

ERNEST M. BAILEY
ATTORNEY AT LAW
56 NORTH SECTION STREET
P. O. BOX 361
FAIRHOPE, ALABAMA 36532
PHONE 928-2393

APRIL
16~~TH~~
1968

MRS. ALICE J. DUCK
CLERK OF CIRCUIT COURT
BALDWIN COUNTY
BAY MINETTE, ALABAMA, 36507

RE: CALLOWAY VS STOKES

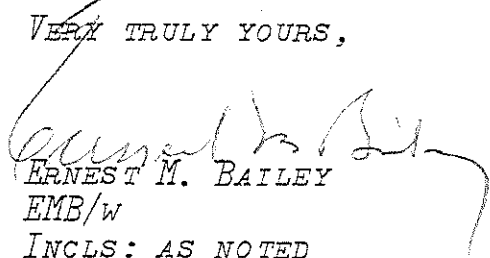
8092

DEAR MRS. DUCK:

I WOULD APPRECIATE YOU FILING THE ATTACHED BILL OF COMPLAINT IN THE ABOVE MATTER AND HAVING THE DEFENDANT SERVED WITH A COPY OF SAME.

MR. STOKES RESIDES IN POINT CLEAR, ALABAMA.

VERY TRULY YOURS,


ERNEST M. BAILEY

EMB/W

INCLS: AS NOTED

STATE OF ALABAMA
COUNTY OF BALDWIN

)
)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO SUMMON CLARENCE W. STOKES, TO
APPEAR AND ANSWER, PLEAD OR DEMUR, TO THE BILL OF COMPLAINT FILED
IN THIS COURT WITHIN THIRTY DAYS FROM THE SERVICE HEREOF, BY ALICE
CALLOWAY, AS PLAINTIFF, AGAINST CLARENCE W. STOKES, AS DEFENDANT.

WITNESS MY HAND THIS THE 17 DAY OF APRIL, 1968.

Alice J. Stokes
REGISTER

ALICE CALLOWAY,

)

PLAINTIFF

)

IN THE CIRCUIT COURT OF

VS

)

BALDWIN COUNTY, ALABAMA

CLARENCE W. STOKES,

)

AT LAW

DEFENDANT

)

CASE NO: 8092

COUNT ONE:

PLAINTIFF CLAIMS OF THE DEFENDANT THE SUM OF TWENTY THOUSAND
DOLLARS (\$20,000.00) AS DAMAGES FOR THAT ON, TO-WIT, MAY 4, 1967
WHILE RIDING A BICYCLE ALONG A PUBLIC ROAD NEAR POINT CLEAR, BALD-
WIN COUNTY, ALABAMA, AND ADJACENT TO THE DEFENDANT'S HOMESITE,
SHE WAS ATTACKED BY A DANGEROUS AND VICIOUS DOG, THE SAID DOG
BELONGING TO THE DEFENDANT, THE SAID DEFENDANT KNOWING AT THE TIME
THAT THE SAID DOG WAS DANGEROUS AND VICIOUS, BUT HE ALLOWED THE
SAME TO RUN AT LARGE, AND TO BE ON THE PUBLIC ROADWAY OF SAID
COUNTY; THAT SHE WAS BITTEN BY SAID DOG AND SUFFERED DEEP TOOTH
MARKS, CONTUSIONS AND ABRASIONS OF HER LEFT LEG AND BECAME PERMA-
NENTLY SCARRED, ALL THE PROXIMATE RESULT OF DEFENDANT ALLOWING
SAID DANGEROUS AND VICIOUS DOG TO NEGLIGENTLY RUN AT LARGE, THE
SAID DEFENDANT KNOWING AT THE TIME THAT THE SAID DOG WAS DANGEROUS

AND VICIOUS.

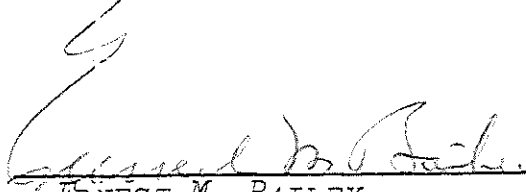
COUNT TWO:

PLAINTIFF CLAIMS OF THE DEFENDANT THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00) AS DAMAGES FOR THAT ON, TO-WIT, MAY 4, 1967 THE DEFENDANT WAS THE OWNER AND KEEPER OF A DOG WHICH WAS VICIOUS AND MISCHIEVOUS AND ACCUSTOMED TO DOE MISCHIEF, AND SAID DEFENDANT, HAVING KNOWLEDGE OF THE VICIOUS AND MISCHIEVOUS DISPOSITION OF SAID DOG, DID FAIL TO SECURELY AND SAFELY KEEP SAID DOG, AND THAT THE SAID DOG CAME OUT OF THE PREMISES OF SAID DEFENDANT INTO A PUBLIC ROAD, ADJACENT TO THE DEFENDANT'S HOMESITE, ALONG WHICH THE PLAINTIFF WAS GOING OR TRAVELING AS SHE HAD A RIGHT TO DO, AND SAID DOG ATTACKED AND BIT THE PLAINTIFF ON OR ABOUT HER LEFT LEG, AND, AS A PROXIMATE RESULT OF SAID ATTACK BY SAID DOG, SHE WAS MADE SICK AND SORE, SUFFERED CONTUSIONS AND ABRASIONS OF HER LEFT LEG, DEEP TOOTH MARKS AND PERMANENTLY SCARRED, AND THE PLAINTIFF WAS CAUSED TO SPEND GREAT SUMS IN MEDICAL TREATMENT OF HER INJURIES, FOR ALL OF WHICH THE PLAINTIFF SUES.

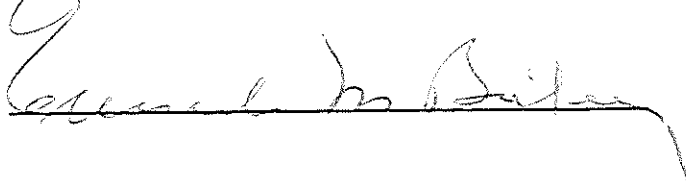
COUNT THREE:

PLAINTIFF CLAIMS OF THE DEFENDANT THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00) DAMAGES FOR THAT ON, TO-WIT, MAY 4, 1967, DEFENDANT WAS THE OWNER OF A LARGE, VICIOUS AND MISCHIEVOUS DOG, AND, THAT THE DEFENDANT KNEW OR HAD REASON TO KNOW THAT SAID DOG WAS VICIOUS AND MISCHIEVOUS. PLAINTIFF ALLEGES THAT ON SAID DATE SHE WAS RIDING A BICYCLE ALONG THE PUBLIC ROAD THAT WENT ALONG NEAR OR BY THE PREMISES OF THE DEFENDANT. THE PLAINTIFF AVERS THAT THE DEFENDANT KNEW THE VICIOUS NATURE OF SAID DOG, AND OWED THE DUTY TO HER AND TO THE PUBLIC TO SAFELY AND SECURELY KEEP SAID DOG. THE PLAINTIFF AVERS THAT DEFENDANT BREACHED SAID DUTY IN THIS, THAT HE DID NOT SECURELY OR SAFELY KEEP SAID DOG, AND, AS THE PLAINTIFF PASSED ALONG BY HIS SAID PREMISES OR NEAR THE SAME, SAID DOG CAME OUT FROM SAID PREMISES WHERE HE WAS NOT SECURELY OR SAFELY KEPT, AND THAT HE ATTACKED THE PLAINTIFF, AND BIT HER AND TORE HER FLESH; THAT AS A PROXIMATE CONSEQUENCE OF THE SAID BREACH OF SAID DUTY OWED HER AS AFORESAID, THE SAID DOG SO ATTACKED AND BIT HER, AND

AS A PROXIMATE RESULT OF SAID ATTACK BY SAID DOG SHE WAS MADE SICK AND SORE, SUFFERED CONTUSIONS AND ABRASIONS OF HER LEFT LEG, DEEP TOOTH MARKS, BRUISES AND PERMANENT SCARS; SHE WAS CAUSED TO EXPEND GREAT SUMS IN MEDICAL BILLS IN AND ABOUT HER INJURIES, FOR ALL OF WHICH THE PLAINTIFF SUES.


ERNEST M. BAILEY
ATTORNEY FOR PLAINTIFF

FOR TRIAL OF THIS CAUSE, PLAINTIFF
DEMANDS A TRIAL BY JURY.



FILED

APR 17 1968

ALICE J. DUCK CLERK
REGISTER

EX: 1-4-68

Pt. Clear B-6
BILL OF COMPLAINT

ALICE CALLOWAY,

PLAINTIFF

VS

CLARENCE W. STOKES,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 8092

DEFENDANT MAY BE SERVED
AT PT. CLEAR, ALABAMA

FILED

APR 17 1968

ALICE J. DUCK

CLERK
REGISTER

Received 17 day of April 1968
and on 4 day of June 1968
I served a copy of the within Bill of Complaint
on Clarence W. Stokes

By service on Albany
Point Clear
TAYLOR WILKINS, Sheriff
By Ray Randall D.

Sheriff claims 80 miles at
Ten Cents per mile Total \$ 8.00
TAYLOR WILKINS, Sheriff
Randall
DEPUTY SHERIFF