

ROBERT E. McDONALD, JR.

ATTORNEY AT LAW

25TH FLOOR

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA 36602

TELEPHONE 433-7393

September 25, 1968

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

8345

Re: Percy L. Stinson
Vs. Ratcliff's Firestone,
Inc. and John Z. Davis

Dear Mrs. Duck:

Enclosed herewith is an original Bill of Complaint
to be filed in your Court with copies. This is a
new law suit.

Thank you very much.

Yours very truly,


Robert E. McDonald, Jr.

REM/fgw

Enc.

send back for
signature

PERCY L. STINSON	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
RATCLIFF'S FIRESTONE, INC.,	X	AT LAW NO. 8345
and JOHN Z. DAVIS, jointly	X	
and severally,	X	
Defendants	X	

Come the defendants in the above styled cause and demur to the complaint filed in said cause and to each count thereof, separately and severally, as follows:

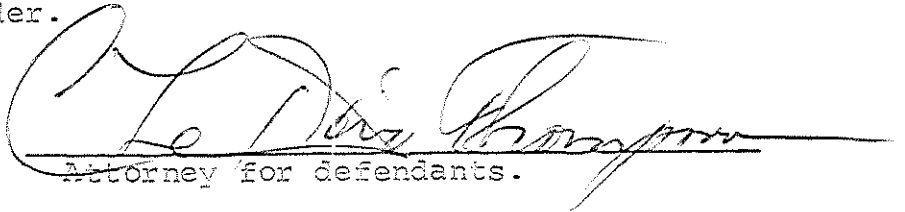
1. As to Count One, said complaint fails to state a cause of action.
2. As to Count One, said complaint fails to allege the damage done to plaintiff's home.
3. As to Count One, said complaint fails to allege what property said plaintiff was deprived of.
4. As to Count One, said plaintiff fails to allege which defendant deprived the plaintiff of any property.
5. As to Count One, plaintiff fails to allege specifically the damage suffered.
6. As to Count Two of said complaint, plaintiff fails to allege where the said chattels were located and to specify the manner, kind or facts of said damage.
7. As to Count three, said plaintiff fails to allege the basis of the malice alleged.
8. As to Count four, plaintiff fails to allege the specific property trespassed upon by the defendants.
9. As to Count Four, plaintiff fails to allege by proper description the property on which defendants are alleged to have trespassed.
10. As to Count Five, plaintiff fails to allege the specific property trespassed upon by the defendants.
11. As to Count Five, plaintiff fails to allege by proper description the property on which defendants are alleged to have trespassed.
12. As to Count Six thereof, plaintiff alleges conclusions in that it endeavors to allege a mental process of the defendants.

13. As to Count Seven thereof, said Count alleges conclusions on the part of the plaintiff.

14. That said Count constitutes and includes two separate counts.

15. Said Count fails to allege how long a time he was forced to attend court in defense of said suit.

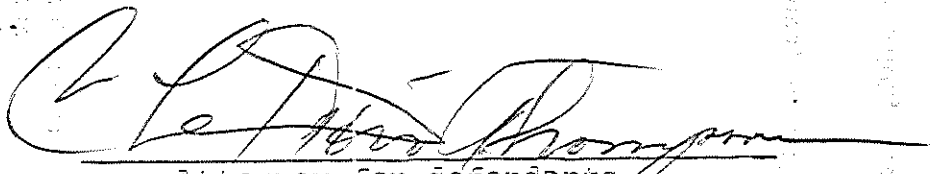
16. That the allegations of said Count constitute conclusions of the pleader.


Attorney for defendants.

PERCY L. STINSON	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
RATCLIFF'S FIRESTONE, INC.,	X	AT LAW NO. 8345
and JOHN Z. DAVIS, jointly	X	
and severally,	X	
Defendants	X	

Come the defendants in the above styled cause and propound the following interrogatories to the plaintiff, Percy L. Stinson:

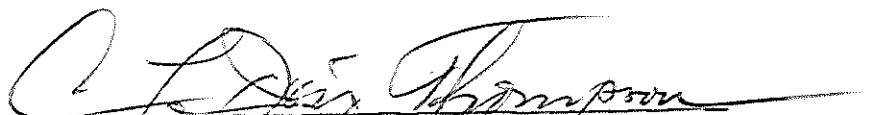
1. State your name.
2. Are you Percy L. Stinson, the plaintiff in said cause.
3. You have alleged that you own one Air Chief air conditioner, Serial No. 5G430. State where you bought the said air conditioner and attach a photocopy of the original bill of sale or original contract of sale as same may be.
4. State the amount you agreed to pay for said air conditioner and attach photocopy of the receipt or receipts received by you in payment of said air conditioner.
5. State what individual or individuals installed said air conditioner, giving their names and addresses.
6. State who was at home when said air conditioner was delivered and installed.


Attorney for defendants

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson, and I am the Attorney of Record for the defendants in the above entitled cause and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendants on the trial of said cause.


C. LeNoir Thompson

Sworn to and subscribed before me this 23 day of October, 1968.

FILED

OCT 23 1968


Notary Public, Baldwin County, Alabama

ALICE J. DECK

CLERK
REGISTER

622 A

PERCY L. STINSON,) IN THE CIRCUIT COURT
Plaintiff,) OF BALDWIN COUNTY, ALABAMA
Vs.) AT LAW
RATCLIFF'S FIRESTONE, INC.)
and JOHN Z. DAVIS, jointly)
and severally,)
Defendant.) CASE NO. 8345

BILL OF COMPLAINT

COUNT I

Complainant claims of the defendants the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages for that heretofore on to-wit, May 3, 1967, the defendants did wrongfully take one (1) Air Chief Air Conditioner, Serial No. 5G430, which was the property of the plaintiff, from the premises of the home of the plaintiff and plaintiff alleges that at the aforesaid time and place the defendants did damage to the plaintiff's home in so taking said chattel and plaintiff alleges that defendants did take away said chattel from plaintiff and deprive him of his property and said chattel. Plaintiff further alleges that defendants in taking said chattel did enter upon his home site without the permission of and against the will of the plaintiff and the plaintiff thereby suffered damages. Plaintiff also asks punitive damages.

COUNT II

Plaintiff claims of the defendants the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for wrongfully taking the following goods and chattels, the property of the plaintiff, viz.:

One (1) Air Chief Air Conditioner,
Serial No. 5G430

COUNT III

Plaintiff claims of the defendants the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for wrongfully and maliciously taking the following goods and property of the plaintiff, viz.:

One (1) Air Chief Air Conditioner,
Serial No. 5G430

COUNT IV

The plaintiff claims of the defendants FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for a trespass by the defendants on the following tract of land, viz.:

Homestead of Percy Stinson located at
General Delivery, Stapleton, Alabama

COUNT V

The plaintiff claims of the defendants FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for a willful trespass by the defendants on the following tract of land, viz.:

Homestead of Percy Stinson located at
General Delivery, Stapleton, Alabama

COUNT VI

Plaintiff claims of the defendants the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, as damages for that heretofore, on to-wit, May 3, 1967, the defendants, did make a false and malicious affidavit, alleging that one (1) Air Chief Air Conditioner, Serial No. 5G430, was its property when in fact the defendants well knew that the aforesaid chattel was the property of the plaintiff, and plaintiff alleges that on said date by virtue of the false and

malicious affidavit so filed, the defendants procured a writ of detinue from the Circuit Court of Baldwin County and did forceably remove the aforesaid air conditioner from the home of the plaintiff, which said air conditioner was also the property of the plaintiff, and plaintiff avers that he has suffered damages in the loss of his air conditioner and embarrassment and insult, plaintiff further alleges that his real property was damaged and his home was damaged in removing the aforesaid air conditioner, that he was forced to incur expenses in retaining an attorney to defend the aforesaid writ of detinue. The aforesaid John Z. Davis did enter into a bond in the amount of One Hundred Seventy-Seven and 85/100 (\$177.85) Dollars, in the aforesaid writ of detinue. Plaintiff also claims punitive damages.

COUNT VII

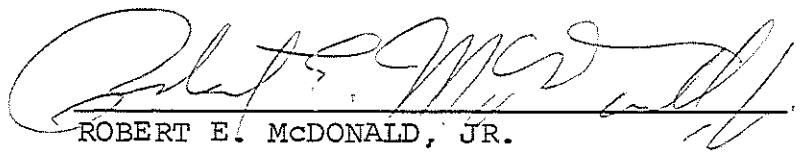
The plaintiff claims of the defendant the sum of Three Hundred Fifty-Five and 70/100 (\$355.70) Dollars, for the breach of the condition of a bond made by the defendant on the 3rd day of May, 1967, payable to the plaintiff in the sum of Three Hundred Fifty-Five and 70/100 (\$355.70) Dollars, with condition that if the principal obligor in said bond, Ratcliff's Firestone, Inc., should fail in his suit in detinue in the Circuit Court of Baldwin County, Alabama, against the said Percy L. Stinson and the said plaintiff in detinue as aforesaid, pay all such costs and damages as the said Percy L. Stinson should sustain by reason of the wrongful complaint and wrongful suing out of said detinue writ, then the obligation in said bond to be void; otherwise to be of full force and effect,

And plaintiff says that the condition of said bond has been broken by the defendant in this:

1. That the said Ratcliff's Firestone, Inc. did fail in his said suit in detinue and has wholly failed to pay the said Percy L. Stinson, plaintiff in this suit all the cost and damages that he sustained for reason of the wrongful suing out said detinue writ; to the damages of plaintiff as above stated.

2. And plaintiff alleges that said complaint was wrongfully sued out by the defendant to the damages to the plaintiff in the said sum of Three Hundred Fifty-Five and 70/100 (\$355.70) Dollars as aforesaid, therefore he sues.

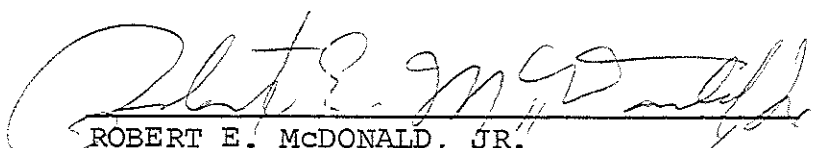
And plaintiff further avers that said bond has been broken in this, to-wit: that the said complaint named in the said recited bond was wrongfully sued out whereby plaintiff was compelled to employ counsel to defend said suit, then wrongfully sued out at the cost of a large sum, to-wit, the sum of Three Hundred Fifty-Five and 70/100 (\$355.70) Dollars: and plaintiff further avers that he was compelled to attend court in the defense of said suit for a long time, all of which said alleged damages plaintiff avers was a consequence of the wrongful suing out of the complaint.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Plaintiff respectfully demands a trial by jury.

FILED

SEP 27 1968


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

ALICE J. DUCK CLERK
REGISTER

Both defendants may be served at:

General Delivery, Bay Minette, Alabama

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SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to SummonRatcliff's Firestone, Inc. and John Z. Davis,
Jointly & Severally

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, State of Alabama, at Bay Minette, against.....Ratcliff's

.....Firestone, Inc. & John Z. Davis, Jointly & Severally....., Defendant.....

byPERCY L. STINSON.....

....., Plaintiff.....

Witness my hand this.....27th.....day of.....September.....1968.....

Alice J. Clark Clerk

Ex 10-2-68

No. 8345 Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Percy L. Stinson

Plaintiffs

vs.

Hatchliffs Firestone
John L. Davis

Defendants

SUMMONS AND COMPLAINT

Filed 9-27 1968

Quinn J. Burk Clerk

Robert E. McDonald
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

OCT 1 1968

Recognized in Office

..... 19.....

..... Sheriff

I have executed this summons

this Oct 2 1968

by leaving a copy with

Hatchliffs Firestone
John L. Davis

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..... Sheriff

W. A. Zolha

..... Deputy Sheriff

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