

COLLINS, GALLOWAY & MURPHY
ATTORNEYS AT LAW
958 DAUPHIN STREET
MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
JAMES H. LACKEY

April 5, 1968

P. O. BOX 4492
TELEPHONE
432-0568
AREA CODE 205

Mrs. Alice J. Duck, Clerk
Circuit Court
Baldwin County Court House
Bay Minette, Alabama

2 -
Re: David Earn Brown
Vs: Clinton Elbert Smith

3
Re: Gladys Harrison
Vs: Clinton Elbert Smith

Re: Lillian McCammon, As Administratrix
Vs: Clinton Elbert Smith

Dear Mr. Duck:

I enclose herewith answers to be filed in each of the above referred to cases. These cases were transferred from the Circuit Court of Mobile County to your Court.

I have this date forwarded a copy of these answers to Mr. Bob Cunningham, the Attorney for the Plaintiff in each case.

Would you please advise me that these answers have been filed in your Court.

Best of personal regards.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

By: Thomas M. Galloway
Thomas M. Galloway

TMG/fs
Encls:

= check =

~~James H. Lackey~~
~~Robert L. Butler~~
~~James H. Lackey 8067~~
~~Robert L. Butler~~

1. ~~Dennis Curtis Johnson~~
~~6-5 12.5~~ ~~Edna Johnson~~
~~10-19-6-8~~
~~Edna Johnson~~
~~Mrs. Donald~~

2. Resisting Arrest
v

3.

CUNNINGHAM, BOUNDS AND BYRD

ATTORNEYS AT LAW
1350 DAUPHIN STREET
P. O. BOX 4486

MOBILE, ALABAMA 36604

ROBERT T. CUNNINGHAM
RICHARD BOUNDS
ROBERT L. BYRD, JR.
WARREN L. HAMMOND, JR.

AREA CODE 205
TELEPHONE 438-6188

September 18, 1968

Mrs. Alice J. Duck, Clerk
Baldwin County Circuit Court
County Courthouse
Bay Minette, Alabama

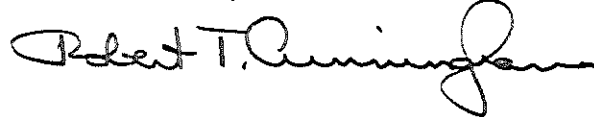
Re: McCammon, et al, vs.
Clinton Elbert Smith

Dear Mrs. Duck:

Will you please file the enclosed amended complaints in the above cases?

Very truly yours,

CUNNINGHAM, BOUNDS & BYRD



ROBERT T. CUNNINGHAM

RTC/mbs

Enclosure

LILLIAN McCAMMON, as Administra-	)	IN THE CIRCUIT COURT
trix of the Estate of ROLAND W.)	
ETHERIDGE, deceased,	)	OF BALDWIN COUNTY,
)	
Plaintiff.	)	ALABAMA.
)	
-vs-	)	AT LAW.
)	
CLINTON ELBERT SMITH,	)	CASE NO. _____
)	
Defendant.)	


Comes the Plaintiff in the above cause and amends her bill of complaint on file herein by adding thereto the following additional count:

COUNT TWO

Plaintiff claims of the Defendant the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS, damages, for that heretofore and on, to-wit, December 24, 1967, the Defendant wantonly caused the death of Plaintiff's intestate, Roland W. Etheridge, by so wantonly operating a motor vehicle on U. S. Highway 90 at a point, to-wit, 3.2 miles West of the center of Spanish Fort, at which point said U. S. Highway 90 is a public road in Baldwin County, Alabama, as to cause the same to collide with the motor vehicle then and there operated by Plaintiff's intestate on said U. S. Highway 90, and as a direct and proximate result of the wanton conduct of the Defendant as aforesaid, Plaintiff's intestate suffered injuries which proximately caused his death.

CUNNINGHAM, BOUNDS & BYRD
ATTORNEYS FOR PLAINTIFF

BY:


ROBERT T. CUNNINGHAM

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 18
day of September, 1962, 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.

Robert T. Cunningham

LILLIAN McCAMMON, As Administratrix : IN THE CIRCUIT COURT OF
of Estate of RONALD W. ETHERIDGE,
deceased.,

Plaintiff, : BALDWIN COUNTY, ALABAMA

VS:

: AT LAW

CLINTON ELBERT SMITH,

Defendant. : CASE NO. _____

Comes the Defendant in the above styled matter and
for answer to the complaint heretofore filed says as follows:

1. Not guilty.

COLLINS, GALLOWAY & MURPHY

By: Thomas M. Galloway
THOMAS M. GALLOWAY
ATTORNEYS FOR DEFENDANT

FILED

APR 8 1968

ALICE J. DUCK CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 5th
day of April, 1968, served a copy of
the foregoing pleading on counsel for all
parties to this proceeding by mailing the
same by United States Mail, properly ad-
dressed, and first class postage prepaid.

Thomas M. Galloway

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT LAW

CASE NO. 24705

CUNNINGHAM, BOUNDS & BYRD
BY: ROBERT T. CUNNINGHAM

LILLIAN McCAMMON, as Administratrix of the Estate of
ROLAND W. ETHERIDGE, deceased

VS. Suit for \$150,000.00 damages, fatal injuries.
(TORT)

CLINTON ELBERT SMITH

PLEADINGS, PROCESS, ETC,
FILING DATE

1. Complaint & Summons

1-25-68

2. Plea in Abatement

2-16-68

C & S served on Defendant on January 31, 1968.

March 22, 1968 - Plea in Abatement sustained, cause transferred
to Baldwin County Circuit Court.

Robert T. Ervin, Jr., Judge 36-896

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above
is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.
In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile
County, Alabama, on this the 25th day of March 1968.

John E. Mandeville
Clerk

FILED
MAR 27 1968
JUDGE J. QUINN

LILLIAN McCAMMON, as Administra-	)	IN THE CIRCUIT COURT
trix of the Estate of ROLAND W.)	
ETHERIDGE, deceased,	)	OF MOBILE COUNTY,
)	
Plaintiff.	)	ALABAMA.
)	
-vs-	)	AT LAW.
)	
CLINTON ELBERT SMITH,	)	CASE NO. <u>24705</u>
)	
Defendant.)	

COUNT ONE

Plaintiff claims of the Defendant the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS, damages, for that heretofore and on, to-wit, December 24, 1967, the Defendant so negligently operated a motor vehicle on U. S. Highway 90 at a point, to-wit, 3.2 miles West of the center of Spanish Fort, at which point said U. S. Highway 90 is a public road in Baldwin County, Alabama, as to cause the same to collide with the motor vehicle then and there operated by Plaintiff's intestate on said U. S. Highway 90, and as a direct and proximate result of the negligence of the Defendant as aforesaid, Plaintiff's intestate suffered injuries which proximately caused his death.

CUNNINGHAM, BOUNDS & BYRD
ATTORNEYS FOR PLAINTIFF

BY: Robert T. Cunningham
ROBERT T. CUNNINGHAM

Plaintiff demands a trial by jury.

Robert T. Cunningham
ROBERT T. CUNNINGHAM
I CERTIFY THIS PLEADING
WAS FILED ON

TRIAL ATTORNEY: Robert T. Cunningham

Address of Defendant:

P. O. Box 314
Stapleton, Alabama

JAN 25 10 37 AM '68

John H. Andrews
CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

CLINTON ELBERT SMITH

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of
LILLIAN McCAMMON, as Administratrix of the Estate of ROLANDW.
ETHERIDGE, deceased.

WITNESS: John E. Mandeville, Clerk of said Court, this 25th day of JANUARY, 19 68

Attest:

John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ day
of _____, 19____, I served a copy of
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

REC'D. SHERIFF DEPT.
MOBILE COUNTY, ALA.
JAN 20 4 27 PM '68
BY _____

Sheriff claims 24 miles at
Ten Cents per mile Total \$ 2.40
TAYLOR WILKINS, Sheriff
BY W A Tolbert
DEPUTY SHERIFF

31 day of Jan. 1968
31 day of Jan. 1968
Received a copy of the within
Clinton E. Elbert Smith

Service on _____
TAYLOR WILKINS, Sheriff
By W A Tolbert D. S.
Stapleton

mail
No. 24705
JUDGE _____ DOCKET
CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY
LILLIAN McCAMMON, as Adm., etd.

VS. } Complaint and Summons
CLINTON ELBERT SMITH

Issued 25th day of JANUARY, 19 68
Defendant's Address
P.O. Box 314
Stapleton, Alabama

ROBERT T. CUNNINGHAM
Plaintiff's Attorney

LILLIAN McCAMMON, as Administra- : IN THE CIRCUIT COURT OF
trix of the Estate of ROLAND W.
ETHERIDGE, deceased,

Plaintiff,

: MOBILE COUNTY, ALABAMA

VS:

: AT LAW

CLINTON ELBERT SMITH,

Defendant.

: CASE NO. 2 4 7 0 5 *E*

PLEA IN ABATEMENT

Comes now the Defendant in the above styled matter and moves this Court to abate this action now pending upon the following separate and several grounds:

1. It affirmatively appears from the complaint as filed in this matter that this accident occurred in Baldwin County, Alabama and that the Defendant is a resident of said Baldwin County.

WHEREFORE, this matter should be abated in Mobile County, Alabama, and the same transferred to the Circuit Court of Baldwin County, Alabama.

COLLINS, GALLOWAY & MURPHY

By:

Thomas M. Galloway

THOMAS M. GALLOWAY
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this *15th*
day of *Feb*, 19*68*, served a copy of
the foregoing pleading on counsel for all
parties to this proceeding by mailing the
same by United States Mail, properly ad-
dressed, and first class postage prepaid.

Thomas M. Galloway

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

FEB 16 10 25 AM '68

John M. Marshall
CLERK

FRIDAY, MARCH 22, 1968

LILLIAN McCAMMON, as Administratrix
of the Estate of Roland W. Etheridge,
Deceased

ERVIN -vs- 24705

CLINTON ELBERT SMITH

)
) PLEA IN ABATEMENT SUSTAINED,
) CAUSE TRANSFERRED TO BALDWIN
) COUNTY CIRCUIT COURT
)
)
)

This day in open Court came the parties by their attorneys,
and Defendant's Plea in Abatement filed February 16, 1968, in this
cause, coming on to be heard and being argued by counsel and under-
stood by the Court;

It is ordered and adjudged by the Court that defendant's said
Plea in Abatement filed February 16, 1968, in this cause be, and the
same is hereby sustained, and Case ordered transferred to the Circuit
Court of Baldwin County, Alabama.

Minute Book 36
Page 896

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

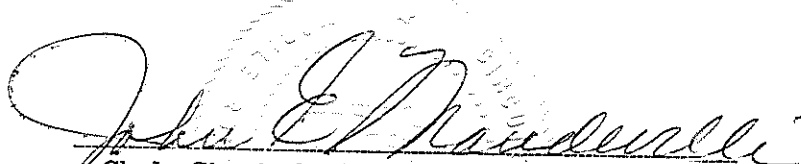
as rendered by the said Circuit Court on the 22nd day of March, 1968, in the cause
entitled No. 24705 - LILLIAN McCAMMON, as Administratrix of the Estate
of ROLAND W. ETHERIDGE, Deceased, Plaintiff,

— versus — CLINTON ELBERT SMITH

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in
Minute Book No. 36, Page No. 896.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 25th day of March, 1968.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 24705 LILLIAN McCAMMON, As Administratrix of the Estate of Plaintiff
ROLAND W. ETHERIDGE, Deceased
CLINTON ELBERT SMITH Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

[illegible]

I respectfully beg to advise that if this bill for costs is not paid before _____ 19_____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk