

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Mary E. Skipper, 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 Nolan P. Cooper, as father of Nolan Kenneth Cooper, his deceased minor son.

Witness my hand, this the 16 day of February, 1968.

Alice J. Duck  
Clerk

NOLAN P. COOPER, as Father of X  
Nolan Kenneth Cooper, his  
deceased minor son, X

Plaintiff, X

vs. X

MARY E. SKIPPER, X

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7998

1.

The Plaintiff claims of the Defendant, the sum of ONE HUNDRED TWENTY-FIVE THOUSAND (\$125,000.00) DOLLARS, as damages, for that heretofore and on, to-wit: the 27th day of July, 1967, the Defendant so negligently operated a motor vehicle westwardly on Baldwin County Highway #64, a public highway in Baldwin County, Alabama, at a point approximately 75 yards West of the intersection of Baldwin County Highway #64 and #71, so as to cause or allow said vehicle to run over, upon and against the person of Nolan Kenneth Cooper, Plaintiff's minor son, fourteen (14) years of age, who was then and there operating a bicycle in a westerly direction on said Baldwin County, Alabama Highway #64 at said time and place, and, as a direct and proximate result of the negligence

of the Defendant as aforesaid, Plaintiff's minor son received injuries and damages from which he died.

2.

Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-FIVE (\$125,000.00) DOLLARS, as damages, for that heretofore and on to-wit: the 27th day of July, 1967, the Defendant, wantonly killed the Plaintiff's minor son, Nolan Kenneth Cooper, who was then fourteen (14) years of age, by so wantonly operating a motor vehicle westwardly on Baldwin County Highway #64, a public highway in Baldwin County, Alabama, at a point approximately 75 yards West of the intersection of Baldwin County, Alabama Highway #64 and #71, so as to cause or allow said vehicle to run over, upon and against the person of Nolan Kenneth Cooper, Plaintiff's minor son, fourteen (14) years of age, who was then and there operating a bicycle in a westerly direction on said Baldwin County, Alabama Highway #64, at said time and place, and as a direct and proximate result of the wantonness of the Defendant as aforesaid, Plaintiff's minor son received injuries and damages from which he died.

WILTERS, BRANTLEY & NESBIT

BY:

*Harry J. Wilters Jr.*  
Attorneys for the Plaintiff

Plaintiff demands a trial  
by jury

*Harry J. Wilters Jr.*  
Defendants address is:

Route 1, Box 120  
Robertsdale, Alabama

FILED

FEB 16 1968

ALICE J. DUCK CLERK  
REGISTER

Served a copy of the within 16 day of Feb. 1968  
23 day of Feb. 1968  
Mary E. Skipper  
service on

TAYLOR WILKINS, Sheriff  
*Carlie Children*  
Robertson

1 VOL 62  
Sheriff claims 52 miles at  
Total cents per mile Total \$ 5.20  
TAYLOR WILKINS, Sheriff  
BY *Carlie Children*  
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2998

NOLAN P. COOPER, as Father of  
Nolan Kenneth Cooper, his  
deceased minor son,

Plaintiff,

vs.

MARY E. SKIPPER,

Defendant.

SUMMONS AND COMPLAINT

WILTERS, BRANTLEY & NESBIT  
Attorneys at Law  
Robertsdale, Alabama

FEB 16 1968

*We the jury find in favor  
of the defendant  
Miss Lucile Berglin  
Robertson*

NOLAN P. COOPER, as	X	
Father of NOLAN		
KENNETH COOPER, his	X	
deceased minor son,		IN THE CIRCUIT COURT OF
	X	
Plaintiff,		BALDWIN COUNTY, ALABAMA
	X	
vs.		AT LAW CASE NO. 7998
	X	
MARY E. SKIPPER,		
	X	
Defendant.		

NOTICE OT TAKING OF DEPOSITION UPON ORAL  
EXAMINATION OF J. F. RIZZO AND JAMES  
WATTS, JR.

TO HONORABLE HARRY J. WILTERS, JR., ATTORNEY FOR THE PLAINTIFF IN  
THE ABOVE STYLED CAUSE:

NOTICE IS HEREBY GIVEN that the Defendant in the above  
styled cause shall take the deposition upon oral examination under  
the provisions of Title 7, Section 474(1), et seq., of the Code  
of Alabama of 1940, Recompiled 1958, of J. F. Rizzo and James  
Watts, Jr., the address of the said James F. Rizzo being Alabama  
Highway Patrol and the address of the said James Watts, Jr. being  
Loxley, Alabama, in the Courthouse in Bay Minette, Baldwin  
County, Alabama on the 15<sup>th</sup> day of April, 1968 at 2:00  
P.M. before Louise Dusenbury, a Notary Public in and for the State  
of Alabama, At Large.

This notice is being given by the Defendant to the  
Plaintiff under and by virtue of the provisions of Title 7,  
Section 474(7) of the Code of Alabama of 1940, Recompiled 1958.

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 29 day  
of March, 1968.

CHASON, STONE & CHASON

By: [Signature]  
Attorneys for Defendant

APR 1 1968

NOLAN P. COOPER, as  
Father of NOLAN KENNETH  
COOPER, his deceased  
minor son,

Plaintiff,

vs.

MARY E. SKIPPER,

Defendant.

X  
X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

CASE NUMBER: 7998

Comes the Defendant in the above styled cause and for  
plea to Counts One and Two of the Complaint, says:

1. Not Guilty.
2. That the allegations of the Complaint are untrue.

As to Count One of the Complaint, the Defendant says  
that the Plaintiff himself was guilty of negligence which was the  
proximate cause of the injuries to Nolan Kenneth Cooper, hence he  
can not recover in this suit.

*James Stone Mason*  
Attorneys for Defendant

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 20 day  
of Feb, 1968

*James Stone Mason*

FILED

FEB 26 1968

ALICE J. BEECHER CLERK

NOLAN P. COOPER, as Father  
of NOLAN KENNETH COOPER,  
his deceased minor son,

Plaintiff,

vs.

MARY E. SKIPPER,

Defendant.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BAIDWIN COUNTY, ALABAMA

LAW SIDE

NO. 7998

\* \* \* \* \*

PLEAS

\* \* \* \* \*

FEB 26 1968

ALICE J. DUCK CLERK  
REGISTER

NOLAN P. COOPER, as  
FATHER OF NOLAN KENNETH  
COOPER, his deceased  
minor son,

Plaintiff,

vs.

MARY E. SKIPPER,

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7998

Comes now the Plaintiff in the above styled cause and  
files these his demurrers to the Defendants Plea of Contributory  
Negligence, and for grounds thereof, says:

1.

No facts are averred to show a duty owed by the  
decedent to the Defendant, and no facts are alleged to show a  
breach of that duty which proximately contributed to the  
decedent's death.

2.

The plea fails to allege the time and place of the  
negligence of the decedent.

WILTERS & BRANTLEY

BY: 

Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10 day of June  
1969, 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.

WILTERS & BRANTLEY

By: 

**FILED**

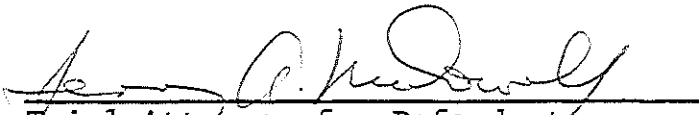
JUN 10 1969

**ALICE J. DUCK** CLERK  
REGISTER

NOLAN P. COOPER, as Father : IN THE CIRCUIT COURT OF  
of Nolan Kenneth Cooper, :  
his deceased minor son, : BALDWIN COUNTY,  
  
Plaintiff : ALABAMA  
  
v. : AT LAW  
  
MARY E. SKIPPER, :  
  
Defendant. : CASE NO. 7998

APPEARANCE OF COUNSEL

Comes now Hand, Arendall, Bedsole, Greaves &  
Johnston, by Jerry A. McDowell, and appear as addi-  
tional counsel for the defendant Mary E. Skipper.

  
Trial Attorney for Defendant  
First National Bank Building  
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed  
a true and correct copy of the foregoing  
Appearance of Counsel to Harry J. Wilters,  
Jr., Esq., Attorney for Plaintiff, by  
depositing a copy of same in the United  
States mail, postage prepaid, addressed  
to said attorney at his office in Bay  
Minette, Alabama, on this, the 1st day  
of October, 1969.



FILED

OCT 2 1969

ALICE J. DUCK CLERK  
REGISTER



ms. 7995

Tolan, Cooper

vs. Mary Skpper

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. C., 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, Robertsdale
12. Hauge, Ralph O., Clerk, Silverhill
13. Hemmersdorf, 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, Robertsdale
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, B. Forest
31. Steele, Ira, Mail Clerk, Fairhope
32. Sweat, C. D., Real Estate, Robertsdale
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

37  
2  
35  
1.2  
2 3

P XXXXX XXXXX XV  
D XXXXX XXXXX X

NOLAN P. COOPER, as Father :	IN THE CIRCUIT COURT OF
of Nolan Kenneth Cooper, :	
his deceased minor son, :	BALDWIN COUNTY,
Plaintiff :	ALABAMA
v. :	AT LAW
MARY E. SKIPPER, :	
Defendant. :	CASE NO. 7998

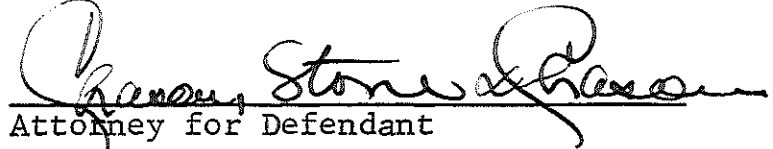
AMENDED ANSWER

Comes now the defendant and for answer to the plaintiff's complaint, and each count thereof, separately and severally, sets down and assigns the following separate and several pleas:

1. Not guilty.

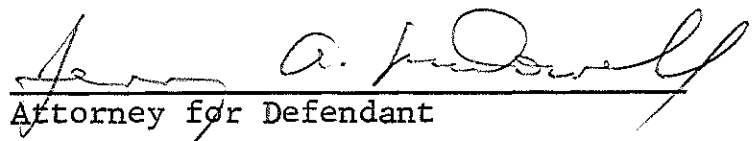
2. At the time and place complained of in the plaintiff's complaint, to-wit, the 27th day of July, 1967, on Baldwin County Highway Number 64, a public highway in Baldwin County, Alabama, at a point approximately 75 yards west of the intersection of Baldwin County Highway Number 64 and Number 71, the plaintiff's minor son so negligently operated a bicycle in a westerly direction on the said Baldwin County Highway Number 64 so as to cause or allow the said bicycle to collide with an automobile then and there operated by the defendant, and as a proximate result of the negligence of the plaintiff's minor son as aforesaid, plaintiff's minor son proximately

contributed to his own injuries and death; hence,  
plaintiff ought not recover.

  
Attorney for Defendant

Of Counsel:

CHASON, STONE & CHASON

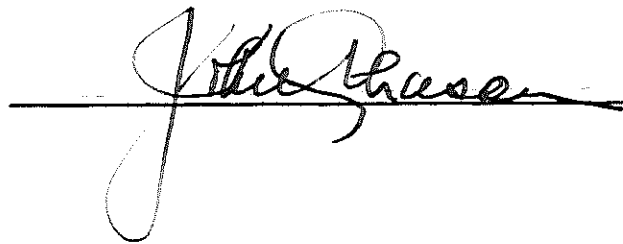
  
Attorney for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed  
a true and correct copy of the foregoing  
Amended Answer to Messrs. Wilters &  
Brantley, Attorneys for Plaintiff, by  
depositing a copy of same in the United  
States mail, postage prepaid, addressed  
to said attorneys at their offices in  
Bay Minette, Alabama, on this, the 10<sup>th</sup>  
day of November, 1969.



FILED

NOV 10 1969

ALICE J. DUCK CLERK  
REGISTER