


AUDREY OVERSTREET, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : BALDWIN COUNTY, ALABAMA
WILLIAM EARL MALONE, SR., : AT LAW
and WILLIAM EARL MALONE, JR., :
Defendants. : CASE NO. 7 3 7 6

Comes the Defendants in the above styled matter and
for answer to the complaint heretofore filed and to each and
every Count thereof separately and severally, says as follows:

1. Not guilty.

COLLINS, GALLOWAY & MURPHY

By:


THOMAS M. GALLOWAY
ATTORNEYS FOR DEFENDANTS.

FILED

MAY 1 1967

ALICE I. DICK, CLERK
REGISTER

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon William Earl Malone, Sr., and William Earl Malone, Jr., to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of Audrey Overstreet.

WITNESS my hand on this the 14 day of February, 1967.

Alice D. Luck
Clerk

The address of the defendants is
Route 1, Box 23, Satsuma, Alabama.

* * * * *

AUDREY OVERSTREET,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	
VS.)	BALDWIN COUNTY, ALABAMA
)	
WILLIAM EARL MALONE, SR.,)	AT LAW
and WILLIAM EARL MALONE, JR.,)	7376
)	
Defendants.)	

C O M P L A I N T
COUNT ONE

The plaintiff claims of the defendant, William Earl Malone, Jr., the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that heretofore on to-wit, June 19, 1966, William Earl Malone, Jr., so negligently operated a motor vehicle in an Easterly direction on Alabama Highway 180 at a point approximately 4.4 miles West of the West city limits of Gulf Shores, Baldwin County, Alabama said highway being then and there a public highway or road in Baldwin County, Alabama, as to cause or allow said vehicle to run into, upon or against a motor vehicle in which the plaintiff was a passenger, which motor vehicle was also headed in an Easterly direction on said Alabama Highway 180, at said time and place, and as a proximate result of the negligence of the said defendant, as aforesaid, the plaintiff was injured and damaged as follows: 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; she has been permanently injured about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has been confined to a hospital for a long period of time; 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, examinations and expenses for transportations to and from her doctor; she was rendered unable to sleep for long periods of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disperse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, X-rays, examinations, and expenses for transportation to and from her doctors 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. Plaintiff avers that all of her injuries and damages were the proximate result of the negligence of the defendant, William Earl Malone, Jr., at the said time and place complained of, hence this suit.

COUNT TWO

The plaintiff claims of the defendants the sum of Fifty Thousand Dollars (\$50,000.00) damages for that heretofore on to-wit, the 19th day of June, 1966, William Earl Malone, Jr., while acting as the agent, servant or employee of William Earl Malone, Sr., within the line and scope of his employment as such, so negligently operated a motor vehicle in an Easterly direction on Alabama Highway 180 at

a point approximately 4.4 miles West of the West city limits of Gulf Shores, said highway being then and there a public highway in Baldwin County, Alabama, so as to cause or allow said motor vehicle to run into, upon or against a motor vehicle in which the plaintiff was a passenger, which said motor vehicle was also headed in an Easterly direction on Alabama Highway 180 at said time and place and as a proximate result of the negligence as aforesaid, the plaintiff was injured and damaged as follows: 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; she has been permanently injured about her neck, shoulders and back; she has suffered headaches, dizziness and nausea; she has been confined to a hospital for a long period of time; 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, medicine drugs, sedation, X-rays, examinations and expenses for transportation to and from her doctor; she was rendered unable to sleep for long periods of time; she was required to take sedatives, drugs and muscle relaxants in order to sleep and to disperse the pain from which she suffers; she will continue to be caused to incur expenses for doctors, medicines, drugs, X-rays, examinations, and expenses for transportation to and from her doctors, 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. Plaintiff avers that all of her injuries and damages were the proximate result of the negligence of the defendant, William Earl Malone, Jr., while acting as

the agent, servant or employee of the defendant, William Earl Malone, Sr., within the line and scope of his employment as such agent, servant or employee at said time and place, hence this suit.


Attorney for Plaintiff

Plaintiff demands a trial
by jury of said cause.


Attorney for Plaintiff

FILED

FEB 14 1967

ALICE J. WALKER, CLERK
REGISTER

67-2-29-67

RECEIVED

FEB 15 1967

TAYLOR WILKINS

EXECUTED

This 29 day of Mar, 1967

by serving a copy of the within on

William Earl Malone
RAY D. BRIDGES, Sheriff

By J. Long D.S.

RETURNED 2-27-67

Not found in my County after diligent search and inquiry.

RAY D. BRIDGES, Sheriff

By E. Jackson D.S.
EXECUTED

This 3 day of May, 1967

by serving a copy of the within on

William Earl Malone
RAY D. BRIDGES, Sheriff

By L. H. Hines D.S.

REC'D. SHERIFF DEPT.
MOBILE COUNTY, ALA.
FEB 16 5 18 PM '67

7376
4451-52
AUDREY OVERSTREET,
4132
4133
Plaintiff,

vs:

297 [Signature]

WILLIAM EARL MALONE, SR. and
WILLIAM EARL MAONE, JR. [Signature]

Defendant.

SUMMONS & COMPLAINT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED
FEB 14 1967
ALICE J. DUCK, CLERK
REGISTERED

James R. Owen, Atty.