December 6, 1966

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

CASE NO. 7047

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW I. Mrs. Agnes Baggett, Secretary of State, hereby certify that on

I sent by certified mail in an envelope addressed as follows:

vs

"James Ralph Davis Box 307 Seymour, Wisc."

MARIE CECILIA HORN, Plaintiff

JAMES RALPH DAVIS, et al, Defendants

"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:

James Ralph Davis Box 307 Seymour, Wisc.

You will take notice that on November 18, 1966 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: MARIE CECILIA HORN, Pjaintiff VS JAMES RALPH DAVIS, et al Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW Case No. 7047 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 18 day of November 1966

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 December 5, 1966 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Fairhope, Al on December 3, 1966

WITNESS MY HAND and the Great Seal of the State of Alabama this the 6 day of December 1966

Mrs. Agnes Baggett

Mrs. Agnes Baggett Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint. cc: Hon. John Chason P. O. Box 120 Bay Minette, Alabama

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SUMMONS	AND COMPL	LAINT MOORE PRINTING COMPANY - BAY MINETTE, ALA.
	OF ALABAMA Idwin County	No. 2027
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TO ANY SHE	RIFF OF THE ST.	ATE OF ALABAMA:
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	Jead answer or demu	r within thirty days from the service hereof to the complaint filed
to appear and p	lead, answer or demu	r, within thirty days from the service hereof, to the complaint filed
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	ourt of Baldwin Coun	ty, State of Alabama, at Bay Minette, against
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VS.		this
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SUMMONS AND COMPLAINT	•	
Filed 19		
Clerk		
		·
Plaintiff's Attorney		Sherif
Defendant's Attorney		Deputy Sherif

MARIE CECILIA HORN,

Plaintiff,

VS:

JAMES RALPH DAVIS, and CLEDIS PETERSON, individually, and CLEDIS PETERSON, doing business as PETERSON PRODUCE COMPANY, jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER 7049

COUNT ONE

)

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, so negligently operated a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Casis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, and as a proximate result of the negligence as aforesaid, the Plaintiff sustained the following personal injuries and damages: her head, neck and shoulders and back were thrown violently forward; she muscles in her neck, shoulders and back were severely stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has suffered a lose of equilibrium and a loss of balance; she

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

has suffered a brain concussion and has suffered a hematoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her right upper jaw which strained the joint ligaments or tendons of the attaching muscles to the mandibular condyle and temporal bone, which injury has caused her to have an abnormal bite and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with ear aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme mental anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bill, examinations and expenses for transportation to and from her doctors; she was rendered unable to sleep for a long period of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expenses were incurred and will be incurred by her in an attempt to heal and cure her injuries and to alleviate the suffering and pain resulting from such injuries; the Plaintiff's automobile was broken, bent, damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his

J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

Law Offices

employment as such agent, servant or employee at said time and place.

COUNT TWO

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, wantonly injuried the Plaintiff, Marie Cecilia Horn, by wantonly operating a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Oasis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Mobile, State of Alabama, and as a direct and proximate result and consequence of the said wanton conduct of the Defendants as aforesaid, the Plaintiff, Marie Cecilia Horn, sustained the following personal injuries and damages: her head, neck and shoulders and back were thrown violently forward; the muscles in her neck, shoulders and back were severely stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has suffered a loss of equilibrium and loss of balance; she has suffered a brain concussion and has suffered a hematoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her right upper jaw which strained the joint ligaments or tendons of the attaching

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muscles to the mandibular condyle and temporal bone, which injury has caused her to have an abnormal bite and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with ear aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme mental anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bills, examinations and expenses for transportation to and from hor doctors; she was rendered unable to sleep for a long period of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expenses were incurred and will be incurred by her in an attempt to heal and cure her injuries and to alleviate the suffering and pain resulting from such injuries; the Plaintiff's automobile was broken, bent, damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the wanton negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such agent, servant or employee at said time and place.

REYNOLDS & LAUTEN

Attorney/for Plaintis CHASON, STONE'& CHASON Anu BY: have Attorney for Plaintiff

for Plaintiff

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

The Plaintiff respectfully demands a krial by jury in this cause.

Defendants' addresses:

James Ralph Davis Post Office Box 307 Seymour, Wisconsin

Cledis Peterson, individually Post Office Box 307 Saymour, Wisconsin

Cledis Peterson, doing business as <u>Peterson</u>-Produce Company ice Box 307 occur, Wisconsin

Please perfect service through the Secretary of the State of Alabama as provided in Title 7, Section 199 1/2 of the 1940 Code of Alabama as Amended October 1, 1963.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public, in and for said State and County, personally appeared John Chason as one of the attorneys of record for the Plaintiff in the above styled cause and after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason, that he is one of the attorneys of record for the Plaintiff in the above styled cause and according to the best of his knowledge, information and belief the Defendants, James Ralph Davis and Cledis Peterson, individually, and Cledis Peterson, doing business as Peterson Produce Company, are each over the age of twenty-one years and are resident citizens of the State of Alabama and they are the driver and owner of a motor vehicle involved in an accident or collision while being operated on a public highway in the State of Alabama on February 19, 1966, and that thereafter they did leave the State of Alabama and have remained away for a period of more than sixty days from the date of such accident, and that each of said Defendants now reside in Seymour, Wisconsin, their Post Office address being Box 30%, Seymour, Wisconsin, and that service should be had upon the Secretary of State of the State of Alabama, as provided in Title 7, Section 199 (1/2) of the 1940 Code of Alabama, As Amended.

> Print Base

NUC I NUN REGISTER

Sworn to and subscribed before me

this 17th day of November, 1966.

Notary Public, Baldwin County, Alabama

J, Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile; Alabama

November 29, 1966

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

(1995)

(199늘)

CASE NO. 7047

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on November 18 1965 I sent by certified mail in an envelope addressed as follows:

" Cledis Peterson Box 307 Seymour, Wisc."

MARIE CECILIA HORN, Plaintiff

GEDIS PETERSON, et al, Defendant

з.

"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:

" Cledis Peterson Box 307 Seymour, Wisc.

You will take notice that on November 18, 1966 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: MARIE CECILIA HORN, Plaintiff VS CLEDIS PETERSON, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW Case No. 7047 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 18 November 1966 day of

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 November 28 1966 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Seymour, Wix. on November 22 1966

WITNESS MY HAND and the Great Seal of the State of Alabama this the day 29 November 1966 of

<u>Mrs. Agnes Baggett</u>

Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint. cc: Hon. John Chason P. 0. Box 120 Bay Minette, Ala.

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		ALABAMA County	Circuit Court, Baldwin County No. 7047	
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	Plaintiff's Attorney		Sheriff		
	Defendant's Attorney		Deputy Sherif		

MARIE CECILIA HORN,

Plaintiff,

vs.

JAMES RALPH DAVIS, and CLEDIS PETERSON, individually, and CLEDIS PETERSON, doing business as PETERSON PRODUCE COMPANY, jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER 1044

COUNT ONE

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, so negligently operated a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Casis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, and as a proximate result of the negligence as aforesaid, the Plaintiff sustained the following personal injuries and damages: her head, neck and shoulders and back were thrown violently forward; she muscles in her neck, shoulders and back were severely stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has suffered a loss of equilibrium and a loss of balance; she

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has suffered a brain concussion and has suffered a hematoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated hone in her right upper jaw which strained the joint ligaments or tendons of the attaching muscles to the mandibular condyle and temporal bone, which injury has caused her to have an abnormal bite and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with ear aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme mental anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bill, examinations and expenses for transportation to and from her doctors; she was rendered unable to sleep for a long period of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expenses were incurred and will be incurred by her in an attempt to heal and cure her injuries and to alleviate the suffering and pain resulting from such injuries; the Plaintiff's automobile was broken, bent, damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his

J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bidg. Mobile, Alabama

Law Offices

employment as such agent, servant or employee at said time and place.

COUNT TWO

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/108 (\$109,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, wantonly injuried the Plaintiff, Marie Cecilia Horn, by wantonly operating a large truck or motor vehicle in a westerly direction on U. S. Highway 96, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Oasis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Mobile, State of Alabama, and as a direct and proximate result and consequence of the said wanton conduct of the Defendants as aforesaid, the Plaintiff, Marie Cecilia Horn, sustained the following personal injuries and damages: her head, neck and shoulders and back were thrown violently forward; the muscles in her neck, shoulders and back were severely stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dissiness and nausea; she has suffered a loss of equilibrium and loss of balance; she has suffered a brain concussion and has suffered a hematoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her right upper jaw which strained the joint ligaments or tendons of the attaching

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

muscles to the mandibular condyle and temporal bone, which injury has caused her to have an abnormal bite and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with car aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme montal anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bills, examinations and expenses for transportation to and from her doctors; she was rendered unable to sleep for a long period of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expenses were incurred and will be incurred by her in an attempt to heat and cure her injuries and to alleviate the suffering and pain resulting from such injuries; the Plaintiff's automobile was broken, bent, damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the wanton negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such agent, servant or employee at said time and place.

REYNOLDS & LAOTEN

Attomey lod Paintif CHASON, STONE & CHASON

Actorney

Law Officos J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

The Plaintiff respectfully demands a trial by jusy in this cause.

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Defendants' addresses:

James Ralph Davis Post Office Box 307 Seymour, Wisconsin

Cledis Peterson, individually Post Office Box 307 Saymour, Wisconsin

Cledis Peterson, doing business as Peterson Produce Company Post Office Box 307 Seymour, Wisconsin

Please perfect service through the Secretary of the State of Alabama as provided in Title 7, Section 199 1/2 of the 1940 Code of Alabama as Amended October 1, 1963.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public, in and for said State and County, personally appeared John Chason as one of the attorneys of record for the Plaintiff in the above styled cause and after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason, that he is one of the attorneys of record for the Plaintiff in the above styled cause and according to the best of his knowledge, information and belief the Defendants, James Ralph Davis and Cledis Peterson, individually, and Cledis Peterson, doing business as Peterson Produce Company, are each over the age of twenty-one years and are resident citizens of the State of Alabama and they are the driver and owner of a motor vehicle involved in an accident or collision while being operated on a public highway in the State of Alabama on February 19, 1966, and that thereafter they did leave the State of Alabama and have remained away for a period of more than sixty days from the date of such accident, and that each of said Defendants now reside in Seymour, Misconsin, their Post Office address being Box 30%, Seymour, Wisconsin, and that service should be had upon the Secretary of State of the State of Alabama, as provided in Title 7, Section 199 (1/2) of the 1940 Code of Alabama, As Amended.

And the second second

Sworn to and subscribed before ne

this 17th day of November, 1966.

Notary Public, Baldwin County, Alabama

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

MARIE CECILIA HORN,)	IN THE CIRCUIT COURT OF
Plaintiff,	(* *	BALDWIN COUNTY, ALABAMA
vs.) (
JAMES RALPH DAVIS, and CLEDIS PETERSON, individually;	* *	
and CLEDIS PETERSON, doing business as PETERSON PRODUCE COMPANY, jointly and severally,) (*	AT LAW
Defendants.	*) (CASE NO. 7047

DEMURRER

Comes now each of the Defendants, JAMES RALPH DAVIS and CLEDIS PETERSON, individually and doing business as PETERSON PRO-DUCE COMPANY, separately and severally, and demurs to Plaintiff's Complaint as a whole and to each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count wholly fails to state a cause of action.

2. The allegations contained in said count are vague, uncertain and indefinite and do not apprise Defendant of what he is called upon to defend.

 $\angle 3$. The allegations contained in said count are vague, misleading and confusing and do not apprise Defendant of what he is called upon to defend.

4. For aught that appears from the allegations of said count, there was no legal duty owing from the Defendant to the Plaintiff herein.

5. For aught that appears from the allegations of said count, there was no breach of any legal duty owing from the Defendant to the Plaintiff herein.

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6. For that said count fails to allege a wrongful act or omission on the part of Defendant.

 Said count does not aver sufficient facts to state a cause of action.

8. Said count seeks to set out the quo modo constituting the negligence of Defendant without alleging sufficient facts in support thereof.

9. Said count wholly fails to set forth sufficient facts as to how Defendant was negligent.

10. Said count wholly fails to set forth sufficient facts as to how Defendant was wanton.

11. For that it affirmatively appears that there was no causal connection between the alleged negligence of Defendant and the alleged injuries and damages of the Plaintiff.

12. For that it affirmatively appears that there was no causal connection between the alleged wantonness of Defendant and the alleged injuries and damages of the Plaintiff.

13. For aught that appears, there was no proximate cause between the alleged negligence of Defendant and the alleged injuries of the Plaintiff.

14. For aught that appears, there was no proximate cause between the alleged wantonness of Defendant and the alleged injuries of the Plaintiff.

15. For that negligence, as averred, is a mere conclusion of the pleader.

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- 2 -

16. For that wantonness, as averred, is a mere conclusion of the pleader.

ARMBRECHT, JACKSON & DeMOUY

By:

CERTIFICATE OF SERVICE

I, BROOX G. HOLMES, do hereby certify that I have served a copy of the foregoing Demurrer on J. Terry Reynolds, Jr., Esquire and John Chason, Esquire, Attorneys for Plaintiff, by mailing the same to them by United States mail, first class postage prepaid and properly addressed to their offices in Mobile, Alabama and Bay Minette, Alabama, respectively, on this _______day of December, 1966.

BROOX G. HOLMES

DEC 7 1988

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MARIE CECILIA HORN,

Plaintiff,

VS:

JAMES RALPH DAVIS, and CLEDIS PETERSON, individually, and CLEDIS PETERSON, doing business as PETERSON PRODUCE COMPANY, jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER <u>7047</u>

COUNT ONE

}

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, so negligently operated a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Oasis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, and as a proximate result of the negligence as aforesaid, the Plaintiff sustained the following personal injuries and damages: her head, neck and shoulders and back were thrown violently forward; the muscles in her neck, shoulders and back were severely stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has suffered a loss of equilibrium and a loss of balance; she

LAW OFFICES J. Terry Reynolds, Jr. AND William R. Lauten 1ST NAT'L BANK BLOG. MOBILE, ALA. has suffered a brain concussion and has suffered a hem**a**toma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her right upper jaw which strained the joint ligaments or tendons of the attaching muscles to the mandibular condyle and temporal bone, which injury has caused her to have an abnormal bite and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with ear aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme mental anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bill, examinations and expenses for transportation to and from her doctors; she was rendered unable to sleep for a long period of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expenses were incurred and will be incurred by her in an attempt to heal and cure her injuries and to alleviate the suffering and pain resulting from such injuries; the Plaintiff's automobile was broken, bent damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his

LAW OFFICES J. Terry Reynolds, Jr. AND William R. Lauten IST NAT'L BANK BLDG. MOBILE, ALA.

354

employment as such agent, servant or employee at said time and place.

COUNT TWO

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LAW OFFICES J. Terry Reynolds, Jr. AND William R. Lauten 1ST NAT'L BANK BLDG. MOBILE, ALA.

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REYNOLDS & LAUTEN

CHASON, STONE & CHASON BY: Attorney for Plaintiff The Plaintiff respectfully demands a t rial by jury in this cause.

J. Terry Reynolds, Jr. William R. Lauten NAT'L BANK BLOG. MORILE. ALA.

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ALLE I DIEL GLEG

Defendants¹ addresses:

James Ralph Davis 503 Horton Road Fairhope, Alabama

Cledis Peterson, individually Loxley, Alabama

Cledis Peterson, doing business as Peterson Produce Company Loxley, Alabama

C 1966 STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public, in and for said State and County, personally appeared John Chason as one of the attorneys of record for the Plaintiff in the above styled cause and after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason, that he is one of the attorneys of record for the Plaintiff in the above styled cause and according to the best of his knowledge, information and belief the Defendants, James Ralph Davis and Cledis Peterson, individually, and Cledis Peterson, doing business as Peterson Produce Company, are each over the age of twenty-one years and are resident citizens of the State of Alabama and they are the driver and owner of a motor vehicle involved in an accident or collision while being operated on a public highway in the State of Alabama on February 19, 1966, and that thereafter they did leave the State of Alabama and have remained away for a period of more than sixty days from the date of such accident, and that each of said Defendants now reside in Seymour, Wisconsin, their Post Office address being Box 307, Seymour, Wisconsin, and that service should be had upon the Secretary of State of the State of Alabama, as provided in Title 7, Section 199 (1/2) of the 1940 Code of Alabama, As Amended.

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Sworn to and subscribed before me this 17th day of November, 1966.

Notary Public, Baldwin County, Alabama

LAW OFFICES J. Terry Reynolds, Jr. AND William R. Lauten IST NAT'L SANK BLOG. MOBILE, ALA.

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No.7.94.7	762
STATE OF ALABAMA Baldwin County	REGERKHRANIDEFICE
Baldwin County CIRCUIT COURT	NOV 18 1966 NOV 18 1966
MARIA CECILIA HORN	M. S. BUTLER, SEGTIN
	WINNING Sheriff
Plaintiffs	I have executed this summons
V8.	this 19
JAMES RALPH DAVIS et als Defendants	by leaving a copy with
SUMMONS AND COMPLAINT	Executed by serving. F. copies of the within on Copres Baggest
Filed	Alabanh.
Alice J. Duck Clerk	This the 18 day of 2202 1966
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	The Sheriff claims \$1.00 iravel ex-
	pense on oach of process(es) or a fotal of 3 / C.C.
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Defendant's Attorney	Deputy Sheriff
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MARIE CECILIA HORN,	Q	IN THE CIRCUIT COURT OF	
Plaintiff,	ð	BALDWIN COUNTY, ALABAMA	
v.	:	AT LAW	

JAMES RALPH DAVIS, et al,

Defendants. I CASE NO. 7047

MEMORANDUM OF LAW ON CROSS-EXAMINATION AS TO BIAS

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I.

ANY FACT TENDING TO SHOW BIAS OR PARTIALITY OF A WIT-NESS MAY BE BROUGHT OUT ON CROSS-EXAMINATION, WIDE LATITUDE BEING ALLOWED TO DEVELOP SUCH FACT; THE PURPOSE BEING THAT THE JURY MAY WEIGH THE TESTIMONY IN LIGHT OF INTEREST SHOWN, WHETHER BASED ON FRIENDSHIP, HATE, OR FINANCIAL OR OTHER REA-SONS.

Title 7, §443 (Code of Alabama 1940, Recomp. 1958).

Ins. Co. of North Amer. v. Mays, 174 So. 2d 700, 278 Ala. 20.

Daniel Construction Co. v. Pierce, 120 So. 2d 381, 270 Ala. 522.

Drummond v. Drummond, 21 Ala. 242, 102 So. 112.

<u>Alabama Digest</u>, <u>Witnesses</u>, Key No. 363-372.

II.

INTEREST OF A WITNESS IN THE SUCCESS OF A PARTY FOR WHOM HE TESTIFIES MAY BE PROVED TO SHOW BIAS.

Alabama G.S. R. Co. v. Burgess, 114 Ala. 587, 22 Sc. 169.

<u>Alabama G.S. R. Co. v. Johnson</u>, 29 So. 771, 128 Ala. 283.

III.

A WITNESS MAY ALWAYS BE CROSS-EXAMINED TO ASCERTAIN INTEREST, BIAS, PREJUDICE OR PARTIALITY, THOUGH FACTS ELICITED MAY NOT BE COMPETENT UPON THE MERITS.

Mobile City Lines v. Alexander, 249 Ala. 107, 30 So. 2d 4.

IV.

BUSINESS ASSOCIATION, EMPLOYMENT OR INDEBTEDNESS BETWEEN WITNESS AND THE PARTY AT INTEREST MAY BE SHOWN ON CROSS-EXAMINATION AS TENDING TO SHOW BIAS, INTEREST OR PREJUDICE.

Sorrell v. Scheuer, 209 Ala. 268, 96 So. 216.

MARIE CECILIA HORN,

Plaintiff,

VS:

JAMES RALPH DAVIS, and CLEDIS PETERSON, individually, and CLEDIS PETERSON, doing businessa as PETERSON PRODUCE COMPANY, jointly and severally,

Defendants.

COUNT ONE

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NUMBER <u>7047</u>

AT LAW

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson,

individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, so negligently operated a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Casis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, and as a proximate result of the negligence as aforesaid, the Plaintiff sustained the following personal injuries and damages: her head, neck and shoulders and back were thrown violently forward; the muscles in her neck, shoulders and back were severely stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizziness and

nausea; she has suffered a loss of equilibrium and a loss of balance; she

J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

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J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

Law Offices

employment as such agent, servant or employee at said time and place.

COUNT TWO

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, wantonly injuried the Plaiatiff, Marie Cecilia Horn, by wantonly operating a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Casis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Mobile, State of Alabama, and as a direct and proximate result and consequence of the said wanton conduct of the Defendants as aforesaid, the Plaintiff, Marie Cecilia Horn, sustained the following personal injuries and damages: her neck and shoulders and back were thrown violently forward; the muscles in her neck, shoulders and back were severly stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has suffered a loss of equilibrium and loss of balance; she has suffered a brain concussion and has suffered a hemetoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her right upper jaw which strained the joint ligaments or tendons of the attaching

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

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REYNOLDS & LAUTEN for CHASON, STONE & CHASON

prney for Plaintiff

The Plaintiff respectfully demands a trial by jury in this cause.



J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama Defendants' addresses:

James Ralph Davis 503 Horton Road Fairhope, Alabama

Cledis Peterson, individually Loxley, Alabama

Cledis Peterson, doing business as Peterson Produce Company Loxley, Alabama



Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

C.C. Law 6-5M-5-66

...t. .

THE STATE OF ALABAMA

BAL DWIN

CIRCUIT COURT

JAM	ES RALPH DAVIS,	and CLEDIS PETERSO	N, individually,	and
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COM	IPANY, jointly and	severally		
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Plaintiff's Attorney
MARIE CECILIA HORN,

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JAMES RALPH DAVIS, and CLEDIS PETERSON, individually, and CLEDIS PETERSON, doing business. as PETERSON PRODUCE COMPANY, jointly and severally,

Defendents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAS

case number 2047

COUNT ONE

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J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama employment as such agent, servant or employee at said time and place.

CODET TRO

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis. while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, wantonly injuried the Plaintiff, Marie Gecilla Horn, by wantonly operating a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/10ths of a mile East of the Mobile City limits and at a point on said highway where the Club Casis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 99, at said time and place, said highway being then and there a public highway or road in the County of Mobile, State of Alabama, and as a direct and proximate result and consequence of the saidwanton conduct of the Defendants as aforesaid, the Plaintiff, Marie Cecilia Horn, sustained the following personal injuries and damages: her restrict neck and shoulders and back were thrown violently forward; the muscles in hor neck, shoulders and back were severly stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and backy she has suffered headaches, dizziness and nausea; she has suffered a loss of equilibrium and loss of balance; she has suffered a brain concussion and has suffered a hemetoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her right upper jaw which strained the joint ligaments or tendons of the attaching

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muscles to the mandibular conclyle and temporal bone, which injury has caused her to have an abnormal bits and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with ear aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme mental anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bill, examinations and expenses for transportation to and from her doctors; she was rendered unable to sleep for a long period of time she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expanses were incurred and will be incurred by her in an attempt to heal and cure her injuries and to allevaite the suffering and pain resulting from such injuries; the Plaintiff's automobile was broken, bent, damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the wanton negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such agent, servant or employee at said time and place.

REYNOLDS & LAUTEN

The Plaintiff respectfully demands a trial by jury in this cause.

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orney for Plaintiff

BY: John Chason

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

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Commenter Con

Defendants' addresses:

James Raiph Davis 503 Norton Road Fairhope, Alabama

Cledis Peterson, individually Loxley, Alabama

Cledis Peterson, doing business as Peterson Produce Company Loxley, Alabama



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Low Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bidg. Mobile, Alabama

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by service on....

SIRCUIT COURT	UKT	CO	TIU	SIKC.
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BVT'DMIN

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

THE STATE OF ALABAMA

JAMES RALPH DAVIS, and CLEDIS PETERSON, individuality, and

CLEDIS PETERSON, doing business as PETERSON PRODUCE

COMPANY, jointly and severally

-10the within--, 19_____, I served a copy of Yeb----to ysb---Received_ SHERIFF'S RETURN Clerk Attest: 0 io Yeb. 99 61 WITNESS: John H. Mandeville, Clerk of said Court, this 77 Hice J. Dudl NACH ALIDED AIRAM at the place of holding the same, then and there to answer the complaint of.... to appear within thirty days from service of this process, in the Circuit Court of Manue County, Alabama, Mimpisg

RAY D. BRIDGES, SHERIFF

-D.S.

By—



MARIE CECILIA HORN,

Plaintiff

VS:

JAMES RALPH DAVIS, and CLEDIS PETERSON, individually, and CLEDIS PETERSON, doing business as PETERSON PRODUCE COMPANY, jointly and severally,

Defendants.						
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IN THE CIRCUIT COURT OF

AT LAT

BALDWIN COUNTY, ALABAMA

CASE NUMBER 7047

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, so negligently operated a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/18ths of a mile East of the Mobile City limits and at a point on said highway where the Club Casis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaint iff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, and as a proximate result of the negligence as aforesaid, the Plaintiff sustained the following personal injuries and damages: her head, neck and shoulders and back were thrown violently forward; the muscles in her neck, shoulders and back were severely stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has suffered a loss of equilibrium and a loss of balance; she

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has suffered a brain concussion and has suffered a hemetoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her right upper jaw which strained the joint ligaments or tendons of the attaching muscles to the mandibular condyle and temporal bone, which injury has caused her to have an abaormal bite and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with ear aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme mental anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bill, examinations and expenses for

transportation to and from her doctors; she was rendered unable to sleep for a long period of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expenses were incurred and will be incurred by her in an attempt to heal and cure her injuries and to alleviate the suffering and pain resulting from such injuries; the Plaintiff's automobile was broken, bent damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama employment as such agent, servant or employee at said time and place.

COUNT TWO

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit, the 19th day of February, 1966, James Ralph Davis, while acting as the agent, servant or employee of Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such, wantonly injuried the Plaintiff, Marie Gocilia Horn, by wantonly operating a large truck or motor vehicle in a westerly direction on U. S. Highway 90, at a point approximately 7/18ths of a mile East of the Mobile City limits and at a point on said highway where the Club Casis is located, said highway being then and there a public highway or road in the County of Baldwin, State of Alabama, as to cause or allow said truck to run into, upon or against the motor vehicle driven by the Plaintiff, which motor vehicle was also headed in a westerly direction on U. S. Highway 90, at said time and place, said highway being then and there a public highway or road in the County of Mobile, State of Alabama, and as a direct and proximate result and consequence of the said wanton conduct of the Defendants as aforesaid, the Plaintiff, Marle Cecilia Horn, sustained the following personal injuries and damages: her neck and shoulders and back were thrown violently forward; the muscles in her neck, shoulders and back were severily stretched; she received a whiplash injury to her neck and shoulders; she received a lower and upper back injury and continues to suffer pain in said areas; she has been permanently injuried about her neck, shoulders and back; she has suffered headaches, dizniness and nansoa; she has suffered a loss of equilibrium and loss of balance; she has suffered a brain concussion and has suffered a hometoma (blood clot in the back part of her skull in the brain), which condition still presently exists; she suffered internal injuries and a uninary infection; she was confined to the hospital for twenty-seven (27) days and could not walk or get up; she suffered a dislocated bone in her. right upper jaw which strained the joint ligaments or tendons of the attaching

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muscles to the mandibular condyle and temporal bone, which injury has caused her to have an abnormal bite and will require extensive and expensive dental work to correct said injuries; she has suffered and continues to suffer with ear aches because of the dislocated bone in her upper jaw; she has suffered extreme physical pain and extreme mental anguish and anxiety; her nervous system was upset considerably and she is still under sedation for pain to keep her relaxed and to prevent her from trembling as a result of being under such pressure because of her injuries; she has suffered loss of time from her employment; she has been caused to incur extensive expenses for doctors, nurses, hospitals, medicines, drugs, sedation, x-rays, dentist bills, ambulance bill, examinations and expenses for transportation to and from her doctors; she was rendered unable to sleep for a long period of time she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disburse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, x-rays, examinations, dentist bills, and expenses for transportation to and from her doctors, all of which the Plaintiff has paid and will be required to pay in the future and the Plaintiff avers that such expenses were incurred and will be incurred by her in an attempt to heal and cure her injuries and to allevaite the suffering and pain resulting from such injuries; the Plaintiff's automobild was broken, bent, damaged and destroyed in value and the Plaintiff avers that all of her injuries and damages were the proximate result of the wanton negligence, as aforesaid, of the Defendant, James Ralph Davis, while acting as the agent, servant or employee of the Defendant, Cledis Peterson, individually, and doing business as Peterson Produce Company, within the line and scope of his employment as such agent, servant or employee at said

REYNOLDS & LAUTEN

he Rlaintiff respectfully demands a trial by jury in this cause.

Attornøy for 9 CHASON, STONE & CHASON EY:

orney for F

laintiff

Law Office J. Terry Reynolds, Jr. William R. Lauten Suite 1401 Waterman Bldg. lobile, Alabama

time and place.

6,1966

ALE L'UNA COMMUNICATION

C. E. A.K

Defendants' addresses:

James Ralph Davis 503 Horton Road Fairhope, Alabama

Cledis Peterson, individually Loxley, Alabama

Cledis Peterson, doing business as Peterson Produce Company Loxley, Alabama

FILED 1950 ARELDAR, CLEAK

Law Offices J. Terry Reynolds, Jr. And William R. Lauten Suite 1401 Waterman Bldg. Mobile, Alabama

C.C. Law 6-5M-5-66

THE STATE OF ALABAMA CIRCUIT COURT MOBILE COUNTY BALDWIN To Any Sheriff of the State of Alabama: You are hereby commanded to summon JAMES RALPH DAVIS, and CLEDIS PETERSON, individually, and CLEDIS PETERSON, doing business as PETERSON PRODUCE COMPANY. jointly and severally Baldwin to appear within thirty days from service of this process, in the Circuit Court of Atomic County, Alabama, at the place of holding the same, then and there to answer the complaint of _____ MARIA CECILIA HORN Alice J. Duck Ź/S 19_66 Marchaville, Clerk of said Court, this. dav of_ WITNESS: Johney Attest: Clerk SHERIFF'S RETURN _____, 19_____and on___ Received____ ___day of_ _day of__ _____, 19_____, I served a copy of the within_ .on by service on_ RAY D. BRIDGES, SHERIFF _D.S. By_

