

JOSEPH P. KLEIN,
Plaintiff,

Vs.

JOHN ELBERT TAYLOR,
Defendant.

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§
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§
§

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8495

PLEA

Comes now Defendant in above-styled cause, and for answer to the complaint heretofore filed in this cause, and to each and every count thereof, saith as follows, to-wit:

1. Not guilty.
2. General issue.

For further answer to said complaint, and to each and every count thereof the Defendant says that Plaintiff ought not to recover in this cause, for that on the occasion complained of the Plaintiff was himself guilty of negligence proximately contributing to his alleged damages, in that the Plaintiff failed to heed warning signs placed along the highway traveled by him for approximately four (4) miles immediately prior to the point of the wreck, and which signs warned all motorist "MEN WORKING" "STATE LAW 15 MPH", which failure to heed the said warning signs proximately contributed to Plaintiff's damages; hence the Plaintiff ought not to recover in this suit.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

I certify that I have mailed a copy of the foregoing ANSWER to Hon. John Earl Chason, Attorney At Law, Bay Minette, Alabama, by depositing the same in U. S. Mail, postage prepaid, at Bay Minette, Alabama, on this 19 day of May, 1969.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

FILED

MAY 19 1969

ALICE J. DUCK CLERK
REGISTER

JOSEPH P. KLEIN,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
JOHN ELBERT TAYLOR,	X	AT LAW
Defendant.	X	NO: 8495

MOTION TO STRIKE

Comes now the Plaintiff in the above styled cause and files this his Motion to Strike the Special Pleas filed by the Defendant in said cause and as grounds therefor says, separately and severally, as follows:

1. That the Plaintiff is not required to proceed against the principal under the doctrine of respondeate superior but may maintain his action solely against the negligent driver of the automobile.

2. Ownership of the vehicle involved in an accident in no way requires a suit against the owner thereof.

Respectfully submitted,

CHASON, STONE & CHASON

By: John E. Chason

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 4th day of February 1969

John E. Chason

FILED

FEB 4 1969

ALICE J. DUCK CLERK
REGISTER

84-95

FILED

FEB 4 1969

ALICE J. DUCK

CLERK
REGISTER

JOSEPH P. KEELIN,

Plaintiff,

Vs.

JOHN ELBERT TAYLOR,

Defendant.

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8495

DEMURRER

Comes now Defendant in the above-styled cause, and demurs to the complaint heretofore filed in this cause, and to each and every count thereof, and assigns as grounds therefor the following, to-wit:

1. The complaint is vague.
2. The complaint is uncertain.
3. The complaint does not state a legal cause of action.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

Defendant demands a trial by jury in this cause.

I hereby certify that I have mailed a copy of the foregoing DEMURRER to Hon. John E. Chason, Attorney At Law, Bay Minette, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 25 day of January, 1969.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

Filed 1-25-69
Alice J. Duck
Clerk

JOSEPH P. KLEIN,	Y	IN THE CIRCUIT COURT OF
Plaintiff,	Y	BALDWIN COUNTY, ALABAMA
Vs.	Y	AT LAW
JOHN ELBERT TAYLOR,	Y	CASE NO. 8495
Defendant.	Y	

SPECIAL PLEA

Comes now Defendant in above-styled cause, and appearing specially and only for the purpose of filing of this Plea, and says that the said Joseph P. Klein, the Plaintiff, in this cause, ought not to have and maintain his said action for the Defendant says, separately and severally, as follows, to-wit:

FIRST: That the Defendant was officially engaged, and working, as a servant, agent or employee of the State of Alabama, at the time of the alleged accident, and hence the suit should be maintained against the State of Alabama, as provided by the laws and statutes of the State of Alabama.

SECOND: That since the alleged accident was produced by a vehicle owned by the State of Alabama, and was being duly and legally operated by an agent, servant or employee of the State of Alabama, acting within the line and scope of his employment, this action should be maintained against the State of Alabama, as provided by the laws and statutes of the State of Alabama.

John Elbert Taylor
DEFENDANT

FILED

FEB 3 1969

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Kenneth Cooper, Notary Public, State At Large, State of Alabama, personally appeared John Elbert Taylor, who, being known to me, and by me first being duly sworn, deposes and says on oath: That he is the Defendant in above-styled cause, and has personal knowledge of the facts stated in the foregoing plea, and that the said statements of facts therein contained are true.

John Elbert Taylor
JOHN ELBERT TAYLOR

Subscribed and sworn to before me this 3rd day of February, 1969.

Kenneth Cooper
NOTARY PUBLIC
STATE AT LARGE, STATE OF ALABAMA

My Commission Expires:
4 February, 1971

I certify that I have mailed a copy of the foregoing SPECIAL PLEA to Hon. John Earl Chason, Attorney At Law, Bay Minette, Alabama, by depositing the same in United States Mail, Postage pre-paid, at Bay Minette, Alabama, on this 3rd day of February, 1969.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

FILED

FEB 3 1969

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 John Elbert Taylor to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same then and there to answer the complaint of Joseph P. Klein.

Witness my hand this 2nd day of January, 1969.

Oliver J. Clark
Clerk

JOSEPH P. KLEIN,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

X

vs.

BALDWIN COUNTY, ALABAMA,

X

JOHN ELBERT TAYLOR,

X

AT LAW

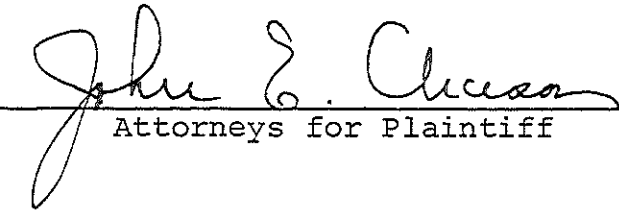
Defendant.

X

8495

The Plaintiff claims of the Defendant the sum of Five Hundred Dollars (\$500.00) as damages for that on, heretofore, to-wit: the 5th day of August, 1968, at a point on U.S. Highway Number 98, otherwise known as Battleship Parkway, in Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow the same to collide with a motor vehicle belonging to the Plaintiff and as a proximate result of such negligence, the vehicle of the Plaintiff was damaged in that its front bumper and grill and its hood were bent, damaged or broken, its right front fender was bent, the frame was bent and the cab was bent, all to the damage to the Plaintiff in the sum

above mentioned, hence this suit.


Attorneys for Plaintiff

Defendant's Address:

Box 212
Bay Minette, Alabama

FILED

JAN 2 1969

ALICE J. DICK
CLERK
REGISTER

ORIGINAL

RECEIVED

JAN 2 1969

~~WILKINS~~

Received 27 day of Jan 1969
and on 27 day of Jan 1969

I served a copy of the within doc

on John Albert Taylor

By service on _____

TAYLOR WILKINS, Sheriff

By H. J. Brown D. S.

5 miles Round Trip

Sheriff claims 5 miles at

Ten Cents per mile Total \$ 50

TAYLOR WILKINS, Sheriff

BY H. J. Brown
DEPUTY SHERIFF

8495

Joseph P. Klein
Plaintiff

vs.

John Albert Taylor
Defendant

~~47~~

212 Boulder Ave

Mem. Ave.

Summons & Complaint

FILED

JAN 2 1969

ALICE J. DUCK

CLERK
REGISTER

ORIGINAL

CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. Box 120

BAY MINETTE, ALABAMA

77470