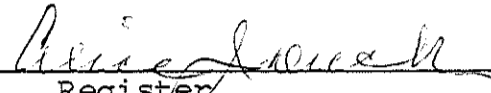


STATE OF ALABAMA  
BALDWIN COUNTY

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.

  
Register

\*\*\*\*\*

LUTHER D. JOINER, as Administrator	)	IN THE CIRCUIT COURT
of the Estate of BOBBIE MAE JOINER,	)	
DECEASED,	)	OF BALDWIN COUNTY,
PLAINTIFF	)	
	)	ALABAMA
VS.	)	
	)	AT LAW
CLAUDE PETTUS, alias JOHN DOE, and	)	
an individual, and GRAHAM OIL	)	
COMPANY, INC., a Corporation, whose	)	
true name or names are otherwise unknown	)	Number <u>8133</u>
to your plaintiff and will be disclosed	)	
by Amendment when ascertained, Jointly	)	
and Severally,	)	
	)	
DEFENDANTS	)	

COUNT ONE

The plaintiff Luther D. Joiner, as Administrator of the Estate of Bobbie Mae Joiner, Deceased, 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 are otherwise unknown to the plaintiff and will be disclosed by amendment when ascertained, jointly and severally, the sum of \$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 Bobbie Mae Joiner was traveling at said time and place

and by reason thereof and as a proximate result and consequence of said negligence of the said Claude Pettus, the said Bobbie Mae Joiner, the plaintiff's intestate, was killed. The plaintiff further avers that the intestate's automobile was totally destroyed with other personal property; that there was ambulance fees, wrecker fees and funeral expenses incurred; the plaintiff further alleges that the intestate left surviving her one minor child, Alfred Joiner, a son fourteen years of age who resided with her and who was totally dependant upon the plaintiff's intestate for his support and maintenance and that this action is brought for the benefit of said child and estate.

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

#### COUNT TWO

The Plaintiff, LUTHER D. JOINTER, as Administrator of the Estate of Bobbie Mae Joiner, Deceased, claims of the Defendants, CLAUDE PETTUS, Alias JOHN DOE, and individual and Graham Oil Company, Incorporated, a Corporation, whose true name or names of the defendants are otherwise unknown to the plaintiff and and will be disclosed by amendment when ascertained, jointly and severally, the sum of \$40,000.00 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 wantonly operated said tractor-trailer oil truck that he caused it to collide with an automobile in which the plaintiff's intestate was riding at said time and place and as a result and consequence of the wanton misconduct of the Defendant Claude Pettus, the said Bobbie Mae Joiner, the Plaintiffs

intestate was killed. The plaintiff further alleges that the said intestate's automobile was totally destroyed with other personal property belonging to the intestate; that there was ambulance fees, wrecker fees and funeral expenses incurred as a proximate result thereof; the plaintiff further alleges that the intestate left surviving her one minor child, Alfred Joiner, a minor fourteen years of age, who resided with the intestate and who was totally dependant upon her for his support, maintenance, love and affection, and that this action is brought for the benefit of said child and estate.

All of the above damages outlined above 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 Plaintiff

Defendants' Addresses

Claude Pettus  
Atmore, Alabama

Graham Oil Company, Inc.  
Atmore, Alabama

FILED

MAY 7 1968

ALICE J. DUCK CLERK  
REGISTER

NO. 8133

RECEIVED  
MAY 7 1968

Luther Myrner  
As. Adm.

VS.

Claude Pettie, alias  
John Doe, et al.

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

Claude Pettie  
Nichols Mil Co  
on

Sheriff  
Alton Keenan  
Deputy

Sheriff's Claims 64  
miles in executing this  
Summons at 10c per  
MAY 7 1968

ALICE J. DUCK  
CLERK  
REGISTER

a. efferson

LUTHER D. JOINER, as	X	
Administrator of the		
Estate of BOBBIE MAE	X	
JOINER, Deceased,		
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
	X	AT LAW
CLAUDE PETTUS, alias		
JOHN DOE, an individual,	X	
and GRAHAM OIL COMPANY,		
INC., a Corporation,	X	NUMBER: 8133
whose true name or names		
are otherwise unknown to	X	
your Plaintiff and will		
be disclosed by Amendment	X	
when ascertained, Jointly		
and Severally,	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 further move the Court to strike that part of each Count of the Complaint wherein there appears the following allegation: "The Plaintiff further avers that the intestate left surviving her one minor child, Alfred Joiner, a

minor fourteen years of age, who resided with the intestate and who was totally dependant upon her for his support, maintenance, love and affection, and that this action is brought for the benefit of said child and estate" as such allegation does not state a cause of action against these Defendants and is only included for the purpose of prejudicing the mind of the jury and obtaining the sympathy of the jury and should not have been included in either Count of such Complaint.

*Jason, Stone & Green*  
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.

*John J. Green*

FILED

MAY 30 1968

ALICE J. DEER CLERK  
REGISTER

LUTHER D. JOINER, as Administra-  
tor of the Estate of BOBBIE MAE  
JOINER, Deceased,

Plaintiff,

vs.

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

Defendants.

\*\*\*\*\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8133

\*\*\*\*\*

MOTION TO STRIKE

\*\*\*\*\*

MAY 30 1968

AMIE J. LEBLANC CLERK  
ALABAMA COURT REGISTER