

November 27, 1967

BILLIE L. CALDWELL, 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. 7,844

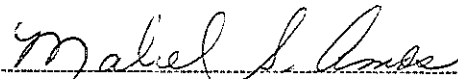
TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

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

November 15, 1967

"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 32501You 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: BILLIE L. CALDWELL, Plaintiff VS HUGH HALL, TRUSTEE, ST. REGIS
PAPER COMPANY, A NEW YORK CORPORATION, et al, Defendantsin the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 7,844 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 --w York, NY
on November 20, 1967WITNESS MY HAND and the Great Seal of the State of Alabama this the 27th day
of November, 1967
Mabel Amos
Secretary of StateEnclosures: Return Receipt Card and copy
of Summons and Complaint.
CC: Honorable James R. Owen
110 Court House Square
Bay Minette, Alabama 36507

No. 7844

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 Billie L. Caldwell.

WITNESS my hand this 14 day of November, 1967.

Reice J. Rich
Clerk

BILLIE L. CALDWELL,)	
Plaintiff,)	
VS.)	
JACK R. DOWNER; ST. REGIS PAPER)	
COMPANY, a New York Corporation;)	IN THE CIRCUIT COURT OF
HUGH HALL, Trustee; "X COMPANY,")	BALDWIN COUNTY, ALABAMA
the owner of the motor vehicle)	
described in the complaint and)	AT LAW
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.)	

C O M P L A I N T

COUNT ONE

The plaintiff claims of the defendant, Jack R. Downer, TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) 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 seriously and permanently injured in this: she suffered profound shock; she had fractures of both arms; she suffered fractures of both clavicles; she suffered multiple rib fractures and an elevated left diaphragm; she suffered a serious head injury; the said injury caused a large amount of blood in the peritoneal cavity with extensive injury to the abdominal wall; she suffered a cut through the left rectus muscle; the sigmoid colon was macerated and lacerated so that it was exteriorized as a colostomy; she suffered multiple lacerations of the cesenteric vessels; she suffered a badly lacerated segment of small bowel, which required resection and end-to-end anastomosis; she incurred

approximately Twenty Thousand Dollars (\$20,000.00) by way of doctors' bills and medicine; 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 TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) 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 had fractures of both arms; she suffered fractures of both clavicles; she suffered multiple rib fractures and an elevated left diaphragm; she suffered a serious head injury; the said injury caused a large amount of blood in the peritoneal cavity with extensive injury to the abdominal wall; she suffered a cut through the left rectus muscle; the sigmoid colon was macerated and lacerated so that it was exteriorized as a colostomy; she suffered multiple lacerations of the mesenteric vessels; she suffered a badly lacerated segment of small bowel, which required resection and end-to-end anastomosis; she incurred approximately Twenty Thousand Dollars (\$20,000.00) by way of doctors' bills and medicine; 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 TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) 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 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 had fractures of both arms; she suffered fractures of both clavicles; she suffered multiple rib fractures and an elevated left diaphragm; she suffered a serious head injury; the said injury caused a large amount of blood in the peritoneal cavity with extensive injury to the abdominal wall; she suffered a cut through the left rectus muscle; the sigmoid colon was macerated and lacerated so that it was exteriorized as a colostomy; she suffered multiple lacerations of the mesenteric vessels; she suffered a badly lacerated segment of small bowel, which required resection and end-to-end anastomosis; she incurred approximately Twenty Thousand Dollars (\$20,000.00) by way of doctors' bills and medicine; 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 scope of his authority, as such agent, servant or employee.

COUNT FOUR

The plaintiff claims of the defendants the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) 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 and wantonly operated a motor vehicle so as to cause it to run into, upon or against the automobile in which the plaintiff was passenger and as a proximate result of the willful and 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 had fractures of both arms; she suffered fractures of both clavicles; she suffered multiple rib fractures and an elevated left diaphragm; she suffered a serious head injury; the said injury caused a large amount of blood in the peritoneal cavity with extensive injury to the abdominal wall; she suffered a cut through the left rectus muscle; the sigmoid colon was macerated and lacerated so that it was exteriorized as a colostomy; she suffered multiple lacerations of the mesenteric vessels; she suffered a badly lacerated segment of small bowel, which required resection and end-to-end anastomosis; she incurred approximately Twenty Thousand Dollars (\$20,000.00) by way of doctors' bills and medicine; 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 and 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 TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) 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 damages as follows: she suffered profound shock; she had fractures of both

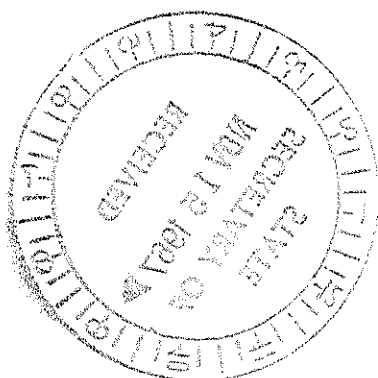
arms; she suffered fractures of both clavicles; she suffered multiplesrib fractures and an elevated left diaphragm; she suffered a serious head injury; the said injury caused a large amount of blood in the peritoneal cavity with extensive injury to the abdominal wall; she suffered a cut through the left rectus muscle; the sigmoid colon was macerated and lacerated so that it was exteriorized as a colostomy; she suffered multiple lacerations of the cesenteric vessels; she suffered a badly lacerated segment of small bowel, which required resection and end-to-end anastomosis; she incurred approximately Twenty Thousand Dollars (\$20,000.00) by way of doctors' bills and medicine; 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



BILLIE L. CALDWELL,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
Vs.)	AT LAW
JACK R. DOWNER, et al.)	
Defendants.)	NO. 7844

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 damage 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 *NA 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.

NA Adams

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 15th day of Dec, 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.

NA Adams

FILED

DEC 16 1967

ALICE J. DUCK CLERK
REGISTER

720. 7844

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 Billie L. Caldwell.

WITNESS my hand this 14 day of November, 1967.

Alvin J. Smith
Clerk

1. 3 copies to be served on
Secretary State for
Hugh Hall, Trustee of X.
Box 630,
Pensacola - Fla

2. Jack R. Downer
Clear Springs, Ala

3. Evans, Hiram -
President agent, St. Regis
26 S. Perry St.
Montgomery, Ala

BILLIE L. CALDWELL,)

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)

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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

700.7844

C O M P L A I N T

COUNT ONE

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COUNT THREE

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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 FOUR

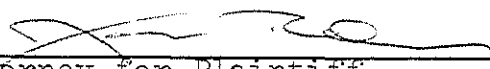
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COUNT FIVE

The plaintiff claims of the defendants the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) 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 damages as follows: she suffered profound shock; she had fractures of both

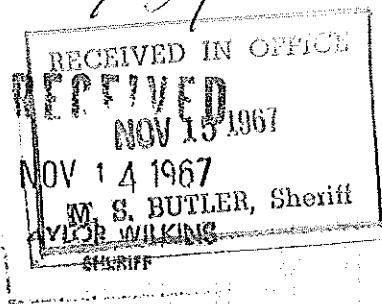
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Attorney for Plaintiff

FILED

NOV 14 1967

ALICE J. DUCK CLERK
REGISTER



MO. 7844

Billy D. Caldwell

VS.

Jack R. Downer
et als

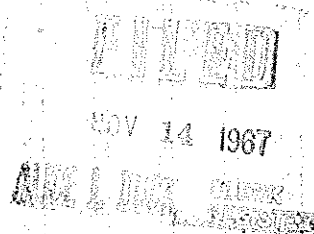
EXECUTED BY SERVING A
COPY OF THE WITHIN

Evans Wilson
as agent for
St. Regis Paper
Co.

This the 15 day of Nov 1967

M. S. BUTLER
Sheriff Montgomery County

By W. L. Moser
Deputy Sheriff



James R. Owen
Attorney

Received 14 day of Nov 1967
17 day of Nov 1967
at 842
on Jack Downer
By W. A. Zolbert

TAYLOR WILKINS, Sheriff
By W. A. Zolbert
Char Springs

Sheriff claims 50 miles at
Ten Cents per mile Total \$5.00
TAYLOR WILKINS, Sheriff
BY W. A. Zolbert
DEPUTY SHERIFF

871

Executed by serving 3 copies of
the within on M. S. Butler
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. Moser D. S.

M. S. Butler, Sheriff of Montgomery
County, Alabama, Claim \$1.50 per copy
serving 2 process(es) and \$1.00
travel expense on each of 2 process(es)
process(es) or a total of \$7.50

W. L. Moser Deputy Sheriff