


ANNETTE DIXON SMITH,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
FRETTIE ROYSTER LOCKE)	
and JOHN W. LOCKE,)	
jointly and severally,)	
Defendants.	)	CASE NO. 8387

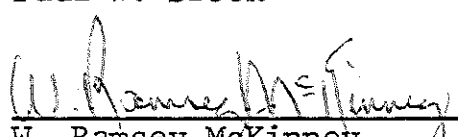
N O T I C E

TO: T. O. Howell, Jr., Esq.
Attorney at Law
P. O. Box 1652
Mobile, Alabama

Please take notice that on the 6th day of December, 1968, in the offices of Hand, Arendall, Bedsole, Greaves & Johnston, 30th Floor, The First National Bank Building, Mobile, Alabama, the defendants will take the deposition of the plaintiff at 3:00 p.m., upon oral examination pursuant to an Act of the Legislature of the State of Alabama, designated as Act No. 375, Regular Session 1955, Approved September 8, 1955, before an officer authorized to take depositions and swear witnesses in said County in said State. The oral examination will continue from day to day until completed and you are invited to attend and cross-examine.



Paul W. Brock



W. Ramsey McKinney
Attorneys for Defendants
30th Floor, The First
National Bank Building
Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

NO SUBPOENA

FILED
NOV 2 - 1968

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing notice to T. O. Howell, Jr., Esq., Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this 21st day of November, 1968.

W. Ramsey McFinnis

ANNETTE DIXON SMITH,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
FRETTIE ROYSTER LOCKE and)	
JOHN W. LOCKE, jointly and)	
severally,)	
Defendants.	)	CASE NO. _____

Now comes the Plaintiff in the above styled cause and for answer to the Defendants' special plea 2 heretofore filed in said cause, says as follows:

1. Plaintiff joins issue on said plea.

HOWELL, JOHNSTON, LANGFORD & FINKBOHNER
Attorneys for Plaintiff.

By: _____

One of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE ON
THIS 24 DAY OF Dec, 1968,
SERVED A COPY OF THE FOREGOING PLEADING
ON COUNSEL FOR ALL PARTIES TO THIS PRO-
CEEDING BY MAILING THE SAME BY UNITED
STATES MAIL, PROPERLY ADDRESSED, AND
FIRST CLASS POSTAGE PREPAID.

T. O. Howell

FILED

DEC 27 1968

ALICE J. DUCK CLERK
REGISTER

ANNETTE DIXON SMITH,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
FRETTIE ROYSTER LOCKE)	
and JOHN W. LOCKE,)	
jointly and severally,)	
Defendants.	)	CASE NO. _____

A N S W E R

Comes now each of the defendants in the above-styled cause, separately and severally, and for answer to the plaintiff's complaint, and each count thereof, separately and severally, sets down and assigns the following separate and several pleas, separately and severally:

1. Not guilty.

2. At the time and place complained of in plaintiff's complaint, the plaintiff was herself guilty of negligence which proximately contributed to her alleged injuries and damages, in that she so negligently operated a motor vehicle as to cause or allow same to collide with a motor vehicle being operated by Frettie Royster Locke; hence, plaintiff ought not to recover.

FILED

NOV 20 1968

ALICE J. DUCK CLERK
REGISTER

Paul W. Brock
Paul W. Brock

W. Ramsey McKinney
W. Ramsey McKinney
Attorney for Defendants
30th Floor, First National
Bank Building
Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing answer to T. O. Howell, Jr., Esq., Attorney at Law, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this 19th day of November, 1968.

W. R. Ramey, Jr.

720, 8387

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

JURY

N.J.

FILED
OCT 22 1968
POLICE J. DUCK
CLERK REGISTER

ings in the above styled case in this Court.
Seal as such Clerk of said Court at Mobile, Mobile

John E. Mandeville Clerk

ANNETTE DIXON SMITH,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	MOBILE COUNTY, ALABAMA
vs.	)	AT LAW
FRETTIE ROYSTER LOCKE)	
and JOHN W. LOCKE,)	
jointly and severally,)	
Defendants.	)	CASE NO. <u>26374</u>

COUNT ONE

Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 10th day of March, 1968, the Defendant, Frettie Royster Locke, while acting within the line and scope of her employment as agent, servant, or employee of the Defendant, John W. Locke, so negligently operated a motor vehicle northwardly on U. S. Highway 98, a public highway in Baldwin County, Alabama, at a point approximately .2 miles north of D'Olive Creek Bridge so as to cause or allow said vehicle to collide with the vehicle belonging to and being operated by the Plaintiff, and which said vehicle belonging to and being operated by the Plaintiff was then and there proceeding in a southwardly direction on said U. S. Highway 98 at said time and place, and as a direct and proximate result of the negligence of the Defendant, Frettie Royster Locke, while acting within the line and scope of her employment as agent, servant, or employee of the Defendant, John W. Locke, the Plaintiff was seriously and permanently injured, was made sick and sore, was caused to suffer great physical pain and mental anguish, and will likely continue to suffer physical pain and mental anguish in the future, the Plaintiff received numerous lacerations of her face and fractures of the facial bones, the Plaintiff's eyes and vision were permanently impaired and damaged, and Plaintiff was caused to lose the sight of her left eye and the vision in her right eye was also impaired, Plaintiff was caused to incur expenses of doctors, hospitals, nurses, x-rays, drugs and ambulances, was caused to lose time and wages from her employment, her earning capacity was permanently impaired, and Plaintiff's automobile was badly broken, bent and damaged, all to

the injury of the Plaintiff, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 10th day of March, 1968, the Defendant wantonly injured the Plaintiff by so wantonly operating a motor vehicle northwardly on U. S. Highway 98, a public highway in Baldwin County, Alabama, at a point approximately .2 miles north of D'Olive Creek Bridge, so as to cause or allow said vehicle to collide with the vehicle belonging to and being driven by the Plaintiff, and which said vehicle belonging to and being driven by the Plaintiff was then and there proceeding in a southwardly direction on said U. S. Highway 98 at said time and place, and as a direct and proximate result of the wantonness of the Defendants as aforesaid, the Plaintiff was seriously and permanently injured, was made sick and sore, was caused to suffer great physical pain and mental anguish, and will likely continue to suffer physical pain and mental anguish in the future, the Plaintiff received numerous lacerations of her face and fractures of the facial bones, the Plaintiff's eyes and vision were permanently damaged and impaired, and Plaintiff was caused to lose the sight of her left eye and the vision in her right eye was also impaired, Plaintiff was caused to incur expenses of doctors, hospitals, nurses, x-rays, drugs, and ambulances, was caused to lose time and wages from her employment, her earning capacity was permanently impaired, and Plaintiff's automobile was badly damaged, broken and bent, all to the injury of the Plaintiff, hence this suit.

HOWELL, JOHNSTON, LANGFORD & FINKBOHNER,
Attorneys for Plaintiff.

By: *J. O. Howell*

OF COUNSEL

Plaintiff respectfully requests a trial by jury.

STATE OF ALA. MOBILE CO.
I CERTIFY THIS CAUSING
WAS FILED ON *J. O. Howell*

One of Attorneys for Plaintiff

AUG 13 8 35 AM '68

Defendants may be served at:

Daphne, Alabama

Richard Marshall
CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

FRETTIE ROYSTER LOCKE and JOHN W. LOCKE, jointly and severally

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of

ANNETTE DIXON SMITH

WITNESS: John E. Mandeville, Clerk of said Court, this 15th day of August, 19 68

Attest:

John E. Mandeville

Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ day
of _____, 19____, I served a copy of
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

Ex: 8-27-68

RECORDS DEPT
MOBILE, ALA.

AUG 15 4 11 PM '68

BY _____

Received 27 day of Aug 1968
and on 27 day of Aug 1968
served a copy of the within 24 a

on Frettie Royster Locke and
John W. Locke

By service Daphne
Daphne

TAYLOR WILKINS Sheriff

By Roy Randall D.

54

540

TAYLOR WILKINS Sheriff

Roy Randall

DEPT. CLERK

No. 26374 - B

JUDGE mail DOCKET

CIVIL DIVISION

CIRCUIT COURT

MOBILE COUNTY

Annette Dixon Smith

VS. } Complaint and Summons

Frettie Royster Locke and John
W. Locke, jointly and severally

Issued 15th day of August, 19 68

Defendant's Address

Daphne, Alabama

T. O. HOWELL, JR.

Plaintiff's Attorney

ANNETTE DIXON SMITH,

Plaintiff,

-vs-

FRETTIE ROYSTER LOCKE
and JOHN W. LOCKE,
jointly and severally,

Defendants.

) IN THE CIRCUIT COURT OF

) MOBILE COUNTY, ALABAMA

) AT LAW

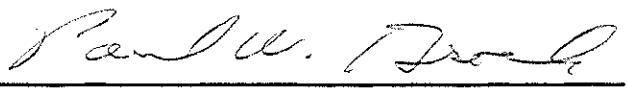
) CASE NO. 26,374 - B

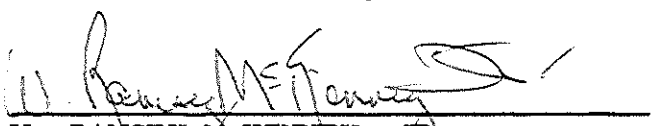
PLEA IN ABATEMENT

Comes now each of the defendants in the above cause, separately and severally, and, appearing solely and specially for the purpose of filing the following separate and several pleas in abatement and for no other purpose, does, pleading in abatement to the complaint as a whole and to each count thereof, separately and severally, say the following, separately and severally:

1. That this suit cannot be maintained, but must be abated, because the accident made the basis of said suit occurred in Baldwin County, Alabama, and both defendants reside and have resided at all times pertinent hereto in Baldwin County, Alabama. Hence, venue is not proper in Mobile County, Alabama.

2. That this suit cannot be maintained, but must be abated, because venue is improper in Mobile County, Alabama, where this suit has been brought, as is shown by the allegations of the complaint, inasmuch as the accident made the basis of this suit occurred in Baldwin County, Alabama, and both defendants reside and have resided since prior to the filing of this suit in Mobile County, Alabama.


PAUL W. BROCK, Trial Attorney
for said Defendants


W. RAMSEY MCKINNEY, JR.

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

STATE OF ALABAMA)
)
COUNTY OF MOBILE)

Before me, Joanette Larrett, a Notary Public in and
for said County in said State, personally appeared Paul W.
Brock, attorney for each of said defendants, who, being duly
sworn, deposes and says that the facts set forth therein are
true and correct.

Paul W. Brock
PAUL W. BROCK

Subscribed and sworn to
before me on this the
23rd day of September,
1968.

Joanette Larrett
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

S E R V I C E

I hereby certify that I have caused a copy of the foregoing
Plea In Abatement to be served on T. O. Howell, Jr., Esquire,
attorney for plaintiff, by mailing a copy thereof to him at his
office in Mobile, Alabama, postage prepaid, on this the 23rd
day of September, 1968.

Paul W. Brock
PAUL W. BROCK
Trial Attorney for said Defendants

Page 2.

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

SEP 23 5 00 PM '68

John Marshall
CLERK

FRIDAY, OCTOBER 18, 1968

ANNETTE DIXON SMITH

BOLLING -vs- 26374

FRETTIE ROYSTER LOCKE &
JOHN W. LOCKE, Jointly and
Severally

}
} PLEA IN ABATEMENT SUSTAINED,
} CAUSE TRANSFERRED TO BALDWIN
} COUNTY CIRCUIT COURT
}

This day in open Court came the parties by their attorneys, and defendants' Plea in Abatement filed September 23, 1968, in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that the defendants' said Plea in Abatement filed September 23, 1968, in this cause be, and the same is hereby sustained, and cause ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 37

Page 851

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

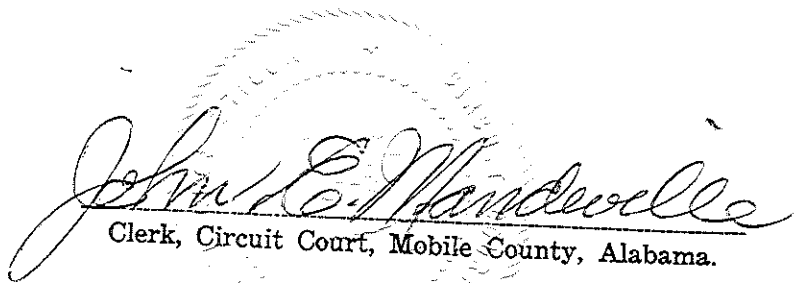
as rendered by the said Circuit Court on the 18th day of October, 1968, in the cause
entitled No. 26374 - ANNETTE DIXON SMITH

_____, Plaintiff,
— versus — FRETTIE ROYSTER LOCKE and JOHN W. LOCKE, Jointly and
Severally

Defendants (~~Together with the cancellation thereof~~), as the same remains of record in this office in
Minute Book No. 37, Page No. 851

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 18th day of October, 1968.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

ANNETTE DIXON SMITH

Plaintiff

No. 26374

vs.

FRETTIE ROYSTER LOCKE & JOHN W. LOCKE, etc.

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

[illegible]

I respectfully beg to advise that if this bill for costs is not paid before _____ 19_____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk

LAW OFFICES OF
HOWELL, JOHNSTON, LANGFORD & FINKBOHNER
NINTH FLOOR, E. A. ROBERTS BUILDING
P. O. BOX 1652
MOBILE, ALABAMA
36601

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
IRVIN J. LANGFORD
GEORGE W. FINKBOHNER, JR.
JOHN L. LAWLER

AREA CODE 205
TELEPHONE 432-2677

May 13, 1969

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

Dear Mrs. Duck:

The case of Annette Dixon Smith vs. Frettie Royster Locke and John W. Locke, Case No. 8387, has been settled. I would appreciate it if you would have an order entered dismissing this case with the costs taxed against the Defendant. Please send this to Mr. W. Ramsey McKinney, Jr. of Hand, Arendall, Bedsole, Greaves & Johnston, P. O. Box 123, Mobile, Alabama, 36601.

With my appreciation, I remain

Very sincerely yours,

HOWELL, JOHNSTON, LANGFORD & FINKBOHNER

Address
TH
T. O. Howell
Thomas O. Howell, Jr.

TOHJr:bjm

cc: Mr. W. Ramsey McKinney, Jr.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

30TH FLOOR - FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:
P. O. DRAWER C
OR P. O. BOX 123

CABLE ADDRESS:
HAB
TELEPHONE
432-5511
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. MCDOWELL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
C. WAYNE LOUDERMILCH
A. CLAY RANKIN, III
EDWARD A. HYNDMAN, JR.

November 19, 1968

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

Re: Annette Dixon Smith vs.
Frettie Royster Locke, et al.

Dear Mrs. Duck:

Enclosed is an answer to be filed in the above-styled case, which was transferred to the Circuit Court of Baldwin County from the Circuit Court of Mobile County. The number of the case in the Circuit Court of Mobile County was Case No. 26,374-B. I do not have the number assigned to the case in the Circuit Court of Baldwin County.

I would appreciate your stamping and returning to me the enclosed filing receipt. In addition, please indicate thereon the number assigned to the case in the Circuit Court of Baldwin County.

Thank you very much.

Very truly yours,


For the Firm

WRM.bb

Enclosure