

CAROLYN JACKSON

Plaintiff

vs

SHERMAN SANKS, GAYLEAN
SANKS, and ERIA LEE
HARVILLE, jointly and
severely

Defendants

X

X

Q

X

X

X

X

IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA

AT LAW NO. 7312


Comes defendant Sherman Sanks in the above styled cause and propounds the following interrogatories to the plaintiff, Carolyn Jackson;

1. State your name.
2. Are you Carolyn Jackson involved in an accident on December 16, 1965?
3. You stated you were a fare paying passenger. State the amount paid by you per trip or per week and the length of time which you had been paying this sum?
4. Name any other passengers who were present at the time of the accident and give their addresses.
5. Was any statement made to you at the time of the accident by any of the defendants?
6. If so, state the name of the defendant making the statement and state what was said.
7. State if you know, why the driver of the vehicle you were preparing to enter was parked on the shoulder of the road at the time and place of the accident.
8. State if you know, which side of the road the said car was parked.
9. State if you know, how many times the driver of the said automobile had parked on that side of the road to pick you up as a passenger.

FILED

DEC 29 1965

ALICE I. DUCK, CLERK
REGISTERED


Attorney for Defendant Sherman Sanks

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant Sherman Sanks in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant Sherman Sanks on the trial of said cause.


C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir

Thompson on this the 29 day of December 1966.


Notary Public, Baldwin County, Alabama.

FILED

DEC 29 1966

ALICE L. DUCK, CLERK
REGISTER

7312

Carolyn Jackson
Plt.

vs.

Sherman Janks,
Gaylean Janks
& Erva Lee Harville,
Jointly & Severally.

Interrogatories

FILED

DEC 29 1966

Alice A. Duck, CLERK
REGISTER

serve
Carolyn Jackson
Plt.

Bay Minette

C. L. Thompson

Served 29 day of Dec. 66
4 day of Jan 1967
I served a copy of the within
Carolyn Jackson

By service on
TAYLOR WILKINS, Sheriff
By W. A. Tolbert, D.S.

10 miles north of B.M.

Sheriff claims 20 miles at
Ten Cents per mile Total \$2.00
TAYLOR WILKINS, Sheriff
BY W. A. Tolbert
DEPUTY SHERIFF

STATE OF ALABAMA 0
 :
BALDWIN COUNTY 0

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

You are hereby commanded to summon Sherman Sanks, Gaylean Sanks and Eria Lee Harville, to appear before the Circuit Court of Baldwin County, Alabama, at the place of holding the same and plead, answer or demur, within thirty days from service hereof to the complaint of Carolyn Jackson.

Witness this 15 day of December, 1966.

Alice J. Black
CLERK

C O M P L A I N T

CAROLYN JACKSON,	0	IN THE CIRCUIT COURT OF
PLAINTIFF,	0	BALDWIN COUNTY, ALABAMA.
VS:	0	LAW SIDE.
SHERMAN SANKS, GAYLEAN	0	CASE NO. <u>7312</u> .
SANKS, and ERIA LEE	0	
HARVILLE, jointly and	0	
severely,	0	
DEFENDANTS.	0	

The Plaintiff, Carolyn Jackson, claims of the Defendants the sum of Seventeen Thousand Five Hundred and no/100 Dollars (\$17,500.00), as damages for that heretofore on to-wit, the 16th day of December, 1965, Plaintiff was entering as a passenger for hire or reward into an automobile being operated by Eria Lee Harville which was temporarily parked on the shoulder along U. S. Highway No. 31, a public highway in Baldwin County, Alabama, with its headlights on facing oncoming traffic at a point thereon to-wit, 8.6 miles North of Bay Minette, Alabama, and at which point the Defendant, Gaylean Sanks, agent, servant or employee of the Defendant, Sherman Sanks, while acting within the line and scope of her authority as such agent, servant or employee was operating a motor vehicle along U. S. Highway No. 31, a public highway in

Baldwin County, Alabama; and the Plaintiff avers that then and there the Defendants, Gaylean Sanks and Eria Lee Harville so negligently operated their aforesaid motor vehicles as to cause vehicle being operated by the Defendant, Gaylean Sanks to collide with the vehicle which the Plaintiff was then and there entering as a fare paying passenger, and thereby as a proximate result and consequence of the combined negligence of Gaylean Sanks and Eria Lee Harville, Plaintiff was severely injured in this, to-wit:

Plaintiff's left arm was broken; four of her ribs were broken; she suffered multiple lacerations on her body and internal injuries; she received severe and painful personal injuries to her back and left hip; Plaintiff was caused to loose much blood; she was caused to suffer and still does suffer great physical pain and mental anguish; she was rendered highly nervous; was caused to loose considerable time from her place of gainful employment; she was hospitalized and caused to incur considerable expense for hospital bills, ambulance bills, doctor bills, drug bills and transportation costs to and from physicians in an effort to heal and cure her injuries; she has been rendered less able to perform her usual work and to be able to enjoy and participate in recreational pursuits; Plaintiff was painful and permanently injured and disabled,

for all of which she claims damages, hence this suit.



HUGH ROZELLE
ATTORNEY FOR PLAINTIFF

Plaintiff demands a jury trial.



HUGH ROZELLE
ATTORNEY FOR PLAINTIFF

FILED

DEC 15 1966

MR. L. DICK, CLERK

7312

CIRCUIT COURT

CAROLYN JACKSON

VS:

SHERMAN SANKS, GAYLEAN SANKS,
and ERIA LEE HARVILLE,
jointly and severely,

SUMMONS AND COMPLAINT

Sheriff claims 54 miles at
Ten Cents per mile Total \$ 5.46
TAYLOR WILKINS, Sheriff
W.A. Tolbert

Received 15 day of Dec 1966
and on 19 day of Dec 1966
I served a copy of the within ATL
on Sherman Sanks & Gaylean Sanks Dyas
Sanks Eria Lee Harville Ralton
By service on _____

TAYLOR WILKINS, Sheriff
By W A Tolbert D. S.
Ralton
D. yas

HUGH ROZEILLE
ATTORNEY AT LAW
ATMORE, ALABAMA

FILED
DEC 15 1966
CLERK
HARRIS

CAROLYN JACKSON,

Plaintiff,

vs.

SHERMAN SANKS, GAYLEAN
SANKS, and ERIA LEE
HARVILLE, jointly and
severally,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

NO. 7312

DEMURRER

Comes now the Defendant, Eria Lee Harville, by and through her attorneys and demurs to the Complaint heretofore filed against her in the above styled cause and shows unto the Court the following grounds in support thereof:

1. The Complaint fails to state a cause of action against the Defendant.
2. The Complaint is vague, indefinite and uncertain.
3. The Complaint attempts to set out the quo modo of the negligence alleged and fails to state a cause of action against the Defendant, Eria Lee Harville.
4. The Complaint seeks to charge the Defendant, Eria Lee Harville, with the "combined negligence of Gaylean Sanks and Eria Lee Harville."
5. The Complaint fails to allege that the Plaintiff's injuries are the proximate result of the negligence of the Defendant, Eria Lee Harville.
6. It affirmatively appears from the Complaint that an intervening agency was the proximate cause of the damages alleged.

CHASON, STONE & CHASON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 22 day of December, 1966

John E. Chason

By:

John E. Chason
Attorneys for Defendant
Eria Lee Harville

FILED

DEC 29 1966

ALICE L. DICK, CLERK
REGISTER

71 711

CAROLYN JACKSON

Plaintiff

vs

SHERMAN SANKS, GAYLEAN
SANKS, and ERIA LEE
HARVILLE, jointly and
severely

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

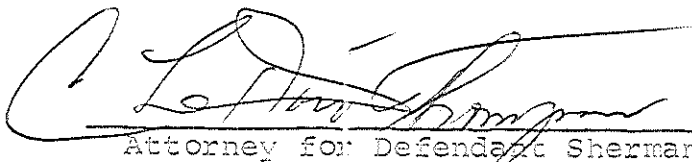
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7312

Comes defendant, Sherman Sanks and demurs to the complaint filed in said cause and for demurrer shows unto this Honorable Court as follows:

1. That said complaint fails to state a cause of action against Sherman Sanks in that said complaint alleges negligence on the part of defendant, Eria Lee Harville.
2. Said complaint fails to state a cause of action against defendant Sherman Sanks in that no specific act of negligence is alleged against said defendant Sherman Sanks.
3. Said complaint fails to allege whether said accident occurred in the nighttime or in the daytime.
4. Said complaint fails to allege what benefits said complainant has obtained from the driver of the automobile in which said complainant alleges herself to have been a fare paying passenger.
5. Said complaint fails to allege specifically any negligence on the part of defendant Sherman Sanks.



Attorney for Defendant Sherman Sanks.

FILED

DEC 29 1966

ALICE L. DUCK, CLERK
REGISTER

CAROLYN JACKSON,

Plaintiff

Vs.

SHERMAN SANKS, GAYLEAN
SANKS, and ERIA LEE
HARVILLE, jointly and
severally,

Defendants

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

LAW SIDE CASE NO. 7312

Comes now the Defendant, Gaylean Sanks, and for Answer
to the Plaintiff's Complaint says:

1.

Not Guilty.

WILTERS & BRANTLEY

BY:

Sallie M Brantley
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3 day of Jan 1967 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United State Mail, properly addressed, and that their postage prepaid.

WILTERS & BRANTLEY

By:

Sallie M Brantley

FILED

JAN 8 1967

ALICE L. DUCK, CLERK
REGISTERED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE CASE NO. 7312

CAROLYN JACKSON,

Plaintiff

Vs.

SHERMAN SANKS, GAYLEAN SANKS,
and ERIA LEE HARVILLE,
jointly and severally,

Defendants

WILTERS & BRANTLEY

Attorneys for Gaylean
Sanks

FILED

JAN 3 1967

AUG. L. DUCK, CLERK
REGISTER

CAROLYN JACKSON,
PLAINTIFF,
VS

SHERMAN SANKS, GAYLEAN
SANKS, and ERIC LEE
HARVILLE, jointly and
severely,
DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

CASE NO. 7312

AMENDED COMPLAINT

The Plaintiff, Carolyn Jackson, claims of the Defendants the sum of Seventeen Thousand Five Hundred and no/100 Dollars (\$17,500.00) as damages for that heretofore on, to-wit, the 16th day of December, 1965, while Plaintiff was entering as a passenger for hire or reward into an automobile being operated by Eric Lee Harville in the nighttime, which said automobile was at the time stopped on the south shoulder of U. S. Highway No. 31, a public highway in Baldwin County, Alabama, with the said automobile facing westward, toward the oncoming traffic, at a point approximately 8.6 miles North of Bay Minette, Alabama, Baldwin County, Alabama, and at which point the Defendant, Gaylean Sanks, agent, servant or employee of the Defendant Sherman Sanks, while acting within the line and scope of her authority as such agent, servant or employee was operating a motor vehicle upon U. S. Highway No. 31, a public highway in Baldwin County, Alabama; and Plaintiff avers that then and there the Defendants Gaylean Sanks and Eric Lee Harville so negligently operated their aforesaid motor vehicles so as to cause the vehicle being operated by the Defendant Gaylean Sanks to collide with the vehicle which the Plaintiff was then and there entering as a fare paying passenger, and as a proximate result and consequence of the negligence of both Defendants Gaylean Sanks and Eric Lee Harville, Plaintiff was severely injured in this, to-wit:

Plaintiff's left arm was broken; four of her ribs were broken; she suffered multiple lacerations on her body and internal injuries; she received severe and painful personal injuries to her back and left hip; Plaintiff

was caused to loose much blood; she was caused to suffer and still does suffer great physical pain and mental anguish; she was rendered highly nervous; was caused to loose considerable time from her place of gainful employment; she was hospitalized and caused to incur considerable expense for hospital bills, ambulance bills, doctor bills, drug bills and transportation costs to and from physicians in an effort to heal and cure her injuries; she has been rendered less able to perform her usual work and to be able to enjoy and participate in recreational pursuits; Plaintiff was painful and permanently injured and disabled,

for all of which she claims damages, hence this suit.

Hugh Rogell
ATTORNEY FOR PLAINTIFF

Kenneth Cooper
ATTORNEY FOR PLAINTIFF

Plaintiff's request for a jury trial remains unchanged.

Hugh Rogell
ATTORNEY FOR PLAINTIFF

Kenneth Cooper
ATTORNEY FOR PLAINTIFF

I certify that I have mailed a copy of the foregoing AMENDED COMPLAINT to Hon. C. Lenoir Thompson, Bay Minette, Alabama, and Hon. John Earl Chason, Attorney At Law, Bay Minette, Alabama, postage prepaid, at Bay Minette, Alabama, on this the 8 day of February, 1967.

Kenneth Cooper

FILED

FEB 8 1967

MAILED 1000

We the jury

~~7312~~
7312

We the jury find damages of 10,000.00
(TEN THOUSAND)

R. S. Barker
Foreman

CAROLYN JACKSON

Plaintiff

vs

SHERMAN SANKS, GAYLEAN
SANKS, and ERIA LEE
HARVILLE, jointly and
severely

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 7312

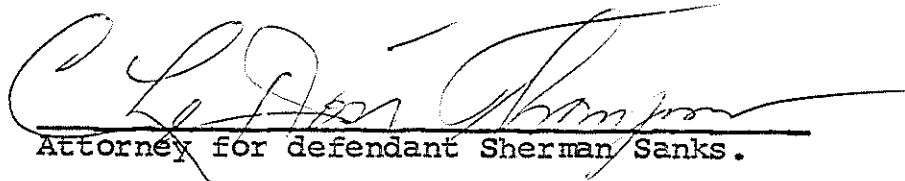
Comes defendant, Sherman Sanks and demurs to the amended complaint filed in said cause and for demurrer shows unto this Honorable Court as follows:

1. That said amended complaint fails to state a cause of action against Sherman Sanks in that said complaint alleges negligence on the part of defendant, Eria Lee Harville.

2. Said amended complaint fails to state a cause of action against defendant Sherman Sanks in that no specific act of negligence is alleged against said defendant Sherman Sanks.

3. Said amended complaint fails to allege what benefits said complainant has obtained from the driver of the automobile in which said complainant alleges herself to have been a fare paying passenger.

4. Said amended complaint fails to allege specifically any negligence on the part of defendant Sherman Sanks.

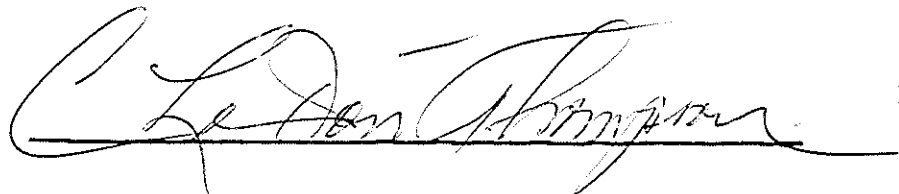

Attorney for defendant Sherman Sanks.

I hereby certify that I have mailed a copy of the foregoing demurrers to the following attorneys of record:

Honorable Kenneth Cooper, attorney for plaintiff
Bay Minette, Alabama

Honorable John Earl Chason
Bay Minette, Alabama

Honorable Tolbert Brantley
Bay Minette, Alabama



FILED

FEB 14 1967

ALICE J. BUCK, CLERK
REGISTER

CAROLYN JACKSON,

Plaintiff,

Vs.

SHERMAN SANKS, GAYLEAN
SANKS, and ERIA LEE
HARVILLE, jointly and
severely,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

CASE NO. 7312

AMENDED COMPLAINT

Comes now Plaintiff in above-styled cause, and amends her
complaint in above-styled cause, as follows, to-wit:

Strike the names of Defendants Sherman Sanks
and Gaylean Sanks from the complaint.

In all other respects the complaint remains unchanged.

Kenneth Cooper
ATTORNEY FOR PLAINTIFF

I certify that I have mailed a copy of the foregoing AMENDED
COMPLAINT to Hon. C. Lenoir Thompson, Attorney At Law, Bay Minette,
Alabama; Wilters, Brantley and Nesbit, Attorneys At Law, Bay
Minette, Alabama; and Chason, Stone and Chason, Attorneys At Law,
Bay Minette, Alabama, postage prepaid, at Bay Minette, Alabama, on
this the 1st day of June, 1967.

Kenneth Cooper
ATTORNEY FOR PLAINTIFF

FILED
JUN 1 1967
ALICE J. DICK, CLERK
REGISTER