

CASE NO. 16227

HARRY SEALE  
P.O. Box 1317  
Mobile, Alabama 36601

DELLA GOLDEN

JURY

VS. Suit for \$1500.00 damages to automobile

DONALD F. PIERCE  
P.O. Box 123  
Mobile, Alabama 36601

LAWRENCE PHILLION

1. Complaint and Summons\* 6-9-65

2. Plea in Abatement \* 6-22-65

COMPLAINT AND SUMMONS served on Defendant on June 15, 1965.

July 13, 1965 - Plea in Abatement sustained as to venue, and cause ordered transferred to Baldwin County, Alabama, pursuant to Title 7, Section 64(1).

/s/ JOSEPH M. HOCKLANDER  
Judge.

(32-188)

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 13th day of July, 19 65.

al as such Clerk of said Court at Mobile, Mobile  
John E. Handville, Clerk.

1. COMPLAINT AND SUMMONS AND SHERIFF'S RETURN OF SERVICE THEREON

DELLA GOLDEN, : IN THE CIRCUIT COURT OF  
Plaintiff : MOBILE COUNTY, ALABAMA  
VS : AT LAW  
LAWRENCE PHILLION, : CASE NO. 16227  
Defendant :

The plaintiff claims of the defendant the sum of ~~THIRTY~~  
FIFTEEN HUNDRED (\$1,500.00) DOLLARS as damages for that  
heretofore and on to-wit February 13, 1965 while the  
plaintiff's automobile was parked on U. S. Highway 90 in  
front of the truck stop on the Bay Bridge Causeway, a public  
highway in Baldwin County, Alabama, the defendant so neg-  
ligently operated an automobile on and along U. S. Highway  
90 at the time and place mentioned that it ran into the  
rear of the plaintiff's automobile mashing it in and  
otherwise damaging it; and the plaintiff states that her  
automobile was used in and about her business and as a direct  
and proximate result of such negligence she has lost the use  
thereof over a considerable period of time.

*Harry Seale*  
HARRY SEALE, Attorney for Plaintiff

The plaintiff demands that this case be tried by jury.

*Harry Seale*  
HARRY SEALE, Attorney for Plaintiff

Defendant's address is 502 Lake Forrest Blvd.,  
Daphne, Ala.

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

JUN 9 10 07 AM '65

*Rich Marshall*  
CLERK

**THE STATE OF ALABAMA**  
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

LAWRENCE PHILLION

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

DELLA GOLDEN

WITNESS: John E. Mandeville, Clerk of said Court, this 9th day of June, 19 65

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.

REC'D. SHERIFF DEPT.  
MOBILE COUNTY, ALA.

JUN 9 4 14 PM '65

BY \_\_\_\_\_

Received 11 day of June 1965  
and on 15 day of June 1965  
served a copy of the within O & C

Lawrence Phillion

service on Lawrence Phillion  
Taylor Wilkins

TAYLOR WILKINS, Sheriff

By Roy Randall D.S.

Lake Forrest

Sheriff claims 46 miles at

Ten Cents per mile Total 4.60

TAYLOR WILKINS, Sheriff

BY Roy Randall  
DEPUTY SHERIFF

*Mail* No. 16227 -H

JUDGE \_\_\_\_\_ DOCKET

CIVIL DIVISION

**CIRCUIT COURT**  
MOBILE COUNTY

DELLA GOLDEN

VS. }

Complaint and Summons

LAWRENCE PHILLION

Issued 9th day of June, 19 65

Defendant's Address

502 Lake Forrest Blvd.

Daphne, Ala.

HARRY SEALE

Plaintiff's Attorney

2. PLEA IN ABATEMENT

DELLA GOLDEN,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	MOBILE COUNTY, ALABAMA
vs.	)	AT LAW
LAWRENCE PHILLION,	)	
Defendant.	)	CASE NO. 16227-H.

PLEA IN ABATEMENT

Comes now the defendant in the above-styled cause and appears solely and specially for the purpose of filing the following Plea in Abatement and for no other purpose, and pleading in abatement, said defendant avers as follows:

1. The venue of this action is not proper in the Circuit Court of Mobile County, Alabama, in that the venue of said action should be in the Circuit Court of Baldwin County, Alabama, in that the accident which is the basis of this suit occurred on U. S. Highway 90 on the Bay Bridge Causeway, a public highway in Baldwin County, Alabama, according to the allegations of the complaint, and the defendant Lawrence Pillion herein designated as Lawrence Phillion is and was at the time of said accident, a resident of Baldwin County, Alabama; hence, the venue of this action is improper in the Circuit Court of Mobile County, Alabama, said proper venue being in the Circuit Court of Baldwin County, Alabama.

WHEREFORE, the premises considered, this Plea in

Abatement should be granted and this defendant allowed his costs for the making of same.

Ronald Thiele  
Trial Attorney for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

STATE OF ALABAMA:  
COUNTY OF Mobile :

Personally appeared before me the undersigned Notary Public in and for said County in said State, Lawrence Pillion, defendant in the above-styled cause, and who, after first being duly sworn, doth depose and say that the facts contained in the foregoing Plea in Abatement are true and correct.

Lawrence Pillion  
Lawrence Pillion

Sworn and subscribed to before me on this, the 21 day of June, 1965.

Dorothy G. North  
Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing pleading to Harry Seace, Esq., Attorney for Plaintiff by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama on this, the 22nd day of June, 1965.

Ronald Thiele

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

JUN 22 4 31 PM '65

John H. Hines  
CLERK

TUESDAY, JULY 18, 1965

DELLA GOLDEN		)	PLEA IN ABATEMENT SUSTAINED
		)	AS TO VENUE, AND CAUSE ORDERED
HOCKLANDER	-vs-	16227	TRANSFERRED TO BALDWIN COUNTY,
		)	ALABAMA, PURSUANT TO TITLE 7,
		)	SECTION 64(1)
LAWRENCE PHILLION		)	

In open Court on this day; It is ordered and adjudged by the Court that the Plea in Abatement filed by defendant on June 22, 1965, in this cause be, and the same is hereby sustained as to venue, and cause ordered transferred to Baldwin County, Alabama, pursuant to Title 7, Section 64(1).

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JOHN E. MANDEVILLE, Clerk