

Norma Bailey  
Plaintiff

vs  
Erica Lee Harrille, et al.  
Defendants

To The Circuit Court of  
Baldwin County, Ok

Case No 7313

We the jury find for the  
Plaintiff and assess her damages  
at \$ 7,500 <sup>00</sup>/<sub>100</sub>

VOL 62 PAGE 488

Jed Dickman  
Foreman

NORMA BAILEY,

Plaintiff,

vs.

GAYLEAN SANKS and ERIA  
LEE HARVILLE,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

NO. 7312

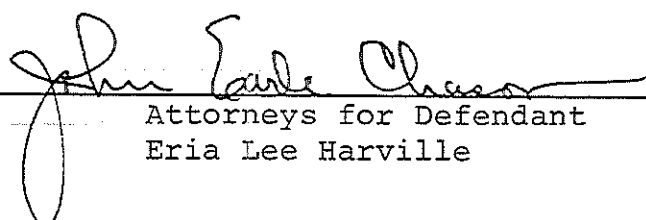
DEMURRER

Comes now the Defendant, Eria Lee Harville, by and through her attorneys, and demurs to the Complaint 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, Eria Lee Harville.
2. The Complaint is vague, indefinite and uncertain.
3. The Complaint attempts to allege the quo modo of the negligence alleged and fails to establish a cause of action against the Defendant, Eria Lee Harville.
4. It affirmatively appears that an intervening agency was the proximate cause of the injuries alleged to have been suffered by the Plaintiff.

CHASON, STONE & CHASON

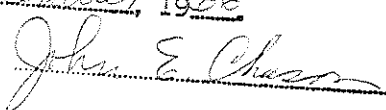
By:



Attorneys for Defendant  
Eria Lee Harville

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 27 day of December, 1966



FILED

DEC 29 1966

ALICE J. DUCK, CLERK  
REGISTER

1 VOL

62 PAGE 485

NORMA BAILEY,

PLAINTIFF,

VS:

GAYLEAN SANKS, and

ERIA LEE HARVILLE,

DEFENDANTS

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

CASE NO. 7313

### DEMURRERS

Comes now the Defendant, Gaylean Sanks, and files the following Demurrers to the Plaintiff's complaint:

1.

This complaint is ambiguous.

2.

This complaint is contradictory.

3.

The Complainant alleges in one place that the Defendant, Eria Lee Harville, was stopped and yet in another he says that the Defendants so negligently operated their respective motor vehicles as to cause one to run into the other

4.

The Defendant can not determine which of the two Defendants is alleged to have been negligent.

5.

The Defendant can not determine whether the Plaintiff is alleged concurring negligence or two separate acts of negligence.

WITHERS & BRANTLEY

BY:

Tolbert M. Brantley

I do hereby certify that I have on file a copy of the original of the foregoing complaint for all parties to the proceeding by which it was filed in the United States Mail, properly addressed, and in the proper post office.

WITHERS & BRANTLEY

By:

FILED

FEB 14 1967

ALICE J. DOWD, CLERK  
REGISTERED

62 PAGE 483

7313

DEMURRERS

NORMA BAILEY,

PLAINTIFF

VS:

GAYLEAN SANKS, and  
ERIA LEE HARVILLE,

DEFENDANTS

FILED

FEB 14 1967

Alice A. Nook, CLERK  
REGISTRAR

ANSWER

NORMA BAILEY,

Plaintiff,

Vs.

GAYLEAN SANKS, and  
ERIA LEE HARVILLE,

Defendants.

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

1.

Not Guilty.

WILTERS & BRANTLEY

BY:

*Sam 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 States  
Mail, postage collected, and that this certificate is being filed.  
WILTERS & BRANTLEY

BY:

*Sam M Brantley*

FILED

JAN 3 1967

MADE A DICK, CLERK  
REGISTER

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE      CASE No. 7313

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NORMA BAILEY,

Plaintiff

Vs.

GAYLEAN SANKS and  
ERIA LEE HARVILLE,

Defendants

\*\*\*\*\*

WILTERS & BRANTLEY

Attorneys for Gaylean Sanks

FILED  
JAN 3 1967  
MAY 1 1967  
CLERK  
REGISTER

36507

November 27, 1967

Mrs. Eria Lee Harville  
Route 1  
Perdido, Alabama

Dear Mrs. Harville:

Re: Jackson vs. Harville,  
Case No. 7312;  
Bailey vs. Harville,  
Case No. 7313

We wrote to you on November 14 and again on November 21 advising you of certain matters necessary to be accomplished before the date for trial of the above cases, which is next week.

Since you have not answered either of these letters or contacted us, there is not now sufficient time remaining for them to be accomplished and we therefore must, by copy of this letter, ask that the Clerk withdraw our appearance in this case.

~~You should IMMEDIATELY employ another attorney~~  
to assist you in the defense of these cases and we will be happy to turn over the pertinent parts of our file to any such attorney as you may choose to represent you in this matter.

Please do not delay in handling this as the result of a judgment against you in these cases would be very detrimental to you and we believe that you have a valid defense to each of these cases.

With best regards, we are

Yours very truly,

CHASON, STONE & CHASON

JEC:jm

cc: Mrs. Alice J. Duck

By: 

CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. BOX 120

BAY MINETTE, ALABAMA

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

TELEPHONE 937-2191

February 13, 1968

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

Dear Mrs. Duck:

Re: Jackson vs. Harville  
Case No. 7312;  
Bailey vs. Harville  
Case No. 7313

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We have discovered that our appearance has not been withdrawn as attorneys for the Defendant in the above cases and we enclose herewith a copy of a letter sent to Mrs. Harville in November withdrawing from the cases.

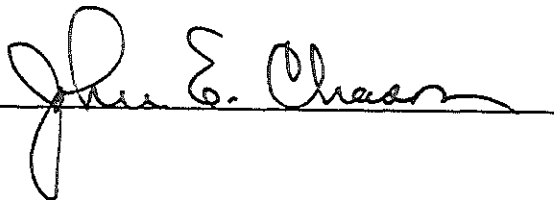
Please withdraw our appearance as attorneys for the Defendant.

With best regards, we are

Yours very truly,

CHASON, STONE & CHASON

By:



JEC:jb

NORMA BAILEY,  
PLAINTIFF,  
VS  
GAYLEAN SANKS, and  
ERIA LEE HARVILLE,  
DEFENDANTS.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE  
CASE NO. 7313

### AMENDED COMPLAINT

The Plaintiff, Norma Bailey, claims of the Defendants the sum of Fifteen Thousand and no/100 (\$15,000.00) Dollars as damages, for that on, to-wit, the 16th day of December, 1965, Plaintiff was riding as a passenger for hire or reward in an automobile being operated by Eria Lee Harville upon U. S. Highway No. 31, a public highway in Baldwin County, Alabama, at a point, to-wit, 8.6 miles North of Bay Minette, Alabama, at which point the Defendant Eria Lee Harville temporarily stopped her motor vehicle, and at which point the Defendant Gaylean Sanks was also operating a motor vehicle; and Plaintiff avers that the Defendants then and there so negligently operated their aforesaid respective motor vehicles so as to cause the vehicle in which the Defendant Gaylean Sanks was operating to run into and against the vehicle in which Plaintiff was riding as a fare paying passenger, said collision occurring in the nighttime, and as proximate result and consequence of said negligence the Plaintiff was severely injured in this, to-wit: her right wrist was fractured; she suffered multiple lacerations on her body and internal injuries; she suffered fractures of her ribs; she was caused to suffer and still does suffer great physical pain and mental anguish; she was rendered highly nervous; and she 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, doctors 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 recrea-

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

Kenneth Cooper  
ATTORNEY FOR PLAINTIFF

Plaintiff's request for a jury trial remains unchanged.

Kenneth Cooper  
ATTORNEY FOR PLAINTIFF

I certify that I have mailed a copy of the foregoing AMENDED COMPLAINT TO Hon. John Earl Chason, Attorney at Law, Bay Minette, Alabama, and Wilters and Brantley, Attorneys 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

ALICE L. DUCK, CLERK  
REGISTER

STATE OF ALABAMA    X

BALDWIN COUNTY       X

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to summon 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 Norma Bailey.

Witness this 15 day of December, 1966.

*Alice J. Luck*  
CLERK


\* \* \* \* \*

C O M P L A I N T.

NORMA BAILEY,	X	IN THE CIRCUIT COURT OF
PLAINTIFF.	X	
VS:	X	BALDWIN COUNTY, ALABAMA.
GAYLEAN SANKS, and	X	LAW SIDE.
ERIA LEE HARVILLE,	X	
DEFENDANTS.	X	CASE NO: <u>7313</u>

The Plaintiff, Norma Bailey, claims of the Defendants the sum of Fifteen Thousand and no/100 (\$15,000.00) Dollars, for this that on to-wit, the 16th day of December, 1965, Plaintiff was a passenger for hire or reward in an automobile being operated by Eria Lee Harville along U. S. Highway No. 31, a public Highway in Baldwin County, Alabama, at a point thereon to-wit, 8.6 miles North of Bay Minette, Alabama, at which point the Defendant Eria Lee Harville stopped temporarily; and at which point the Defendant, Gaylean Sanks was also operating a motor vehicle; and the Plaintiff avers that then and there the Defendants so negligently operated their aforesaid motor vehicles as to cause the vehicle in which the Defendant, Gaylean Sanks was operating to collide with the vehicle in which the Plaintiff was riding and sitting as a fare paying passenger

and thereby and as a proximate result and consequence thereof, Plaintiff was severely injured in this, to-wit: her right wrist was fractured; she suffered multiple lacerations on her body and internal injuries; she suffered fractures of her ribs; she was caused to suffer and still does suffer great physical pain and mental anguish; she was rendered highly nervous; and she was caused to lose considerable time from her place of gainful employment; she was hospitalized and caused to incur considerable expense for hospital bills, ambulance bills, doctors 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, for all of which she claims damages, hence this suit.

  
D. R. TUCKER  
Attorney for Plaintiff

Plaintiff demands a jury trial.

  
D. R. TUCKER  
Attorney for Plaintiff

FILED

DEC 15 1986

ALICE J. DICK, CLERK  
REGISTER

7313

Norma Bailey,  
Plff.

vs.

Gaylean Sank  
& Eric Lee Harville,  
Def.

Sheriff claims 38 miles at  
Ten Cents per mile. Total \$ 3.80  
TAYLOR WILKINS, Sheriff  
By W. A. Salter  
DEPUTY SHERIFF

Received 15 day of Dec 1966  
and on 19 day of Dec 1966  
I served a copy of the within See C  
on Gaylean Sank  
Eric Lee Harville  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. A. Salter D. E.

Robert  
Dyer

FILED

DEC 15 1966

AUDIE A. DICK, CLERK  
REGISTERED

J. R. Tucker, Atty