

LYONS, PIPES & COOK

ATTORNEYS AT LAW

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MOBILE, ALABAMA

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36601

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SAM W. PIPES, III

TEL. 432-4483

WALTER M. COOK

P.O. DRAWER 2525

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

G. SAGE LYONS

AUGUSTINE MEAHER, III

JAMES B. KIERCE, JR.

WESLEY PIPES

August 4, 1967

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

Re: Delta Liquid Plant Food Co., Inc.,
A Corporation, Plaintiff vs. Richard
Columbus Scroggins, Et Al, Defendants,
In the Circuit Court of Baldwin County
Alabama, At Law, Case No: 7263

Dear Mrs. Duck:

It would be appreciated if you would file the amendment
to the plaintiff's complaint in the above mentioned cause.
We are sending a copy of the amendment to Mr. J. Connor
Owens, Jr., Attorney for the Defendants.

With best personal regards,

Very truly yours,

LYONS, PIPES AND COOK



Gordon B. Kahn

GBK/lak

Enclosure

cc: Mr. J. Connor Owens, Jr.

CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. BOX 120

BAY MINETTE, ALABAMA 36507

JOHN CHASON
NORBORNE C. STONE, JR.
JOHN EARLE CHASON

TELEPHONE 937-2191

September 6, 1967

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

Dear Mrs. Duck:

Re: Delta Liquid Plant Food
Company vs. Richard Scoggins,
et. al., Case No. 7263

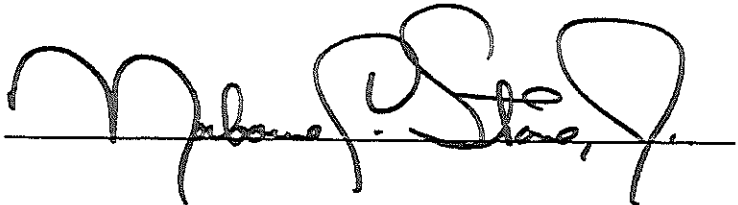
Would you please enter the appearance of this firm
as one of the attorneys for the Plaintiff in the above matter.

Thanking you for your attention to this request,
we are

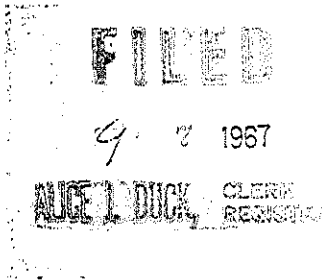
Yours very truly,

CHASON, STONE & CHASON

By:



NCS:jm



DELTA LIQUID PLANT FOOD CO.,
INC., A Corporation,

Plaintiff,

-vs-

RICHARD COLUMBUS SCROGGINS,
CATON TRANSFER COMPANY,
INCORPORATED, and XYZ COMPANY,
a sole proprietorship, partner-
ship or corporation, whose name
is otherwise unknown to the
plaintiff, but will be added by
amendment when ascertained, and
who is the entity who employed
the driver of the defendant vehicle
at the time and place complained of,
jointly and individually,

Defendants.

: IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

: AT LAW

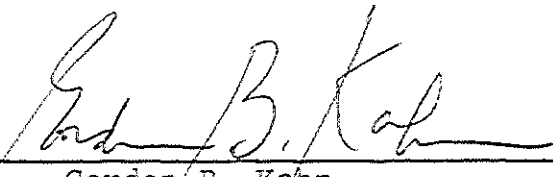
CASE NO. 7263

COUNT ONE

The plaintiff claims of the defendants, jointly and individually,
the sum of to-wit, SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS
~~as damages for that heretofore and on to-wit, the 15th day of~~
November, 1965, the defendant Richard Columbus Scroggins an agent,
servant or employee of the defendants, Caton Transfer Company,
Incorporated and XYZ Company, while acting within the line and
scope of his employment as the agent, servant or employee of the
defendants, Caton Transfer Company, Incorporated and XYZ Company,
so negligently operated a motor vehicle on United States Highway
90 at a point on said United States Highway 90, to-wit; 2/10ths
of a mile East of the City Limits of Mobile, Alabama on said United
States Highway 90, at which point said United States Highway 90
is a public road in the County of Baldwin, State of Alabama, so as
to cause or allow said vehicle to collide with a motor vehicle, the
property of the plaintiff which was then and there being operated on
said United States Highway 90 at said time and place as aforesaid and
as a direct and proximate result of the negligence of the defendant,
Richard Columbus Scroggins acting as the agent, servant or employee

of the defendants, Caton Transfer Company, Incorporated and XYZ Company as aforesaid, the plaintiff was severely damaged in that its motor vehicle was severely damaged, bent, broken, all to the plaintiff's damage, HENCE THIS SUIT.

LYONS, PIPES AND COOK
Attorneys for the Plaintiff,

By: 
Gordon B. Kahn

Defendant Richard Columbus Scroggins may be served at:

217 Oak Street, Andalusia, Alabama.

Defendant Caton Transfer Company, Incorporated may be served at:

Andalusia, Alabama.

FILED

MAY 15 1938

ALICE L. DUCK, CLERK -
REGISTERED

Executed the within

§ 9 C
by serving a copy thereof on

Grannie Caton Per
Caton Transfer Co.

This 17 day of Nov 1946

P. R. Smith Sheriff

Cason D. C.

Covington County, Alabama.

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7263

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Richard Columbus Scroggins, Caton Transfer
Company, Inc., et al

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 Richard
Columbus Scroggins, Caton Transfer Company, Inc., et al, Defendant.

by Delta Liquid Plant Food Co., Inc., a Corp.
Plaintiff.

Witness my hand this 15th day of November, 1965.

EX-11-17-66

Alice J. Luck Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

DELTA LIQUID PLANT FOOD CO.,

INC., A CORP.

Plaintiffs

vs.

RICHARD COLUMBUS SCROGGINS,
CATON TRANSFER CO. INC. ET AL

Defendants

SUMMONS AND COMPLAINT

Filed November 15, 1966

Alice J. Duck Clerk

LYONS, PIPES & COOK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED

Received In Office

NOV 16 1966

19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this 17 Nov 1966

by leaving a copy with

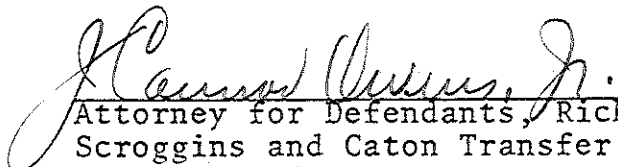
Richard C. Scroggin
Caton Transfer Co.P. F. Lantz Sheriff
Cason Deputy Sheriff

DELTA LIQUID PLANT FOOD CO.,)	
IND., a corporation,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
vs.)	
)	
RICHARD COLUMBUS SCROGGINS,	)	LAW SIDE. NO. 7263.
ET AL.,)	
)	
Defendants.)	

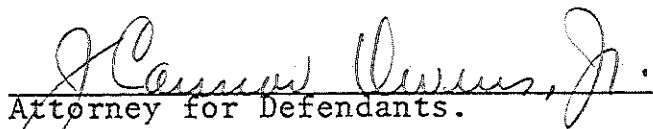
DEMURRER:

Now come the Defendants, Richard Columbus Scroggins and Caton Transfer Company, Incorporated, by their attorney, and demur to the complaint filed in this cause and as grounds therefor, assigns the following, both separately and severally:

1. Said Complaint does not state a cause of action.
2. Said complaint does not sufficiently identify the damage done to the vehicle of the Plaintiff.
3. Said complaint does not allege that the vehicle of the Plaintiff was totally destroyed or demolished.
4. Said complaint does not set forth which portion of the vehicle of the Plaintiff was damaged.


 Attorney for Defendants, Richard Columbus
 Scroggins and Caton Transfer Company,
 Incorporated.

Defendants demand a trial of this
 cause by a Jury.

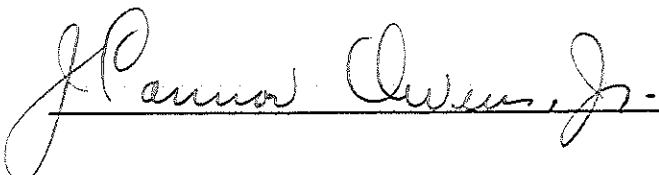

 Attorney for Defendants.

I, the undersigned, Attorney of Record for the Defendants in the above styled cause, do hereby certify that I have forwarded a copy of the foregoing demurrer to GORDON B. KAHN, Attorney of Record for the Plaintiff in said cause, by U. S. Mail, properly addressed, postage prepaid, on this the 13th day of December, 1966.

FILED

DEC 14 1966

AUDIE L. JACK, CLERK
 REGISTER



DELTA LIQUID PLANT FOOD CO.,	)	IN THE CIRCUIT COURT OF
INC., A Corporation,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	AT LAW
vs.)	
RICHARD COLUMBUS SCROGGINS,)	
Et Al,)	
Defendants.	)	CASE NO: 7263

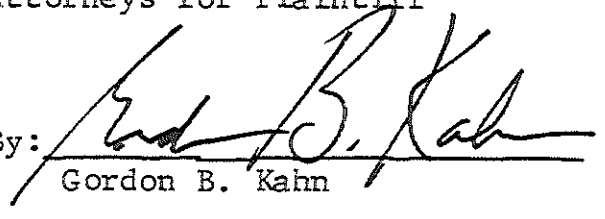
COMES NOW the Plaintiff in the above styled cause and amends Count One of the Complaint heretofore filed by adding thereto the following:

That the front of the Plaintiff's vehicle was damaged, that there was damage to the wheel housing, and to the transmission, that the right front tire was ruined, that there was damage to the bell housing, damage to the front left door, damage to the front left door glass, damage to the manifold pipe to the cleaner, damage to the rear mirror, required painting, damage to the front right fender to the front right apron, damage to the battery box, damage to the saddle tank, damage to the muffler, damage to the exhaust stack and bracket, damage to the exhaust pipe from the motor, damage to the springs on the right and left, damage to the bumper, damage to the frame, damage to the radiator cooler, damage to the fan blades, damage to the bumper jet with brackets, damage to the springs. The Plaintiff avers that all of said damage was a proximate result of the negligence of the defendant, Richard Columbus Scroggins acting as the agent, servant or employee of the defendants, Caton Transfer Company, Incorporated and XYZ company as aforesaid, hence this suit.

In all other respects said Complaint is to remain
the same.

LYONS, PIPES AND COOK
Attorneys for Plaintiff

By:


Gordon B. Kahn

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 4
day of August, 1967 served a
copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same
by United States mail, properly addressed, and
first class postage prepaid.


FILED

AUG 7 1967

ALICE J. DUCK

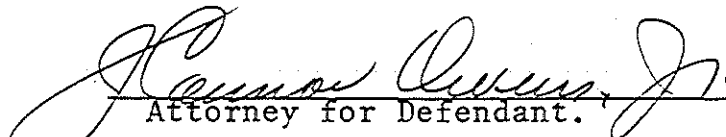
CLERK
REGISTER

DELTA LIQUID PLANT FOOD CO.,)	
INC., a corporation,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,)	
	)	BALDWIN COUNTY, ALABAMA
vs.)	
)	
RICHARD COLUMBUS SCROGGINS,	)	LAW SIDE. NO. 7263
ET AL.,)	
)	
Defendants.)	

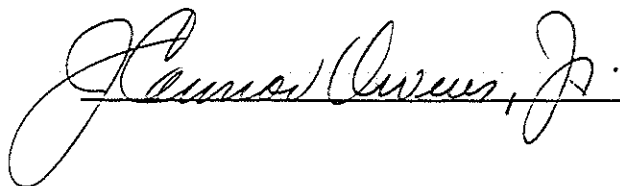
ANSWER:

Now come the Defendants in the above styled cause, acting by their attorney, and for answer to the amended complaint filed in said cause, both separately and severally says as follows:

1. Not guilty.
2. The material allegations thereof are untrue.
3. That at the time and place described in the amended complaint the Plaintiff so negligently operated a motor vehicle so as to contribute proximately and directly to the collision and injuries described in said amended complaint; hence the Plaintiff ought not to recover.


 Attorney for Defendant.

I, the undersigned Attorney of Record for the Defendants in the foregoing cause do hereby certify that I have forwarded a copy of the foregoing answer to Lyons, Pipes and Cook, the Attorneys of Record for the Plaintiff in said cause, by United States Mail, properly addressed, with postage prepaid, this 10th day of August, 1967.



FILED

AUG 10 1967

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ALICE J. DUCK
CLERK
REGISTER