

December 28, 1965

MARGUERITE SHAMBO, Plaintiff  
VS  
KENNETH STEPHEN LAVOIE, Defendant

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

CASE NO. 6796

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on December 20, 1965  
I sent by certified mail in an envelope addressed as follows:

" Kenneth Stephen Lavoie  
410 Shrewsbury Rd.  
Mary Esther, Okaloosa County, Fla."

"Certified Mail—  
Return Receipt Requested  
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of  
the State of Alabama in words and figures as follows:

" Kenneth Stephen Lavoie  
410 Shrewsbury Rd.  
Mary Esther, Okaloosa County, Fla."

You will take notice that on December 20, 1965 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: MARGUERITE SHAMBO, Plaintiff VS KENNETH STEPHEN LAVOIE, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 6796 a true copy of which summons and complaint is attached hereto  
and the said service upon me as Secretary of State of the State of Alabama has the force and  
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 20  
day of December 1965

Enclosure (1)

(Signed) Mrs. Agnes Baggett  
Secretary of State"

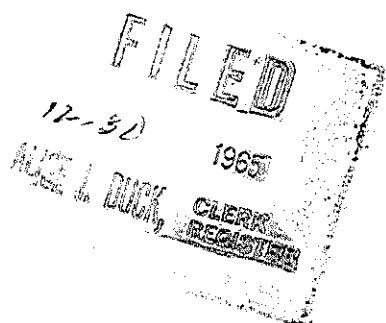
I further certify that the notice above set out which was so mailed in the envelope addressed  
as above set forth had attached to it a true copy of the summons and complaint in the above-styled  
cause.

I further certify that on Dec 27 1965 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Mary Esther, Fl.  
on 12/22/65

WITNESS MY HAND and the Great Seal of the State of Alabama this the 23 day  
of December 1965

*Mrs. Agnes Baggett*  
Mrs. Agnes Baggett  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.  
cc: Hon. Phyllis S. Nesbit  
Robertsdale, Ala.



SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6796

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Kenneth Stephen Lavoie

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.....

.....Kenneth Stephen Lavoie....., Defendant.....

by .....Marguerite Shambo....., Plaintiff.....

Witness my hand this.....16<sup>th</sup>.....day of.....Dec.....1965.....  
Alice Luck Clerk

MARGUERITE SHAMBO,  
PLAINTIFF

VS

KENNETH STEPHEN LAVOIE,  
DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6796

1.

The Plaintiff claims of the Defendant the sum of \$10,000<sup>00</sup>/<sub>100</sub> as damages for that heretofore on, to-wit: the 9th day of January, 1965, the Defendant so negligently operated his motor vehicle on U. S. Highway 90, a public highway in Baldwin County, Alabama, at a point in front of the Robertsdale V.F.W. Club as to cause or allow the same to run into and collide with the vehicle in which the Plaintiff was riding, and as a direct and proximate result of said negligence the Plaintiff was injured as follows: Her upper back area and neck area were made sore, the ligaments and muscles in her neck were sprained and she suffered indeterminate nerve damage in the area of her neck and she was caused to spend large sums of money for medication, hospitalization and doctor bills, in and about the treatment of the aforesaid injuries; she suffered much mental and physical pain and anguish, she was permanently physically injured, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

Plaintiff demands a trial by jury:

By:

Thylla S. Nesbit  
Attorney for Plaintiff

FILED  
JAN 14 1965  
CLERK  
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

AFFIDAVIT

Phyllis S. Nesbit, being first duly sworn, deposes and says that she is the attorney of Marguerite Shambo, Plaintiff, in the aforementioned cause of action and that in the belief of your Affiant, the Defendant, Kenneth Stephen Lavoie, is a non-resident of the State of Alabama, and as such non-resident, he, through his agent, servant, or employee did operate a motor vehicle upon the public highway of this County and State and while operating such motor vehicle upon the highway of said County and State, by or through his agent, servant, or employee, did give rise to this action by the Plaintiff against the Defendant. Your Affiant further avers that in her belief the last known Post Office address of the said Defendant is: 410 Shrewsbury Road, Mary Esther, Okaloosa County, Florida, and that the Defendant is over the age of twenty-one years.

The Plaintiff prays that service of process upon the Defendant may be had in accordance with the provisions of Code of Alabama, 1940, Title 7, Sec. 199, which provides for service upon the Secretary of State, or his successor or successors in office, as the true and lawful attorney or agent of such non-resident, upon whom process may be served in any action accrued or accruing from the operation of a motor vehicle upon the highways of the State of Alabama, or as an incident thereto by any such non-resident, or his agent, servant, or employee.

Phyllis S. Nesbit  
Attorney for Plaintiff

Sworn before me this 16<sup>th</sup> day of December, 1965

James B. Hedger  
Notary Public

LYONS, PIPES & COOK

ATTORNEYS AT LAW

25TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

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

36601

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

June 16, 1966

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

Re: Marguerite Shambo vs. Kenneth S. Lavoie  
Case No: 6796

Dear Mrs. Duck:

This case is to be dismissed by the plaintiff. We enclose our draft for court costs. We request that you forward the enclosed certificate of dismissal at your earliest convenience.

Very truly,

LYONS, PIPES & COOK

  
W. F. Horsley

WFH/cl

Enclosures

LYONS, PIPES & COOK

ATTORNEYS AT LAW

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

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G. SAGE LYONS  
WILLIAM F. HORSLEY  
AUGUSTINE MEAHER, III

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

January 21, 1966

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

Re: Marguerite Shambo vs. Kenneth S. Lavoie

Dear Mrs. Duck:

Enclosed please find demurrers to be filed in this cause. We would appreciate your acknowledging receipt of same on copy of enclosed, returning the same in an enclosed self-addressed stamped envelope.

Very truly,

LYONS, PIPES, & COOK



Walter M. Cook

WMC/cl

Enclosures

MARGUERITE SHAMBO

Plaintiff

-VS-

KENNETH S. LAVOIE

Defendant

TO: Hon. Phyllis S. Nesbit  
P.O. Box 327  
Bay Minette, Alabama

Please take notice that at 9:00 AM on the 10 day of March,

19 66 in the office of Wilters, Brantley & Nesbit situated at  
Bay Minette, Alabama

the defendant will  
take the deposition of Marguerite Shambo, whose  
address is \_\_\_\_\_, upon oral exam-  
ination pursuant to an Act of the Legislature of the State of Ala-  
bama, designated as Act No. 375, Regular Session 1955, Approved  
September 8, 1955, before \_\_\_\_\_, an officer  
authorized to administer oaths in the County of Mobile, State of  
Alabama, duly authorized to take depositions and swear witnesses  
in said County in said State. The oral examination will continue  
from day to day until completed and you are invited to attend and  
cross-examine.

LYONS, PIPES & COOK  
Attorneys for Defendant.

By: W. F. Horsley  
W. F. Horsley

C E R T I F I C A T E

I, W. F. Horsley, attorney for the defendant  
in the above styled cause, do hereby certify that I have served  
a copy of the foregoing notice to take the deposition upon oral  
examination of Marguerite Shambo, by mailing the  
same to Hon. Phyllis S. Nesbit, attorney of record  
for the plaintiff in the said cause at Mobile, Alabama, on this  
the 18th day of February, 1966.

NOTE TO CLERK:

Please issue subpoena to \_\_\_\_\_,  
\_\_\_\_\_, Alabama.

W. F. Horsley  
W. F. Horsley

Yours truly,

FILED

FEB 22 1966

AMERICAN CLERK

MARGUERITE SHAMBO,  
PLAINTIFF

vs

KENNETH STEPHEN LAVOIE,  
DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6296

1.

The Plaintiff claims of the Defendant the sum of \$12,000<sup>00</sup>/<sub>100</sub> as damages for that heretofore on, to-wit: the 9th day of January, 1965, the Defendant so negligently operated his motor vehicle on U.S. Highway 90, a public highway in Baldwin County, Alabama, at a point in front of the Robertsdale V.F.W. Club as to cause or allow the same to run into and collide with the vehicle in which the Plaintiff was riding, and as a direct and proximate result of said negligence the Plaintiff was injured as follows: Her upper back area and neck area were made sore, the ligaments and muscles in her neck were sprained and she suffered indeterminate nerve damage in the area of her neck and she was caused to spend large sums of money for medication, hospitalization and doctor bills, in and about the treatment of the aforesaid injuries; she suffered much mental and physical pain and anguish, she was permanently physically injured, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBITT

By: Thos. S. Nesbitt  
Attorney for Plaintiff

Plaintiff demands a trial by jury.

Thos. S. Nesbitt

FILED  
DEC 16 1965  
ALICE L. DUCK, CLERK  
REGISTER



STATE OF ALABAMA

BALDWIN COUNTY

AFFIDAVIT

Phyllis S. Nesbit, being first duly sworn, deposes and says that she is the attorney of Marguerite Shambo, Plaintiff, in the aforementioned cause of action and that in the belief of your Affiant, the Defendant, Kenneth Stephen Lavoie, is a non-resident of the State of Alabama, and as such non-resident, he, through his agent, servant, or employee did operate a motor vehicle upon the public highway of this County and State and while operating such motor vehicle upon the highway of said County and State, by or through his agent, servant, or employee, did give rise to this action by the Plaintiff against the Defendant. Your Affiant further avers that in her belief the last known Post Office address of the said Defendant is: 410 Shrewsbury Road, Mary Esther, Okaloosa County, Florida, and that the Defendant is over the age of twenty-one years.

The Plaintiff prays that service of process upon the Defendant may be had in accordance with the provisions of Code of Alabama, 1940, Title 7, Sec. 199, which provides for service upon the Secretary of State, or his successor or successors in office, as the true and lawful attorney or agent of such non-resident, upon whom process may be served in any action accrued or accruing from the operation of a motor vehicle upon the highways of the State of Alabama, or as an incident thereto by any such non-resident, or his agent, servant, or employee.

Phyllis S. Nesbit  
Attorney for Plaintiff

Sworn before me this 16<sup>th</sup> day of December, 1965

June B. Hedge  
Notary Public

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6796

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Kenneth Stephen Lavoie

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.....

Kenneth Stephen Lavoie....., Defendant.....

by Marguerite Shambo.....

....., Plaintiff.....

Witness my hand this..... 16<sup>th</sup> day of..... Sept..... 1965

Elie J. Duck Clerk  
64-12-20-65 on Rec. of State

Reg. Mail - 12-27-66 on Sept-

No. 6796 Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Marguerite Shambo

Plaintiffs

Kenneth Stephen Lavoie vs.

Defendants

SUMMONS AND COMPLAINT

Filed ..... 19.....

FILED

..... Clerk

DEC 16 1965

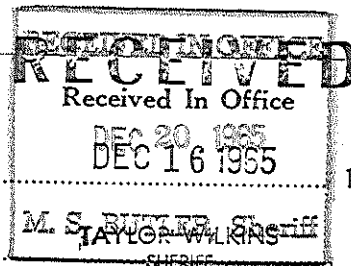
ALICE L. DUCK, CLERK  
REGISTER

William Brantley Heslin  
Thurston L. Heslin

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at



19.....

Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

Executed by serving 3 copies of  
the within on Agnes Baggett  
Secretary of State of The State of  
Alabama.

This the 20 day of Dec 1965

Sheriff of Montgomery County

M. S. Butler,

By J. Thomas D. S.

The Sheriff claims <u>2</u>
at <u>100</u> per mile for a total
<u>200</u>
<u>J. A. Butler, Sheriff</u>
Montgomery County, Ala.

Sheriff

Deputy Sheriff

MARGUERITE SHAMBO	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW
KENNETH S. LAVOIE	)	
Defendant	)	CASE NO. <u>6796</u>

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

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.

2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.

3. For aught that appears from said count, the accident did not occur on a public street.

4. For aught that appears from said count, the plaintiff was not at a place where he had a legal right to be at the time and place complained of.

5. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.

6. For that said count fails to allege any causal connection between the alleged negligence of this defendant and the alleged damages of the plaintiff.

**FILED**  
JAN 24 1966  
ALICE L. DICK, CLERK  
REGISTER

LYONS, PIPES AND COOK  
Attorneys for the Defendant

By:   
Walter M. Cook