaintiff

Plaintiff demands a trial by jury.

Thos S Nesbit  
WILTERS, BRANTLEY AND NESBIT

FILED

MAR 18 1937

CLERK  
REGISTER

JOHN V. DUCK  
RICHARD C. LACEY

DUCK & LACEY  
*Attorneys at Law*  
FAIRHOPE, ALABAMA

319 MAGNOLIA AVENUE  
P. O. BOX 296  
TELEPHONE 928-2191

July 3, 1965

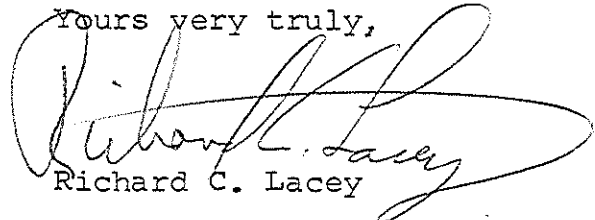
Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

RE: Joe Rybar Vs.  
Patrick Emory Boyington  
Case No. 6403

Dear Mrs. Duck;

The attorneys for Mr. Rybar have withdrawn from subject case due to a conflict of interest and Mr. Rybar has asked me to represent him to a conclusion in this matter. Please have this firm entered as attorneys for record for the Plaintiff.

Yours very truly,



Richard C. Lacey

cc-Mr. Joe Rybar

cc-Honorable James W. Howell

cc-Honorable Phyllis Nesbit

RCL:W

JOE RYBAR,

PLAINTIFF

vs

PATRICK EMORY BOYINGTON,

DEFENDANT

§  
§  
§  
§  
§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause and amends his complaint to read as follows:

1.

The Plaintiff claims of the Defendant the sum of ONE THOUSAND DOLLARS (\$1,000.00) as damages for that heretofore on, to-wit, December 11, 1964, the Plaintiff was operating an automobile along and upon a public street in the Town of Robertsedale, Baldwin County, Alabama, on, to-wit, Milwaukee Street in front of Wilson's Welding Shop, where he had a right to be and while said automobile was being operated and driven along said Milwaukee Street, an automobile which was being driven by the Defendant, ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile as follows: The left front wheel, front bumper, front tire and tube, left fender and other parts were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. The Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.

The Plaintiff further alleges that the Defendant is a minor over the age of sixteen (16) years and resides with his father, Emory Boyington. The Plaintiff respectfully requests the Court to appoint a guardian ad litem to represent the interest of the Defendant, Patrick Emory Boyington, upon his failure to select a guardian ad litem to represent him.

2.

The Plaintiff claims of the Defendant the sum of ONE THOUSAND DOLLARS (\$1,000.00) as damages for that heretofore, on, to-wit, December 11, 1964, the Plaintiff was driving along Milwaukee Street in the Town of Robertsedale, in Baldwin County, Alabama, at a point in front of Wilson's Welding Shop and at

said time and place the Defendant was driving along said highway carelessly and heedlessly in willful and wanton disregard of the rights or safety of others, and with knowledge that he would very likely injure or damage the Plaintiff and his said automobile thereby, and as a proximate consequence wantonly ran his said car into collision or against the automobile of the Plaintiff and causing great damage to the automobile of the Plaintiff as follows: The left front wheel, front bumper, front tire and tube, left fender and other parts were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff in the aforesaid amount.

The Plaintiff further alleges that the Defendant is a minor over the age of sixteen (16) years and resides with his father, Emory Boyington. The Plaintiff respectfully requests the Court to appoint a guardian ad litem to represent the interest of the Defendant, Patrick Emory Boyington, upon his failure to select a guardian ad litem to represent him.

WILTERS, BRANTLEY & NESBIT

BY:

*Thyler S. Nesbit*  
Attorney for Plaintiff

FILED

MAR 22 1965

MADE 1 HOUR CLERK  
SECTION

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 6403

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon PATRICK EMORY BOYINGTON

R.F.D. #1 - Loxley, Alabama

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-----

PATRICK EMORY BOYINGTON

-----, Defendant-----

by-----

JOE RYBAR

-----, Plaintiff-----

Witness my hand this 22 day of March 1965

EX-3-31-65

Alice J. Welch, Clerk



No. 6403 Page \_\_\_\_\_

The State of Alabama

Baldwin County

CIRCUIT COURT

JOE RYBAR

Plaintiffs

vs.

PATRICK EMORY BOYINGTON

Defendants

Summons and Complaint

Filed \_\_\_\_\_ 19\_\_\_\_

MAR 22 1965

Clerk

ALICE J. DUCK

CLERK  
REGISTER

WILTERS, BRANTLEY & NESBIT

Plaintiff's Attorney

Defendant's Attorney

Serve Father - Emory Boyington  
and son, the defendant

Defendant lives at

R.F.D. #1

Loxley, Alabama

Received In Office

March 22 1965

\_\_\_\_\_, Sheriff

I have executed this summons

this 22nd 1965

by leaving a copy with

Emory Boyington  
Patrick Emory Boyington

Sheriff claims 150

Ten Cents per mile Total 15.00

TAYLOR WILKINS, Sheriff

By Taylor Wilkins  
DEPUTY SHERIFF

Sheriff

Deputy Sheriff

JOE RYBAR,

PLAINTIFF

VS

PATRICK EMORY BOYINGTON,

DEFENDANT

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6403

Comes the Defendant in the above styled cause and for answer to the complaint heretofore filed herein by the Plaintiff, and separately and severally to each count thereof says as follows;

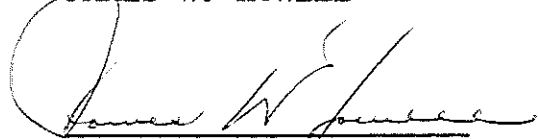
1.

The Defendant pleads not guilty.

2.

For further answer to count one in said complaint, this defendant says that the plaintiff ought not to recover in this case, for that on the occasion complained of the plaintiff was himself guilty of negligence proximately contributing to his alleged injuries and damages in this that the plaintiff was so negligently operating the automobile in which he was riding, on Milwaukee Street, near Wilson's Welding Shop, in the Town of Robertsdale, Baldwin County, Alabama, that he ran upon, over, or against the defendant's automobile which he was operating at the time of said collision, and that plaintiff's operation of his automobile proximately contributed to plaintiff's alleged injuries and damages; hence the plaintiff ought not to recover in this suit.

JAMES W. HOWELL

  
Attorney for Defendant

FILED

APR 26 1965

Alice L. Duck, CLERK  
REGISTRATION

We the Jury find for the Plaintiffs  
and set damages at \$200<sup>00</sup>

Wm. H. H. H.  
Freeman

JOE RYBAR,

PLAINTIFF

vs

PATRICK EMORY BOYINGTON,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6403

1.

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00) as damages for that heretofore on, to-wit: December 11, 1964, the Plaintiff was operating an automobile along and upon a public street in the Town of Robertsedale, Baldwin County, Alabama, on, to-wit, Milwaukee Street in front of Wilson's Welding Shop, where he had a right to be and while said automobile was being operated and driven along said Milwaukee Street; an automobile which was being driven by the Defendant, ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile as follows: The left front wheel, front bumper, front tire and tube, left fender and other parts were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. The Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.

2.

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00) as damages for that heretofore on, to-wit: December 11, 1964, the Plaintiff was driving along Milwaukee Street in the Town of Robertsedale, in Baldwin County, Alabama, at a point in front of Wilson's Welding Shop and at said time and place the Defendant was driving along said highway carelessly and heedlessly in willful and wanton disregard of the rights or safety of others, and with knowledge that he would very likely injure or damage the Plaintiff and his said automobile thereby, and as a proximate consequence wantonly ran his said car into collision or against the automobile of the Plaintiff and causing great damage to the automobile of the

Plaintiff as follows: The left front wheel, front bumper, front tire and tube, left fender and other parts were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

By: Thyler S. Nesbit  
Attorneys for Plaintiff

Plaintiff demands trial by jury;

Thyler S. Nesbit  
WILTERS, BRANTLEY AND NESBIT

FILED

FEB 19 1935

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,  
Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon PATRICK EMORY BOYINGTON - Loxley, Alabama

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 \_\_\_\_\_

PATRICK EMORY BOYINGTON \_\_\_\_\_, Defendant \_\_\_\_\_

by \_\_\_\_\_

JOE RYBAR \_\_\_\_\_, Plaintiff \_\_\_\_\_

Witness my hand this 15 day of Feb 1945

Deice J. Duck \_\_\_\_\_, Clerk

No. 64-03

Page \_\_\_\_\_

# STATE of ALABAMA

Baldwin County

## CIRCUIT COURT

JOE RYBAR

Plaintiffs

vs.

PATRICK EMORY BOYINGTON

Defendants

### Summons and Complaint

Filed

19

FEB 18 1965

Clerk

WILTERS, BRANTLEY & NESBIT

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Route #1 - Loxley, Alabama

RECEIVED

Received In Office

FEB 18 1965, 19

TAYLOR WILKINS

SHERIFF

Sheriff.

I have executed this summons

this

19

by leaving a copy with

Returned by  
Order of  
Atty. J  
3/11/65  
Caroline Childress

Sheriff.

Deputy Sheriff.