

LUTHER D. JOINER, as	X	
Guardian for the use		
of ALFRED JOINER, a	X	
minor,		
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
CLAUDE PETTUS, Alias		
JOHN DOE, and GRAHAM	X	AT LAW
OIL COMPANY, INC., a		
Corporation, Jointly	X	
and Severally, whose true		
name or names are	X	NUMBER: 8132
otherwise unknown to		
your Plaintiff and	X	
will be disclosed by		
Amendment when as-	X	
certained,		
	X	
Defendants.	X	

MOTION TO STRIKE

Come the Defendants, Claude Pettus and Graham Oil Company, Inc., a corporation, and file this their Motion to Strike certain portions of Counts 1 and 2 of the Complaint as hereinafter set out and file the following separate and several grounds in support of such motion:

1. Such Defendants move the Court to strike the allegation in the style of the cause and in both Counts 1 and 2 "alias John Doe" and as grounds for such motion say:

- a. That Claude Pettus has never been known as John Doe.
- b. That Claude Pettus has no alias name.
- c. That said allegation should not be included either in the style of the cause or in either Count of the Complaint.

2. Such Defendants also move the Court to strike the entire second paragraph of each Count of the Complaint as such

paragraph does not state any cause of action against these Defendants and is only included in such Complaint for the purpose of prejudicing the mind of the jury and in an attempt to obtain sympathy of the jury.

Sharon Stone & Grace
Attorneys for Claude Pettus and
Graham Oil Company, Inc., a corporation, Defendants.

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 30 day of May, 1968.

FILED

MAY 30 1968

Sharon Stone
Grace
MAY 30 1968

CLERK
REGISTER

LUTHER D. JOINER, as Guardian
for the use of ALFRED JOINER,
a minor,

Plaintiff,

vs.

CLAUDE PETTUS, Alias JOHN DOE,
and GRAHAM OIL COMPANY, INC.,
A Corporation, Jointly and
Severally, whose true name or
names are otherwise unknown to
your Plaintiff and will be dis-
closed by Amendment when as-
certained,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO: 8132

* * * * *

MOTION TO STRIKE

* * * * *

MAY 30 1968

ALGER J. BECK CLERK
REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon CLAUDE PETTUS, ALIAS JOHN DOE and GRAHAM OIL COMPANY, INC., a Corporation to appear and plead, answer or demur within thirty days from the service of the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, at Law by Luther D. Joiner, as Guardian for the use of Alfred Joiner, a minor, as Plaintiff and against Claude Pettus, alias John Doe, and Graham Oil Company, Inc., a corporation, Jointly and Severally, as Defendants.

WITNESS my hand this the 7 day of May, 1968.

William J. Hance
Register

LUTHER D. JOINER, as Guardian)	IN THE CIRCUIT COURT OF
for the use of ALFRED JOINER,)	
a minor,)	BALDWIN COUNTY, ALABAMA
PLAINTIFF)	
)	AT LAW
VS.)	
)	
CLAUDE PETTUS, ALIAS JOHN DOE and)	Number <u>8137</u>
GRAHAM OIL COMPANY, INC., a)	
Corporation, Jointly and Severally,)	
whose true name or names are other-)	
wise unknown to your plaintiff and)	
will be disclosed by Amendment when)	
ascertained.)	
DEFENDANTS)	

COUNT ONE

The Plaintiff, LUTHER D. JOINER, as Guardian for the use of his ward, ALFRED JOINER, a minor, claims of the Defendants, Claude Pettus, alias John Doe, an individual and Graham Oil Company, Inc., a corporation whose true name or names of the defendants otherwise are unknown to your Plaintiff and will be disclosed by Amendment when ascertained, jointly and severally, \$30,000.00 as damages, for that he avers that on to-wit: May 13, 1967, at to-wit: 6:35 A.M., Claude Pettus, the agent, servant or employee of Graham Oil Company, Inc., in charge or control of the operation of a tractor-trailer oil truck on Alabama State Highway Number 59 at its intersection with Baldwin County Road Number 36 in Baldwin County, Alabama, while acting within the line and scope of his employment as such agent, servant or

employee, so negligently operated said tractor-trailer oil truck as to cause it to collide with an automobile in which plaintiffs' ward, Alfred Joiner was a passenger and by reason thereof and as a proximate result and consequence thereof, the said Alfred Joiner received personal injuries in this to-wit: he received severe lacerations of the scalp, head, arms, legs and body; his chest was injured; his back and spine was injured; he suffered internal bleeding and hemorrhaging; he received severe injuries about his head; he suffers from dizzy spells and will continue to suffer from dizzy spells; he received a contusion of the brain and was unconscious for a long period of time; his leg was broken and he was required to keep it in a cast for a long period of time; his nervous system was shocked and impaired; he has suffered and continues to suffer mental anguish; he was hospitalized and incurred doctor's and hospital bills in and about the treatment of his said injuries. His eyeglasses were destroyed; his wristwatch was destroyed; his clothing was cut, ripped and blood stained beyond repair and redemption and various other items of personal property was destroyed.

The plaintiff further avers that the said Alfred Joiner's mother, with whom he had lived alone his entire life, he having no other parent, brother or sister, was riding in the car with the said Alfred Joiner at said time and place of the averred collision and as a result and consequence of said collision, his said mother was critically injured and died as a proximate result of said collision and injuries and the plaintiff avers that the said Alfred Joiner thereby lost the love, affection, society, guidance and protection of his mother for which damages are claimed.

All of the above injuries and damages outlined in this count are the proximate result and consequence of the negligence

aforesaid of the said Claude Pettus, alias John Doe. Hence this suit.

COUNT TWO

The Plaintiff claims of the defendants the sum of \$40,000.00 for that heretofore on to-wit: May 13, 1967, at to-wit: 6:35 A.M. Claude Pettus, the agent, servant or employee of Graham Oil Co., Inc., in charge or control of the operation of a tractor-trailer oil truck on Alabama State Highway Number 59 at its intersection with Baldwin County Road Number 36, in Baldwin County, Alabama, while acting within the line and scope of his employment as such agent, servant or employee, so wantonly operated said tractor-trailer oil truck that he caused it to collide with an automobile in which the said Alfred Joiner was a passenger and as a result and consequence of the wanton misconduct of the Defendant Claude Pettus, as aforesaid the said Alfred Joiner suffered severe and permanent injuries in this to-wit: He received severe lacerations of the scalp, head, arms, legs and body; his chest was injured; his back and spine was injured; he suffered internal bleeding and hemorrhaging; he received severe injuries about his head; he suffers from dizzy spells and will continue to suffer from dizzy spells; he received a contusion of the brain and was unconscious for a long period of time; his leg was broken and he was required to keep it in a cast for a long period of time; his nervous system was shocked and impaired; he has suffered and continues to suffer excruciating pain from his injuries; he suffered and continues to suffer mental anguish; he was hospitalized and incurred doctor's and hospital bills in and about the treatment of his said injuries. His eyeglasses were destroyed; his wristwatch was destroyed; his clothing was cut, ripped and blood stained beyond repair and redemption and various other items of personal property was destroyed.

The plaintiff further avers that the said Alfred Joiner's mother, with whom he had lived alone his entire life, he having

no other parent, brother or sister, was riding in the car with the said Alfred Joiner at said time and place of the averred collision and as a result and consequence of said collision, his said mother was critically injured and died as a proximate result of said collision and injuries and the plaintiff avers that the said Alfred Joiner thereby lost the love, affection, society, guidance and protection of his mother for which damages are claimed.

All of the above injuries and damages outlined in this count are the proximate result and consequence of the wanton misconduct aforesaid of the said Claude Pettus. Hence this suit.

Arthur C. Epperson
Arthur C. Epperson
Attorney for the Plaintiff

Plaintiff demands a trial by Jury in this cause.

Arthur C. Epperson
Arthur C. Epperson
Attorney for the Plaintiff

Defendants' Addresses

Claude Pettus
Atmore, Alabama

Graham Oil Company, Inc.
Atmore, Alabama

FILED

MAY 7 1968

ALISE J. BUCK CLERK
REGISTER

no. 8132

MAY 7 1968

Luther H. Joiner

vs

Claude Pettus
et al

Executed this 8th day
May 1968 by serving
a copy of the within.

Claude Pettus
on Jackson & Co

Alton Keller
Sheriff
Deputy

Sheriff's Claims... 64...
files in executing this
Summons at 10c per

MAY 7 1968

ALICE J. DICK CLERK
REGISTER

a. E. person