

ROBERTSDALE MILLING &
ELEVATOR CO., INC. a
Corporation

PLAINTIFF

VS

EUGENE LABRATO

DEFENDANT

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 7016

.....

Comes now Defendant in the above styled cause and for
answer to the complaint says:

1. Not guilty.
2. The matters alleged therein are untrue.

HAYES & WILKINS

By: W. L. Hayes
Attorney for Defendant

Defendant demands trial
by jury.

HAYES & WILKINS

By: W. L. Hayes
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11 day of July
1866, served a copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same by United States
Mail, properly addressed, with first class postage prepaid.

W. L. Hayes

FILED
JUL 11 1866
BALDWIN COUNTY, ALA.
CLERK'S OFFICE

ROBERTSDALE MILLING AND
ELEVATOR CO., INC., a
Corporation,

Plaintiff

Vs.

EUGENE LABRATO,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. _____

DEMURRERS

Comes now the Plaintiff in the above styled cause and
demurs to the Defendant's Pleas #3 and 4, separately and severally:

1.

These Pleas sound in Torts and are barred by the Statute
of Limitations.

2.

These Pleas show on the face that they are barred by the
Statute of Limitations.

3.

These Pleas sound in damages merely, hence are not a
defense to the Plaintiff's Complaint.

WILTERS, BRANTLEY & NESBITT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 15 day of December
served a copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same by United States
mail, properly addressed, and by first class postage prepaid.

WILTERS, BRANTLEY & NESBITT

By: *Phillips J. Nesbitt*

BY: *Phillips J. Nesbitt*
Attorney for the Plaintiff

FILED

DEC 15 1966

MAILED 1 DECK, CLERK, RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 7016

ROBERTSDALE MILLING AND
ELEVATOR CO., INC., a
Corporation,

Plaintiff

Vs.

EUGENE LABRATO,

Defendant

WILTERS, BRANTLEY & NESBIT
Attorneys for Plaintiff

FILED

DEC 15 1966

ALICE L. DICK, CLERK
REGISTER

ROBERTSDALE MILLING & ELEVATOR
COMPANY, INC. a Corporation,

PLAINTIFF

VS

EUGENE LABRATO,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 9016

Comes now the Plaintiff in the above entitled cause and
propounds the following interrogatories to the Defendant:

1. How many chicken houses did you maintain at the time you were buying feed from Robertsdale Milling & Elevator Co?
2. How many chickens did you have in each house at that time?
3. Where did you purchase these chickens?
4. How old were they?
5. How often did you cull these chickens?
6. What method did you use to determine whether they needed to be culled or not?
7. How often did you feed your chickens?
8. How did you dispense the feed?
9. What was your source of water supply for these chickens?
10. What type floor did you keep in your chicken houses?
11. When were your chicken houses last cleaned out?
12. How often did you check your chickens for mites?
13. How did you check them for mites?
14. How often did you check your hens for internal parasites during the year 1965?
15. How did you make this check?
16. How often did you check your chickens for lice?
17. How did you do this?
18. Were your chicken houses enclosed?
19. If they were not, what did you use to protect the chickens from cold and rain?
20. In your experience, will cold weather cause a drop in egg production?
21. Will rainy weather cause a drop in egg production?
22. If chickens are excited or frightened, will it cause a drop in their egg production?

23. Does the fact that chickens have lice cause them to lay with irregularity?
24. In your experience do chickens normally molt?
25. At what age do they normally molt?
26. How long have you been raising chickens?
27. Did you feed your chickens any vitamins or supplements of any sort?
28. Did you keep a continuous supply of grit or oyster shells in your chicken houses?
29. If you did, how was this distributed?
30. Did you have any rodents in your chicken houses?
31. If so, what was the degree of infestation?
32. Did you have any artificial light in your chicken houses?
33. If you did, during what hours did you leave the lights burning?
34. What method did you have of turning the lights on and off?
35. Did you maintain artificial lights on cold days?

WILTERS, BRANTLEY & NESBIT

By: Phyllis S. Nesbit

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, the undersigned authority, Phyllis S. Nesbit, who being by me first duly sworn deposes and says that she is one of the attorneys of record for the Plaintiff in the above styled cause, and that the answer to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Defendant on a trial of this cause.

Sworn to and subscribed before me this 26th day of October,

1966.

FILED

OCT 27 1966

ALICE J. DUCK, CLERK
REGISTER

REGISTER

Clarence Proke
Notary Public

I hereby acknowledge, under oath
of the within interrogatory this
day of November 1965

W. L. Ray

for Def.

ROBERTSDALE MILLING &
ELEVATOR COMPANY, INC. a
Corporation,

PLAINTIFF

VS

EUGENE LABRATO,

DEFENDANT

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)

) AT LAW
)

) NO. 7016
)
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Comes now the Defendant in the above styled cause and
for answer to interrogatories numbered as follows says:

1. Two
2. Approximately 1,000 *and 2000.*
3. McFarlan Egg Farm and from Plaintiff and Holt Stuart.
4. Various ages arranging from 20 weeks to 16 months.
5. Approximately 2-3 months and as needed.
6. As indicated by production levels.
7. 24 hour feed dispensers.
8. Tube type and trough type feeders.
9. Automatic drinking fountain
10. Concrete
11. As needed with disinfectants between flocks.
12. Daily
13. Visual inspection
14. Daily
15. Visual inspection
16. Daily
17. Visual inspection
18. Yes
19. No applicable
20. Yes
21. Yes
22. Yes
23. Yes
24. Yes
25. 16 months
26. 9 years
27. Yes
28. Yes

- 29. Properly spaced dispensers
- 30. Yes
- 31. Slight
- 32. Yes
- 33. According to age of chickens
- 34. Automatic timer
- 35. Yes.

Eugene R. Labrato

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, the undersigned authority, Eugene Labrato, who being by me first duly sworn deposes and says that he has made the answers to the interrogatories above stated and that the same are true and correct.

Eugene R. Labrato

Sworn to and subscribed before me this the 1st day of

December, 1966.

W. H. Hay
Notary Public,

FILED

NOV 15 1966

ALICE L. DICK, CLERK
REGISTER

JURY LIST - SUMMER SESSION - JUNE 12, 1967

1. Agerton, J. W., Chemstrand, Bay Minette
2. Allen, Clyde, Newport, Bay Minette
3. Allen, Leslie, Jr., Insurance Salesman, Fairhope
4. Anderson, Anthony, Newport Industry, Bay Minette
5. Anderson, Eddie Lee, Standard Furniture, Bay Minette
6. Barton, John, Sr., Merchant, Bay Minette
7. Berglin, Lavine, Jr., Salesman, Fairhope
8. Bloch, Herman, Farmer, Elberta
9. Britt, Cecil, Carpenter, Bay Minette
10. Brooks, Horace D., Farmer, Summerdale
11. Bryars, Rudolph H., Brookley Field, Bay Minette
12. Conway, James, Mobile Construction, Daphne
13. Creamer, Henry, City Employee, Fairhope
14. Dawson, Roy S., Livestock Dealer, Robertsedale
15. Fell, Russell, Civil Service, Lillian
16. Fell, Walter, Mechanic, Bon Secour
17. Flowers, Edward, Farmer, Bay Minette
18. Gill, R. A., Oil Co., Robertsedale
19. Heidelberg, Jerry, Farmer, Robertsedale
20. Hill, Calvin, Farmer, Belforest
21. Hogan, C. J., Furniture Store, Bay Minette
22. Holmes, Roy, Teacher, Summerdale
23. Hunt, Frank C., GRAMCO, Spanish Fort, Daphne
24. Johnson, Coy L., Laborer, Bay Minette
25. Krischer, John, Farmer, Elberta
26. Krob, Joseph R., Farmer, Silverhill
27. Lamberth, Jack Ogal, Farmer, Bay Minette
28. Lazzari, Anglo, Farmer, Belforest
29. Leiterman, Nick, Civil Service, Elberta
30. Little, Frank Eugene, Mechanic, Foley
31. Lunsford, Albert A., Brookley Field, Foley
32. Lyrene, Edward, Farmer, Silverhill
33. Mahathy, Roy, Civil Service, Stapleton
34. Maner, Arthur, Farmer, Daphne
35. Mims, John, Griffin Motor Co., Daphne
36. Moyer, Roy, Druggist, Fairhope
37. Neal, Harold, Ponder Co., Fairhope
38. Neimeyer, Lenora, (Mrs. Ed), Fairhope
39. Nix, C. Herbert, Reserve Fleet, Bay Minette
40. Petersen, Donald E., Brookley, Robertsedale
41. Oblak, John, Jr., Farmer, Silverhill
42. Quinley, Wilburn, Farmer, Bay Minette
43. Rhodes, Latham, Farmer, Foley
44. Roley, Leonard D., Farmer, Perdido
45. Ruple, J. L., Civil Service, Bay Minette
46. Stephens, Billie W., Brookley, Summerdale
47. Tullos, Abe, Brookley, Fairhope
48. Vines, Mack, Clerk, Bay Minette
49. Warley, Beverly (Mrs. Ed), Fairhope
50. Weeks, Ralph, Farmer, Magnolia Springs
51. Wilsey, Murry Emmett, Farmer, Robertsedale
52. Yeager, Dorothy (Mrs. Jerry), Fairhope
53. Mitchell, Thomas W., Contractor, Bay Minette

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ROBERTSDALE MILLING &
ELEVATOR CO., INC., a
Corporation

PLAINTIFF

VS

EUGENE LABRATO

DEFENDANT

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

.....

Comes now Defendant and amends his answer heretofore
filed in this cause to read as follows:

1. Not guilty.
2. The matters alleged therein are untrue.

3. The Defendant, as a defense to the action of the Plaintiff, sayth that, at the time said action was commenced, the Plaintiff was indebted to the Defendant in the sum of \$3,500.00 for that during the years 1964 and 1965 Defendant was in the business of producing eggs and selling them and that Defendant produced eggs through various flocks of laying hens on his farm in Baldwin County, Alabama; that during such time Defendant purchased chicken feed and products from Plaintiff; that during such time Plaintiff negligently delivered to Defendant a different chicken feed or product than that ordered by Defendant and than that which Defendant had been purchasing and that such chicken feed or products was intended to be fed to Defendant's laying flocks of which Plaintiff well knew; that Defendant objected to the feed delivered by Plaintiff but that Plaintiff did on two occasions thereafter again negligently deliver different feeds or products to Defendant; that as a proximate result of Plaintiff's negligence in delivering such different feeds or products Defendant's laying flocks failed in the production of eggs, causing Defendant to purchase eggs at a price greater than the cost of production of eggs by his laying flocks necessary to fulfill the requirements of his sales in his business of selling eggs and that Defendant, as a further proximate result of such negligence, was obliged to sell the flocks of chickens for a price less than their value as egg producing hens, whereby Defendant was damaged in the sum aforesaid, which he hereby offers to set off against the demands of Plaintiff, and he claims judgment for the excess.

4. The Defendant, as a defense to the action of the Plaintiff, sayth that, at the time said action was commenced, the Plaintiff was indebted to the Defendant in the sum of \$3,500.00 for that during the years 1964 and 1965 Defendant was in the business of producing eggs and selling them and that Defendant produced eggs through various flocks of laying hens on his farm in Baldwin County, Alabama; that during such time Defendant purchased chicken feed and products from Plaintiff; that during such time Plaintiff willfully and wantonly delivered to Defendant a different chicken feed or product than that ordered by Defendant and than that which Defendant had been purchasing and that such chicken feed or products was intended to be fed to Defendant's laying flocks of which Plaintiff well knew; that Defendant objected to the feed delivered by Plaintiff but that Plaintiff did on two occasions thereafter again willfully and wantonly deliver different feeds or products to Defendant; that as a proximate result of Plaintiff's willful and wanton acts in delivering such different feeds or products Defendant's laying flocks failed in the production of eggs, causing Defendant to purchase eggs at a price greater than the cost of production of eggs by his laying flocks necessary to fulfill the requirements of his sales in his business of selling eggs and that Defendant, as a further proximate result of such willful and wanton acts, was obliged to sell the flocks of chickens for a price less than their value as egg producing hens, whereby Defendant was damaged in the sum aforesaid, which he hereby offers to set off against the demands of Plaintiff, and he claims judgment for the excess.

HAYES & WILKINS

By: W. L. Hayes
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9th day of December, 1966 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, with first class postage prepaid.

W. L. Hayes

