JOHN F. PIMPERL, X Plaintiff, χ vs. χ IN THE CIRCUIT COURT OF LOUISVILLE and NASHVILLE RAILROADX COMPANY, a corporation and JOHN DOE, RICHARD DOE, JOHN ROE and BALDWIN COUNTY, ALABAMA χ RICHARD ROE, whose names are to your Plaintiff otherwise unknown, X as members of a train crew, of said LOUISVILLE and NASHVILLE 1,438 χ RAILROAD COMPANY, χ Defendants.

ANSWERS TO INTERROGATORIES

χ

The undersigned Louisville & Nashville Railroad Company a corporation, as one of the Defendants in the above styled cause now makes answer under oath to the interrogatories propounded to it by the Plaintiff in said cause, viz:

- 1. Yes.
- 2. Louisville & Nashville Railroad Company.
- 3. Yes.
- 4. W. T. Dudley, Superintendent, Mobile, Alabama.
- 5. Yes.
- 6. No. 44, W. W. Cushing, Engineer, 2416 N. 15th Avenue Pensacola, Florida; Roscoe Smith, Conductor, Hickory Shores, Gulf Breeze, Florida; C. E. Grace, Brakeman, 708 Payton Drive, Pensacola, Florida; G. C. Arrant, Flagman, 7708 Shaw Street, Pensacola, Florida, and W. E. Gordon, Fireman, 9400 Palmetto Lane, Shreveport Louisiana.
 - 7. No.
 - 8. No.
 - 9. Yes.
 - 10. March 30th, No. 41.

- ll. Diesel.
- 12. Diesel, approximately 6:30 P. M., March 30, 1964.
- 13. No. 44.
- 14. No.
- 15. Answered in No. 14.
- 16. Yes, W. K. Walker, Track Supervisor.
- 17. See copy attached.

LOUISVILLE & NASHVILLE RAILROAD COMPANY, a corporation,

By: L.M. Coker

Sworn to and subscribed before me this

 \mathbb{Z}_n day of November, 1965.

Notary Public, Escantia County of flariaa

LOUISVILLE & NASHVILLE RAILROAD COMPANY

Oofly 2012048 89-4

REPORT OF FIRE

SECTION FOREMEN ARE REQUIRED TO INSPECT ALL PROPERTY DAMAGED BY FIRE SET OUT BY ENGINES OR ROAD DEPARTMENT CREWS, AND MAKE REPLY TO THE FOLLOWING QUESTIONS, SENDING THIS REPORT TO THE SUPERVISOR, WHO WILL FORWARD IT TO THE DIVISION ENGINEER.

(1) REPORT OF FIRE OCCURING ON LAND OF	Menhow	
	(NAME OF OWNER, WHITE OR C	
(ROUTE NO., POST OFFICE STATE)	(MONTE, DAY, YEAR)	, 19, A.
(HOUR) M., BETWEEN MILE POSTS 63/AND 6	32, m+m	DIVISIO
ON SIDE OF TRACK.		
(2) DESCRIPTION OF PROPERTY:		
IF FIELD, HOW MANY ACRES WERE BURNED OVER	9 WHAT DID IT CO	JTAIN ?
	TO WHAT	KIND OF CROPS
	How many tons?	
IF WOODS, HOW MANY ACRES BURNED OVER?	HOW MANY TREES WI	ERE DESTROYED
	HAT KIND AND SIZE?	
Small Gine		
IF FFNCE, WHAT KIND? ABOU	UT HOW OLD?	
TOTAL LENGTH DAMAGED OR DESTROYED	NUMBER OF POSTS	
IF OTHER PROPERTY, DESCRIBE FULLY		
	and a second and a second as the second	en fra i Colon paragan pagan tanàn 1900 ti nanahanana bahasa i Sanahan sa Sanaha sa Sanaha sa Sanaha sa Sanaha Sanaha sa Sanaha sa
(3) CIRCUMSTANCES. WHAT CAUSED THE FIRE?	le not know	
No mit show	D FIRE COMMENCE ON OR OF	\sim
WAY? DISTANCE FROM CENTER OF TRAC	K TO POINT WHERE FIRE ST.	ARTED
WERE THERE ANY DRY GRASS, WEEDS, PAPER, TIES, WOOI		The second second second
IF SO, DID ANY OF IT BURN? FROM WHAT DIR	RECTION WAS THE WIND BLO	WING? North
WHO WAS FIRST TO DISCOVER THE FIRE?		
(4) VALUATION. IN WHAT AMOUNT DOES OWNER CI	\mathbf{c}	4.7
N WHAT AMOUNT DO YOU THINK IT WAS DAMAGED? \$		The Device Action
OTHERS, WHAT IS THEIR ESTIMATE \$NAME	ES AND ADDRESSES OF APPRA	VISERS
(5) WITNESSES. NAMES AND ADDRESSES OF PERSON	ns, other than owner, w	HO KNOW THE
ACTS		1 +
(6) OTHER INFORMATION. STATE FULLY ANY OTHER		a sam
I CERTIFY THAT THE FOREGOING ANSWERS ARE COR	RECT:	
DATE 4-4-1968	5 2.	FOREMAN,
PATE SI APPROV	ECTION NO	DIVISION
	Ziti Walker	

	Circuit Court, Baldwin County
STATE OF ALABAMA	\ \ \No
BALDWIN COUNTY	TERM, 19
TO ANY SHERIFF OF THE STATE OF	ALABAMA:
You Are Hereby Commanded to Summon	Misville & Mahville Rilrows co Richard Dos. John Ros and to your plaintiff otherwise managem
as members of a train crow	
negative and the second of	
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.
	Defendant
by Ohn P. Pinceri	
	Plaintiff

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No	Page		Г	efendar	nt lives a	ıt.
STATE OF A Baldwin C						·
CIRCUIT			F	Received	In Offic	
		••••••••••••••••••••••••••••••••••••••	••••••			19 , Sheriff
·	Plaintiffs	**************************************	I have	execute	d this su	
vs.				сору w		19
	Defendants				:	
SUMMONS AND	COMPLAINT			:		MATERIA
Filed	19			:		
War 1	5. 1965 Clerk	, !		:		:
MOL I. MICK	CLERK REGISTER					
v V			<u> </u>	:		:
- P	laintiff's Attorney					Sheriff
	endant's Attorney	******			•	eputy Sherif

IN THE CIRCUIT CARE OF

a train crew

SALESTIN COURTY, MIRESANA

MATERIAL STATE

Plaintiff claims of the defendants the sum of Three Thomsond Dollars (01,000.00) as damages for the heretofore on to-wit, the 19th day of Darch, 1964, the defendant negligantly set fire to end damaged and/or destroyed, to-wit, 75 acres of theber located on the Lands of the plaintiff of the value, to-wit Three Thomsond Dollars (01,000.00) to plaintiff of the value, to-wit Three Thomsond Dollars (01,000.00) to

100 Jan

Theree Thomsand Dollars (33,000.00) for that heretofore on towit, the 29th day of March. 1964, the defendant by the Dogligence of his agents, servents or employees who were them and
there empaged in the operation of a train of cars and an engine
upon defendant's railway track in Baldwin County, Alabama,
negligently set fire to grass, debris or other inflammable
substance located and situate on the right of way of said
defendant and negligently allowed said fire to hurn and cross
on to the lands of said plaintiff burning over seventy-five
series of the said lands and burning, damaging and destroying
timber of said plaintiff of the value of to-wit, Three Thomsand
pollars (33,000.00).

OMEN A MARK

The plaintiff claims of the defendants the further sea of the foreign of the defendant by the willful and wanten actions of the said agents, servants or employees of said defendants who were then and there employed in

the operation of a train of ears and an engine upon defendant's railway track in haldrin County, Alabama, between the City of may minette and the railroad station and Community of Perdido. Alabama, wilifully and wantonly threw from said train certain burning adoptances which were inflammable and which set fire to grams or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully and wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff and across said lands of said plaintiff damaging or destroying the timber of said plaintiff situate thereon of the value of to-wit, Ten Thousand Dollars (310,000.00).

TEOMFON A WATER

Plaintiff respectfully demands trial by jury.

Attorney for plaintiff,

comparison, defendant in said cause:

- 1. Are you the train master of the defendant corporation for the above maked division?
 - 2. State your mane.

- 3. Were you employed in such capacity on March 29, 1964;
- in your possession for the last ten days in march, 1964?
- official capacity of the official who has such official infor-
- oration over your tracks in Daldwin County at a point about the miles March of May Minette at approximately 11:30 A.M. to eath date.
- 7. If 90, State the number of said train or other specific Lientification evaluable to you. Having determined the number of said train, give the names and addresses of the train crow employed by the L & H Beilroad Company, defendant in this cause and the classification of each, such as engineer, conductor, etc.
- is five, if you know, whether a report was made by any number of the train crow concerning a fixe on or about the failured right of way and the date said report was furnished to your office, if such was made.
- 5. Give the date and number of the train on which said train crow returned to mails on.

- 10. State the kind and type of locarding or locarding which pulled the said train traveling North Bhook 11:30 A.M. nine miles North or east of May Ninette on March 29, 1964.
- II. Give the kind or type of engine with the date and time of said return past a point along the L & N Mailroad along the
- Li. State the number of Lientification of the first train passing that curtain point nine miles North or Bast of May Minette on defendant's railroad passing in cities direction that point passing in cities direction.
- I). State whether or not a report made by the train crow on the sold train or any advantagement train within twelve bourn of 11:30 A.M. on March 19, 1964, reported a fixe on or adjacent to the L & E right of way between May Minette and Perdido at or about a point nine miles Marth of May
- 14. If any report was made concerning said fire, attach a copy of said report and identify the train men
- report of the maintenance division servicing the tree between may subsettle and Perdico at a point approximately nine miles North or Best of May Minette on said defendant's right of way and if such report is not available to you, give the name and official capacity of the person having such reports made his directions or control.
- 16. If said report is available to you, attach a copy of a report made by an amployee of the said maintenance department concerning a fire on or adjacent to the right of way of the said defendant at a point about nine miles North or made of May Minette which fire was burning from 11:30 A.M. on march 29, 1964, and during the twenty-four bours following.

STATE OF BEADLES.

Sefure we, the undersigned Notary Public, in and for said State and County, personally appeared C. Manoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

of Record for the plaintiff in the above entitled cause, and as such, I am Buthorized to make this affidavit. I further state that the above of the train master, Montgomery and New Orleans Division of the L & N Railroad Company, a corporation to the following intervals will, if truthfully and, be made to the content of the latest of the

Thompson on this the 12 to March 1965.

Motary Public



STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

TERM 19...

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Louisville & Mashville Railroad Co., a corporation, and John Doe, Richard Doe, John Roe and Richard Roe, whose names are to your plaintiff otherwise unknown as members of a train crew

in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.

Rechard Roe, whose names are to your plaintiff otherwise Defendant.

by John F. Pinger!

Witness my hand this 15 day of Manch 1965.

., Clerk

JOHN P. PIMPERL

Plaintiff

IN THE CIRCUIT COURT OF

LOUISVILLE & MASSVILLE RATIRORD 1 COMPLEX, a corporation and sam da, ridiked da, sam ROE and RICHARD ROE, whose MANAG are to your plaintiff otherwise waknown, as members of a train crew Defendance

MIDCIN COURTY, AIRMANA

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Flaintlif claims of the defendants the sum of Three Thousand Dollars (03.000.00) as damages for that heretofore on to-wit, the 19th day of Nurch, 1964, the defendant negligently set fire to and damaged and/or destroyed, to-wit. 75 acros of timber located on the lands of the plaintiff of the value, to-wit Three Thomsand Dollars (03,000.00) to plaintiff's great damage as aforesail.

Theplaintiff claims of the defendants the further sum of Three Thousand Dollars (\$3,000.00) for that heretofore on towit, the 19th day of March, 1964, the defendant by the negligence of his agents, servants or employees who were then and there enjaged in the operation of a train of care and an engine upon defendant's railway track in Beldwin County, Alabama, negligently set fire to gross, debris or other inflammable substance located and situate on the right of way of said defendant and negligently allowed said five to burn and cross on to the lands of said plaintiff burning over seventy-five acres of the said lands and burning, damaging and destroying timber of said plaintiff of the value of to-wit, three thousand Dollars (83.000.00).

WERE A MEN

The plaintiff claims of the defendants the further sum of Ten Thousand Dollars (#10.000.00) as damages for that beretofore on to-wit, the 19th day of March, 1964, the defendant by the wilful and wanton actions of the said agents, servants or employees of said defendants who were then and there engaged in

the operation of a train of cars and an engine upon defendant's railway track in maidwin county. Alabama, between the city of may minette and the railroad station and Community of Perdido. Alabama, wilifully and wantonly threw from said train certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully and wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff and across said lands of said plaintiff damaging or destroying the timber of said plaintiff situate thereon of the value of to-wit, ten thousand Dollars (010.000.00).

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Plaintiff respectfully demands trial by jury.

ttorney for plaintiff.

common the plaintiff in the above styled cause and proposed the following interpolation to the train amount, sometimes of the last suitrond Company. A company of the Last suitrond Company.

- I. Are you the train meter of the defendant corporation for the above massi division?
 - 2. State your mane.
 - 3. Here you employed in such capacity on Parch 29, 1964?
- in your passession for the last ten days in March, 1964?
- 5. If your dispect is "not, give the name and address and official inforofficial capacity of the official who has such official information for said corporation in his possession.
- on the post angers to "you", this you have a train of the country at a point about the country at a poi
- Interpolation available to you. Early Constituted the number of call train or other specialist of call train. The number of call train or other call train or other call train or other call trains. The number of call trains of the train or other call trains of the call trains. The call trains of call trains. Con-
- on State, if you know, whether a report was take by any member of the train crew concerning a fire on or short the mailroad right of way and the date said report was furnished to your office, if such was made.
- 3. Cire the date and maker of the train on which said

SINCE OF ALABAMA

BALDNIN COURT

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

of Record for the plaintiff in the above entitled cause, and as such. I am authorized to make this affidavit. I further state that the answer of the train master, Montgomery and New Orleans Division of the L & N Railroad Company, a corporation to the

c. Longer Thompson

Thompson on this the 192 or 21/4/4 - 1985.

Morary Public

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"Survey to a 1964, and during the tremp-four boars following. no .M.A Otill mort palmed ser outh follow ortoils yet to reat the said defendant at a point about nine miles worth or ent concerting a tire on or adjacent to the right of way of -and or consecutive thee and to covoline me id show arogan a ic year a domine , now or oldelieve at receor bies if .al

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of 11,76 A.M. on larch 19, 1964, reported a fire on or

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the operation of a train of cars and an engine upon defendant's railway track in maldwin county. Alabama, between the city of Bay Minette and the railroad station and community of Perilio. Alabama, wilfully and wantonly three from said train certain burning substances which were inflammable and which set fire to prace or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully and wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff damaging or destroying the timber of said lands of said plaintiff damaging or destroying the timber of said plaintiff situate thereon of the value of co-vit, for thousand pollars (alc. 500.00).

THOUSE WITH

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3210230/8/200 9123-222/

Plaintiff respectfully demands trial by jury.

Attorney for plaintiff

Comes the Plaintiff in the above styled cause and propounds the following interrojatories to the train master, Montgomery and New Orleans Division of the L&N Railroad Company, a corporation, defendant in said cause:

- 1. Are you the train master of the defendant corporation for the above named division?
 - 2. State your name.
 - 3. Were you employed in such capacity on March 29, 1964?
- 4. Do you have official records of the L s W Railroad in your possession for the last ten days in March, 1964?
- 5. If your answer is "no", give the name and address and official capacity of the official who has such official information for said corporation in his possession.
- 6. If your answer is "yes", did you have a train operating over your tracks in Daldwin County at a point about nine miles North of May Minette at approximately 11:30 A.M. On said date.
- 7. If so, state the number of said train or other specific identification available to you. Having determined the number of said train, give the names and addresses of the train crew employed by the L & N Mailroad Company, defendant in this cause and the classification of each, such as engineer, conductor, etc.
- 2. State, if you know, whether a report was made by any number of the train crew concerning a fire on or about the Railroad right of way and the date said report was furnished to your office, if such was made.
- 9. Give the date and number of the train on which said train crew returned to Mobile on.

- 10. State the kind and type of locomotive or locomotives which pulled the said train traveling North about 11:30 A.M. nine miles North or east of May Minette on March 29, 1964.
- Il. give the kind or type of engine utilized by the said crew returning to Mobile together with the date and time of said return pastla point along the L & N Railroad nine miles North of Bay Minette.
- 12. State the number of identification of the first train passing that certain point nine miles North or Bast of Day Minette on defendant's railroad passing in either direction that point and the direction in which said train was traveling.
- 13. State whether or not a report made by the train crew on the said train or any subsequent train within twelve hours of 11:30 A.M. on March 29, 1964, reported a fire on or adjacent to the L & N right of way between Bay Minette and Perdido at or about a point nine miles North of May Minette.
- 14. If any report was made concerning said fire, attach a copy of said report and identify the train man making said report.
- 15. State whether or not there is available to you a report of the maintenance division servicing the area between Bay Minette and Perdido at a point approximately nine miles North or Bast of Bay Minette on said defendant's right of way and if such report is not available to you, give the name and official capacity of the person having such reports under his directions or control.
- 16. If said report is available to you, attach a copy of a report made by an employee of the said maintenance department concerning a fire on or adjacent to the right of way of the said defendant at a point about nine miles North or East of May Minette which fire was burning from 11:30 A.M. on March 29, 1964, and during the twenty-four hours following.

THOMPSON & WHITE

Actorpays for plaintiff.

STATE OF ALADAMA

Defice we, the undersigned Potary Public, in and for public State and County, personally appeared C. Leweir Thouseon, who being by me first duly owern, deposes on each and says as follows:

of Motors for the plaintiff in the above emisled cause, and an action of the L & N Railroad Company, a corporation to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.

d. Lenoir Thompson

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 12 day of May 1965.

Wotary Public

missed and noted "settled between the parties". F. Pimperl, that his case against the L & N Railroad be discosts, I respectfully ask as attorney for the plaintiff John the parties with the agreement that the defendant will pay the Inasmuch as the above styled case has been settled between Dear Sir: a corporation, et al 8E49 L & WRailroad Company, · SA Re: John F. Pimperl Bay Minette, Alabama of Baldwin County, Alabama The Honorable, the Circuit Judge 9961 '61 1snbny Residence Phone: 937-7487 20298 Office Phone: 937-3921 BAY MINETTE, ALABAMA Attorney-At-Law C FENOIR THOMPSON

Respectfully,

CLT/hm

JOHN F. PIMPERL	χ	
Plaintiff	χ	IN THE CIRCUIT COURT OF
vs	χ	BALDWIN COUNTY, ALABAMA
LOUISVILLE & NASHVILLE RAILROAD COMPANY, a corporation and JOHN DOE, RICHARD DOE, JOHN ROE and RICHARD ROE, whose names are to your plaintiff otherwise unknown.	χ	
	χ	
	X	
	χ	
Defendants	X	

Comes the plaintiff in the above styled cause and propounds the following interrogatories to the Louisville and Nashville Railroad Company, a corporation, defendant in said cause:

- 1. Are you the defendant corporation named in this cause?
 - 2. State your correct name or identification.
- 3. Do you have official records of the said Louisville and Nashville Railroad Company in your possession for the last ten days in March, 1964?
- 4. Give the name and address and official capacity of the official who has such official information for said corporation in his possession.
- 5. If your answer is "yes", did you have a train operating over your tracks in Baldwin County at a point about nine miles North of Bay Minette at approximately 11:30 A.M. on March 29, 1964?
- 6. If so, state the number of said train or other specific identification available to you. Having determined the number of said train, give the names and addresses of the train crew employed by the Louisville and Nashville Railroad Company, defendant in this cause and the classification of each, such as engineer, conductor, flagman, brakeman, etc.
- 7. State, if you know, whether a report was made by any member of the train crew concerning a fire on or about the railroad right of way on March 29, 1964, and the date said report was furnished to your office, if such was made.

8. State whether or not a report was made by a track supervisor, inspector or employee in a track gang or other employee that a fire occurred on the East or South side of the Louisville and Nashville Railroad on March 29, 1964.

9. State whether or not a report was made by a track

- 9. State whether or not a report was made by a track supervisor or employee in a track gang or other employee that a fire occurred on the East or South side of the Louisville and Nashville Railroad on March 30, 1964.
- train crew returned to Mobile on.
- ll. State the kind and type of locomotive or locomotives which pulled the said train traveling North about 11:30 A.M. nine miles North or East of Bay Minette on March 29, 1964.
- 12. Give the kind or type of engine utilized by the said crew returning to Mobile together with the date and time of said return past a point along the Louisville and Nashville Railroad nine miles North of Bay Minette after March 29, 1954.
- 13. State the number or identificateion of the first train passing that certain point nine miles North or East of Bay Minette on defendant's railroad passing in either direction that point and the direction in which said train was traveling, after 11:30 A.M. March 29, 1964.
- on the said train or any subsequent train within twelve hours of 11:30 A.M. on March 29, 1964, reported a fire on or adjacent to the L & N right of way between Bay Minette and Perdido at or about a point nine miles North of Bay Minette.
- a copy of said report and identify the train man making said report.
- report of the maintenance division servicing the area between Bay Minette and Perdido at a point approximately nine miles North or East of Bay Minette on said defendant's right of way and if such report is not available to you, give the name and official capacity of the person having such reports under

his directions or control.

17. If said report is available to you, attach a copy of a report made by an employee of the said maintenance department concerning a fire on or adjacent to the right of way of the said defendant at a point about nine miles North or East of Bay Minette which fire was burning from 11:30 A.M. on March 29, 1964, and during the twenty-four hours following.

Attorney for plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the plaintiff in the above entitled cause, and as such I am authorized to make this affidavit. I further state that the answer of the Louisville and Nashville Railroad Company, a corporation, defendant, to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.

C. LeNoir Thompson

Subscribed and sworm to before me by the said C. LeNoir Thompson on this the day of September, 1965.

Notary Public

Have Sheriff serve on Honorable Robert E. Steiner, III, registered agent for service L & N Railroad Company, Montgomery, Alabama.

Alabama.

Lereby alcept service

Lopy of Withing FILE 1865

Full rogales on This

The John Ray of Oct. 1965

CLERK
REGISTER

All & La h.

March 22, 1965

Sheriff Taylor Wilkins
Bay Minette, Alabama

Doar Sheriff:

Examination of the records as reported by the Secretary of State Revealed that Honorable R. E. Steiner, III, First National Bank Building, Montgomery, Alabama, has Been designated as the statutory agent of the Louisville and Nashville Railroad.

Therefore, it is suggested that the complaint be forwarded to the Sheriff of Montgomery County for service in accordance with this information.

Sincerely,

CENT /DM

	Circuit Court, Baldwin County
STATE OF ALABAMA	No
BALDWIN COUNTY	110,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
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to appear and plead, answer or demur, within t	hirty days from the service hereof, to the complaint filed
in the Circuit Court of Baldwin County, State of	of Alabama, at Bay Minette, against
i light ine, whose sime a	Defendant
······································	Defendant
by	
	Plaintiff

Witness my hand this 15 day of and 1965.

Cler

Defendant lives at	Received In Office	Sheriff	this	by icaving a copy with								The state of the s	Sheriff	Deputy Sheriff	Annual Control of the
NoSTATE OF ALABAMA	CIRCUIT COURT		Plaintiffs vs.		Defendants	SUMMONS AND COMPLAINT	The second secon	Filed 1995	Clerk	raa			Plaintiff's Attorney	Defendant's Attorney	The state of the s

acam of the contract of the co Ž Plainciff W. 1 LOVIEVILLE & MARYZILE MARKAMO committy, a corporation and DALDWIN CONSTY, ALADAM Jan Da, Richard Dan, John ** NOT and RICHARD ROS, whose mason are to your plaintiff When the willown, as members of a train crew Twofendamics

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Thousand Dollars (03.000.00) as damages for that heretofore on to-vit, the 19th day of North, 1964, the defendant negligantly set fire to end damaged and/or destroyed, to-vit, 75 bores of timber located on the lands of the plaintiff of the value, to-vit fires thousand Dollars (31,000.00) to plaintiff of plaintiff of the value.

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There thousand Dollars (31,000.00) for that heretofore on towit, the 19th day of March, 1964, the defendant by the negliyence of his agents, servants or employees who were then and
there employed in the operation of a train of cars and an engine
upon defendant's railway track in Daldwin County, Alabama,
negligantly set fire to grass, debris or other inflammable
substance located and situate on the right of way of said
defendant and negligantly allowed said fire to burn and cross
on to the lands of said plaintiff burning over sevenny-five
acres of the said lands and burning, damaging and destroying
timber of said plaintiff of the value of to-wit, Three Thousand
bollars (33,000.00).

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The plaintiff claims of the defendants the further sum of the theoretic or the further sum of the theoretic or the terretic or the terretic or the terretic or the terretic or the said agents, servants or applicable of the said agents, servants or applicates of the said agents, servants or

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Plaintiff respectfully demands trial by jury.

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Common the plaintiff in the above styled cause and proposed the following the followin

X A

conformation, defendant in said cause;

- tor the spore remaining that around the second terms of the second
- . State your make .5
- 2. Nexe you employed in each capacity on March 25, 1964?
- A. Do you have official records of the La Mailroad in your possession for the last ten days in March, 1964?
- has assubbe bug some only evin for at revenue tony li .c
- official capacity of the official who has such official infor-
- 6. If your manner in "yes", did you have a train too.

 Seeds into a to your County at a point about

 Seeds into your poor traction in malacine at approximation of 12,30 A.M.

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 M.A. O.C. II (International as approximately 11,30 A.M.)
- The 12 of the company of said train or other apportunities of the number of the continuous of the cont
- America, constant a sold sale, where the constant of the const
- State chick to minner off the realist on the contract which sales on.

ELLINA D MOSERCEL

march 29, 1964, and during the twenty-four hours following. no .M.A Utatil mort patented sow outh soldwootsonin yes no tess to divok sella anim trocce tratog e te trabacitob bise off ment concerning a fixe on or adjacent to the right of way of -created eorganism him end to enviolence as ye about requer a

10. If said report is evallable to you, attach a copy of under his directions or control.

name and official capacity of the person having such reports one ever to socializate son at froger does it has you to sugar a snahmatah hisa no assanin yan to saan to deton selia enta vistantzorque ratoq e re obibret bas errenik ven resorted sense and unitations notativis communitation and to troger

s now or eldaliave at eredr for no redredy essets .21 "LINGOI DIES SUITES

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12 any report was made concerning said fire, .orientie

Yat to direct solin eath integ a mode to de obibios has arrents yes neowied yes to rapta M & d out or incomibs of 11:30 A.M. on March 29, 1964, reported a fire on or envol eview aidsin alexi manyeedue yns no miezi bies ods so

13. State whether or not a report made by the train crew . patiovers sew aters bies doldw at nothorith and bas salog seds May Minette on defendant's railroad possing in estiner direction

to see to diron sella eals school alacted dans paleago alest years and he notherthirment to medane out events . If

.ostonik yer do daron esilm enin two ties is a d only profit bring a deed number bies to only and order address to Mabile together with the date and

and yet beautions only no be englished by all all . 1964, et haren on being Minette on march 29, 1964, .M.A Otill speds drawt pailovers misrs bies out belief delice 19. State the thad and type of locomotive or locomotives

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motions me, the understyned Notary Public, in and for

semilor as ages has then on sounged, amove that dents on yet paint odv and state and county, personally appeared c. telloir mempeon,

. someo bies 30 feitt on the minister of the trial of said comes. foregoing interrogatories will, if trachfully made, be material Division of the L & N Railroad Company, a corporation to the ches che anomer of the train master, Montgomery and New Orleans search. I am such correct to the child search of bootroidne me I drawe of Moore for the plaintiff in the above entitled cause, and an equationals and to and me it has mengered the attention to be summer by

The part of the second second Subscribed and sworn to before we by the said C. Lenoir

JOHN F. PIMPERL	χ		
Plaintiff	χ	IN THE CIRCU	IT COURT OF
vs	χ	BALDWIN COUN	TY, ALABAMA
LOUISVILLE & NASHVILLE RAILROAD COMPANY, a corporation and	χ	AT LAW	NO. 6438
JOHN DOE, RICHARD DOE, JOHN ROE AND RICHARD ROE, whose	χ		
names are to your plaintiff otherwise unknown, as members of	χ		
a train crew	X	an arm minimum are a second and a second	
Defendants	X	:	

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Comes the plaintiff, John F. Pimperl and shows unto the court that more than thirty days prior to the filing of this motion, the plaintiff in the above styled cause propounded interrogatories to defendants, Louisville & Nashville Railroad Company, under Code 1940, Tit. 7, Section 477-486, requiring said defendant to answer certain interrogatories therein propounded, and that although more than sixty days have elapsed since the service by the Sheriff of said interrogatories upon the defendant, Louisville & Nashville Railroad Company, the said defendant has failed, and still fails and refuses to answer the interrogatories therein propounded.

Wherefore, the plaintiff moves the Court to enforce the penalty as provided by Title 7, Section 483 of the Code of 1940, as recompiled.

FILED

ALITE A MICK CLERK

JOHN F. PIMPERL	χ	
Plaintiff	$\hat{\mathbf{X}}$	
VS	χ	IN THE CIRCUIT COURT OF
LOUISVILLE & NASHVILLE RAILROAD COMPANY, a corporation and JOHN DOE, RICHARD DOE, JOHN ROE and RICHARD ROE, whose names are to your plaintiff otherwise unknown as members of a train crew Defendants	X X X X	BALDWIN COUNTY, ALABAMA
	χ	en e

-1-

Plaintiff claims of the defendants the sum of Three Thousand Dollars (\$3,000.00) as damages for that heretofore on to-wit, the 29th day of March, 1964, the defendant negligently set fire to and damaged and/or destroyed, to-wit, 75 acres of timber located on the lands of the plaintiff of the value, to-wit Three Thousand Dollars (\$3,000.00) to plaintiff's great damage as aforesaid.

-2-

Theplaintiff claims of the defendants the further sum of Three Thousand Dollars (\$3,000.00) for that heretofore on towit, the 29th day of March, 1964, the defendant by the negligence of his agents, servants or employees who were then and
there engaged in the operation of a train of cars and an engine
upon defendant's railway track in Baldwin County, Alabama,
negligently set fire to grass, debris or other inflammable
substance located and situate on the right of way of said
defendant and negligently allowed said fire to burn and cross
on to the lands of said plaintiff burning over seventy-five
acres of the said lands and burning, damaging and destroying
timber of said plaintiff of the value of to-wit, Three Thousand
Dollars (\$3,000.00).

-3-

The plaintiff claims of the defendants the further sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on to-wit, the 29th day of March, 1964, the defendant by the wilful and wanton actions of the said agents, servants or employees of said defendants who were then and there engaged in

the operation of a train of cars and an engine upon defendant's railway track in Baldwin County, Alabama, between the City of Bay Minette and the railroad station and Community of Perdido, Alabama, wilfully and wantonly threw from said train certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully and wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff and across said lands of said plaintiff damaging or destroying the timber of said plaintiff situate thereon of the value of to-wit, Ten Thousand Dollars (\$10,000.00).

THOMPSON & WHITE

BY:C

Attorneys for plaintiff

Plaintiff respectfully demands trial by jury.

Attorney for plaintiff.

FILED

MAR 15 1965

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REGISTER

JOHN F. PIMPERL	χ	
Plainciff	$\widehat{\mathbf{X}}$	
vs	χ	IN THE CIRCUIT COURT OF
LOUISVILLE & NASHVILLE RAILROAD COMPANY, a corporation, and JOHN DOE, RICHARD DOE, JOHN ROE and RICHARD ROE, whose names are to your plaintiff otherwise unknown, as members of a train crew Defendants	Ϋ́ Ϋ́ Ε̈́ Ϋ́ Ϋ́	BALDWIN COUNTY, ALABAMA

comes the plaintiff in the above styled cause and propounds the following interrogatories to the train master, Montgomery and New Orleans Division of the L & N Railroad Company, a corporation, defendant in said cause:

- 1. Are you the train master of the defendant corporation for the above named division?
 - 2. State your name.

to provide

- 3. Were you employed in such capacity on March 29, 1964?
- 4. Do you have official records of the L & N Railroad in your possession for the last ten days in March, 1964?
 - 5. If your answer is "no?, give the name and address and official capacity of the official who has such official information for said corporation in his possession.
 - 6. If your answer is "yes", did you have a train operating over your tracks in Baldwin County at a point about nine miles North of Bay Minette at approximately 11:30 A.M. on said date.
 - 7. If so, state the number of said train or other specific identification available to you. Having determined the number of said train, give the names and addresses of the train crew employed by the L & N Railroad Company, defendant in this cause and the classification of each, such as engineer, conductor, etc.
 - 8. State, if you know, whether a report was made by any member of the train crew concerning a fire on or about the Railroad right of way and the date said report was furnished to your office, if such was made.
 - 9. Give the date and number of the train on which said train crew returned to Mobile on.

- 10. State the kind and type of locomotive or locomotives which pulled the said train traveling North about 11:30 A.M. nine miles North or east of Bay Minette on March 29, 1964.
- ll. Give the kind or type of engine utilized by the said crew returning to Mobile together with the date and time of said return past(a point along the L & N Railroad nine miles North of Bay Minette.
- 12. State the number of identification of the first train passing that certain point nine miles North or East of Bay Minette on defendant's railroad passing in either direction that point and the direction in which said train was traveling.
- 13. State whether or not a report made by the train crew on the said train or any subsequent train within twelve hours of 11:30 A.M. on March 29, 1964, reported a fire on or adjacent to the L & N right of way between Bay Minette and Perdido at or about a point nine miles North of Bay Minette.
- 14. If any report was made concerning said fire, attach a copy of said report and identify the train man making said report.
- 15. State whether or not there is available to you a report of the maintenance division servicing the area between Bay Minette and Perdido at a point approximately nine miles North or East of Bay Minette on said defendant's right of way and if such report is not available to you, give the name and official capacity of the person having such reports under his directions or control.
- 16. If said report is available to you, attach a copy of a report made by am employee of the said maintenance department concerning a fire on or adjacent to the right of way of the said defendant at a point about nine miles North or East of Bay Minette which fire was burning from 11:30 A.M. on March 29, 1964, and during the twenty-four hours following.

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THOMPSON & WHITE

Attorneys for plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the train master, Montgomery and New Orleans Division of the L & N Railroad, Company, a corporation to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.

C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 12 day of 1965.

MAR 15 1965

AUE I NOW, CLERK

STATE OF ALABAMA BALDWIN COUNTY

Circuit Court, Baldwin County

No6438

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Louisville & Mashville Railroad Co., a corporation, and John Doe, Richard Doe, John Roe and Richard Roe, whose names are to your plaintiff otherwise unknown as members of a train crew

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 Louisville & Nashville Railroad Co., a corp., and John Doe, Richard Doe, John Roe & Richard Roe, whose names are to your plaintiff otherwise unknown as members of a train crew

by John F. Pimperl

... Plaintiff.....

Witness my hand this 15 day of 1 and 19.4.

64-3-24-65

Unight rensely

Plaintiff's Attorney Defendant's Attorney	in my county after diligent search The form Saylor Wilking & Jaylor Wilking &	Turned 25 day of March 1963	SUMMONS AND COMPLAINT Filed 19	L. S. N. Raulward (1) H. ala Defendants	Sohn Flamber Plaintiffs	Baldwin County CIRCUIT COURT	
Sheriff Mack Start Deputy Sheriff	M. S. Burler, Shorter, Als.	The Sherief claims	Robert C. Meyers.	by leaving a copy with	JAYLOR WILKINS M. S. BUSTER Shouth nois this A Whore of the state of	NAR 161965	Defendant lives at

JOHN F. PIMPERL,		X			
	Plaintiff,	Ĭ	IN THE CIRCUIT COURT OF		
		Ĭ	BALDWIN COUNTY, ALABAMA		
vs.		X	BALDWIN COUNTI, ALADAMA		
LOUISVILLE and NASHVILLE RAILROAD COMPANY, a corporation and JOHN DOE, RICHARD DOE, JOHN ROE and RICHARD ROE, whose names are to your Plaintiff otherwise unknown, as members of a train crew, of said LOUISVILLE and NASHVILLE RAILROAD COMPANY,		Ĭ			
		I			
		I			
		I			
		X			
	Defendants.	ď			

Comes the Defendant, Louisville and Nashville Railroad Company, and demurs to the amended complaint filed in said cause and each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

- 1. That count one of said complaint does not allege that the agents, servants or employees of such Defendant were then and there acting within the line and scope of their employment, at the time of the alleged damages.
- 2. That the property which was damaged and destroyed is not sufficiently described in count one of such complaint.
- 3. That there is a misjoinder of parties Defendant in said complaint.
- 4. That said complaint does not allege any duty owing by such Defendant to the Plaintiff.
- 5. That the place where the accident occurred is not sufficiently set out in count two of the complaint.
- 6. That count three of the complaint does not set out that such Defendant willfully or wantonly injured the Plaintiff.
- 7. That count three of the complaint does not allege that the agents, servants or employees of such Defendant were acting within the line and scope of their employment at the time of the alleged injury.
- 8. That the place where the accident occurred is not sufficiently set out in count three.



Company

JOHN F. PIMPERL, χ Plaintiff, X X IN THE CIRCUIT COURT OF vs. LOUISVILLE and NASHVILLE RAILROAD χ COMPANY, a corporation and JOHN DOE, RICHARD DOE, JOHN ROE and χ RICHARD ROE, whose names are to BALDWIN COUNTY, ALABAMA your plaintiff otherwise unknown, χ as members of a train crew, employed by said LOUISVILLE and NASH-X VILLE RAILROAD COMPANY, χ Defendants. χ

DEMURRER

Comes the Defendant, Louisville & Nashville Railroad

Company, a corporation, and demurs to the Amended Complaint filed

in the above styled cause on November 15, 1965, and to each and

every count thereof, separately and severally, and assigns the

following separate and several grounds, viz:

- 1. That said Amended Complaint does not state a cause of action.
 - 2. That said Amended Complaint is vague and indefinite.
- 3. That said Amended Complaint does not allege any duty owing by such Defendant to the Plaintiff.
- 4. That Count 1 of said Amended Complaint claims damages of the Defendant, Louisville & Nashville Railroad Company, its train crew as agents, servants or employees of said corporation without naming such agents, servants or employees of whom he claims damages.
- 5. That Count 1 of said Amended Complaint fails to allege that the agents, servants or employees of such Defendant were acting within the line and scope of their employment at the time of the act complained of.

- 6. That there is a misjoinder of parties defendant in said cause.
- 7. That Count 1 of said Amended Complaint fails to allege that the negligence of such Defendant was the proximate cause of the damages of the Plaintiff.
- 8. Count 1 of said Amended Complaint fails to show any connection between the negligence of such Defendant and the damages of the Plaintiff.
- 9. Count 1 of said Amended Complaint alleges that such Defendant, by its negligence, damaged and/or destroyed lands of the Plaintiff but claims damages for timber which is not referred to as being damaged.
- 10. Count 2 of the Amended Complaint fails to contain the names of the agents, servants or employees of such Defendant who are supposed to have been negligent.
- 11. Count 2 of said Amended Complaint fails to allege that the agents, servants or employees of such Defendant were acting within the line and scope of their employment at the time the damages to the Plaintiff occurred.
- 12. Count 3 of said Amended Complaint fails to allege that the agents, servants or employees of such Defendant were acting within the line and scope of their employment at the time of the injury to the Plaintiff.
- 13. Count 3 of the Amended Complaint fails to allege that such Defendant wilfully or wantonly injured the Plaintiff.
- 14. Count 3 of said Amended Complaint fails to allege that the willful or wanton act of such Defendant was the proximate cause of the damages to the Plaintiff.

ENLEDO CLERISTER

Attorneys for Louisville & Mashville Railroad Company, a corporation.

Defendant.

COMPANY, a corporation,

LOUISVILLE & NASHVILLE RAILROAD

JOHN F. PIMPERL, Plaintiff,

VS.

AMENDED COMPLAINT

JOHN F. PIMPERL	χ
Plaintiff	χ
vs	IN THE CIRCUIT COURT OF
LOUISVILL and MASHVILLE RAILROAD COMPANY, a corporation and JOHN	ALABAMA X
DOE, RICHARD DOE, JOHN ROE and RICHARD ROE, whose names are to your	X , 6438
plaintiff otherwise unknown, as members of a train crew, employed	X
by said LOWISVILLE and NASHVILLE RAILROAD COMPANY	X
Defendants	χ
there were the property of the field	χ

Comes your plaintiff and amends his complaint as last amended in said cause to read as follows:

-1-

Plaintiff claims of the defendants the sum of Marce Thousand Dollars (\$3,000.00) as damages for that heretofore on to-wit, the 29th day of March, 1964, the defendant Louisville and Nashville Railroad Company, its train crew as agents, servants or employees of said corporation negligently set fire to and damaged and/or destroyed lands of the plaintiff described as follows:

All of the South Half of the Northeast quarter of Section 2, Township 1 South, Range 4 East except that part lying North of the L & N Railroad tracks which parcel is 75 acres more or less and situate in Baldwin County

Damages to said timber being of the value of to-wit, \$3,000.00.

-2-

The plaintiff claims of the defendants the sum of Three Thousand Dollars (\$3,000.00) for that heretofore on to-wit, the 29th day of March, 1964, the said defendant Louisville and Nashville Railroad Company, by the negligence of its members of the train crew as agents, servants or employees of said corporation who were then and there engaged in the operation of a train of cars and an engine upon defendant company's track in Baldwin County, Alabama, negligently set fire to grass, debris

or other inflammable substance located and situate on the right of way of said defedant company and negligently allowed said fire to burn and cross on to the lands of said plaintiff described as follows:

All of the South Half of the Northeast quarter of Section 2. Township I South, Range 4 East except that part lying North of the L & N Railroad tracks, which parcel is 75 acres more or less and situate in Baldwin County

damaging and destroying timber growing thereon, of said plaintiff of the value of to-wit, Three Thousand Dollars (\$3,000.00).

-3-

The plaintiff claims of the defendants the further sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on to-wit, the 29th day of March, 1964, the said defendant Louisville and Nashville Railroad Company by the wilful and wanton actions of the said members of said train crew, as agents, servants or employees of said defendant Louisville and Nashville Railroad Company who were then and there engaged in the operation of a train of cars and an engine upon defendant Louisville and Nashville Railroad Company's railway track in Baldwin County, Alabama, between the City of Bay Minette and the railroad station and Community of Perdido, Alabama, wilfully and wantonly threw from said train, certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant railroad company and said defendant, Louisville and Nashville Railroad Company, its agents, servants or employees then and there operating said train, wilfully and wantonly allowed the fire to set to burn and proceed on to the lands of said plaintiff described as follows:

All of the South Half of the Northeast quarter of Section 2. Township 1 South, Range 4 East except that part lying North of the L & N Railroad tracks which parcel is 75 acres more or less and situate in Baldwin County

wilfully and wantonly damaging or destroying the timber of

said plaintiff situate thereon of the value of to-wit. Ten Thousand Dollars (\$10,000.00).

Accorney for planning.

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ALIT I DUCK CLERK

AMENDED COMPLAINT

JOHN F. PIMPERL	χ
Plaintiff	χ
vs	X IN THE CIRCUIT COURT OF
LOUISVILLE and NASHVILLE RAILROAD	ħ
COMPANY, a corporation and JOHN DOE, RICHARD DOE, JOHN ROE and	x 6436
RICHARD ROE, whose names are to your plaintiff otherwise unknown,	χ
as members of a train crew, of said LOUISVILLE and NASHVILLE	X
RAILROAD COMPANY	χ
Defendants	Y

Comes your plaintiff and amends his complaint heretofore filed in said cause to read as follows:

-1-

Plaintiff claims of the defendants the sum of Three
Thousand Dollars (\$3,000.00) as damages for that heretofore
on to-wit, the 29th day of March, 1964, the defendant Louisville
and Mashville Railroad Company's agents, servants or employees
negligently set fire to and damaged and/or destroyed, to-wit,
75 acres of timber located on the lands of the plaintiff in
Section 11, Township 1 south, Range 4 East in Baldwin County
of the value, to-wit Three Thousand Dollars (\$3,000.00) to
plaintiff's great damage as aforesaid.

-2-

The plaintiff claims of the defendants the sum of Three Thousand Dollars (\$3,000.00) for that heretofore on to-wit, the 29th day of March, 1964, the said defendant Louisville and Nashville Railroad Company, by the negligence of its agents, servants or employees who were then and there engaged in the operation of a train of cars and an engine upon defendant company's track in Baldwin County, Alabama, negligently set fire to grass, debris or other inflammable substance located and situate on the right of way of said defendant company and negligently allowed said fire to burn and cross on to the lands of said plaintiff located in Section 11, Township I South, Range 4 East in Baldwin County, burning over seventyfive acres of the said lands and burning, damaging and destroying timber growing thereon, of said plaintiff of the value of towit, Three Thousand Dollars (\$3,000.00). 441

The plaintiff claims of the defendants the further sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on to-wit, the 29th day of March, 1964, the said defendant Louisville and Nashville Railroad Company by the wilful and wanton actions of the said agents, servants or employees of said defendant Louisville and Nashville Railroad Company who were then and there engaged in the operation of a train of cars and an engine upon defendant Louisville and Nashville Railroad Company's railway track in Baldwin County, Alabama, between the City of Bay Minette and the railroad station and Community of Perdido, Alabama, wilfully and wantonly threw from said train, certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant railroad company and said defendant, Louisville and Mashville Railroad Company, its agents, servants or employees then and there operating said train, wilfully and wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff located in Section 11, Township 1 South, Range 4 East, and across said lands of said plaintiff damaging or destroying the timber of said plaintiff situate thereon of the value of to-wit, Ten Thousand Dollars (\$10,000.00).

> FILEDO SEPT 2 1965 ALIOE J. DUDIK, CLERK BESISTER

JOHN F. PIMPERL, Ĭ Plaintiff, Ĭ Ĭ vs. IN THE CIRCUIT COURT OF LOUISVILLE & NASHVILLE RAILROAD (COMPANY, a corporation, and JOHN DOE, RICHARD DOE, JOHN ROE (BALDWIN COUNTY, ALABAMA and RICHARD ROE, whose names are to your plaintiff otherwise (unknown, as members of a train crew, Ĭ Defendants. Ĭ

DEMURRER

Comes the Defendant, Louisville & Nashville Railroad

Company, a corporation, and demurs to the Complaint filed in the
above styled cause and to each and every count thereof, separately and severally, and assigns the following separate and several
grounds, viz:

- 1. That said Complaint does not state a cause of action.
- 2. That said Complaint is vague and indefinite.
- 3. That said Complaint fails to allege which Defendant is the principal and which Defendant is the agent.
- 4. That said Complaint does not allege which Defendant was negligent.
- 5. That said Complaint fails to allege any duty owing by the Louisville & Nashville Railroad Company to the Plaintiff.
- 6. That the property damaged is not sufficiently described in the Complaint.
- 7. That said Complaint fails to allege where the timber which was damaged is located and a proper description of the land upon which it was growing.

- 8. That said Complaint fails to allege that the Defendant's negligence was the proximate cause of the Plaintiff's injuries.
- 9. That Count 2 of the Complaint fails to allege which Defendant is the owner of the railway located in Baldwin County, Alabama.
- 10. That Count 2 of the Complaint fails to allege what train caused the damage which is referred to in such Complaint.
- 11. That Count 3 of the Complaint fails to allege whose willful or wanton acts caused the injury to the Plaintiff.
- 12. That Count 3 of the Complaint does not sufficiently refer to the train which is owned by one of the Defendants or which Defendant owned such train and was responsible for its operation.
- 13. That Count 3 of the Complaint does not allege that the Defendant, Louisville & Nashville Railroad Company, willfully and wantonly injured the Plaintiff.

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Attorneys for Defendant, Louisville & Nashville Railroad Company

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MPR 12 1965

AUGE & DUCK, BEGISTED

JOHN F. PIMPERL,

-SA-

LOUISVILLE & NASHVILLE RAILROAD COMPANY, a corporation, ET AL.

Defendant.

DEMURRER

Plaintiff,