

no. 7917

John W. Kinsey
vs
Joe Keiger

JURY LIST - NOVEMBER 10, 1969 TERM
BALDWIN COUNTY

- ~~1. Campbell, A. C., Jr., Farmer, Rosinton~~
- ~~2. Heil, William, Farmer, Elberta~~
- ~~3. Overstreet, Layton J., Fairhope~~
- ~~4. Henry, Lorraine, T., Fairhope~~
- ~~5. Conrou, Al E., Brookley Field, Fairhope~~
- ~~6. Dickman, Joe, P. O. Employee, Bay Minette~~
- ~~7. Early, L. J., Timber & Lumber, Foley~~
- ~~8. Flowers, John B., Farmer, Bon Secour~~
- ~~9. Garner, Carey, Merchant, Fairhope~~
10. Griffith, Jack, Shipyard, Fairhope
11. Gwaltney, John L., Farmer, Robertsedale
- ~~12. Hauge, Ralph O., Clerk, Silverhill~~
13. Hennersdorf, Margaret B., Fairhope
- ~~14. Johnson, Coy L., Laborer, Bay Minette~~
15. Jones, Dolphus, S., Farmer, Lottie
- ~~16. Keldorfer, William E., County Emp., Elberta~~
- ~~17. Landcaster, Jack, Farmer, Robertsedale~~
- ~~18. Long, Lee, Rabon~~
19. Maury, Louis P., Fairhope
20. McDade, Adelaide Dodd, Fairhope
21. McGill, Reuben E., Fairhope
22. McLeod, George, State Emp., Gulf Shores
23. McMillan, Raymond N., Farmer, Stockton
24. Neal, Harold, Ponder Co., Fairhope
25. Patterson, Miller, Jr., Fairhope
- ~~26. Patton, William L., Jr., Fairhope~~
- ~~27. Phillips, Hazel L., Blacksher~~
- ~~28. Phillips, Martha L., Blacksher~~
29. Richards, Thomas M., Fairhope
- ~~30. Sirmon, Arthur, Farmer, Biforest~~
31. Steele, Ira, Mail Clerk, Fairhope
- ~~32. Sweat, G. D., Real Estate, Robertsedale~~
- ~~33. Thomas, Tom, Bacon McMillan, Bay Minette~~
- ~~34. Anderson, Mildred, Bay Minette~~
- ~~35. Barnhill, Roger, Farmer, Loxley~~
- ~~36. Berglin, Lavine, Jr., Salesman, Fairhope~~
37. Berglin, Ouida Fairhope

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CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. BOX 120

BAY MINETTE, ALABAMA 36507

JOHN CHASON
NORBORNE C. STONE, JR.
JOHN EARLE CHASON
EBERHARD E. BALL

TELEPHONE 937-2191

October 17, 1969

Honorable Telfair J. Mashburn, Judge
28th Judicial Circuit
Bay Minette, Alabama 36507

Dear Judge Mashburn: Re: J. W. Kinsey v. Krieger
 Circuit Court of Baldwin
 County, Alabama, At Law,
 No. 7917

On receipt of the docket for the civil jury term beginning November 10 we discovered that the above referenced case was not on said docket. This case has been pending for some time and should have been at issue. We would certainly appreciate your signing the order appearing below directing that this case be placed on the docket in its proper numerical order.

With best regards, we are

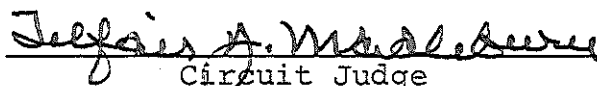
Yours very truly,

CHASON, STONE & CHASON

By: 

The above and foregoing having come to the attention of the Court and it appearing that the request contained in such letter should be granted, it is, therefore,

ORDERED, ADJUDGED and DECREED that the case of J. W. Kinsey vs. Krieger, number 7917, now pending in the Circuit Court of Baldwin County, Alabama, At Law, should be placed on the civil jury docket for trial on Tuesday, November 11, 1969, and the Clerk is hereby directed to place the same on said docket.


Circuit Judge

JEC:pjb

cc: Honorable James R. Owen

JOHN W. KINSEY,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
JOE KRIEGER,	X	AT LAW	NO:7917
Defendant.	X		

SUBPOENA DUCES TECUM

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

You are hereby commanded to summon the Medical Records Librarian of South Baldwin Hospital in Foley, Alabama, at the instance of the Plaintiff in the above styled cause to prepare a copy of and submit to the Clerk or Register of the Circuit Court of Baldwin County, Alabama, on the 11th day of November, 1969, at the instance of the Plaintiff in the above styled cause such hospital records as are in his possession regarding the hospitalization of John W. Kinsey the 13th day of April, 1967, until discharge, including records of admission, medical, hospital, occupational, disease, injury and disability histories, temperature, and other charts, x-rays, and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports and interpretations of physician, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as of all employees of such hospital, forming a part of such hospital records as to the health, condition, state, injuries, sickness, disease, mental, physical and nervous disorders, duration and character of disabilities, diagnosis, prognosis, progress, wounds, cuts, contusions, lacerations, breaks, loss of blood, incisions, operations, injuries, examinations, tests, transfusions, hospitalization and duration thereof, medication,

medicines, supplies, treatment and care and the cost, expenses, fees and charges therefor and thereof, a part of or shown on or in said hospital records of said patient; said copy of such records to be certified as provided in Title 7, Section 383(3) of the Code of Alabama of 1940, recompiled 1958, and this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed the same.

Witness my hand this 3 day of November, 1969.

David L. Warner
Clerk

No. 7917
John W. Rincey
vs.
Joe Krueger

BY K. Williams
TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF
72

Received 3 day of Nov 1964
and on 5 day of Nov 1964
I served a copy of the within Subpoena Return
On Paul Asquith
By service on Mrs. Cheryl
TAYLOR WILKINS Sheriff
Paul D.S.

JOHN W. KINSEY,

Plaintiff,

VS.

JOE KRIEGER,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7917

PLEA

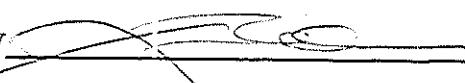
Now comes the defendant in the above styled cause and for plea to the complaint heretofore filed in said cause says, separately and severally:

1. Not guilty.

2. Defendant says that at said time and place complained of in the said complaint, the plaintiff was himself guilty of negligence which proximately contributed to his injuries and damages, hence he should not recover.

J. B. BLACKBURN and
JAMES R. OWEN

By


Attorneys for Defendant

FILED

OCT 16 1969

ALICE J. DUCK CLERK
REGISTER

NO. 7917

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOE KRIEGER 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 same, then and there to answer the Complaint of JOHN W. KINSEY.

Witness my hand this 14 day of December, 1967.

Alice J. Duck
Clerk

JOHN W. KINSEY,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

X

JOE KRIEGER,

X

AT LAW

Defendant.

X

7917

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Seventy Five Thousand Dollars (\$75,000.00) as damages for that heretofore on, to-wit: the 13th day of April, 1967, at the Defendants home in Lillian in Baldwin County, Alabama, the Defendant asked the Plaintiff to assist him in installing a tire on the rear of his pickup truck and that said tire was not the proper tire for the rim on which it was being installed and that the Defendant knew or should have known that said tire was not the proper tire to be used on said rim and he negligently failed to warn the Plaintiff of such fact and when the Plaintiff attempted to put air into such

tire it exploded or blew off of the rim causing the Plaintiff to receive a compound fracture of the right tibia and comminuted fracture of both hands which such injuries have caused him to suffer great pain and suffering and to incur large medical and hospital bills; he has been caused to lose time from work and he has a permanent partial disability of his right leg and both hands as a proximate result thereof. All of said injuries and damages being the proximate result of the negligence of the Defendant as aforesaid, hence this suit.

CHASON, STONE & CHASON

By: John Earle Chason
Attorneys for Plaintiff

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

John Earle Chason
Attorneys for Plaintiff

FILED

DEC 14 1967

ALICE J. DUCK CLERK
REGISTER

7911
JOHN W. KINSEY,

Plaintiff,

vs.

JOE KRIEGER,
Lillian, Ala.

Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

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SUMMONS AND COMPLAINT

* * * * *

CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA

Received 14 day of Dec 1967
on 30th day of Dec 1967
I have received copy of the within A & L
Joe Krieger

Service on above

TAYLOR WILKINS, Sheriff

By J. M. Eastburn
Lillian, Ala

Sheriff claims 100 miles at
Ten Cents per mile Total \$ 10.00
TAYLOR WILKINS, Sheriff
BY J. M. Eastburn
DEPUTY SHERIFF

Jack L. L. L.
Seaman

We, the jury, find for the Plaintiff
and assess his damages at \$ 5,000