

THOMAS K. LEE, § IN THE CIRCUIT COURT OF
Plaintiff, BALDWIN COUNTY, ALABAMA
VS. § AT LAW
AARON W. BERG, §
Defendant. CASE NO. 8553
§


A N S W E R

Comes now the defendant in the above-styled cause, Aaron W. Berg, and for separate and several answer to each count of the complaint, the defendant files the following separate and several pleas:

1. Not guilty.
2. At the time and place alleged in the complaint, to-wit, April 1, 1968, while the defendant was operating an automobile at a point on U. S. Highway No. 98 at or near its intersection with Baldwin County Highway No. 104 near Fairhope in Baldwin County, Alabama, plaintiff's wife did so negligently operate an automobile on said highway so as to cause same to become involved in a collision with defendant's automobile; and as a direct and proximate consequence of the negligence of the plaintiff's wife, as aforesaid, plaintiff's wife contributed to the accident and her alleged injuries and damages; therefore, plaintiff's wife ought not recover.

FILED

SEP 8 - 1969

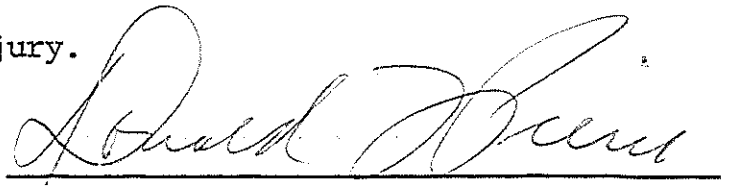

Donald F. Pierce

OF COUNSEL  CLERK
REGISTER

Trial Attorneys for Defendant

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant demands a trial by jury.



CERTIFICATE

I hereby certify that I have mailed a true and correct copy of the foregoing Answer to John Earle Chason, Esquire, by depositing a copy of same in the United States Mail, postage prepaid, addressed to Mr. Chason at his office in Bay Minette, Alabama, on this the 2nd day of September, 1969.

Robert H. Hines

FILED

SEP 8 - 1969

ALICE J. DUFF CLERK
REGISTER

THOMAS K. LEE, : IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA
Plaintiff : AT LAW
v. :
: AARON W. BERG,
: Defendant : CASE NO. 8553

D E M U R R E R

Comes now each of the following defendants, AARON W. BERG,

separately and severally, and demurs to the plaintiff's complaint filed herein and each count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, 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 it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence 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 defendant to the plaintiff.

6) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7) For that the averments set up, if true, do not show any liability on the part of the defendant.

8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

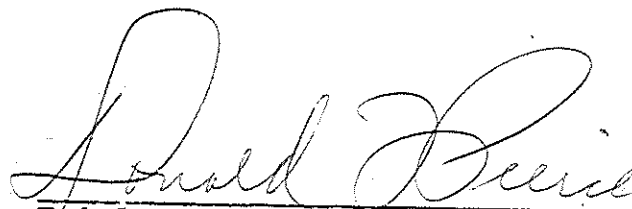
9) For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10) No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

11) It is not alleged with sufficient certainty where said accident occurred.

12) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

13) It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.



Trial Attorney for Defendant
Donald F. Pierce

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

FILED

FEB 27 1960

ALICE J. DUCK CLERK
REGISTER

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Pleading to John Earle Chason , Esquire, by depositing a copy of same in the United States Mail, postage prepaid, addressed to Mr. Chason at his office in Bay Minette , Alabama, on this 26th day of February , 1969.

Richard B. Hine

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
A. CLAY RANKIN, III
EDWARD A. HYNDMAN, JR.
MICHAEL D. KNIGHT

September 2, 1969

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


Re: Thomas K. Lee, Plaintiff, vs.
Aaron W. Berg, Defendant,
Case No. 8553, Circuit Court of
Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed please find an Answer which we would appreciate your filing in relation to the above-referenced case. Would you please indicate receipt of this Answer on the enclosed receipt and return same to us in the self-addressed envelope.

With best personal regards,

Very truly yours,


For the Firm

DFP/dm
Encl.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

30TH FLOOR-FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

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W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
C. WAYNE LOUDERMILCH
A. CLAY RANKIN, III
EDWARD A. HYNDMAN, JR.

February 26, 1969

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

Re: Thomas K. Lee, Plaintiff, vs.
Aaron W. Berg, Defendant
Case No. 8553 - Circuit Court
of Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed please find a demurrer which we would appreciate your filing in relation to the above-referenced case. Would you please indicate receipt of this demurrer on the enclosed receipt and return same to us in the self-addressed envelope.

With best personal regards,

Very truly yours,


For the Firm

DFP/dm
Encl.

February 13, 1969

THOMAS K. LEE, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

VS

AARON W. BERG, Defendant

CASE NO. 8553

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on January 31, 1969
I sent by certified mail in an envelope addressed as follows:

" Aaron W. Berg
Hollywood Ave.
Long Branch, New Jersey 07740"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Aaron W. Berg
Hollywood Ave.
Long Branch, New Jersey 07740

You will take notice that on January 31, 1969 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: THOMAS K. LEE, Plaintiff VS AARON W. BERG, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 8553 a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 31
day of January, 1969

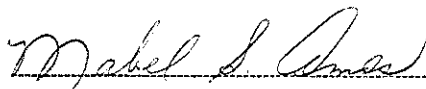
Enclosure (1)

(Signed) Mabel Amos
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on February 13, 1969 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Chandler, Ariz.
on February 10, 1969

WITNESS MY HAND and the Great Seal of the State of Alabama this the 13th day
of February, 1969



Mabel Amos
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

CC: Honorable John E. Chason
Chason, Stone & Chason
157 Hoyle Avenue
Bay Minette, Alabama 36507

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 Aaron W. Berg 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 Thomas K. Lee.

Witness my hand this 29 day of January, 1969..

Alice J. Duck
Clerk

THOMAS K. LEE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
AARON W. BERG,	X	AT LAW
Defendant.	X	855-2

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) as damages for that heretofore on, to-wit: the 1st day of April, 1968 at approximately 12:20 P. M. at a point on U. S. Highway No. 98 at its intersection with Baldwin County Highway No. 104 near Fairhope in Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle owned by the Plaintiff and driven by the Plaintiff's wife, Eloise Lee, and that as a proximate result of such negligence of the Defendant, the Plaintiff's wife was injured and the Plaintiff

was caused to incur medical and hospital expenses on behalf of his wife, he incurred additional household and living expenses as a proximate result of such injuries and suffered a loss of consortium, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By: John E. Chason
Attorneys for Plaintiff

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

CHASON, STONE & CHASON

By: John E. Chason
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared John Earle Chason, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Earle Chason and that he is one of the attorneys for the Plaintiff in the foregoing cause. That he believes the Defendant, Aaron W. Berg, to be a non-resident of the State of Alabama, whose address, in the belief of the affiant, is Hollywood Avenue, Long Branch, New Jersey; that the Defendant is over the age of twenty-one years and of sound mind and that service of process must be perfected on him through the Secretary of

State of the State of Alabama pursuant to Title 7, Sections 199,
et seq., of the Code of Alabama of 1940, recompiled 1958.

John E. Chason
John Earle Chason

Sworn to and subscribed before me
this 29th day of January, 1969.

Alice J. Duck
Notary Public, Baldwin County, Alabama.

FILED

JAN 29 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 Aaron W. Berg 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 Thomas K. Lee.

Witness my hand this 29 day of January, 1969.

Alice J. Luck
Clerk

THOMAS K. LEE,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

X

vs.

X

BALDWIN COUNTY, ALABAMA

X

AARON W. BERG,

X

AT LAW

Defendant.

X

8553

COUNT ONE:

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with Baldwin County Highway No. 104 near Fairhope in Baldwin
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vehicle as to cause or allow the same to run into, upon or against
a motor vehicle owned by the Plaintiff and driven by the Plaintiff's
wife, Eloise Lee, and that as a proximate result of such negligence
of the Defendant, the Plaintiff's wife was injured and the Plaintiff

was caused to incur medical and hospital expenses on behalf of his wife, he incurred additional household and living expenses as a proximate result of such injuries and suffered a loss of consortium, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By: John E. Chason
Attorneys for Plaintiff

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

CHASON, STONE & CHASON

By: John E. Chason
Attorneys for Plaintiff

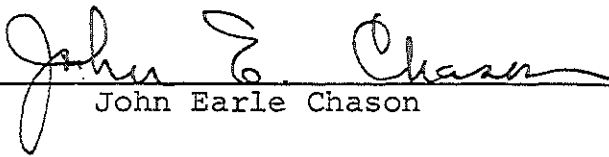
STATE OF ALABAMA

BALDWIN COUNTY

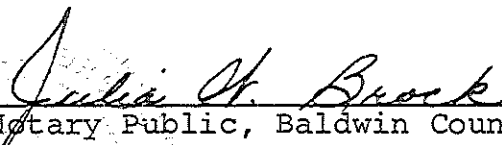
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That his name is John Earle Chason and that he is one of the attorneys for the Plaintiff in the foregoing cause. That he believes the Defendant, Aaron W. Berg, to be a non-resident of the State of Alabama, whose address, in the belief of the affiant, is Hollywood Avenue, Long Branch, New Jersey; that the Defendant is over the age of twenty-one years and of sound mind and that service of process must be perfected on him through the Secretary of

State of the State of Alabama pursuant to Title 7, Sections 199,
et seq., of the Code of Alabama of 1940, recompiled 1958.


John Earle Chason

Sworn to and subscribed before me
this 29th day of January, 1969.


Notary Public, Baldwin County, Alabama.

FILED

JAN 29 1969

ALICE J. DUCK CLERK
REGISTER

1357
RECEIVED IN OFFICE
JAN 31 1969
JAN 29 1969
M. S. BUTLER

ORIGINAL

P553

THOMAS K. LEE,
Plaintiff,

vs.

AARON W. BERG,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

Defendant must be served by the
Secretary of State at Hollywood
Avenue, Long Branch, New Jersey

FILED

JAN 28 1969
CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA
CLERK
REGISTER
ALICE J. DUCK

Executed by serving 3 copies of
the within on Mable Owens
Secretary of State of The State of
Alabama.
(This the 21 day of Jan 1969
Sheriff of Montgomery County,
M. S. Butler,
By W. L. Mason D. S.

M. S. Butler, Sheriff of Montgomery
County, Alabama, Claim \$1.50 each for
serving 7 process(es) and \$1.00
travel expense on each of 7
process(es) or a total of \$7.50
7.50

W. L. Mason Deputy Sheriff