

JO ANN EVANS

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

CARL XAVIER LIPSCOMB and
EDNA MOSES

X

AT LAW

NO.

8459

X

Defendants

X

-1-

The plaintiff claims of the defendants the sum of Twenty-five Thousand (\$25,000.00) Dollars as damages, for that heretofore, on to-wit, the 23rd day of August, 1968, the plaintiff was a passenger in an automobile being operated on a public highway, to-wit, U. S. Highway numbered 90 at or near the entrance of U. S. Highway 98 into U. S. Highway 90 near the Community of Spanish Fort, Baldwin County, Alabama, where she had a right to be and defendant, Carl Xavier Lipscomb, an agent, servant or employee of defendant, Edna Moses, while acting within the line and scope of his employment, so negligently operated his motor vehicle, to-wit, a 1956 Rambler Station Wagon then and there as to cause said motor vehicle to run over, upon or against the automobile in which your said complainant was a passenger; and plaintiff avers that as a proximate consequence thereof, she was injured severely about the legs and body suffering bruises and contusions and suffering damages to her knee so that it will be permanently stiffened and damages to her foot in which bones were broken and damages to her face, whereby she will carry a permanent scar thereon; and all of which caused her to be disabled and unable to perform her duties as a wife or housekeeper and unable to do gainful employment being permanently injured as aforesaid; all to her damage in the sum aforesaid; and plaintiff avers that all of her said injuries were proximately caused by the said negligence of the said defendant, Carl Xavier Lipscomb, an agent, servant or employee of the defendant Edna Moses while acting within the line or scope of his employment as such agent, servant or employee in and about the negligent operation of said motor vehicle at the time and place and on the occasion aforesaid; and your said

plaintiff was forced to expend great sums of money for doctors,
hospital services and medicines and has endured great pain
and suffering all as the result of said negligence aforesaid.


Attorney for plaintiff.

FILED

DEC 6 1968

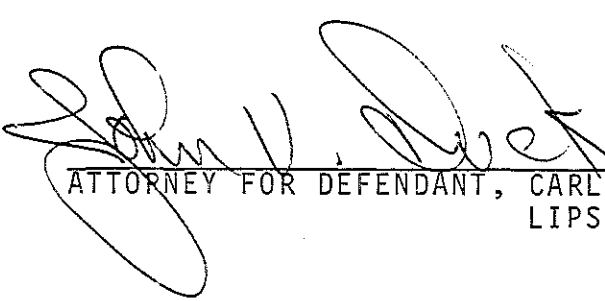
ALICE J. DUCK CLERK
REGISTER

JO ANN EVANS,)
Plaintiff,)
vs.)
CARL XAVIER LIPSCOMB and)
EDNA MOSES,)
Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, CASE NO. 8459

PLEA

Comes now CARL XAVIER LIPSCOMB, and for plea to the Bill of
Complaint filed herein says:
"Not guilty".


ATTORNEY FOR DEFENDANT, CARL XAVIER
LIPSCOMB

FILED

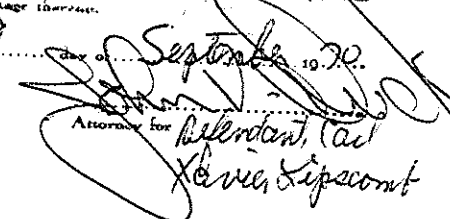
SEP 10 1970

ALICE J. DUCK CLERK
REGISTER

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 9 day of September 1970.


Attorney for Defendant, Carl
Xavier Lipscomb

ARMBRECHT, JACKSON & DEMOUY
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

MOBILE, ALABAMA

36601

WM. H. ARMBRECHT
THEODORE K. JACKSON
MARSHALL J. DEMOUY
WM. H. ARMBRECHT, III
RAE M. CROWE
BROOX G. HOLMES
W. BOYD REEVES
JOHN GROW
FRANK B. MCRIGHT
Y. D. LOTT, JR.
CLIFFORD FOSTER, III
T. K. JACKSON, III
E. B. PEEBLES, III
F. M. KEELING
GEOFFREY V. PARKER

TELEPHONE
AREA CODE 205
432-6751
CABLE ADDRESS
SEALAW

November 13, 1969

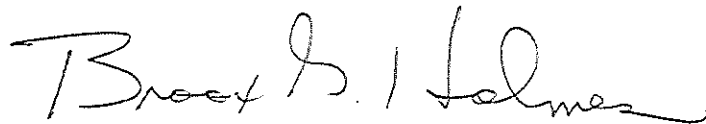
Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Baldwin County Court House
Bay Minette, Alabama 36507

Re: Jo Ann Evans v. Carl Lipscomb, et al
Circuit Court, Baldwin County, Alabama
Case No. 8459

Dear Mrs. Duck:

Please note in the file of this case that Armbrecht, Jackson & DeMouy and Broox G. Holmes have, and do hereby, withdraw as attorneys for the Defendant, Carl Lipscomb. This is by agreement with Mr. Lipscomb.

Very truly yours,



Broox G. Holmes

BGH/mls

CC: Mr. Carl Lipscomb
C. LeNoir Thompson, Esquire
John V. Duck, Esquire

filed
11-14-69

JOHN V. DUCK
Attorney at Law
P. O. DRAWER Y - FAIRHOPE, ALABAMA

M E S S A G E

R E P L Y

TO Mrs. Alice J. Duck
Bay Minette, Ala.

DATE

DATE January 13, 1969

Re: Evans vs. Lpiscomb & Moses.

Civil No. 8459

Dear Mrs. Duck:

Enclosed please find Demurrer to be
filed in captioned case.

Sincerely,

John V. Duck
(24)

SIGNED

SIGNED

JOHN V. DUCK
Attorney at Law
P. O. DRAWER Y - FAIRHOPE, ALABAMA

M E S S A G E

R E P L Y

TO Mrs. Alice J. Duck
Bay Minette, Ala.

DATE January 13, 1969

Re: Evans vs. Lpiscomb & Moses.

Civil No. 8459

Dear Mrs. Duck:

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filed in captioned case.

Sincerely,

John V. Duck
CJD

SIGNED

DATE

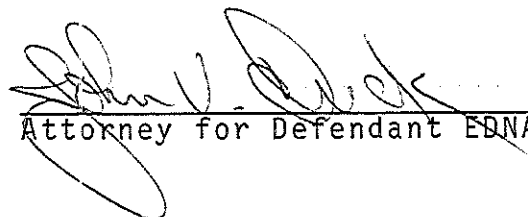
SIGNED

JO ANN EVANS,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW, CASE No.8459
CARL XAVIER LIPSCOMB and	)	
EDNA MOSES,	)	
Defendants.	)	

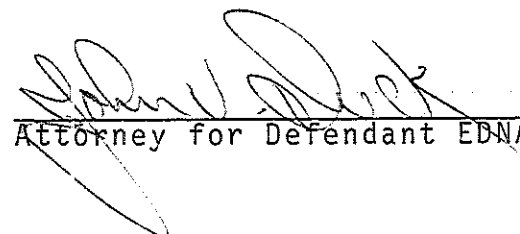
DEMURRER

Comes now EDNA MOSES, and demurs to the Plaintiff's Complaint filed herein, and for separate and several grounds of demurrer sets down the following:

1. That it does not state facts sufficient to constitute a cause of action against this Defendant.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that the said Bill of Complaint is vague, indefinite and uncertain, in that it does not apprise this Defendant with sufficient certainty against what act or acts of negligence this Defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, this Defendant may have owed to the Plaintiff.
5. For that it does not appear with sufficient certainty wherein this Defendant violated any duty owed by this Defendant to the Plaintiff.
6. For that it is not alleged with sufficient certainty where said accident occurred.
7. That it affirmatively appears that there is a misjoinder of parties Defendant.

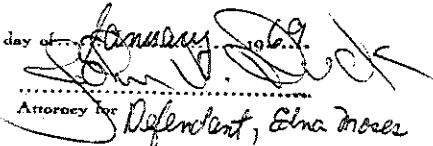

Attorney for Defendant EDNA MOSES

Defendant EDNA MOSES respectfully demands a trial by jury.


Attorney for Defendant EDNA MOSES

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 13th day of January 1969

Attorney for Defendant, Edna Moses

FILED

JAN 10 1969

ALICE J. DUCK
CLERK
REGISTER

JO ANN EVANS,

Plaintiff,

vs.

CARL XAVIER LIPSCOMB and
EDNA MOSES,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

: AT LAW

CASE NO. 8459

P L E A

Comes now the Defendant, CARL XAVIER LIPSCOMB, and for answer to the Complaint and to each and every count thereof, says:

1. Not guilty.

2. Defendant specifically denies the material allegations of the Complaint.

ARMBRECHT, JACKSON & DeMOUY
Attorneys for Defendant, Carl Xavier Lipscomb

By:

Brook G. Holmes
BROOK G. HOLMES

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 15th day of January, 1969, served a copy of the foregoing pleading on counsel for all parties to this proceeding, by mailing the same by United States mail, properly addressed, and first class postage prepaid.

Brook G. Holmes

FILED

JAN 16 1969

ALICE J. DUCK CLERK
REGISTER

JO ANN EVANS

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

CARL XAVIER LIPSCOMB and
EDNA MOSES

X

AT LAW NO. _____

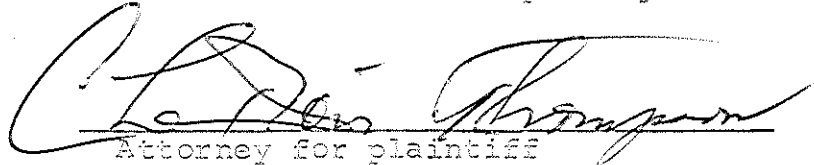
X

Defendants

X

Comes plaintiff, Jo Ann Evans in the above styled cause and propounds the following interrogatories to the defendant, Carl Xavier Lipscomb:

1. State your name.
2. State your address.
3. Are you the defendant in the above styled matter?
4. Were you involved in an accident on August 23, 1968, with a 1964 Ford Sedan, Tag No. Ala. 68 2-93127 near Spanish Fort Community on U. S. Highway 90 in Baldwin County.
5. Give the tag number of the motor vehicle which you were operating and describe the said motor vehicle.
6. When, where and from whom did you acquire the said automobile?
7. Were you employed at the time of the accident?
8. If so, state the name and address of your employer.
9. Did you have a passenger in the car?
10. If so, give the name and address of the passenger.


Attorney for plaintiff

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 plaintiff in the above styled cause, and as such, I am authorized to make this affidavit. I further

state that the answer of the defendant to the foregoing
interrogatories, will, if truthfully made, be material
evidence for the plaintiff on the trial of said cause.

C. L. Davis Thompson

Sworn to and subscribed before me this 6th day of
December, 1968.

Helen McDowell
Notary Public, Baldwin County, Alabama

FILED

DEC 6 1968

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County
No. 8459

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to SummonCARL XAVIER LIPSCOMB and EDNA MOSES.....

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.....

CARL XAVIER LIPSCOMB and EDNA MOSESDefendant.....

byJO ANN EVANS.....

.....Plaintiff.....

Witness my hand this.....6th.....day of.....April.....1968.....

Alice D. Luck, Clerk

24:12-13-68

VOL

65 PAGE 160

No. 84659 Page.....

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

J. ANN JYANG.....
Plaintiffs

vs.

CARL XAVIER LIPSCOMB and
EDNA MOSES
Defendants

SUMMONS AND COMPLAINT

Filed **FILED** 19.....

DEC 6 1968..... Clerk

ALICE J. DICK CLERK
REGISTER

Edna Mosos
Plaintiff's Attorney

.....
Defendant's Attorney

Carl Xavier Lipscomb
Route 2, Box 190
Poley, Alabama

Defendant lives at
Edna Mosos
Montrose, Alabama

RECEIVED Office

DEC 6 1968..... 19.....

~~Edna Mosos~~ Sheriff
I have executed this summons

this 12/13/68 1968
by leaving a copy with

Edna Mosos
Edna Mosos

Sheriff claims 14.3 miles at 14.00
Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff
BY Ray Randolph Carl X. Lipscomb
DEPUTY SHERIFF

Carl Xavier Lipscomb
12-11-68
John

John Wilkins Sheriff
Ray Randolph Deputy Sheriff