



MABEL AMOS  
SECRETARY OF STATE

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY 4, ALABAMA  
August 25, 1967

Kenneth Joseph Wright  
Route 2, Box 74  
Miltog, Florida 32570

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
DELIVER TO ADDRESSEE ONLY

You will take notice that on August 25, 1967 the Sheriff of  
Montgomery County, Alabama, served upon me, in my official capacity, Summons and Com-  
plaint in a case entitled: FOREST A. CHRISTIAN

Plaintiff VS KENNETH JOSEPH WRIGHT, et al

Defendant s in the CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

Case No. 7694 true copy of which Summons and Complaint is attached hereto and  
the said service upon me as Secretary of State of the State of Alabama has the force and effect  
of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 25th  
day of August, 1967

Mabel Amos  
Secretary of State

Enclosure : Copy of Summons and Complaint  
cc: Honorable Alice J. Duck, Clerk Register  
Please deliver this copy to Attorney  
as we are unable to Read his Signature.

August 30, 1967

FOREST A. CHRISTIAN, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

VS

BITUCRETE, INC., A CORPORATION, et al,  
Defendants

CASE NO. 7694

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on August 25, 1967  
I sent by certified mail in an envelope addressed as follows:" Bitucrete, Inc.  
Pensacola, Florida 32501""Certified Mail—  
Return Receipt Requested  
~~XXXXXXXXXXXXXXXXXXXX~~"bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of  
the State of Alabama in words and figures as follows:" Bitucrete, Inc.  
Pensacola, Florida 32501You will take notice that on August 25, 1967 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: FOREST A. CHRISTIAN, Plaintiff VS BITUCRETE, INC., A CORPORATION,  
et al, Defendantsin the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 7694 a true copy of which summons and complaint is attached hereto  
and the said service upon me as Secretary of State of the State of Alabama has the force and  
effect of personal service upon you.WITNESS MY HAND and the Great Seal of the State of Alabama this the 25th  
day of August, 1967

Enclosure (1)

(Signed) Mabel Amos  
Secretary of State"I further certify that the notice above set out which was so mailed in the envelope addressed  
as above set forth had attached to it a true copy of the summons and complaint in the above-styled  
cause.I further certify that on August 30, 1967 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Pensacola, Fla.  
on August 29, 1967WITNESS MY HAND and the Great Seal of the State of Alabama this the 30th day  
of August, 1967Mabel Amos  
Secretary of StateEnclosures: Return Receipt Card and copy  
of Summons and Complaint.CC: Honorable Alice J. Duck, Clerk Register  
Please deliver this copy to Attorney  
as we are unable to read his signature.

STATE OF ALABAMA )  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Kenneth Joseph Wright and Bitucrete, Inc., a corporation, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Forest A. Christian.

WITNESS my hand this 22 day of August, 1967.

*Reed J. Alrich*  
Clerk

The address of the defendant, Kenneth Joseph Wright, is Route 2, Box 74, Milton, Florida.

The address of the defendant, Bitucrete, Inc., a corporation, is Pensacola, Florida.

\* \* \* \* \*

FOREST A. CHRISTIAN,

Plaintiff,

VS.

KENNETH JOSEPH WRIGHT and  
BITUCRETE, INC., a corporation,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

708.7694

C O M P L A I N T

COUNT ONE

The plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Ten Thousand Dollars (\$10,000.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle as to cause it to run into, upon or against the automobile of plaintiff which he was then and there driving and where he had a right to be and as a proximate result of the negligence of the said defendant the plaintiff was injured and damaged as follows:

he suffered six fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knees and he was made sick, sore and nervous. Plaintiff further avers that he was put to much expense in and about the treatment of his said injuries for doctors and hospital bills and further avers that all of his said injuries and damages were caused as a result of the negligence of the said defendant at said time and place, hence this suit.

#### COUNT TWO

Plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle so as to cause it to run into, upon or against the motor vehicle of plaintiff, which he was driving at said time and place and where he had a right to be and as a proximate result of the negligence of the said defendant plaintiff suffered the following damages: his automobile was completely destroyed; his attaché case, one suit of clothes and other personal property was damaged and destroyed, all to his damages aforesaid, hence this suit.

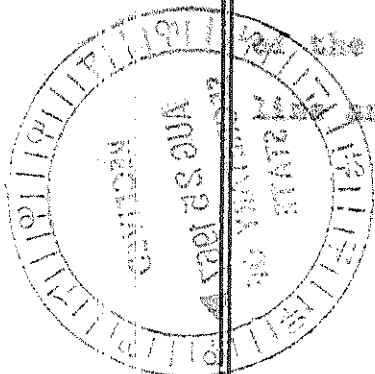
#### COUNT THREE

Plaintiff claims of the defendants Ten Thousand Dollars (\$10,000.00) damages for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Edcrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause it to run into, upon or against the motor vehicle of plaintiff, who was operating his vehicle at said time and place where he had a right to be and as a proximate result of the negligence of the said

defendant, plaintiff was injured as follows: he suffered a fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knee and he was made sick, sore and nervous. Plaintiff avers that all of his injuries were caused as a result of the negligence of the said defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the said defendant, Bitumate, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, hence this suit.

COUNT FOUR

Plaintiff claims of the defendants Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitumate, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause the said motor vehicle to run into, upon or against the motor vehicle of plaintiff, who was then and there operating his motor vehicle at said time and place at a place where he had a right to be and as a proximate result of the negligence of the said defendant, plaintiff was damaged as follows: his automobile was completely destroyed; his attache case, one suit of clothes and other personal property were damaged and destroyed, all to his damages aforesaid. Plaintiff further avers that all of his damages at said time and place were the proximate cause of the negligence of the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitumate, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee.




FILED

AUG 22 1967

ALICE J. DUCK

CLERK  
REGISTER

  
Attorney for Plaintiff

September 6, 1967

FOREST A. CHRISTIAN, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

VS

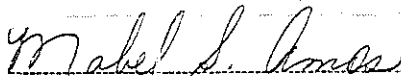
KENNETH JOSEPH WRIGHT, et al,  
Defendants

CASE NO. 7694

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on August 25, 1967  
I sent by certified mail in an envelope addressed as follows:" Kenneth Joseph Wright  
Route 2, Box 74  
Milton, Florida 32570""Certified Mail—  
Return Receipt Requested  
Deliver to Addressee Only"bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of  
the State of Alabama in words and figures as follows:" Kenneth Joseph Wright  
Route 2, Box 74  
Milton, Florida 32570You will take notice that on August 25, 1967 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: FOREST A. CHRISTIAN, Plaintiff VS KENNETH JOSEPH WRIGHT, et  
al, Defendantsin the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 7694 a true copy of which summons and complaint is attached hereto  
and the said service upon me as Secretary of State of the State of Alabama has the force and  
effect of personal service upon you.WITNESS MY HAND and the Great Seal of the State of Alabama this the 25th  
day of August, 1967

Enclosure (1)

(Signed) Mabel S. Amos  
Secretary of StateI further certify that the notice above set out which was so mailed in the envelope addressed  
as above set forth had attached to it a true copy of the summons and complaint in the above-styled  
cause.I further certify that on September 6, 1967 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Milton, FL  
on August 5, 1967WITNESS MY HAND and the Great Seal of the State of Alabama this the 6th day  
of September, 1967Mabel Amos  
Secretary of StateEnclosures: Return Receipt Card and copy  
of Summons and Complaint.CC: Honorable Alice J. Duck, Clerk Register-  
PLEASE DELIVER THIS COPY TO ATTORNEY  
AS WE ARE UNABLE TO READ HIS SIGNATURE.

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Kenneth Joseph Wright and Bitucrate, Inc., a corporation, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Forest A. Christian.

WITNESS my hand this 22 day of August, 1967.

*Deane J. Leach*  
Clerk

The address of the defendant, Kenneth Joseph Wright, is Route 2, Box 74, Milton, Florida.

The address of the defendant, Bitucrate, Inc., a corporation, is Pensacola, Florida.

\* \* \* \* \*

FOREST A. CHRISTIAN,

Plaintiff,

vs.

KENNETH JOSEPH WRIGHT and  
BITUCRATE, INC., a corporation,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

726.7694

# COMPLAINT

## COUNT ONE

The plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Ten Thousand Dollars (\$10,000.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle so as to cause it to run into, upon or against the automobile of plaintiff which he was then and there driving and where he had a right to be and as a proximate result of the negligence of the said defendant the plaintiff was injured and damaged as follows:

he suffered six fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knee and he was made sick, sore and nervous. Plaintiff further avers that he was put to much expense in and about the treatment of his said injuries for doctors and hospital bills and further avers that all of his said injuries and damages were caused as a result of the negligence of the said defendant at said time and place, hence this suit.

#### COUNT TWO

Plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle so as to cause it to run into, upon or against the motor vehicle of plaintiff, which he was driving at said time and place and where he had a right to be and as a proximate result of the negligence of the said defendant plaintiff suffered the following damages: his automobile was completely destroyed; his attache case, one suit of clothes and other personal property was damaged and destroyed, all to his damages aforesaid, hence this suit.

#### COUNT THREE

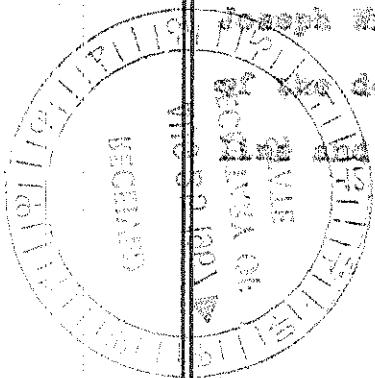
Plaintiff claims of the defendants Ten Thousand Dollars (\$10,000.00) damages for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bimcrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause it to run into, upon or against the motor vehicle of plaintiff, who was operating his vehicle at said time and place where he had a right to be and as a proximate result of the negligence of the said



defendant, plaintiff was injured as follows: he suffered six fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knee and he was made sick, sore and nervous. Plaintiff avers that all of his injuries were caused as a result of the negligence of the said defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the said defendant, Bitucrate, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, hence this suit.

COUNT FOUR

Plaintiff claims of the defendants Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitucrate, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause the said motor vehicle to run into, upon or against the motor vehicle of plaintiff, who was then and there operating his motor vehicle at said time and place at a place where he had a right to be and as a proximate result of the negligence of the said defendant, plaintiff was damaged as follows: his automobile was completely destroyed; his attache case, one suit of clothes and other personal property were damaged and destroyed, all to his damages aforesaid. Plaintiff further avers that all of his damages at said time and place were the proximate cause of the negligence of the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitucrate, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee.



FILED

AUG 22 1967

ALICE J. DUCK

CLERK  
REGISTER

  
Attorney for Plaintiff

FOREST A CHRISTIAN, )  
 )  
 Plaintiff )  
 )  
 vs. ) CIVIL ACTION  
 )  
 KENNETH JOSEPH WRIGHT and ) NO. \_\_\_\_\_  
 BITUCRETE, INC., a corporation, )  
 )  
 Defendants )  
 )

Mr. E. G. Rickarby  
P. O. Box 471  
Fairhope, Alabama

This notice is given you in accordance with the provisions of  
Title 28, Section 1446(e), United States Code.

Inge, Twitty, Duffy & Prince

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

FOREST A. CHRISTIAN,

Plaintiff

vs.

KENNETH JOSEPH WRIGHT and  
BITUCRETE, INC., a corporation,

Defendants

CIVIL ACTION

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

PETITION FOR REMOVAL OF CAUSE TO FEDERAL COURT

Appearing specially for the purpose of filing this Petition, and without submitting to the jurisdiction of this Court to take any action other than action upon this Petition, now come your Petitioners, KENNETH JOSEPH WRIGHT and BITUCRETE, INC., defendants in the above entitled cause, by and through their attorneys in the above entitled cause, and present and file this, their Petition for removal of the above entitled cause from the Circuit Court of Baldwin County, Alabama, to the District Court of the United States for the Southern District of Alabama, Southern Division thereof, held in the City of Mobile, Alabama, and respectfully show in support thereof the following:

1. This cause was filed by the above named Plaintiff in the Circuit Court of Baldwin County, Alabama, on, to-wit: the 22nd day of August, 1967, and was commenced by the filing of the complaint and issuance of a summons thereon. The complaint seeks a recovery of TEN THOUSAND FIVE HUNDRED AND NO/100 (\$10,500.00) DOLLARS, as damages, which Plaintiff claims for personal injuries and property damage allegedly suffered when the automobile which he was driving collided with the automobile operated by the Defendant, Kenneth Joseph Wright, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, State of Alabama, on the

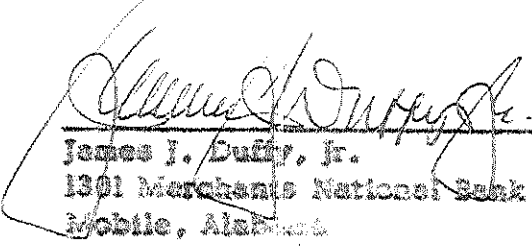
29th day of September, 1966, allegedly because of the negligence of Petitioner, Kenneth Joseph Wright.

2. Copies of the complaint and summons which were issued in this cause are attached hereto and made a part hereof. Said complaint and summons were served on Petitioner, Bitucrete, Inc., on, to-wit, the 25th day of August, 1967, and are the only pleadings, orders and process which have been heretofore served on Petitioners in this cause.

3. Petitioners further show that the above entitled cause is one of a civil nature and is a suit for the recovery of TEN THOUSAND FIVE HUNDRED AND NO/100 (\$10,500.00) DOLLARS, and that the amount in controversy exceeds the sum of TEN THOUSAND DOLLARS (\$10,000.00), exclusive of interest and costs.

4. Forest A. Christian, the Plaintiff in this cause, was at the commencement of this suit, and still is a citizen and resident of the State of Alabama, and Petitioners were at the commencement of this suit and still are citizens and residents of the State of Florida.

5. Petitioners file herewith a good and sufficient bond, such as is required by law, conditioned that Petitioners will pay all costs and disbursements which may be awarded by this Court, if this Court shall determine that this suit was not removable by Petitioners or was wrongfully or improperly removed hereto by Petitioners.

  
James J. Duffy, Jr.  
1301 Merchants National Bank Building  
Mobile, Alabama

OF COUNSEL:

Inge, Twitty, Duffy & Prince

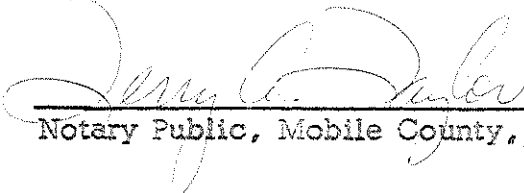
STATE OF ALABAMA)

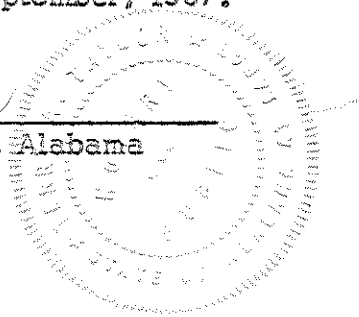
COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority, JAMES J. DUFFY, JR., whose name is signed above and who is known to me, and who being by me first duly sworn on oath doth depose and say that he is one of the attorneys in the above entitled cause for Kenneth Joseph Wright and Bitucrete, Inc., that he is familiar with the allegations of the foregoing Petition; that he is informed and believes that the allegations of said Petition are true and correct; and that upon such information and belief he states the allegations of said Petition are true and correct.

  
James J. Duffy, Jr.

Subscribed and sworn to before me this 12th day of September, 1967.

  
Notary Public, Mobile County, Alabama





MABEL AMOS  
SECRETARY OF STATE

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

August 25, 1967

Bitucrete, Inc.  
Pensacola, Florida 32501

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
~~DELIVER TO ADDRESSEE ONLY~~

You will take notice that on August 25, 1967 the Sheriff of  
Montgomery County, Alabama, served upon me, in my official capacity, Summons and Com-  
plaint in a case entitled: FOREST A. CHRISTIAN

Plaintiff VS BITUCRETE, INC., A CORPORATION,  
et al

Defendant s in the CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

Case No. 7694 true copy of which Summons and Complaint is attached hereto and  
the said service upon me as Secretary of State of the State of Alabama has the force and effect  
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WITNESS MY HAND and the Great Seal of the State of Alabama this the 25th  
day of August, 1967

Mabel Amos  
Mabel Amos  
Secretary of State

Enclosure : Copy of Summons and Complaint  
CC: Honorable Alice J. Duck, Clerk Register  
Please deliver this copy to Attorney  
as we are unable to read his Signature.

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Kenneth Joseph Wright and Bitucrete, Inc., a corporation, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Forest A. Christian.

WITNESS my hand this 22 day of August, 1967.

*Alfred J. Black*  
Clerk

The address of the defendant, Kenneth Joseph Wright, is, Route 2, Box 74, Milton, Florida.

The address of the defendant, Bitucrete, Inc., a corporation, is Pensacola, Florida.

\* \* \* \* \*

FOREST A. CHRISTIAN,

Plaintiff,

VS.

KENNETH JOSEPH WRIGHT and  
BITUCRETE, INC., a corporation,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

MO. 76.94

# COMPLAINT

## COUNT ONE

The plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Ten Thousand Dollars (\$10,000.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle so as to cause it to run into, upon or against the automobile of plaintiff which he was then and there driving and where he had a right to be and as a proximate result of the negligence of the said defendant the plaintiff was injured and damaged as follows:

he suffered six fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knee and he was made sick, sore and nervous. Plaintiff further avers that he was put to much expense in and about the treatment of his said injuries for doctors and hospital bills and further avers that all of his said injuries and damages were caused as a result of the negligence of the said defendant at said time and place, hence this suit.

#### COUNT TWO

Plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle so as to cause it to run into, upon or against the motor vehicle of plaintiff, which he was driving at said time and place and where he had a right to be and as a proximate result of the negligence of the said defendant plaintiff suffered the following damages: his automobile was completely destroyed; his attache case, one suit of clothes and other personal property was damaged and destroyed, all to his damages aforesaid, hence this suit.

#### COUNT THREE

Plaintiff claims of the defendants Ten Thousand Dollars (\$10,000.00) damages for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Edcrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause it to run into, upon or against the motor vehicle of plaintiff, who was operating his vehicle at said time and place where he had a right to be and as a proximate result of the negligence of the said



defendant, plaintiff was injured as follows: he suffered six fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knee and he was made sick, sore and nervous. Plaintiff avers that all of his injuries were caused as a result of the negligence of the said defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the said defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, hence this suit.

#### COUNT FOUR

Plaintiff claims of the defendants Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause the said motor vehicle to run into, upon or against the motor vehicle of plaintiff, who was then and there operating his motor vehicle at said time and place at a place where he had a right to be and as a proximate result of the negligence of the said defendant, plaintiff was damaged as follows: his automobile was completely destroyed; his attache case, one suit of clothes and other personal property were damaged and destroyed, all to his damages aforesaid. Plaintiff further avers that all of his damages at said time and place were the proximate cause of the negligence of the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee.

FILED

AUG 22 1967

ALICE J. DUCK

CLERK  
REGISTER

  
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

FOREST A. CHRISTIAN, )

Plaintiff )

vs. )

CIVIL ACTION

KENNETH JOSEPH WRIGHT and )  
BITUCRETE, INC., a corporation, )

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

Defendants )

KNOW ALL MEN BY THESE PRESENTS: That the undersigned KENNETH JOSEPH WRIGHT and BITUCRETE, INC., Principals, acting herein by and through one of their attorneys in the above entitled cause, being duly authorized in the premises, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation, as Surety, are held and firmly bound unto FOREST A. CHRISTIAN, Plaintiff in the above entitled cause, in the sum of FIVE HUNDRED and No/100 (\$500.00) DOLLARS, for the payment of which well and truly to be made, the undersigned, and each of the undersigned, do bind themselves, their successors and assigns, jointly, severally and firmly by these presents.

DATED this 12th day of September, 1967.

The condition of this obligation is such that whereas said KENNETH JOSEPH WRIGHT and BITUCRETE, INC., the principal obligors, have applied to the District Court of the United States for the Southern District of Alabama, Southern Division thereof, to remove a cause from the Circuit Court of Baldwin County, Alabama, wherein the said FOREST A. CHRISTIAN is the Plaintiff and Petitioners are defendants, to the District Court of the United States for the Southern District of Alabama, Southern Division thereof, held in the City of Mobile, Alabama, and that all further action in the Circuit Court aforesaid be stayed.

NOW, THEREFORE, if the Petitioners shall pay all costs and disbursements that may be awarded by the United States District Court if the said

District Court shall hold that such suit was not removable or was wrongfully removed thereto, then this obligation shall be void, otherwise to be and remain in full force and effect.

KENNETH JOSEPH WRIGHT and  
BITUCRETE, INC., a corporation.

By: *Charles B. Dwyer*  
As One of Their Attorneys

PRINCIPALS

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, a corporation,

By: *B. B. Dwyer*  
As its Attorney-in-Fact

SURETY

ACCEPTED AND APPROVED on this \_\_\_\_\_ day of September, 1957.

August 30, 1967

FOREST A. CHRISTIAN, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

VS

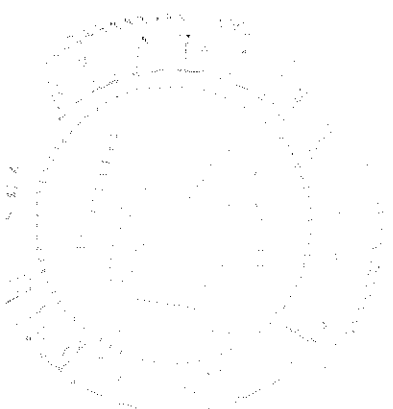
BITUCRETE, INC., A CORPORATION, et al,  
Defendants

CASE NO. 7694

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on August 25, 1967  
I sent by certified mail in an envelope addressed as follows:" Bitucrete, Inc.  
Pensacola, Florida 32501""Certified Mail—  
Return Receipt Requested  
~~XXXXXXXXXXXXXXXXXXXX~~"bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of  
the State of Alabama in words and figures as follows:" Bitucrete, Inc.  
Pensacola, Florida 32501You will take notice that on August 25, 1967 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: FOREST A. CHRISTIAN, Plaintiff VS BITUCRETE, INC., A CORPORATION,  
et al, Defendantsin the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 7694 a true copy of which summons and complaint is attached hereto  
and the said service upon me as Secretary of State of the State of Alabama has the force and  
effect of personal service upon you.WITNESS MY HAND and the Great Seal of the State of Alabama this the 25th  
day of August, 1967

Enclosure (1)

(Signed) Mabel Amos  
Secretary of State"I further certify that the notice above set out which was so mailed in the envelope addressed  
as above set forth had attached to it a true copy of the summons and complaint in the above-styled  
cause.I further certify that on August 30, 1967 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Pensacola, Fla.  
on August 29, 1967WITNESS MY HAND and the Great Seal of the State of Alabama this the 30th day  
of August, 1967Mabel Amos  
Secretary of StateEnclosures: Return Receipt Card and copy  
of Summons and Complaint.✓ CC: Honorable Alice J. Duck, Clerk Register  
Please deliver this copy to Attorney  
as we are unable to read his signature.

STATE OF ALABAMA )  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Kenneth Joseph Wright and Bitucrete, Inc., a corporation, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Forest A. Christian.

WITNESS my hand this 22 day of August, 1967.

David L. Louch  
Clerk

The address of the defendant, Kenneth Joseph Wright, is Route 2, Box 74, Milton, Florida.

The address of the defendant, Bitucrete, Inc., a corporation, is Pensacola, Florida.

\* \* \* \* \*

FOREST A. CHRISTIAN,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
KENNETH JOSEPH WRIGHT and	)	AT LAW
BITUCRETE, INC., a corporation,	)	<u>no. 7694</u>
Defendants.	)	

C O M P L A I N T  
COUNT ONE

The plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Ten Thousand Dollars (\$10,000.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle so as to cause it to run into, upon or against the automobile of plaintiff which he was then and there driving and where he had a right to be and as a proximate result of the negligence of the said defendant the plaintiff was injured and damaged as follows:

he suffered six fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knee and he was made sick, sore and nervous. Plaintiff further avers that he was put to much expense in and about the treatment of his said injuries for doctors and hospital bills and further avers that all of his said injuries and damages were caused as a result of the negligence of the said defendant at said time and place, hence this suit.

#### COUNT TWO

Plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, at a point on U. S. Highway 90 where it intersects with Baldwin County Highway 65 in Baldwin County, Alabama, the said defendant so negligently operated a motor vehicle so as to cause it to run into, upon or against the motor vehicle of plaintiff, which he was driving at said time and place and where he had a right to be and as a proximate result of the negligence of the said defendant plaintiff suffered the following damages: his automobile was completely destroyed; his attache case, one suit of clothes and other personal property was damaged and destroyed, all to his damages aforesaid, hence this suit.

#### COUNT THREE

Plaintiff claims of the defendants Ten Thousand Dollars (\$10,000.00) damages for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitumcrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause it to run into, upon or against the motor vehicle of plaintiff, who was operating his vehicle at said time and place where he had a right to be and as a proximate result of the negligence of the said


defendant, plaintiff was injured as follows: he suffered six fractured ribs; his shoulder was bruised and injured; both of his ankles and left elbow were bruised and injured; he suffered cuts and bruises on his knee and he was made sick, sore and nervous. Plaintiff avers that all of his injuries were caused as a result of the negligence of the said defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the said defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, hence this suit.

#### COUNT FOUR

Plaintiff claims of the defendants Five Hundred Dollars (\$500.00) for that heretofore on to-wit, September 29, 1966, the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, so negligently operated a motor vehicle on U. S. Highway 90 at a point where it intersects Baldwin County Highway 65 in Baldwin County, Alabama, so as to cause the said motor vehicle to run into, upon or against the motor vehicle of plaintiff, who was then and there operating his motor vehicle at said time and place at a place where he had a right to be and as a proximate result of the negligence of the said defendant, plaintiff was damaged as follows: his automobile was completely destroyed; his attache case, one suit of clothes and other personal property were damaged and destroyed, all to his damages aforesaid. Plaintiff further avers that all of his damages at said time and place were the proximate cause of the negligence of the defendant, Kenneth Joseph Wright, who was then and there an agent, servant or employee of the defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee.

**FILED**

AUG 22 1967

  
Attorney for Plaintiff

**ALICE J. DUCK**

CLERK  
REGISTER