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

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

h.

Re: David Earn Brown

Vs: Clinton Elbert Smith

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

Bv:

Thomas M. Galloway

TMG/fs Encls:

Henris artis Resisting arrest 7.

CUNNINGHAM, BOUNDS AND BYRD

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

ROBERT T. CUNNINCHAM RICHARD BOUNDS ROBERT L.BYRD, JR. WARREN L. HAMMOND, JR. MOBILE, ALABAMA 36604

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 Administratrix of the Estate of ROLAND W.)	IN THE CIRCUIT COURT
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

ROBERT T. CUNNINGHAM

CERTIFICATE OF SERVICE

Plat T Cuming

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:

l. Not guilty.

COLLINS, GALLOWAY & MURPHY

THOMAS M. GALLOWAY ATTORNEYS FOR DEFENDANT

APR 8 1968

ALICE J. DUCK CLERK REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this parties to this proceeding by mailing the same by United States Mail. properly addressed, and first class postage prepaid.

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

CLINTON ELBERT SMITH

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36-98

Robert T. Ervin, Jr., Judge

Cheek Clerk 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 Courty, Alabama, on this the 25th day of March

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LILLIAN McCAMMO	ON, as Administra- cate of ROLAND W.)	IN THE CIRCUIT COURT
ETHERIDGE, dece)	OF MOBILE COUNTY,
1 1	Plaintiff.)	ALABAMA.
-vs-)	AT LAW.
CLINTON ELBERT	SMITH,)	CASE NO. 24705
	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: Plet T. CUNNINGHAM

TCERTIFY THE

Plaintiff demands a trial by jury.

TRIAL ATTORNEY: Robert T. Cunningham

Address of Defendant:

P. O. Box 314 Stapleton, Alabama Jan 25 10 37 AH '68

Janish andralle clerk

THE STATE OF ALABAMA

MOBILE COUNTY

CIRCUIT COURT

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabar at the place of holding the same, then and there to answer the complaint of LILLLIAN McCAMMON, as Administratrix of the Estate of ROLANDW. ETHERIDGE, deceased. WITNESS: John E. Mandeville, Clerk of said Court, this 25th day of JANUARY 19.6 Attest: John I Mandeville Clerk SHERIFF'S RETURN Received day of 19 and on 19 1 served a copy the within 0n 19 1 served a copy the within 0n 19 1 served a copy the within 0n 19 1 served a copy the within 19 1 served a copy the		the State of Alabama	:			
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Ten Cents per mile Total \$.2

24705 E _DOCKET CIVIL DIVISION CIRCUIT COURT MOBILE COUNTY LILLIAN McCAMMON, as Adm., etd. Complaint and Summons CLINTON ELBERT SMITH Issued25th day of JANUARY Defendant's Address P.O. Box 314 Stapleton, Alabama

ROBERT T. CUNNINGHAM

Plaintiff's Attorney

LILLIAN McCAMMON, as Administra-: trix of the Estate of ROLAND W.

ETHERIDGE, deceased,

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

Plaintiff,

VS:

AT LAW

CLINTON ELBERT SMITH,

Defendant.

CASE NO. 24705

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

THOMAS M.

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this As. a dec, 196% served a copy of the foregoing pleading on counsel for old parties to this proceeding by mailing the same by United States Mail, properly eddrossed, and first class postage prepaid.

FEB 18 10 25 M '68

FRIDAY, MARCH 22, 1968

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

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

24705 ERVIN -VS-

CLINTON ELBERT SMITH

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 coumsel and understood 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 ofORDER_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 Same Parties), 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 Mebile, Alabama, on this the 25th day of March , 1968 .

ATTEST:

Clerk, Circuit Court, Mobile County, Alabama

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

(Act No. 740, Reg. Session Ala. Leg Appvd. Sept. 20, 1957) (Amend Sec. 21, Title 11, Code Ala. 19		1957	B			Act No. 571, Re (Amend Sec. 34 t	g. Ses. ind 100	Leg. 19 , Title 1	55) 1. Cod	e Ala.	1940
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