

Johnston, Johnston & Nettles

Attorneys

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Mobile, Alabama 36601

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Mobile, Alabama

Samuel M. Johnston

William E. Johnston

Samuel M. Johnston, Jr.

Bert S. Nettles

Robert G. Kendall, III

June 17, 1969

Mrs. Alice Duck  
Clerk of the Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: John Giannini vs  
Smith-Kelly Supply Company  
Case No. 8236

Dear Mrs. Duck:

Please file the enclosed pleading in this case.

Yours very truly,

JOHNSTON, JOHNSTON & NETTLES

BY William E. Johnston  
William E. Johnston

WEJ:dm

Encl.

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Smith-Kelly Supply

Company, Inc. and Michael L. Taylor to appear and plead, answer or  
demur, within thirty days from the service hereof, to the Com-

plaint filed in the Circuit Court of Baldwin County, Alabama, At

Law, by John Giannini, a minor, suing by and through Paul Giannini,  
as his father and next friend.

Witness my hand this 15 day of July, 1968.

Clerk

*Allice J. Winder*

JOHN GIANNINI, a minor, suing  
by and through PAUL GIANNINI,  
as his father and next friend,

Plaintiff,

vs.

SMITH-KELLY SUPPLY COMPANY,  
INC. and MICHAEL L. TAYLOR,

Defendants.

COUNT ONE:

The Plaintiff claims of the Defendants Ten Thousand  
Dollars (\$10,000.00) as damages for that on heretofore, to-wit:  
the 27th day of July, 1967, the Defendant, Michael L. Taylor, the  
agent, servant or employee of the Defendant Smith-Kelly Supply  
Company, Inc., and who was then and there acting within the line  
and scope of his employment as such, so negligently operated a

motor vehicle on U. S. Highway 90 at its intersection with Reiham Drive in Loxley, Baldwin County, Alabama, as to cause or allow the same to run into, upon and against an automobile in which John Glanini was riding as a passenger, and as a proximate consequence and result of the negligence of the defendant, Michael L. Taylor, aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the defendant, Smith-Kelly Supply Company, Inc., the said John Glanini suffered serious personal injuries in this: he was made sick, sore and lame, he suffered shock, he suffered a cut to his lip which necessitated sewing up his lip. He was caused to suffer great pain, he was permanently scarred and disfigured on his lip, all to the damage of the said John Glanini wherefore he brings this suit and asks judgment against the Defendants in the above amount.

CHASON, STONE & CHASON

By:

Attorneys for Plaintiff

The Plaintiff respectfully demands

a trial of this cause by a jury.

CHASON, STONE & CHASON

By:

Attorneys for Plaintiff

ADDRESSES FOR SERVICE:

Smith-Kelly Supply Company, Inc.  
450 South Royal Street  
Mobile, Alabama

Michael L. Taylor  
Route 1, Box 148C  
Citronelle, Alabama

FILED

JUL 25 1968

ALICE J. DUCK

CLERK  
REGISTER

JOHN GIANNINI, a minor, suing  
by and through PAUL GIANNINI,  
as his Father and next friend,

Plaintiff,

VS.

SMITH-KELLY SUPPLY COMPANY,  
INC. and MICHAEL L. TAYLOR,

Defendants.

: IN THE CIRCUIT COURT  
: OF BALDWIN COUNTY,  
: ALABAMA  
: AT LAW  
:  
: CASE NO. 8236  
:

A N S W E R

Comes now the defendant in the above styled cause  
and for answer to the complaint says:

1. Not Guilty.

JOHNSTON, JOHNSTON & NETTLES  
Attorneys for Smith-Kelly  
Supply Company, Inc.

BY

William E. Johnston

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for  
all parties in the foregoing matter with a copy of this  
pleading by depositing in the United States Mail a copy of  
same in a properly addressed envelope with adequate postage  
thereon.

This 17<sup>th</sup> day of June, 1969.

William E. Johnston  
Attorney for

**FILED**

JUN 18 1969

ALICE J. DICK CLERK  
REGISTER

JOHN GIANNINI, a minor, suing X  
by and through PAUL GIANNINI, X  
as his Father and next friend, X

Plaintiff, X

vs. X

SMITH-KELLY SUPPLY COMPANY, X  
INC. and MICHAEL L. TAYLOR, X

Defendants. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

X CASE NO. 8236

D E M U R R E R

Comes now the defendant Smith-Kelly Supply Company,  
Inc. and demurs to the complaint and to each count thereof,  
separately and severally and assigns the following separate  
and several grounds:

1. For that said count fails to state a cause of action.
2. For that there is no allegation of any duty owed  
by this defendant to the plaintiff.
3. For that it is not alleged that this defendant  
breached any duty owed to the plaintiff.
4. For that it is not made to appear that the plaintiffs'  
automobile was on a public street or highway at the time of  
said accident.
5. For that it is not made to appear that the automobile  
allegedly being operated by an agent, servant or employee of  
this defendant was being operated on a public street or high-  
way at the time of the accident.

JOHNSTON, JOHNSTON & NETTLES  
Attorneys for Smith-Kelly  
Supply Co., Inc.

BY

Robert B. Kendall

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 28 day of August, 1968  
Robert H. Knebel  
Attorney for

**FILED**

AUG 28 1968

**ALICE J. DUCK** CLERK  
REGISTER

STATE OF ALABAMA

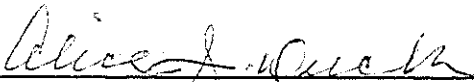
IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Smith-Kelly Supply Company, Inc. and Michael L. Taylor to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, Alabama, At Law, by John Giannini, a minor, suing by and through Paul Giannini, as his Father and next friend.

Witness my hand this 25 day of July, 1968.

  
Clerk

JOHN GIANNINI, a minor, suing	X	
by and through PAUL GIANNINI,		
as his Father and next friend,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
		BALDWIN COUNTY, ALABAMA
vs.	X	
SMITH-KELLY SUPPLY COMPANY,	X	AT LAW
INC. and MICHAEL L. TAYLOR,		
	X	728236
Defendants.	X	

COUNT ONE:

The Plaintiff claims of the Defendants Ten Thousand Dollars (\$10,000.00) as damages for that on heretofore, to-wit: the 27th day of July, 1967, the Defendant, Michael L. Taylor, the agent, servant or employee of the Defendant Smith-Kelly Supply Company, Inc., and who was then and there acting within the line and scope of his employment as such, so negligently operated a

motor vehicle on U. S. Highway 90 at its intersection with Relham Drive in Loxley, Baldwin County, Alabama, as to cause or allow the same to run into, upon and against an automobile in which John Giannini was riding as a passenger, and as a proximate consequence and result of the negligence of the Defendant, Michael L. Taylor, aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant, Smith-Kelly Supply Company, Inc., the said John Giannini suffered serious personal injuries in this: he was made sick, sore and lame, he suffered shock, he suffered a cut to his lip which necessitated sewing up his lip. He was caused to suffer great pain, he was permanently scarred and disfigured on his lip, all to the damage of the said John Giannini wherefore he brings this suit and asks judgment against the Defendants in the above amount.

CHASON, STONE & CHASON

By:

  
Attorneys for Plaintiff

The Plaintiff respectfully demands  
a trial of this cause by a jury.

CHASON, STONE & CHASON

By:

  
Attorneys for Plaintiff

FILED

JUL 25 1968

ADDRESSES FOR SERVICE:

ALICE J. DUCK CLERK  
REGISTER

Smith-Kelly Supply Company, Inc.  
450 South Royal Street  
Mobile, Alabama

Michael L. Taylor  
Route 1, Box 148C  
Citronelle, Alabama



Received Aug 1 1968  
day of Aug 1968  
I served a copy of the within of J.C.  
to Smith Kelly Supply and  
Michael J. Walker  
by service on Mr. Walker & Associates  
Ray D. Bridges  
TAYLOR WILKINS, Sheriff  
E. J. Sullivan D.S.

Ind. 7W, 82.36

JOHN GIANNINI, a minor, suing by  
and through PAUL GIANNINI, as his  
Father and next friend,

Plaintiff,

vs.  
Ray D. Bridges  
SMITH-KELLY SUPPLY COMPANY, INC.  
and MICHAEL L. TAYLOR,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

\* \* \* \* \*

SUMMONS AND COMPLAINT

FILED

\* \* \* \* \*

JUL 25 1968

CHASON, STONE & CHASON  
ATTORNEYS AT LAW  
P. O. Box 120  
BAY MINETTE, ALABAMA  
CLERK  
REGISTER

RETURNED 8-2-68  
Michael J. Walker  
Not found in my County after diligent search and inquiry.  
RAY D. BRIDGES, Sheriff  
By W. Gates D. S.