

December 6, 1966

MARIE CECILIA HORN, Plaintiff
VS
JAMES RALPH DAVIS, et al, Defendants

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:

"James Ralph Davis
Box 307
Seymour, Wisc."

"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, Plaintiff 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

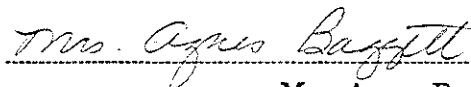
Enclosure (1)

(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
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

cc: Hon. John Chason
P. O. Box 120
Bay Minette, Alabama

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7017

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~JAMES RALPH DAVIS, and CLADIS PETERSON, individually,~~
~~and CLADIS PETERSON, doing business as PETERSON PRODUCE COMPANY, jointly and severally~~

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 ~~JAMES RALPH DAVIS, and~~
~~CLADIS PETERSON, doing business as PETERSON PRODUCE COMPANY, jointly and severally~~ Defendant.....

by ~~MARIE SECILLIA BONE~~

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

Witness my hand this 6th day of July 1966

Leslie French Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

..... Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

..... 19.....

..... Sheriff

I have executed this summons

this 19.....

by leaving a copy with

..... Sheriff

..... Deputy Sheriff

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 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; 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 injured 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
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 urinary 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

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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 injured 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 injured 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 urinary 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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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 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 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 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

BY:

J. Terry Reynolds
Attorney for Plaintiff

CHASON, STONE & CHASON

BY:

Hubert Chason
Attorney for Plaintiff

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

J. Terry Reynolds
Attorney for Plaintiff

Law Offices

J. Terry Reynolds, Jr.
And

William R. Lauten
Suite 1401 Waterman Bldg.
Mobile, Alabama

Defendants' addresses:

James Ralph Davis
Post Office Box 307
Seymour, Wisconsin

Cledis Peterson, individually
Post Office Box 307
Seymour, Wisconsin

Cledis Peterson,
doing business as
~~Peterson Produce Company~~
ice 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, 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.

Sworn to and subscribed before me

this 17th day of November, 1966.

Marie B. Bryan
Notary Public, Baldwin County, Alabama

Law Offices

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

FILED

JUL 6 1966

ALICE I. DUCK, CLERK
REGISTER

November 29, 1966

MARIE CECILIA HORN, Plaintiff
VS
CLEDIS PETERSON, et al, Defendant

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 November 18 1966
I sent by certified mail in an envelope addressed as follows:

" Cledis Peterson
Box 307
Seymour, Wisc."

"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
day of November 1966

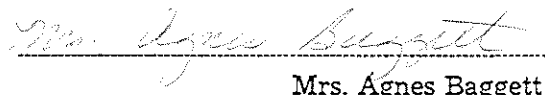
Enclosure (1)

(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 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 29 day
of November 1966


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, Ala.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7047

.....TERM. 19.....

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

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

by~~MARIE CECILLIA HORN~~.....

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

Witness my hand this.....6th.....day of.....July.....19..66..

.....*Deirdre A. Smith*..... Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

..... 19.....

....., Sheriff

I have executed this summons

this 19.....

by leaving a copy with

..... Sheriff

..... Deputy Sheriff

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 7047

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; 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 injured 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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J. Terry Reynolds, Jr.
And
William R. Lauten
Suite 1401 Watorman 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 urinary 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

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 injured 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 injured 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 urinary 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 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 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

BY:

J. Terry Reynolds, Jr.
Attorney for Plaintiff

CHASON, STONE & CHASON

BY:

W. R. Lauten
Attorney for Plaintiff

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

J. Terry Reynolds, Jr.
Attorney for Plaintiff

Law Offices

J. Terry Reynolds, Jr.

And

William R. Lauten

Suite 1401 Waterman Bldg.

Mobile, Alabama

Defendants' addresses:

James Ralph Davis
Post Office Box 307
Seymour, Wisconsin

Cledis Peterson, individually
Post Office Box 307
Seymour, Wisconsin

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

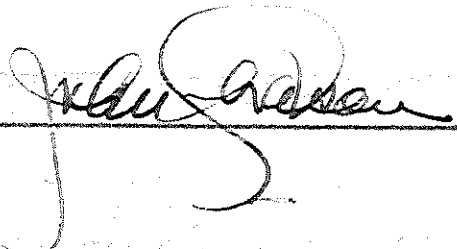
Please perfect service through the Secretary of the State of Alabama as provided in Title 7, Section 199 1/2 of the 1940 Code of Alabama as Amended October 1, 1963.

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, 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.



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
Suite 1401 Waterman Bldg.
Mobile, Alabama

FILED

JUL 6 1966

CLERK
ALBANY, ALA. REGISTER

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

D E M U R R E R

Comes now each of the Defendants, JAMES RALPH DAVIS and CLEDIS PETERSON, individually and doing business as PETERSON PRODUCE 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.
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.

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

7. 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.

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

ARMBRECHT, JACKSON & DeMOUY

By: Broox G. Holmes
BROOX G. HOLMES

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 6th day of December, 1966.

Broox G. Holmes
BROOX G. HOLMES

FILED
DEC 7 1966
ALICE A. DUCK, CLERK
CLERK OF DISTRICT COURT

MARIE CECILIA HORN,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
VS:)	AT LAW
)	
JAMES RALPH DAVIS, and)	
CLEDIS PETERSON,)	
individually, and CLEDIS)	
PETERSON, doing business)	
as PETERSON PRODUCE)	
COMPANY, jointly and)	
severally,)	
)	
Defendants.)	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 injured 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

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 urinary 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

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 injured 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 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 injured 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 urinary 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 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

BY:

J. Terry Reynolds, Jr.
Attorney for Plaintiff

CHASON, STONE & CHASON

BY:

John Chason
Attorney for Plaintiff

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

J. Terry Reynolds, Jr.
Attorney for Plaintiff

LAW OFFICES

J. Terry Reynolds, Jr.

AND

William R. Lauten

1ST NAT'L BANK BLDG.

MOBILE, ALA.

FILED
JUL 6 1936
ALICE J. DICK, CLERK
REGISTER

Defendants' addresses:

James Ralph Davis
503 Herton Road
Fairhope, Alabama

Cledis Peterson, individually
Loxley, Alabama

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

FILED

NOV 6 1966

NOTARY PUBLIC

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.

John Chason

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

Maria B. Bryan
Notary Public, Baldwin County, Alabama

LAW OFFICES

J. Terry Reynolds, Jr.

AND

William R. Lauten

1ST NAT'L BANK BLDG.

MOBILE, ALA.

WE THE JURY FIND IN FAVOR
OF THE DEFENDANT-

J. C. Davis
Foreman



James
Barnes
Barnes

The jury find for the
defendant.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7047

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

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
.....

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 JAMES RALPH DAVIS, and
CLEDIS PETERSON, doing business as PETERSON PRODUCE COMPANY, JOINTLY AND SEVERALLY
....., Defendant.....

by MARIE CECILIA HORN
....., Plaintiff.....

Witness my hand this 6th day of July 19 66.

EX-11-18-66 on Sec of State Marie Cecilia Horn Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MARIA CECILIA HORN

Plaintiffs

vs.

JAMES RALPH DAVIS et als

Defendants

SUMMONS AND COMPLAINT

Filed 7-6- 1966

Alice J. Duck Clerk

Reynolds & Lauten

Chason, Stone & Chason's Attorney

Defendant's Attorney

762
RECEIVED IN OFFICE
Defendant

NOV 18 1966

Received In Office
M. S. BUTLER, Sheriff

19.....

JAY B. WILKINS
SHERIFF

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Executed by serving 9 copies of
the within on Cyrus Baggitt
Secretary of State of The State of
Alabama.

This the 18 day of Nov 1966

Sheriff of Montgomery County

M. S. Butler,

By J. H. Baggitt D. S.The Sheriff claims \$1.00 travel ex-
pense on each of 1
process(es) or a total of \$ 1.00.M. S. Butler, Sheriff
Montgomery County,
Alabama.

Sheriff

Deputy Sheriff

IN THE CIRCUIT COURT OF

§ BALDWIN COUNTY, ALABAMA

: AT LAW

100

1 CASE NO. 7047

MEMORANDUM OF LAW
ON CROSS-EXAMINATION AS TO BIAS

I.

ANY FACT TENDING TO SHOW BIAS OR PARTIALITY OF A WITNESS 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 REASONS.

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

Ins. Co. of North Amer. v. Mavs, 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.

Alabama Digest, Witnesses, 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. Burcess, 114 Ala. 587, 22 So. 169.

Alabama G.S. R. Co. v. Johnson, 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 CECILEA 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

2047

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 injured 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

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 urinary 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

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 injured 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 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 injured 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 urinary 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 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

BY:

J. Terry Reynolds, Jr.
Attorney for Plaintiff

CHASON, STONE & CHASON

BY:

John Chason
Attorney for Plaintiff

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

J. Terry Reynolds, Jr.
Attorney for Plaintiff

Law Offices

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

FILED
6 1962
J. I. BARKER, CLERK
JUL 1 1962

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

6 1993

APR 1 1993 CLERK
FEDERAL COURT

Law Offices

J. Terry Reynolds, Jr.

And

William R. Lauten

Suite 1401 Waterman Bldg.

Mobile, Alabama

THE STATE OF ALABAMA

~~MOBILE~~ COUNTY
BALDWIN

CIRCUIT COURT

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

to appear within thirty days from service of this process, in the Circuit Court of ^{Baldwin}~~Mobile~~ County, Alabama,
at the place of holding the same, then and there to answer the complaint of

MARIA CECILIA HORN

WITNESS: ^{Alice J. Duck}~~John L. Mandeville~~, Clerk of said Court, this ^{6th} day of ^{July}, 19 66

Attest:

^{Alice J. Duck}
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.

Copy
No. _____

JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

VS.



Complaint and Summons

Issued _____ day of _____, 19____

Defendant's Address _____

Plaintiff's Attorney

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

7047

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 injured 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. Laufen

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 urinary 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
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 injured 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 neck, 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 injured 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 urinary 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 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 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

BY:

J. Terry Reynolds, Jr.
Attorney for Plaintiff

CHASON, STONE & CHASON

BY:

John Chason
Attorney for Plaintiff

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

J. Terry Reynolds, Jr.
Attorney for Plaintiff

Law Offices

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

FILED

JUL 1968

WELLBORN, CLERK
REGISTER

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

JUL 6 1966

ALICE L. DIX, CLERK
REGISTER

Law Offices

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

THE STATE OF ALABAMA
MOBILE COUNTY
BALDWIN

CIRCUIT COURT

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

to appear within thirty days from service of this process, in the Circuit Court of ~~Mobile~~ Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of

MARIA CECILIA HORN

WITNESS: *Alice J. Duck* ~~John E. Handover~~, Clerk of said Court, this *6th* day of *June*, 19 *66*

Attest:

Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19 _____ and on _____ day of _____

of _____, I served a copy of _____

the within _____

on _____

by service on _____

RAY D. BRIDGES, SHERIFF

By _____

D.S.

Copy
No. _____

JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

VS.



Complaint and Summons

Issued _____ day of _____, 19____

Defendant's Address

Plaintiff's Attorney

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

2047

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 injured 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 urinary 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

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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 injured 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 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 injured 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 urinary 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 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

BY:

J. Terry Reynolds, Jr.
Attorney for Plaintiff

CHASON, STONE & CHASON

BY:

John Chason
Attorney for Plaintiff

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

J. Terry Reynolds, Jr.
Attorney for Plaintiff

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Mobile, Alabama

FILED
6, 1966
CLERK

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

JUL 6 1968

AMEL J. DICK, CLERK
FEDERAL BUREAU OF INVESTIGATION

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at the place of holding the same, then and there to answer the complaint of

MARIA CECILIA HORN

WITNESS: ^{Alice J. Buck} ~~John E. Marshall~~, Clerk of said Court, this ^{16th} day of ^{July}, 19 ⁶⁶
Attest: ^{Alice J. Buck} 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.

Copy
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JUDGE _____ DOCKET _____

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Defendant's Address

Plaintiff's Attorney