

## 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 Augus	the Sheriff of
Montgomery County, Alabama, served upon	n me, in my official capacity, Summons and Com-
plaint in a case entitled: FOREST A. CHRIS	TIAN
	aintiff VS KENNETH JOSEPH WRIGHT, et al
	CIRCUIT COURT OF PAIGUIN
	endant S in the CIRCUIT COURT OF BALDWIN
Case No. 7694 true copy of which	Summons and Complaint is attached hereto and
the said service upon me as Secretary of Stat	te of the State of Alabama has the force and effect
of personal service upon you.	
WITNESS MY HAND and the Great Sea	al 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. Buck, 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"

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 32501

You 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, Defendants

in 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, 1967

WITNESS MY HAND and the Great Seal of the State of Alabama this the 30th of August, 1967

day

Mabel Amos Secretary of State

Secretary of State

Enclosures: 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 SECRIPP OF THE STATE OF ALABADIA:

Iou are hereby commanded to summon Kenneth Joseph Wright and Bitucrete, Inc., a corporation, to appear within thirty days from the service of this erit 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.

WITEEES by hand this 12 day of August, 1967.

and the second contract contract is a contract of the second contrac

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

The address of the defendant, Bitucrata, Inc., a corporation, is Fenancola, Florida.

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FOREST A. ORRITORIA.

Plaintiff.

YS.

RINGRED, INC., a corporation,

Defendants.

IR THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

20.7694

GOMPLAINT

COUNT ONE

The plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Ten Thousand Dellars (\$10,000.00) for that here of fore on to-wit, September 29, 1966, as a point on U. S. Mighway 90 where it intersects with Daldwin County Mighway 65 in Paldwin 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 know and he was made sick, sore and nervous. Plaintiff further evers that he was put to much expense in and about the treatment of his said injuries for doctors and hospital bills and further evers 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.

#### COURT TWO

Plaintiff claims of the defendant, Kenneth Joseph Bright, the sum of Five Bundred Dellars (\$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 of plaintiff, which he was driving at said time and place and where he had a right to be and as a province result of the negligence of the said defendant plaintiff suffered the following demages: his automobile was completely destroyed; his attacks case, one suit of clothes and other personal property was damaged and destroyed, all to his damages aforesaid, hence this suit.

#### CART THERE

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 Bright, who was then and there an agent, servant or employee of the defendant, Bimerete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee so nugligently 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 each 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, Piturete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, hence this suit.

#### count rom

Plaintiff claims of the defendants Five Sundred Dellare (6500.00) 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, Eltucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, nervant or employee, so negligently operated a motor vehicle on V. S. Highway 90 at a point where it intersects Saldwin County Highway 65 in Daldwin County, Alabama, so as to cause the said motor vokicle to run into, upon or against the motor vokicle 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 clother and other personal property were demaged and destroyed, all to his deveges aforesaid. Plaintiff further evers that all of his demages at said time and place were the proximate cause of the negligence of the defendant, Lennth Joseph Wright, who was then and there an agent, servant or employed to the defendent, Eftuarete, Inc., a corporation, acting within the libe and scope of his authority as such agent, servent or employee.

ASTORDAY OF PLANAITY

AUG 2 2 1967

ALIUZ J. DUDN CLERK REGISTER

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 32570

You 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, Defendants

in 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) MabelSAmos 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 September 6, 1967 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Milton, Fl on August 5, 1967

make S.

WITNESS MY HAND and the Great Seal of the State of Alabama this the

6th

day

of September, 1967

Mabel Amos Secretary of State

Enclosures: 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 SHERIPP OF THE STATE OF ALABAMA:

Tou are hereby commanded to summer Kenneth Joseph Wright and Bituerste, 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 helding the same, then and there to answer the complaint of Forest A. Christian.

WITHERS by hand this \_22-day of August, 1967.

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

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

FORMUT A. CHRISTIAN.

Plaintiff.

¥3.

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

Defandants.

IS THE CIRCUIT COUNT OF BALDWIN COUNTY, ALABAMA

720.7694

COMPLAINT

COURT CHE

The plaintiff claims of the defendant, Kenneth Joseph Wright, the sum of Ten Thousand Dollars (\$10,000.00) for that herecofore 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 nade sick, sore and nervous. Flaintiff further avere that he was put to much expense in and about the treatment of his said injuries for doctor and hospital bills and further avera 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, homes this suit.

#### 00000 200

Plaintiff claims of the defendant, Keeneth Joseph Wright, the sum of Five Bundred 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 of said 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 THERE

Plaintiff claims of the defendants Ten Thousand Bollars (\$10,000.00) damages for that herebofore on to-wit, September 29, 1966, the defendant, Henneth Joseph Bright, 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 at 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 outs and bruises on his knee and he was made sick, sore and norvous.

Plaintiff avers that all of his injuries were caused as a result of the negligence of the said defendant, formath Joseph Wright, who was then and there an agent, servant or employee of the said defendant, Rituerste, 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, Bitmerete, 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 mothr 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 demaged 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 evers that all of his damages at said time and place were the proximate cause of the negligence of the defendant, Kennth Traph Wright, who was then and there an agent, servent or employed tive defendant, Bitacrate, Inc., a corporation, acting within the That and scope of his authority as such agent, servant or employee.

AUG 2 2 1967

NIME DEGIN CLERK REGISTER

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

)	
)	CIVIL ACTION
)	NO,
	) ) )

TO:

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

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

PLEASE BE ADVISED that on the 12th day of September, 1967, at Mobile, Alabama, KENNETH JOSEPH WRIGHT and BITUCRETE, INC., defendants in the above entitled matter, filed in the District Court of the United States for the Southern District of Alabama, Southern Division thereof, a petition to remove the above entitled cause to said District Court of the United States from the Circuit Court of Baldwin County, Alabama. True and correct copies of the petition and bond filed in said cause are attached hereto.

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

James J. Duffy, Jr.

1301 Merchants National Bank Building

Møbile, Alabama

OF COUNSEL:

Inge, Twitty, Duffy & Prince

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

POREST A. CHRISTIAN,		
Plaintlic		
¥5.	<b>)</b>	CIVIL ACTION
MENNETH JOSEPH WRIGHT and BRUCKETE, INC., a corporation.	>	NO .
Defendants	*	
	)	

#### 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:

Court of Baldwin County, Alabama, on, to-with 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/108 (\$10,506.08) 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 33 where it intersects with Baldwin County Righway 65 in Baldwin County, State of Alabama, on the

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

- 2. Copies of the complaint and summons which were issued in this cause are stitched hereto and made a part hereof. Said complaint and summons were served on Patitioner, Bituerate, Inc., on, to-wit, the 25th day of August, 1957, and are the only pleadings, orders and process which have been heretofore served on Patitioners in this cause.
- 3. Petitioners further show that the above emittled 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 emount 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 Alabams, 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. Dully, Jr.

1301 Merchanis National Beak Building

Nable Net

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.

ames J. Dulfty, Jr.

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

Notary Public, Mobile County, Alabama



# State of Alabama OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

August 25, 1967

Bitucrete, Inc. Pensacola, Florida 32501

You will take notice that on	August 25, 1967	the Sheriff of
Montgomery County, Alabama, serv	ed upon me, in my official	capacity, Summons and Com-
plaint in a case entitled: FOREST A.	CHRISTIAN	
	Plaintiff VSBITUCR	ETE, INC., A CORPORATION,
ét al		
	Defendant_s in the Cl	RCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW		
Case No. 7694 true copy o	f which Summons and Con	plaint is attached hereto and
the said service upon me as Secretary	y of State of the State of Ala	abama has the force and effect
of personal service upon you.		
	ica.	
WITNESS MY HAND and the G	reat Seal of the State of Al	abama this the 25th
day of August, 1967	•	The state of the s
•	Dal	ul amos V
		abel Amos cretary of State
	56	creary or plate

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 \_\_\_\_\_\_\_ day of August, 1967.

Dheif wich

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 720.76.94

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, 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, 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, Kennth Joseph Wright, who was then and there an agent, servant or employed of the defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee!



Attorney for Plaintiff

AUG 2 2 1967

ALICE J. DUCK CLERK REGISTER

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

Poresta, Cerustian,		
Platerile	)	
VS.	A STATE OF THE STA	CIVIL ACTION
MENNETH JOSEPH VERIGHT and BITUCRETE, INC., a corporation,	)	
Doiondones	<b>3</b>	
	<b>)</b>	

KNOW ALL MEN BY THESE PRESENTS: That the undersigned MENNETH 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 ENTUCRETE, INC., the principal obligers, 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 Saidwin County, Alabama, wherein the said FOREST A. CHRESTIAN 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 Pathtioners shall pay all costs and disbursoments 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.

Ednmeth Joseph Wright and Bitucrete, Inc., a corporation.

As One of Thoir Attorneys

PRINCIPALS

FIDELITY AND DEPOSIT COMPANY OF MARILAND, a corporation.

As its Attorney-in-Pact

SURETY

ACCEPTED AND APPROVED on this \_\_\_\_\_ day of September, 1987.

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:

"Bituarete, Inc. Pensacola, Florida 32501"

"Certified Mail—
Return Receipt Requested
MANAGEMENTAL"

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 32501

You 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., Defendants

in 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 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, 1967

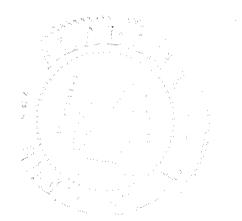
WITNESS MY HAND and the Great Seal of the State of Alabama this the 30th of August, 1967

day

Mabel Amos Secretary of State

Enclosures: 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 12 day of August, 1967.

aciel rene m

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 720.7694

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, 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 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, Kennth Joseph Wright, who was then and there an agent, servant or employed of the defendant, Bitucrete, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee.



AUG 2 2 1967

Attorney for Plaintiff

ALIGE J. DIGH CLERK REGISTER