

JAMES WESLEY LEAVINS : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
VS: :
 : AT LAW
J & J TRUCKING COMPANY, :
INC., A Corporation, AND :
BOBBY CAROL DAVIS, :
Defendants. : CASE NO. 8 1 3 1

Comes now the Defendant J & J Trucking, Inc., a corporation, and for answer to the complaint heretofore filed, and to each and every count thereof, separately and severally, says as follows:

1. Not guilty.
2. The Plaintiff ought not to have and recover of this Defendant for at the time and place described in said complaint the Plaintiff was himself guilty of negligence which proximately contributed to his alleged injuries and damages.

COLLINS, GALLOWAY & MURPHY

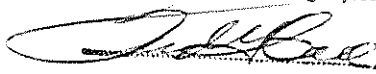
BY: 
Fred G. Collins
ATTORNEYS FOR ABOVE NAMED DEFENDANT

FILED

JUN 1 1963

ALICE J. DICK CLERK
REGISTER

CERTIFICATE OF SERVICE
I do hereby certify that I have on this 31 day of May, 1963 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.



May 16, 1968

JAMES WESLEY LEAVINS, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

VS.

J. & J. TRUCKING, INC., A CORPORATION,
et al, Defendants

CASE NO. 8,131

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Sara F. Blackerby, a Notary Public in and for said State-at-Large, personally appeared Mabel Amos, Secretary of State of the State of Alabama, who is known to me and who, being duly sworn, deposes and says that in her official capacity as Secretary of State of the State of Alabama she, on the 13th day of May, 1968 sent by certified mail in an envelope addressed as follows:

" J. & J. Trucking, Inc.
Collins, Mississippi 39428"

"Certified Mail—
Return Receipt Requested
~~Delivered to Addressee Only~~"

bearing sufficient and proper prepaid postage, a notice bearing her signature and the Great Seal of the State of Alabama in words and figures as follows:

" J. & J. Trucking, Inc.
Collins, Mississippi 39428

You will take notice that on May 7, 1968 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, Summons and Complaint and Affidavit in a case entitled: JAMES WESLEY LEAVINS, Plaintiff VS J. & J. TRUCKING, INC., A CORPORATION, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 8,131

a true copy of which Summons and Complaint and Affidavit are attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you, said service being under provisions of Title 7, Section 199(1) of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 13th day of May, 1968

(Signed) Mabel Amos

Mabel Amos
Secretary of State

Enclosures (2)

Affiant further says that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the Summons and Complaint and Affidavit in the above-styled cause.

Affiant further says that on May 16, 1968 she received the "Return Card" showing receipt by the designated addressee of the aforementioned matter at Collins, Ms on May 14, 1968

Mabel Amos
Affiant—Mabel Amos
Secretary of State

Sworn to and subscribed before me, this the 16th day of May, 1968

Sara F. Blackerby
Notary Public—State-at-Large

My Commission expires: 1-17-71

Enclosures—"Return Receipt" and
Copy of Process

CC: Honorable Ernest M. Bailey
56 North Section Street
Fairhope, Alabama 36532

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 J. J. TRUCKING, INC., A CORPORATION AND BOBBY CAROL DAVIS, TO APPEAR AND ANSWER, PLEAD OR DEMUR, TO THE BILL OF COMPLAINT FILED IN THIS COURT WITHIN THIRTY DAYS FROM THE SERVICE HEREOF, BY JAMES WESLEY LEAVINS, AS PLAINTIFF, AGAINST J. J. TRUCKING, INC., A CORPORATION, AND BOBBY CAROL DAVIS, AS DEFENDANTS.

WITNESS MY HAND THIS THE 6th DAY OF May 1968.

Alice J. Duck
CLERK

JAMES WESLEY LEAVINS,)

PLAINTIFF)

VS)

J. & J. TRUCKING, INC., A COR-)
PORATION, AND BOBBY CAROL DAVIS,

DEFENDANTS)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 8131

COUNT ONE:

PLAINTIFF CLAIMS OF THE DEFENDANTS FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THAT ON, TO-WIT, DECEMBER 3, 1967, THE DEFENDANT, BOBBY CAROL DAVIS, THEN AND THERE ACTING WITHIN THE LINE AND SCOPE OF HIS EMPLOYMENT AS AN AGENT OR SERVANT OF THE DEFENDANT, J. & J. TRUCKING, INC., NEGLIGENTLY CAUSED OR ALLOWED A VEHICLE, TO-WIT, A TWO-TON TRACTOR-TRAILER, WHICH HE WAS THEN AND THERE OPERATING TO RUN UPON OR AGAINST THE PLAINTIFF'S AUTOMOBILE ON BALDWIN COUNTY HIGHWAY # 11, A/K/A GREENO ROAD, A PUBLIC HIGHWAY, AT A POINT 2.4 MILES SOUTH OF FAIRHOPE, BALDWIN COUNTY, ALABAMA, AS A PROXIMATE RESULT OF WHICH NEGLIGENCE THE PLAINTIFF SUSTAINED GREAT

INJURIES IN THIS; HE SUFFERED CONTUSIONS TO LEFT RIB AND SPINE AREA, CONTUSIONS TO UPPER ABDOMEN AND SHOULDERS, HE SUFFERED GREAT MENTAL ANGUISH AND PAIN AND WAS CAUSED TO EXPEND LARGE SUMS FOR MEDICAL TREATMENT AND HOSPITALIZATION; THE PLAINTIFF'S AUTOMOBILE WAS DAMAGED IN THAT THE FENDERS, GRILL, HEADLIGHTS, DOORS AND BUMPER WERE RIPPED AND TORN AND PLAINTIFF WAS CAUSED TO SPEND LARGE SUMS IN AND ABOUT THE REPAIR OF THE SAME.


PLAINTIFF FURTHER AVERS THAT ALL OF SAID DAMAGES AND INJURIES WERE AS A PROXIMATE RESULT OF THE NEGLIGENCE OF THE DEFENDANTS FOR ALL OF WHICH HE SUES.

COUNT TWO:

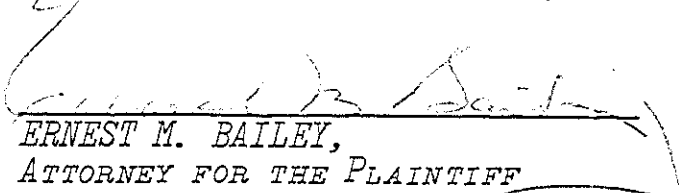
PLAINTIFF CLAIMS OF THE DEFENDANTS FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THAT ON, TO-WIT, DECEMBER 3, 1967, THE DEFENDANT, BOBBY CAROL DAVIS, THEN AND THERE ACTING WITHIN THE LINE AND SCOPE OF HIS EMPLOYMENT AS AN AGENT OR SERVANT OF DEFENDANT, J. & J. TRUCKING, INC., WANTONLY INJURED THE PLAINTIFF AND THE PLAINTIFF'S PROPERTY, BY WANTONLY CAUSING OR ALLOWING A VEHICLE, TO-WIT, A TWO-TON TRACTOR-TRAILER, WHICH SAID DEFENDANT WAS THEN AND THERE DRIVING TO RUN UPON OR AGAINST PLAINTIFF'S AUTOMOBILE ON BALDWIN COUNTY HIGHWAY # 11, A/K/A GREENO ROAD, A PUBLIC HIGHWAY, AT A POINT APPROXIMATELY 2.4 MILES SOUTH OF FAIRHOPE, BALDWIN COUNTY, ALABAMA, AS A PROXIMATE RESULT OF WHICH SAID WANTON CONDUCT THE PLAINTIFF WAS SEVERELY INJURED IN THIS; HE SUSTAINED CONTUSIONS TO THE LEFT RIB AND SPINE AREA, CONTUSIONS TO UPPER ABDOMEN AND SHOULDERS, HE WAS MADE SICK AND SORE AND SUFFERED MUCH PAIN AND MENTAL ANGUISH AND WAS CAUSED TO SPEND GREAT SUMS FOR MEDICAL TREATMENT AND HOSPITALIZATION FOR SAID INJURIES; THE PLAINTIFF'S AUTOMOBILE WAS DAMAGED IN THAT, THE FENDERS, GRILL, HEADLIGHTS, DOORS AND BUMPER WERE RIPPED AND TORN AND HE WAS CAUSED TO EXPEND GREAT SUMS FOR THE REPAIR OF THE SAME.

PLAINTIFF AVERS THAT ALL OF SAID INJURIES AND PROPERTY

DAMAGE WAS A PROXIMATE RESULT OF SAID WANTON CONDUCT OF THE
DEFENDANTS FOR ALL OF WHICH DAMAGES HE SUES.


ERNEST M. BAILEY,
ATTORNEY FOR THE PLAINTIFF

PLAINTIFF DEMANDS A TRIAL BY
A JURY FOR THE ABOVE STYLED CAUSE.


ERNEST M. BAILEY,
ATTORNEY FOR THE PLAINTIFF

FILED

MAY 6 1968

ALICE J. DUCK CLERK
REGISTER

SERVICE ON J. & J. TRUCKING, INC., MAY BE HAD
BY SERVICE ON THE SECRETARY OF STATE.

SERVICE ON BOBBY CAROL DAVIS MAY BE HAD AT
319 SIPSEY STREET, PRICHARD, ALABAMA

JAMES WESLEY LEAVINS,

PLAINTIFF

VS

J. & J. TRUCKING, INC., A COR-
PORATION, AND BOBBY CAROL DAVIS,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: _____

STATE OF ALABAMA

COUNTY OF BALDWIN

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY,
ERNEST M. BAILEY, WHO BEING DULY SWORN DEPOSES AND SAYS AS FOLLOWS:

My name is ERNEST M. BAILEY. I AM THE ATTORNEY REPRESENT-
ING THE PLAINTIFF IN THE ABOVE STYLED CAUSE. AS SUCH ATTORNEY, I
AM INFORMED AND BELIEVE, AND UPON SUCH INFORMATION AND BELIEF STATE,
THAT J. & J. TRUCKING, INC. IS A CORPORATION ORGANIZED UNDER THE
LAWS OF SOME STATE OTHER THAN THE STATE OF ALABAMA, AND THAT ITS
ADDRESS IS COLLINS, MISSISSIPPI; THAT SAID J. & J. TRUCKING, INC.
IN, TO-WIT, DECEMBER 3, 1967, WAS CARRYING ON, TRANSACTING, AND
DOING BUSINESS IN THE STATE OF ALABAMA, AND WAS PERFORMING WORK AND
SERVICE IN THE STATE OF ALABAMA, IN THAT IT WAS HANDLING OR DELIV-
ERING PRODUCE IN BALDWIN COUNTY, ALABAMA; THAT SAID J. & J. TRUCKING,
INC. WAS NOT AT SUCH TIME, AND IS NOT AT THE PRESENT, QUALIFIED TO
DO BUSINESS IN THIS STATE AND HAD NOT AT SAID TIME AND HAS NOT AT
THE PRESENT FILED WITH THE SECRETARY OF STATE OF THE STATE OF ALA-
BAMA ANY INSTRUMENT DESIGNATING AN AGENT FOR THE SERVICE OF PROCESS.

WHEREFORE, AFFIANT STATES THAT THE PROVISIONS OF SECTION
193 OF TITLE 7 OF THE CODE OF ALABAMA OF 1940, AS LAST AMENDED BY
ACT APPROVED AUGUST 6, 1953, AND APPEARING IN THE ACTS OF THE LEGIS-
LATURE OF THE STATE OF ALABAMA OF 1953, PAGE 371, ARE APPLICABLE
TO THE ABOVE STYLED CAUSE. AND AFFIANT FURTHER STATES THAT SECTION
199 (1) OF TITLE 7 OF THE CODE OF ALABAMA OF 1940, AS LAST AMENDED,

BY ACT APPROVED AUGUST 5, 1953, AND APPEARING IN THE ACTS OF THE
LEGISLATURE OF THE STATE OF ALABAMA OF 1953, PAGE 347, ARE ALSO
APPLICABLE TO THE ABOVE STYLED CAUSE.

Ernest M. Bailey
ERNEST M. BAILEY

SWORN TO AND SUBSCRIBED BEFORE ME THIS

6th DAY OF MAY, 1968.

FILED

MAY 6 1968

Ernest B. Blackman
NOTARY PUBLIC, STATE OF ALABAMA AT LARGE

ALDE J. BUSH
CLERK
REGISTER

JAMES WESLEY LEAVINS,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	
VS:	:	BALDWIN COUNTY, ALABAMA
J & J TRUCKING, INC.,	:	AT LAW
A Corporation, and	:	
BOBBY CAROL DAVIS,	:	
Defendants.	:	CASE NO. 8 1 311

Comes now the defendant Bobby Carol Davis and for answer to the complaint heretofore filed, and to each and every count thereof, separately and severally, says as follows:

1. Not guilty.
2. The plaintiff ought not to have and recover of this defendant for at the time and place described in said complaint the plaintiff was himself guilty of negligence which proximately contributed to his alleged injuries and damages.

COLLINS, GALLOWAY & MURPHY

BY: *Fred G. Collins*
 Fred G. Collins
 ATTORNEYS FOR ABOVE NAMED DEFENDANT

*Filed
 8-2-48
 R. H. Smith
 Clerk*

CERTIFICATE OF SERVICE
 I do hereby certify that I have on this 31
 day of July, 1948, 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.
Fred G. Collins

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 J. J. TRUCKING, INC., A CORPORATION AND BOBBY CAROL DAVIS, TO APPEAR AND ANSWER, PLEAD OR DEMUR, TO THE BILL OF COMPLAINT FILED IN THIS COURT WITHIN THIRTY DAYS FROM THE SERVICE HEREOF, BY JAMES WESLEY LEAVINS, AS PLAINTIFF, AGAINST J. J. TRUCKING, INC., A CORPORATION, AND BOBBY CAROL DAVIS, AS DEFENDANTS.

WITNESS MY HAND THIS THE 6th DAY OF May 1968.

Alice J. Duck
CLERK

JAMES WESLEY LEAVINS,)

PLAINTIFF)

VS)

J. & J. TRUCKING, INC., A CORPORATION, AND BOBBY CAROL DAVIS,)

DEFENDANTS)

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BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 8131

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PLAINTIFF CLAIMS OF THE DEFENDANTS FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THAT ON, TO-WIT, DECEMBER 3, 1967, THE DEFENDANT, BOBBY CAROL DAVIS, THEN AND THERE ACTING WITHIN THE LINE AND SCOPE OF HIS EMPLOYMENT AS AN AGENT OR SERVANT OF THE DEFENDANT, J. & J. TRUCKING, INC., NEGLIGENTLY CAUSED OR ALLWED A VEHICLE, TO-WIT, A TWO-TON TRACTOR-TRAILER, WHICH HE WAS THEN AND THERE OPERATING TO RUN UPON OR AGAINST THE PLAINTIFF'S AUTOMOBILE ON BALDWIN COUNTY HIGHWAY # 11, A/K/A GREENO ROAD, A PUBLIC HIGHWAY, AT A POINT 2.4 MILES SOUTH OF FAIRHOPE, BALDWIN COUNTY, ALABAMA, AS A PROXIMATE RESULT OF WHICH NEGLIGENCE THE PLAINTIFF SUSTAINED GREAT

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PLAINTIFF FURTHER AVERS THAT ALL OF SAID DAMAGES AND INJURIES WERE AS A PROXIMATE RESULT OF THE NEGLIGENCE OF THE DEFENDANTS FOR ALL OF WHICH HE SUES.

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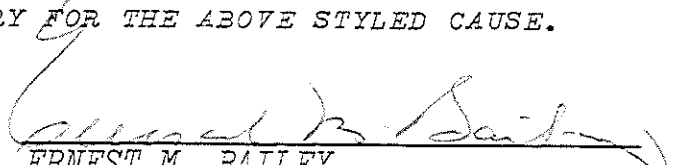
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ERNEST M. BAILEY,
ATTORNEY FOR THE PLAINTIFF

PLAINTIFF DEMANDS A TRIAL BY
A JURY FOR THE ABOVE STYLED CAUSE.


ERNEST M. BAILEY,
ATTORNEY FOR THE PLAINTIFF

FILED

MAY 6 1968

ALICE J. DUCK CLERK
REGISTER

SERVICE ON J. & J. TRUCKING, INC., MAY BE HAD
BY SERVICE ON THE SECRETARY OF STATE.

SERVICE ON BOBBY CAROL DAVIS MAY BE HAD AT
319 SIPSEY STREET, PRICHARD, ALABAMA

BILL OF COMPLAINT

*IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA*

AT LAW CASE NO: _____

JAMES WESLEY, LEAVINS,

PLAINTIFF

VS

*J. & J. TRUCKING, INC., A
CORPORATION, AND BOBBY CAROL
DAVIS,*

DEFENDANTS

JAMES WESLEY LEAVINS,

PLAINTIFF

VS

J. & J. TRUCKING, INC., A COR-
PORATION, AND BOBBY CAROL DAVIS,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: _____

STATE OF ALABAMA)

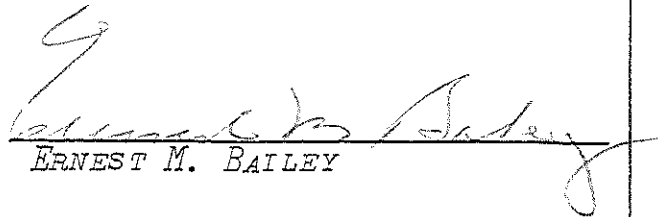
COUNTY OF BALDWIN)

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY,
ERNEST M. BAILEY, WHO BEING DULY SWORN DEPOSES AND SAYS AS FOLLOWS:

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ERNEST M. BAILEY

SWORN TO AND SUBSCRIBED BEFORE ME THIS

6th DAY OF MAY, 1968.

FILED

MAY 6 1968


NOTARY PUBLIC, STATE OF ALABAMA AT LARGE

ALDE J. BUCK CLERK
REGISTER



7/10
BILL OF COMPLAINT 4/502

CASE NUMBER 8131

JAMES WESLEY LEAVINS,
Plaintiff

vs:

J, & J. TRUCKING, INC., A Corporation and BOBBY CAROL DAVIS,
Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

2455
RECEIVED IN OFFICE
MAY MAY 1968
M. S. BUTLER, Sheriff

Executed by serving 3 copies of the within on W. L. Moore Secretary of State of The State of Alabama.
(This the 12 day of May 1968)

Sheriff of Montgomery County
M. S. Butler,
By W. L. Moore D. S.

Received 17 day of May 1968
and on 11 day of May 1968
I served a Copy on Bobby Carol Davis
by service on _____

RAY D. HARRISON, Sheriff
3-11-68 R. Harbin
Ernest M. Bailey, Attorney

M. S. Butler, Sheriff of Montgomery County, Alabama, Claim \$1.50 each for serving 1 process(es) and \$1.00 travel expense on each of 1 process(es) or a total of \$2.50

W. L. Moore Deputy Sheriff

REC'D SHERIFF DEPT.
MAY 17 2 42 PM '68

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

July 31, 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

Re: James Wesley Leavins
vs: J & J Trucking, Inc. and
Bobby Carol Davis
Case No. 8151

Dear Mrs. Duck:

We enclose herewith answer of Bobby Carol Davis
in the referenced case. Would you please file this
for us and acknowledge receipt of same on the carbon
copy of this letter and return to us.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY:


Fred G. Collins

FGC/brm

Encls.