

November 27, 1967

ROSA MARIE CALDWELL, A MINOR, SUING BY AND  
THROUGH W. M. CALDWELL, AS HER FATHER AND  
NEXT FRIEND, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

VS

HUGH HALL, TRUSTEE, ST. REGIS PAPER COMPANY,  
A NEW YORK CORPORATION, et al, Defendants

CASE NO. 7,843

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on November 15, 1967  
I sent by certified mail in an envelope addressed as follows:

"Hugh Hall, Trustee  
St. Regis Paper Company  
Box 630  
Pensacola, Florida 32501"

"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:

"Hugh Hall, Trustee  
St. Regis Paper Company  
Box 630  
Pensacola, Florida 32501

You will take notice that on November 15, 1967 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: ROSA MARIE CALDWELL, A MINOR, SUING BY AND THROUGH W. M. CALDWELL,  
AS HER FATHER AND NEXT FRIEND, Plaintiff VS HUGH HALL, TRUSTEE, ST. REGIS PAPER  
COMPANY, A NEW YORK CORPORATION, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 7,843 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 15th  
day of November, 1967

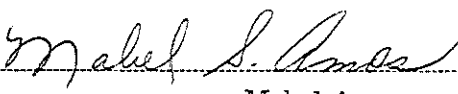
Enclosure (1)

(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 November 27, 1967 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at New York, NY  
on November 20, 1967

WITNESS MY HAND and the Great Seal of the State of Alabama this the 27th day  
of November, 1967

  
Mabel Amos  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.

CC: Honorable James R. Owen  
110 Court House Square  
Bay Minette, Alabama 36507

No. 7843

STATE OF ALABAMA )  
BALDWIN COUNTY ) \*

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jack R. Downer; St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee; "X Company", the owner of the motor vehicle described in the complaint and being operated by Jack R. Downer on the occasion described in the complaint, whose true name and/or legal identification is otherwise unknown to the plaintiff at this time, but will be added and/or more correctly described by amendment when ascertained, 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 Rosa Marie Caldwell, a minor, suing by and through W. M. Caldwell, as her father and next friend.

WITNESS my hand this 14 day of November, 1967.

Alicia Luck  
Clerk

ROSA MARIE CALDWELL, a minor,  
suing by and through W. M.  
Caldwell, as her father  
and next friend,

Plaintiff,

VS.

JACK R. DOWNER; ST. REGIS PAPER  
COMPANY, a New York Corporation;  
HUGH HALL, Trustee; "X COMPANY",  
the owner of the motor vehicle  
described in the complaint and  
being operated by Jack R. Downer  
on the occasion described in the  
complaint, whose true name and/or  
legal identification is otherwise  
unknown to the plaintiff at this  
time, but will be added and/or  
more correctly described by amend-  
ment when ascertained,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

### C O M P L A I N T

#### COUNT ONE

The plaintiff claims of the defendant, Jack R. Downer, FIVE THOUSAND DOLLARS (\$5,000.00) for that on to-wit, November 15, 1966, the defendant so negligently drove an automobile into an automobile in which the plaintiff was riding at a point in Baldwin County, Alabama, on Alabama Highway No. 112 at its intersection with the Clear Springs Cemetery Road, which is approximately 28.6 miles East of the limits of Bay Minette, Alabama, and as a proximate result of said negligence on the part of the defendant, Jack R. Downer, the plaintiff was permanently injured in this: She suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain for all of which she claims damages as aforesaid, hence this suit.

#### COUNT TWO

Plaintiff claims of the defendant, Jack R. Downer, the sum of Five Thousand Dollars (\$5,000.00) as damages for that heretofore on to-wit, November 15, 1966, while the plaintiff was riding in an automobile on Alabama Highway No. 112 in Baldwin County, Alabama, at a place where the said highway intersects the Clear Springs Cemetery Road, which is approximately 28.6 miles East of Bay Minette, Alabama, and at a place where the plaintiff had a right

to be at said time and place, the said defendant willfully or wantonly drove an automobile into, upon, over or against the automobile in which the said plaintiff was a passenger and by reason thereof and as a proximate consequence and result thereof the said defendant willfully or wantonly injured the plaintiff as follows: she suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff further avers that all of her injuries and damages were the proximate result of the willful or wanton negligence of the said defendant at said time and place, hence this suit.

#### COUNT THREE

The plaintiff claims of the defendants the sum of Five Thousand Dollars (\$5,000.00) for that heretofore on to-wit, November 15, 1966, at a point on Alabama Highway 112 in Baldwin County, Alabama, at a point where the said highway intersects with Clear Springs Cemetery Road which is approximately 28.6 miles East of the limits of Bay Minette, Alabama, the defendant, Jack R. Downer, who was then and there an agent, servant or employee of the defendant, St. Regis Paper Company, a New York corporation; Hugh Hall, Trustee, and "X Company", the owner of the motor vehicle described in this complaint and being operated by the said Jack R. Downer, while acting within the line and scope of his employment, as such agent, servant or employee, so negligently operated a motor vehicle so as to cause it to run into, upon or against the automobile in which the plaintiff was a passenger and as a proximate result of the negligence of the said defendant, Jack R. Downer, at said time and place the plaintiff was injured as follows: She suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff avers that all of her injuries and damages were the proximate result of the negligence of the defendant, Jack R. Downer, at said time and place, who was then and there an agent, servant or employee of the defendants, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", acting within the line and

and scope of his authority, as such agent, servant or employee.

#### COUNT FOUR

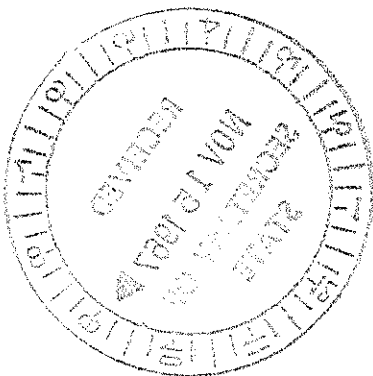
The plaintiff claims of the defendants the sum of Five Thousand Dollars (\$5,000.00) for that heretofore on to-wit, November 15, 1966, at a point on Alabama Highway No. 112 in Baldwin County, Alabama, at a point where the said highway intersects with Clear Springs Cemetery Road which is approximately 28.6 miles East of the limits of Bay Minette, Alabama, the defendant, Jack R. Downer, who was then and there an agent, servant or employee of the defendant, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", the owner of the motor vehicle described in this complaint and being operated by the said Jack R. Downer, while acting within the line and scope of his employment, as such agent, servant or employee, so willfully or wantonly operated a motor vehicle so as to cause it to run into, upon or against the automobile in which the plaintiff was a passenger and as a proximate result of the willful or wanton negligence of the said defendant, Jack R. Downer, at said time and place the plaintiff was injured as follows: she suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff avers that all of her injuries and damages were the proximate result of the willful or wanton negligence of the defendant, Jack R. Downer, at said time and place, who was then and there an agent, servant or employee of the defendants, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", acting within the line and scope of his authority, as such agent, servant or employee.

#### COUNT FIVE

The plaintiff claims of the defendants the sum of Five Thousand Dollars (\$5,000.00) for that heretofore on to-wit, November 15, 1966, the defendants, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", were the owners of a motor vehicle which they allowed Jack R. Downer, who was an agent, servant or employee of said defendants at said time

and place, acting within the line and scope of his authority to operate. The said Jack R. Downer on to-wit, November 15, 1966, was, and long had been a careless, indifferent, heedless and reckless driver of said motor vehicle, so that said motor vehicle in his hands was a dangerous and deadly agency, of which facts the said defendants had been duly informed; yet, with the information of such facts, the said defendants allowed the said Jack R. Downer to operate said motor vehicle on a public highway in the State of Alabama at will, and entrusted its management and operation to him, and while, on November 15, 1966, he was engaged in operating said motor vehicle along a highway, to-wit, Alabama Highway 112 at a point where the said highway intersects the Clear Springs Cemetery Road in Baldwin County, Alabama, at a point approximately 28.6 miles East of Bay Minette, the said Jack R. Downer so negligently, heedlessly, recklessly, wrongfully, and indifferently conducted himself with respect to said motor vehicle that he ran the same into, upon or against an automobile in which plaintiff was a passenger and which automobile was at a place where it had a right to be, and as a proximate result of the negligence of the said Jack R. Downer at said time and place, the plaintiff was injured and damaged as follows: she suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff avers that at the time of said injury, the said Jack R. Downer was operating said motor vehicle with the defendants' consent and acquiescence and they having been informed of his dangerous proclivities in connection with the same as aforesaid. Plaintiff avers that all of her injuries and damages were caused as a proximate result of the negligence of the defendant, Jack R. Downer, at said time and place, hence this suit.

  
Attorney for Plaintiff



**FILED**

NOV 14 1967

**ALICE J. DUCK** CLERK  
REGISTER

ROSA MARIE CALDWELL, a minor,	)	IN THE CIRCUIT COURT OF
suing by and through W. M.	)	BALDWIN COUNTY, ALABAMA
CALDWELL, as her father and	)	
next friend,	)	
	)	
Plaintiff,	)	AT LAW
	)	
Vs.	)	
	)	
JACK R. DOWNER, et al.	)	
	)	
Defendants.	)	NO. 7843

D E M U R R E R

Come the defendants, Jack R. Downer, St. Regis Paper Company, and Hugh Hall, Trustee, jointly and separately, and demur to the complaint as a whole and to each and every count thereof, jointly and separately, on the following joint and separate grounds:

1. There is a misjoinder in the complaint.
2. There is a misjoinder of parties defendant.
3. There is a misjoinder of causes of action.
4. Said complaint is but the statement of conclusions of pleader, and no facts are averred which substantiate said conclusions.
5. Said complaint is vague, indefinite and uncertain.
6. Said complaint combines into one action counts which seek recovery against only one of the named defendants with counts which seek recovery against more than one defendant.
7. Said complaint fails to show a duty owed by defendants or by any defendant to plaintiff, and a breach thereof causing plaintiff's injuries or damages.
8. Said complaint is confusing.

Defendants, Jack R. Downer, St. Regis Paper Company, and Hugh Hall, Trustee, jointly and separately, demur to counts two and four, jointly and separately, upon the following additional grounds:

9. Because said count undertakes to allege the quo modo of the wantonness, but the facts averred do not constitute wanton misconduct.

10. Because said count fails to aver or show that the defendant Jack R. Downer was conscious at the time that his conduct would probably result in injury or damage to plaintiff.

11. Because the act of the defendant Jack R. Downer in driving an automobile into, upon, over or against the automobile in which plaintiff was a passenger did not constitute willfulness nor wantonness.

12. Because said count attempts to charge both negligence and willful or wanton misconduct in one count.

Defendants Jack R. Downer, St. Regis Paper Company, and Hugh Hall, Trustee, jointly and separately, demur to counts three and four, jointly and separately, on the following additional grounds, jointly and separately:

13. Said count does not specify with certainty who defendant Jack R. Downer was acting as agent, servant or employee for or of, nor when.

14. Said count does not make clear what negligence is complained of.

15. For aught that appears, there is no causal connection between the act of defendant Downer complained of and the injury or damage of plaintiff.



16. No connection is shown between the alleged willful or wanton act of defendant Jack R. Downer and the injury and damages of plaintiff.

Defendants Jack R. Downer, St. Regis Paper Company, and Hugh Hall, Trustee, jointly and separately, demur to count five on the following additional grounds, jointly and separately:

17. Each ground of demurrer hereinabove assigned to counts two, three and four.

18. Said count does not specify what authority it is complaining of.

19. Said count does not specify who, when, how, where, and by what authority defendants had been duly informed of the facts set forth.

20. No causal connection is shown between the fact defendants are alleged to have allowed defendant Jack R. Downer to operate a motor vehicle on a public highway and plaintiff's injury and damage.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By *MA Adams*  
As Attorney for Defendants,  
Jack R. Downer, St. Regis Paper Company,  
and Hugh Hall, Trustee

Said defendants demand a trial by jury of this cause.

*MA Adams*

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 15<sup>th</sup> day of December, 1967, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

*MA Adams*

**FILED**

DEC 16 1967

**ALICE J. DUCK** CLERK  
REGISTER

140

STATE OF ALABAMA )  
 BALDWIN COUNTY ) \*

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jack R. Downer; St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee; "X Company", the owner of the motor vehicle described in the complaint and being operated by Jack R. Downer on the occasion described in the complaint, whose true name and/or legal identification is otherwise unknown to the plaintiff at this time, but will be added and/or more correctly described by amendment when ascertained, 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 Rosa Marie Caldwell, a minor, suing by and through W. M. Caldwell, as her father and next friend.

WITNESS my hand this 14 day of November, 1967.

Richard D. Dyer  
 Clerk

ROSA MARIE CALDWELL, a minor, )  
suing by and through W. M. )  
Caldwell, as her father )  
and next friend, )

Plaintiff, )  
)

VS. )

JACK R. DOWNER; ST. REGIS PAPER )  
COMPANY, a New York Corporation; )  
HUGH HALL, Trustee; "X COMPANY", )  
the owner of the motor vehicle )  
described in the complaint and )  
being operated by Jack R. Downer )  
on the occasion described in the )  
complaint, whose true name and/or )  
legal identification is otherwise )  
unknown to the plaintiff at this )  
time, but will be added and/or )  
more correctly described by amend- )  
ment when ascertained, )

Defendants. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1643

# C O M P L A I N T

## COUNT ONE

The plaintiff claims of the defendant, Jack R. Downer, FIVE THOUSAND DOLLARS (\$5,000.00) for that on to-wit, November 15, 1966, the defendant so negligently drove an automobile into an automobile in which the plaintiff was riding at a point in Baldwin County, Alabama, on Alabama Highway No. 112 at its intersection with the Clear Springs Cemetery Road, which is approximately 28.6 miles East of the limits of Bay Minette, Alabama, and as a proximate result of said negligence on the part of the defendant, Jack R. Downer, the plaintiff was permanently injured in this: She suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain for all of which she claims damages as aforesaid, hence this suit.

## COUNT TWO

Plaintiff claims of the defendant, Jack R. Downer, the sum of Five Thousand Dollars (\$5,000.00) as damages for that heretofore on to-wit, November 15, 1966, while the plaintiff was riding in an automobile on Alabama Highway No. 112 in Baldwin County, Alabama, at a place where the said highway intersects the Clear Springs Cemetery Road, which is approximately 28.6 miles East of Bay Minette, Alabama, and at a place where the plaintiff had a right

to be at said time and place, the said defendant willfully or wantonly drove an automobile into, upon, over or against the automobile in which the said plaintiff was a passenger and by reason thereof and as a proximate consequence and result thereof the said defendant willfully or wantonly injured the plaintiff as follows: she suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff further avers that all of her injuries and damages were the proximate result of the willful or wanton negligence of the said defendant at said time and place, hence this suit.

#### COUNT THREE

The plaintiff claims of the defendants the sum of Five Thousand Dollars (\$5,000.00) for that heretofore on to-wit, November 15, 1966, at a point on Alabama Highway 112 in Baldwin County, Alabama, at a point where the said highway intersects with Clear Springs Cemetery Road which is approximately 28.6 miles East of the limits of Bay Minette, Alabama, the defendant, Jack R. Downer, who was then and there an agent, servant or employee of the defendant, St. Regis Paper Company, a New York corporation; Hugh Hall, Trustee, and "X Company", the owner of the motor vehicle described in this complaint and being operated by the said Jack R. Downer, while acting within the line and scope of his employment, as such agent, servant or employee, so negligently operated a motor vehicle so as to cause it to run into, upon or against the automobile in which the plaintiff was a passenger and as a proximate result of the negligence of the said defendant, Jack R. Downer, at said time and place the plaintiff was injured as follows: She suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff avers that all of her injuries and damages were the proximate result of the negligence of the defendant, Jack R. Downer, at said time and place, who was then and there an agent, servant or employee of the defendants, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", acting within the line and

and scope of his authority, as such agent, servant or employee.

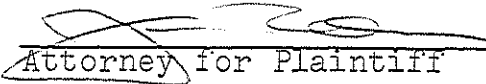
#### COUNT FOUR

The plaintiff claims of the defendants the sum of Five Thousand Dollars (\$5,000.00) for that heretofore on to-wit, November 15, 1966, at a point on Alabama Highway No. 112 in Baldwin County, Alabama, at a point where the said highway intersects with Clear Springs Cemetery Road which is approximately 28.6 miles East of the limits of Bay Minette, Alabama, the defendant, Jack R. Downer, who was then and there an agent, servant or employee of the defendant, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", the owner of the motor vehicle described in this complaint and being operated by the said Jack R. Downer, while acting within the line and scope of his employment, as such agent, servant or employee, so willfully or wantonly operated a motor vehicle so as to cause it to run into, upon or against the automobile in which the plaintiff was a passenger and as a proximate result of the willful or wanton negligence of the said defendant, Jack R. Downer, at said time and place the plaintiff was injured as follows: she suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff avers that all of her injuries and damages were the proximate result of the willful or wanton negligence of the defendant, Jack R. Downer, at said time and place, who was then and there an agent, servant or employee of the defendants, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", acting within the line and scope of his authority, as such agent, servant or employee.

#### COUNT FIVE

The plaintiff claims of the defendants the sum of Five Thousand Dollars (\$5,000.00) for that heretofore on to-wit, November 15, 1966, the defendants, St. Regis Paper Company, a New York Corporation; Hugh Hall, Trustee, and "X Company", were the owners of a motor vehicle which they allowed Jack R. Downer, who was an agent, servant or employee of said defendants at said time

and place, acting within the line and scope of his authority to operate. The said Jack R. Downer on to-wit, November 15, 1966, was, and long had been a careless, indifferent, heedless and reckless driver of said motor vehicle, so that said motor vehicle in his hands was a dangerous and deadly agency, of which facts the said defendants had been duly informed; yet, with the information of such facts, the said defendants allowed the said Jack R. Downer to operate said motor vehicle on a public highway in the State of Alabama at will, and entrusted its management and operation to him, and while, on November 15, 1966, he was engaged in operating said motor vehicle along a highway, to-wit, Alabama Highway 112 at a point where the said highway intersects the Clear Springs Cemetery Road in Baldwin County, Alabama, at a point approximately 28.6 miles East of Bay Minette, the said Jack R. Downer so negligently, heedlessly, recklessly, wrongfully, and indifferently conducted himself with respect to said motor vehicle that he ran the same into, upon or against an automobile in which plaintiff was a passenger and which automobile was at a place where it had a right to be, and as a proximate result of the negligence of the said Jack R. Downer at said time and place, the plaintiff was injured and damaged as follows: she suffered profound shock; she suffered a lacerated knee; she suffered and continues to suffer great mental anguish and physical pain. Plaintiff avers that at the time of said injury, the said Jack R. Downer was operating said motor vehicle with the defendants' consent and acquiescence and they having been informed of his dangerous proclivities in connection with the same as aforesaid. Plaintiff avers that all of her injuries and damages were caused as a proximate result of the negligence of the defendant, Jack R. Downer, at said time and place, hence this suit.

  
Attorney for Plaintiff

**FILED**

136

NOV 14 1967

**ALICE J. DUCK** CLERK  
REGISTER

14 day of Nov. 1967  
17 day of Nov. 1967  
copy of the within  
Jack Damer

service on

TAYLOR WILKINS, Sheriff

By W. A. Tolbert, Jr.

Clear Springs

Noted at 50

at 50

TAYLOR WILKINS, Sheriff

By W. A. Tolbert, Jr.

Deputy Sheriff

no. 7843

Rosa Marie Caldwell  
vs.

Jack R. Damer  
et als

EXECUTED BY SERVING A  
COPY OF THE WITHIN

Room, Hiram  
as agent for  
W. Regis Pope  
et

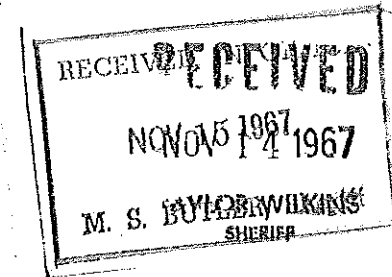
This the 15 day of Nov. 1967

M. S. BUTLER  
Sheriff Montgomery County

By W. L. Mason  
Deputy Sheriff

James R. Owen  
Attorney

739



Executed by serving 3 copies of  
the within on Noble Ames  
Secretary of State of The State of  
Alabama.

This the 15 day of Nov. 1967

Sheriff of Montgomery County

M. S. Butler,

By W. L. Mason D. S.

137