

FOREMAN & BROWN  
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA  
36602

AREA CODE 205  
432-2792

ALEXANDER FOREMAN, JR. (1914-1966)  
ALTON R. BROWN, JR.  
JAMES A. JOHNSTON

August 28, 1967

Hon. C. LeNoir Thompson  
Attorney-at-law  
Bay Minette, Alabama

RE: Earl Cottle Vs. Rudolph A. Taylor  
Case No. 7593.

Dear Mr. Thompson:

We have just recently received the court setting on the above case from Mrs. Duck, in which your personal injury claim against Rudolph A. Taylor is set for trial on Thursday, September 21, 1967.

This letter is to seek assistance from you and the court as well as Mrs. Duck in the event this firm is unable to be present in court on September 21, 1967.

Unfortunately, I have a case set for trial in the Circuit Court on Wednesday, September 20, 1967, and this trial will last probably two days. At least last year when the matter was tried it lasted for two days and in my understanding there will probably be more witnesses. Hence, you can see that I will be tied up on September 21st in the event the matter does last for two days.

On Thursday, September 21, 1967, we are attorneys for the defendant in case no. 277 which is set for trial in the Circuit Court of Washington County, Alabama. We do not know as yet if this case will be tried or settled.

In the event it is tried, Mr. Brown will handle the matter and that will exhaust both lawyers in this firm.

Then, on Friday, September 22nd, I represent the defendant in a personal injury suit in Federal Court.

So, you can see that on Wednesday, Thursday and Friday, September 20 through 22nd, this firm will have cases set for trial.

August 28, 1967

It may be that one or more can be settled and we could meet our commitment in Judge Mashburn's Court. If, however, we cannot, we would appreciate you seeing if the matter can be passed or put on the trial docket at an earlier time without too much confusion resulting in Mrs. Duck's office.

It would be appreciated if you would let us know what suggestions you may have in trying to resolve this matter.

Yours very truly,  
FOREMAN & BROWN

By James A. Johnston

cc: ~~Alice~~ J. Duck, Clerk  
Telfair J. Mashburn, Judge

JAJ/mh

AMENDED COMPLAINT

EARL COTTLE

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

RUDOLPH A. TAYLOR

X

AT LAW

NO. \_\_\_\_\_

Defendant

X

Comes the plaintiff in the above styled cause and amends his complaint heretofore filed in said cause to read as follows:

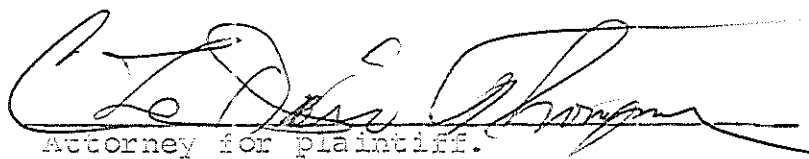
-1-

Plaintiff claims of the defendant Rudolph A. Taylor the sum of Ten Thousand (\$10,000.00) Dollars as damages for that heretofore on to-wit, August 18, 1966, at about 4:15 P.M. said plaintiff was operating an automobile on a public highway in Baldwin County, to-wit: Alabama Highway No. 138 at a point about four miles from Bay Minette near Southern Bell T & T pole No. 33 where he had a right to be and defendant Rudolph A. Taylor so negligently operated the automobile which he was then and there operating so as to run into, upon, over, or against the automobile which your said plaintiff was then and there operating and your said plaintiff avers as a proximate consequence thereof, he was sorely and severely injured, suffering a broken leg, other broken bones, bruises and contusions, causing your plaintiff great pain and suffering; all of which damages were proximately caused by the said negligence of said defendant in the negligent operation of his said motor vehicle at the time and place and on the occasion as aforesaid.

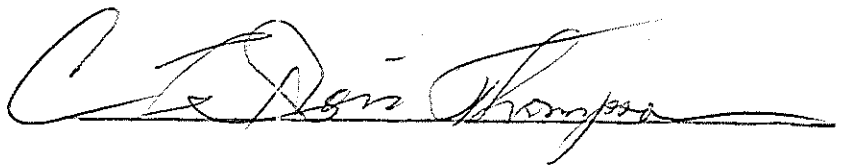
-2-

Plaintiff claims of the defendant, Rudolph A. Taylor, the sum of Five Hundred (\$500.00) Dollars as damages for that heretofore on to-wit, August 18, 1966, about 4:15 P.M. said plaintiff was operating a motor vehicle on a public highway in Baldwin

County, to-wit, Alabama Highway No. 138 at a point about four miles from the City of Bay Minette at or near Southern Bell T & T Pole No. 33 where he had a right to be and defendant, Rudolph A. Taylor so negligently operated his said motor vehicle which he was then and there operating so as to run into, over, upon, or against the said motor vehicle which your said plaintiff was then and there operating and that as a proximate consequence thereof, his said motor vehicle was totally damaged, all of which damages were proximately caused by the said negligence of the said defendant in the negligent operation of his said motor vehicle at the time and place and on the occasion aforesaid.

  
Attorney for plaintiff.

I hereby certify that I have on this 31st day of July, 1967, served a copy of the foregoing amended complaint on Honorable James A. Johnston, attorney for defendant by depositing copy of same in the U. S. Mail, postage prepaid to his address in Mobile, Alabama.



**FILED**

JUL 31 1967

**ALICE J. DUCK** CLERK  
REGISTER

WE THE JURY FIND FOR THE DEFENDENT -

*Joe C. Davis*  
*FOREMAN*

75-93

EARL COTTLE

PLAINTIFF

VS

RUDOLPH A TAYLOR

DEFENDANT

**FILED**

JUL 31 1967

**ALICE J. DUCK**

CLERK  
REGISTER

EARL COTTLE,

Plaintiff,

VS

Rudolph A. TAYLOR,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 7593

ANSWER

Comes now the Defendant, Rudolph A. Taylor, and for Answer to the Complaint as last amended and to each count thereof files the following separatee and several pleas:

1. Not Guilty
2. For at the time and place alleged the Plaintiff was himself guilty of negligence in that he so negligently operated the motor vehicle he was operating at said time and place as to collide with this Defendant's automobile and as a proximate result of his own negligence as aforesaid the Plaintiff was allegedly injured and damaged and hence ought not to recover of this Defendant.

FOREMAN & BROWN

BY:

*James A. Johnston*  
James A. Johnston

**FILED**

SEP 21 1967

**ALICE J. DUCK** CLERK  
REGISTER

EARL COTTLE

Plaintiff

vs

RUDOLPH A. TAYLOR

Defendant

X

X

X

X

X

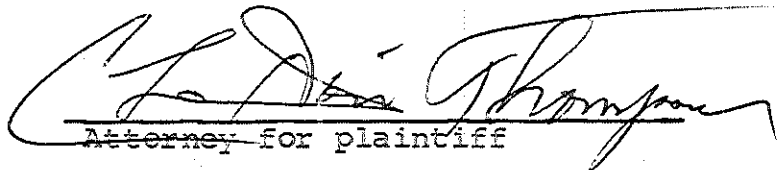
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

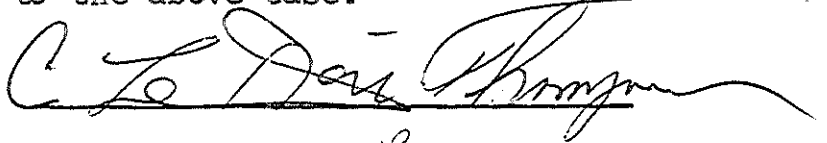
AT LAW NO. 7593

Comes Earl Cottle by his attorney of record, C. LeNoir Thompson and respectfully applies to the Circuit Court of Baldwin County, to issue a subpoena duces tecum directed to the Superintendent of medical records of Mobile General Hospital requiring him or her, to furnish the plaintiff for use in Court, the medical records of Earl Cottle compiled during his time as a patient in said hospital beginning August 18, 1966, and ending August 24, 1966.

Said records to be available for use in the Circuit Court of Baldwin County at the present term to be holden at the Courthouse on to-wit, Thursday, September 21, 1967, at 9:00 A.M. The said medical records to be used as evidence in the case of Earl Cottle vs. Rudolph A. Taylor.

  
Attorney for plaintiff

Before me, the undersigned authority, personally appeared C. LeNoir Thompson who being duly sworn, deposes and says that he is attorney of record for Earl Cottle and that the medical records presently in the Mobile General Hospital applying to the diagnosis and treatment of Earl Cottle while a patient there from August 18 through August 24, 1966, are pertinent and material to the above case.



Sworn to and subscribed before me this 18 day of September, 1967.

  
Notary Public, Baldwin County, Alabama

**FILED**

SEP 18 1967

**ALICE J. DUCK** CLERK  
REGISTER

EARL COTTLE

Plaintiff

vs

RUDOLPH A. TAYLOR

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 7593

The ends of justice requiring it, and it appearing to the satisfaction of the court that the following books, writings, documents or things:

All medical records of Earl Cottle compiled during his time as a patient in Mobile General Hospital, Mobile, Alabama, beginning August 18, 1966, and ending August 24, 1966, are in the possession of the Superintendent of Medical Records of Mobile General Hospital, Mobile, Alabama, who is not a party to this cause, and that the same are necessary for use as testimony in this cause, it is therefore

ORDERED that the Clerk do forthwith issue to the said Superintendent of Medical Records of Mobile General Hospital, Mobile, Alabama, a subpoena duces tecum requiring him or her instantler to produce to the court the books, writings, documents or things herein above described.

Dated this the 18<sup>th</sup> day of September, 1967.

Jessie H. Moulton  
Circuit Judge.

**FILED**

SEP 18 1967

**ALICE J. DUCK** CLERK  
REGISTER





EARL COTTLE,  
Plaintiff,  
Vs.  
RUDOLPH A. TAYLOR,  
Defendant.

\* IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
\* ALABAMA  
AT LAW  
\* CASE NO: 7593

DEMURRER TO COMPLAINT

Comes now the defendant, Rudolph A. Taylor, and demurs to the plaintiff's complaint filed herein and each count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against this defendant.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.
6. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.
7. For that the averments set up, if true, do not show any liability on the part of this defendant.
8. For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9. For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10. Facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

11. It is not alleged with sufficient certainty where said accident occurred.

12. For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

13. It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.

FOREMAN & BROWN,  
Attorneys for defendant

BY James A. Johnston  
James A. Johnston

CERTIFICATE OF SERVICE

I do hereby certify that I have on this \_\_\_\_\_  
day of \_\_\_\_\_, 196\_\_\_\_, served a copy of the  
complaint on counsel for all parties to this  
cause by mailing the same by United States mail,  
properly addressed, and first class postage prepaid.

FILED  
JUL 26 1960

ALICE J. DICK, CLERK

EARL COTTLE	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BAWDWIN COUNTY, ALABAMA
RUDOLPH A. TAYLOR	X	AT LAW NO. <u>2593</u>
Defendant	X	

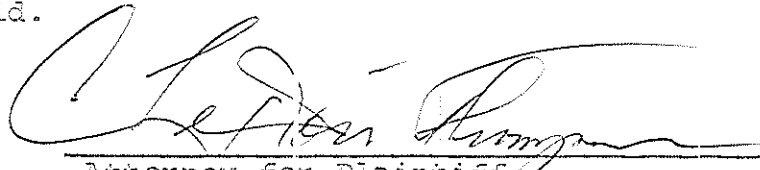
-1-

Plaintiff claims of the defendant Rudolph A. Taylor the sum of Seven Thousand Five Hundred (\$7500.00) Dollars as damages for that heretofore on to-wit, August 18, 1966, at about 4:15 P.M. said plaintiff was operating an automobile on a public highway in Baldwin County, to-wit: Alabama Highway No. 138 at a point about four miles from Bay Minette near Southern Bell T & T pole No. 33 where he had a right to be and defendant Rudolph A. Taylor so negligently operated the automobile which he was then and there operating so as to run into, upon, over, or against the automobile which your said plaintiff was then and there operating and your said plaintiff avers as a proximate consequence thereof, he was sorely and severely injured suffering a broken leg, other broken bones, bruises and contusions all of which damages were proximately caused by the said negligence of said defendant in the negligent operation of his said motor vehicle at the time and place and on the occasion as aforesaid.

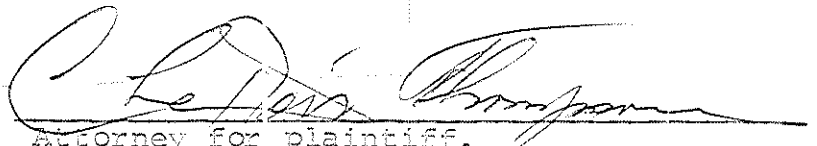
-2-

Plaintiff claims of the defendant, Rudolph A. Taylor the sum of Five Hundred (\$500.00) Dollars as damages for that heretofore on to-wit, August 18, 1966, about 4:15 P.M. said plaintiff was operating a motor vehicle on a public highway in Baldwin County, to-wit, Alabama Highway No. 138 at a point about four miles from the City of Bay Minette at or near Southern Bell T & T Pole No. 33 where he had a right to be and defendant, Rudolph A. Taylor so negligently operated his said motor vehicle which he was then and there operating so as to run into, over, upon, or against the said motor vehicle which your said plaintiff was then and there operating and that as a proximate consequence thereof, his said motor vehicle was totally damaged, all of which damages were proximately caused by the said negligence of the said defendant in the negligent opera-

tion of his said motor vehicle at the time and place and  
on the occasion aforesaid.

  
Attorney for Plaintiff.

Plaintiff respectfully requests trial by jury.

  
Attorney for plaintiff.

FILED  
JUN 29 1967  
ALICE L. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 75-92

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Rudolph A. Taylor

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.....

Rudolph A. Taylor

....., Defendant.....

by Earl Cottle

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

Witness my hand this.....29.....day of.....June.....1967.....

24 7-12-67

Alice J. Creek Clerk

C. L. Thompson

No. 7593

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

EARL COTTE

Plaintiffs

vs.

RUDOLPH A. TAYLOR

Defendants

SUMMONS AND COMPLAINT

Filed 1967 19.....

JUN 20 1967

Clerk

ALICE J. DICK  
CLERK  
REGISTER

*C. Lewis Thompson*  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at  
810 E. 9th St.  
Bay Minette, Alabama

RECEIVED  
Received In Office

JUN 29 1967 19.....

TAYLOR WILKINS, Sheriff

I have executed this summons

this July 12 1967

by leaving a copy with

*Rudolph Taylor*

*Taylor Wilkins* Sheriff

*W. C. Zeller* Deputy Sheriff