

STATE OF ALABAMA)
 (IN THE CIRCUIT COURT - LAW SIDE
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA * * * GREETINGS:

You are hereby commanded to summon HALCOM C. ROBERTSON, JR., and BARBARA B. ROBERTSON, to appear before the Circuit Court said County, to be held at the place of holding the same, within thirty days from the service of this process, then and there to answer the complaint of KATHLEEN W. KEEL.

WITNESS my hand 18 day of October, 1967.

Alice J. Buck
CLERK

COMPLAINT

KATHLEEN W. KEEL,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	
	)	BALDWIN COUNTY, ALABAMA
)	
vs.	)	AT LAW
	)	NO. <u>7788</u>
)	
HALCOM C. ROBERTSON, JR.,)	
and BARBARA B. ROBERTSON,)	
)	
Defendants.)	

COUNT ONE:

The Plaintiff, KATHLEEN W. KEEL, claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that heretofore on, to-wit: October 18, 1966, the Defendant Halcom C. Robertson, Jr., a minor, who was then and there acting as the agent, servant or employee of the Defendant, Barbara B. Robertson, so negligently operated a motor vehicle on U. S. Highway 98, a public road in Baldwin County, Alabama, at a point approximately 1.5 miles North of the City Limits of Fairhope,

Alabama, as to cause or allow the same to run into, upon and against an automobile in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the negligence of the Defendant Halcom C. Robertson, Jr., aforesaid, the Plaintiff was seriously and permanently injured in this: she suffered a whiplash injury to her spine, she was made sick, sore, lame and her nervous system was injured and impaired, she was caused to incur medical and drug bills and she was otherwise injured and damaged; wherefore she brings this suit and asks judgment in the above amount.

Lawrence H. Hipsh, Sr.
LAWRENCE H. HIPSH, SR.
314 South Baylen Street
Pensacola, Florida
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a jury trial of this cause.

Lawrence H. Hipsh, Sr.
LAWRENCE H. HIPSH, SR.
Attorney for Plaintiff

PLAINTIFF'S ADDRESS:

Post Office Box 622
Daphne, Alabama

DEFENDANTS' ADDRESS:

1901 Clearmont Street
Mobile, Alabama

FILED

OCT 18 1967

ALICE J. DICK

CLERK
REGISTER

Ex-4

KATHLEEN W. KEEL,)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
HALCOM C. ROBERTSON, JR., and)	
BARBARA B. ROBERTSON,	)	AT LAW. NO. 7788
Defendants.)	

ANSWERS TO INTERROGATORIES:

Now comes the Defendant, BARBARA B. ROBERTSON, in the above styled cause, and for answer to the Interrogatories propounded to her by the Plaintiff, says as follows:

1. For answer to Interrogatory numbered 1, the Defendant says Barbara B. Robertson.
2. For answer to Interrogatory numbered 2, the Defendant says no.
3. For answer to Interrogatory numbered 3, the Defendant says 1901 Clearmont Street, Mobile, Alabama.
4. For answer to Interrogatory numbered 4, the Defendant says yes.
5. For answer to Interrogatory numbered 5, the Defendant says yes.
6. For answer to Interrogatory numbered 6, the Defendant says Halcom C. Robertson, III.

Barbara B. Robertson

Barbara B. Robertson, Defendant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public within and for said State and County, personally appeared Barbara B. Robertson, who, first being duly sworn, says that the foregoing answers to Interrogatories propounded to her are true and correct.

Barbara B. Robertson

Sworn to and subscribed before
me this 8th day of January, 1968.

Alice L. Miller

Notary Public, Baldwin County, Alabama.

I, the undersigned, one of the attorneys of record for the Defendants in the foregoing cause, do hereby certify that I have forwarded a copy of the foregoing answers to interrogatories to Chason, Stone & Chason, the attorneys of record for the Plaintiff, by placing a copy of the same in the United States Mail, properly addressed, with postage prepaid, this 8th day of January, 1968.

James Owen, Jr.

FILED

JAN 9 1968

ALICE J. DUCK CLERK
REGISTER

KATHLEEN W. KEEL,	X	
	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
	X	CASE NO: 7788
HALCON C. ROBERTSON,		
JR., et al.,		
Defendants.		

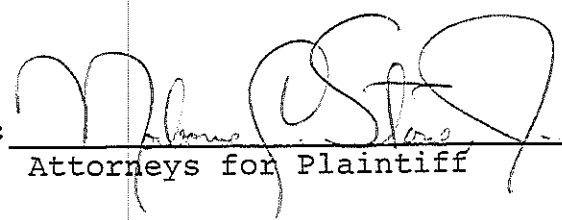
MOTION:

Comes now the Plaintiff in the above styled cause, by her attorneys, and moves this Honorable Court to appoint a Guardian ad litem to represent and protect the interest of the Defendant, Halcon C. Robertson, one of the Defendants in this cause, and in support thereof respectfully represents and shows unto the Court as follows:

That the Defendant Halcon C. Robertson, Jr. is a minor.

Respectfully submitted,

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff

Filed 12-12-66
Acci. from
clear

STATE OF ALABAMA)
(
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA * * * GREETINGS:

You are hereby commanded to summon HALCOM C. ROBERTSON, JR., and BARBARA B. ROBERTSON, to appear before the Circuit Court said County, to be held at the place of holding the same, within thirty days from the service of this process, then and there to answer the complaint of KATHLEEN W. KEEL.

WITNESS my hand 14 day of October, 1967.

Deirdre L. Smith
CLERK

* * * * *

COMPLAINT

* * * * *

KATHLEEN W. KEEL,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
	)	NO. <u>7788</u>
HALCOM C. ROBERTSON, JR.,)	
and BARBARA B. ROBERTSON,)	
Defendants.)	

COUNT ONE:

The Plaintiff, KATHLEEN W. KEEL, claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that heretofore on, to-wit: October 18, 1966, the Defendant Halcom C. Robertson, Jr., a minor, who was then and there acting as the agent, servant or employee of the Defendant, Barbara B. Robertson, so negligently operated a motor vehicle on U. S. Highway 98, a public road in Baldwin County, Alabama, at a point approximately 1.5 miles North of the City Limits of Fairhope,

84-10-10-67

Alabama, as to cause or allow the same to run into, upon and against an automobile in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the negligence of the Defendant Halcom C. Robertson, Jr., aforesaid, the Plaintiff was seriously and permanently injured in this: she suffered a whiplash injury to her spine, she was made sick, sore, lame and her nervous system was injured and impaired, she was caused to incur medical and drug bills and she was otherwise injured and damaged; wherefore she brings this suit and asks judgment in the above amount.

Lawrence H. Hipsh, Sr.
LAWRENCE H. HIPSH, SR.
314 South Baylen Street
Pensacola, Florida
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a jury trial of this cause.

Lawrence H. Hipsh, Sr.
LAWRENCE H. HIPSH, SR.
Attorney for Plaintiff

PLAINTIFF'S ADDRESS:

Post Office Box 622
Daphne, Alabama

DEFENDANTS' ADDRESS:

1901 Clearmont Street
Mobile, Alabama

FILED

OCT 18 1967

ALBERT J. BARK

CLERK
REGISTER

RECEIVED

4453
No. 7788
Kathleen W. Keel
20th / pm
VS.

Received 19 Day of October 1967
and on 20 Day of October 1967
I served a Copy of the writ of Habeas Corpus
on Barbara B. Robertson
by service on
RAY D. BRIDGES, Sheriff
By M. Busley

Halcon C. Robertson

Barbara B. Robertson
1901 Clearmont

RETURNED 10-23-67
Halcon C. Robertson
Not found in my County after diligent search and inquiry.
RAY D. BRIDGES, Sheriff
By M. Busley D. S.

FILED

OCT 18 1967

ALICE J. WALKER
CLERK

OCT 18 1967
SHERIFF'S DEPT.
MOBILE COUNTY, ALA.

L. H. Busley
Attorney

KATHLEEN W. KEEL,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.	)	BALDWIN COUNTY, ALABAMA
HALCOM C. ROBERTSON, JR.,)	
and BARBARA B. ROBERTSON,	)	LAW SIDE. NO. 7788
)	
Defendants.)	

DEMURRER:

Comes the Defendants in the above styled cause, separately and severally, and demur to the complaint as a whole and to each count of the complaint filed herein, 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 the defendants.
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 the defendants with sufficient certainty against what act or acts of negligence defendants are called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, these defendants may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein the defendants violated any duty owed by defendants to the plaintiff.
6. For that it does not sufficiently appear that the defendants owed any duty to the plaintiff which defendants negligently failed to perform.
7. For that the averments set up, if true, do not show any liability on the part of the defendants.
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 the defendants' said breach of duty and plaintiff's injuries and damages.

10. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence of breach of duty on the part of the defendants.

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.

14. For said said count is duplicitous.

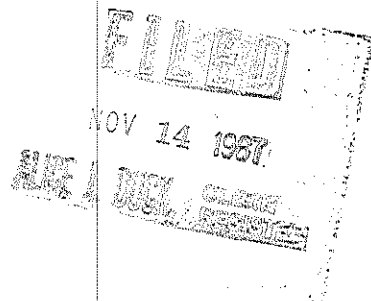
15. The allegations that plaintiff was "otherwise injured and damaged", are vague and indefinite.

OWENS AND PATTON

By: *James Owens Jr.*

Attorneys for Defendants.

I, the undersigned, one of the attorneys of record for the Defendants, in the foregoing cause, do hereby certify that I have this day forwarded to Lawrence H. Hipsh, Sr., 314 South Baylen Street, Pensacola, Florida, the attorney of record for the plaintiff, a copy of the foregoing demurrer, this 14th day of November, 1967, by United States Mail, properly addressed, with postage prepaid.



Page 3

KATHLEEN W. KEEL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
HALCOM C. ROBERTSON, JR.,	X	AT LAW
and BARBARA B. ROBERTSON,	X	NO. 7788
	X	
Defendants.	X	

INTERROGATORIES PROPOUNDED BY PLAINTIFF
TO DEFENDANT BARBARA B. ROBERTSON

Comes now the Plaintiff in the above styled cause, by his attorneys, an affidavit having been made as required by law, propounds the following interrogatories to the Defendant Barbara B. Robertson in the above styled cause:

1. Please state your correct name.
2. Please state whether you are also known as Mrs. Halcom Robertson, Sr.
3. Please state your correct address.
4. Please state whether on October 18, 1966, you were the owner of a 1963 M.G. two door automobile bearing Alabama license number for the year 1966 of 2-25443.
5. If your answer to the last interrogatory is in the affirmative, please state if that automobile was involved in an accident on October 18, 1966 in Baldwin County, Alabama on U. S. Highway No. 98 at a point approximately 1.5 miles North of the City limits of Fairhope in Baldwin County, Alabama.
6. If your answer to the last interrogatory is in the affirmative, please state who was operating the automobile at the time of the accident.

LAWRENCE C. HIPSH, SR.

and

CHASON, STONE & CHASON

BY: 
Attorneys for Plaintiff

FILED

NOV 21 1967

ALICE J. DUCK

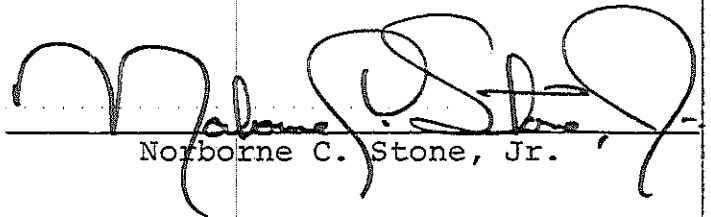
CLERK
REGISTER

STATE OF ALABAMA

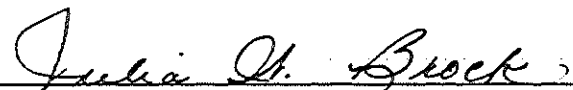
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the attorneys of record for the Plaintiff in the above styled cause which is now pending in the Circuit Court of Baldwin County, Alabama, At Law. That the answers to the foregoing interrogatories, if well and truly made, will be material evidence for the Plaintiff in said cause.


Norborne C. Stone, Jr.

Sworn to and subscribed before me
on this the 21st day of November,
1967.


Notary Public, Baldwin County, Alabama.

FILED

NOV 21 1967

ALICE J. DUCK CLERK
REGISTER

*Service accepted this 11/21/67.
J. Cannon Owens, Jr.
Att'y for defendants.*

1788

KATHLEEN W. KEEL,
Plaintiff,

vs.

HALCOM C. ROBERTSON, JR., and
BARBARA B. ROBERTSON,
Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 7788

* * * * *

INTERROGATORIES PROPOUNDED BY
PLAINTIFF TO DEFENDANT BARBARA
B. ROBERTSON

* * * * *

Use The Jury Form For The Defendants

FORRMAN

[Signature]

123

123

KATHLEEN W. KEEL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
		BALDWIN COUNTY, ALABAMA
HALCOM C. ROBERTSON, JR.	X	
and BARBARA B. ROBERTSON,	X	AT LAW CASE NO. 7788
Defendants.	X	

Comes now the Plaintiff in the above styled cause, by her attorneys, and amends the Complaint heretofore filed by her in this cause so that the same shall read as follows:

KATHLEEN W. KEEL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
		BALDWIN COUNTY, ALABAMA
HALCON C. ROBERTSON, JR.	X	
and BARBARA B. ROBERTSON,	X	AT LAW CASE NO. 7788
Defendants.	X	

COUNT ONE:

The Plaintiff, Kathleen W. Keel, claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that heretofore on, to-wit: October 18, 1966, the Defendant Halcon C. Robertson, Jr., a minor, who was then and there acting as the agent, servant or employee of the Defendant, Barbara B. Robertson, so negligently operated a motor vehicle on U. S. Highway 98, a public road in Baldwin County, Alabama, at a point approximately 1.5 miles North of the City Limits of Fairhope, Alabama, as to cause or allow the same to run into, upon and against an automobile in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the negligence of the Defendant Halcon C. Robertson, Jr., aforesaid, the Plaintiff was seriously and permanently injured in this: she

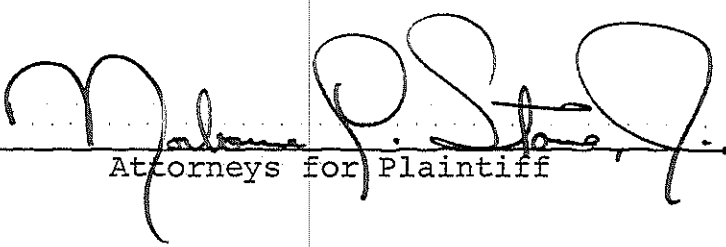
suffered a whiplash injury to her spine, she was made sick, sore, lame and her nervous system was injured and impaired, she was caused to incur medical and drug bills and she was otherwise injured and damaged; wherefore she brings this suit and asks judgment in the above amount.

LAWRENCE H. HIPSH, SR.

and

CHASON, STONE & CHASON

By:


Attorneys for Plaintiff

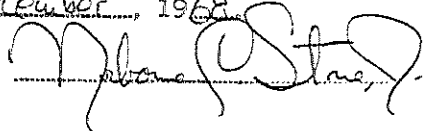
The Plaintiff respectfully
demands a trial of this
cause by a jury.

CHASON, STONE & CHASON

By:

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 5 day of December, 1968.



FILED

DEC 5 1968

ALICE J. DUCK

CLERK
REGISTER

KATHLEEN W. KEEL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
	X	AT LAW
HALCON C. ROBERTSON,	X	
JR., et al.,	X	CASE NO. 7788
	X	
Defendants.	X	

ORDER GRANTING MOTION TO APPOINT
GUARDIAN AD LITEM

The Plaintiff in the above styled cause having heretofore filed a Motion to have a Guardian ad Litem appointed to represent and protect the interest of the Defendant, Halcon C. Robertson, Jr., and the same having been called to the attention of the Court and the Court having considered the same and it appearing to the Court that said Defendant is a minor; it is, therefore,

ORDERED AND DECREED by the Court that said Motion be, and the same is hereby, granted.

It is further ORDERED and DECREED by the Court that J. Connor Owens, Jr., Esquire, a practicing attorney of the Alabama Bar be, and he is hereby, appointed as Guardian ad Litem for the Defendant, Malcon C. Robertson, Jr., in this case.

Done this 12th day of December, 1968.

J. Connor Owens, Jr.
Circuit Judge

*Filed 12-12-68
Receiv. Sec. 12-12-68*

KATHLEEN W. KEEL,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.	)	BALDWIN COUNTY, ALABAMA
HALCON C. ROBERTSON, JR.,)	
and BARBARA B. ROBERTSON,	)	AT LAW. NO. 7788.
)	
Defendants.)	

ANSWER TO AMENDED COMPLAINT

Now come the Defendants in the above styled cause, separately and severally, and for answer to the amended complaint filed against them, and to each Count thereof, separately and severally, say as follows:

1. Not guilty.
2. The allegations of the complaint as amended are untrue.

OWENS AND PATTON

By: *J. Owens*
Attorneys for Defendants.

I, the undersigned, one of the attorneys of record for the Defendants in the foregoing cause, do hereby certify that I have forwarded a copy of the foregoing answer to amended complaint to Chason, Stone and Chason, attorneys of record for the Plaintiff, by United States Mail, properly addressed, with postage prepaid, this 5th day of December, 1968.

J. Owens
Refiled: December 12, 1968.
Julian J. Wadderson
judge

FILED
DEC 5 1968

ALICE J. DUCK CLERK
REGISTER

KATHLEEN W. KEEL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
HALCOM C. ROBERTSON, JR.	X	AT LAW CASE NO. 7788
and BARBARA B. ROBERTSON,	X	
Defendants.	X	

Comes now the Plaintiff in the above styled cause, by her attorneys, and amends the Complaint heretofore filed by her in this cause so that the same shall read as follows:

KATHLEEN W. KEEL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
HALCON C. ROBERTSON, JR.	X	AT LAW CASE NO. 7788
and BARBARA B. ROBERTSON,	X	
Defendants.	X	

COUNT ONE:

The Plaintiff, Kathleen W. Keel, claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that heretofore on, to-wit: October 18, 1966, the Defendant Halcon C. Robertson, Jr., a minor, who was then and there acting as the agent, servant or employee of the Defendant, Barbara B. Robertson, so negligently operated a motor vehicle on U. S. Highway 98, a public road in Baldwin County, Alabama, at a point approximately 1.5 miles North of the City Limits of Fairhope, Alabama, as to cause or allow the same to run into, upon and against an automobile in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the negligence of the Defendant Halcon C. Robertson, Jr., aforesaid, the Plaintiff was

seriously and permanently injured in this: she suffered a whiplash injury to her neck and spine, she was made sick, sore and lame; she suffered and continues to suffer great mental pain and anguish; she was caused to have muscle spasms in her neck and shoulder; she suffered a chronic strain of her neck and her nervous system was injured and impaired; she was caused to incur medical and drug bills and she was otherwise injured and damaged; wherefore she brings this suit and asks judgment in the above amount.

LAWRENCE H. HIPSH, SR

and

CHASON, STONE & CHASON

By: 

Attorneys for Plaintiff

The Plaintiff respectfully
demands a trial of this cause
by a jury.

CHASON, STONE & CHASON

By: 

*filed
12-12-67
Alice J. Smith
Sec'y*