

CHARLES H. YESSICK,)

PLAINTIFF,)

-vs-)

LEROY PADGETT, and A B C,)
a person, firm or corpora-)
tion who was the owner and/)
or operator of the vehicle)
involved in the accident)
made the basis of this suit)
whose true name and legal)
identification is otherwise)
unknown to the Plaintiff at)
this time but will be added)
by amendment when ascer-)
tained, individually and)
jointly,)

DEFENDANTS.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8626

COUNT ONE

Plaintiff claims of the Defendants the sum of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS, damages, for that heretofore and on, to-wit, May 26, 1968, the Defendants negligently operated an automobile on Alabama State Highway 59 at or near its intersection with West Eighth Street, both of said streets being public streets in the Town of Gulf Shores, Alabama so as to cause the same to collide with the rear of an automobile then and there operated by one, Henry Harold Miller, and knocking the Miller automobile into the rear of an automobile then and there owned and operated by the Plaintiff on said Highway 59 and as a direct and proximate result of the negligence of the Defendants as aforesaid the Plaintiff's automobile was bent, broken and damaged and he lost the use thereof over a period of time and the Plaintiff was injured as follows: He was made sick, sore and lame; he suffered severe mental and physical pain and anguish and will so suffer in the future; his

back and neck were severely injured; he was permanently injured; he was caused to lose time from his employment and his ability to work and earn money in the future has been impaired; and he was caused to incur doctors bills and other medical expenses for the care and treatment of his injuries.


COUNT TWO

Plaintiff claims of the Defendants the sum of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS, damages, for that heretofore and on, to-wit, May 26, 1968, the Defendants wantonly injured the Plaintiff by wantonly operating an automobile on Alabama State Highway 59 at or near its intersection with West Eighth Street, both of said streets being public streets in the Town of Gulf Shores, Alabama so as to cause the same to collide with the rear of an automobile then and there operated by one, Henry Harold Miller, and knocking the Miller automobile into the rear of an automobile then and there owned and operated by the Plaintiff on said Highway 59 and as a direct and proximate result of the wanton conduct of the Defendants as aforesaid the Plaintiff's automobile was bent, broken and damaged and he lost the use thereof over a period of time and the Plaintiff was injured as follows: He was made sick, sore and lame; he suffered severe mental and physical pain and anguish and will so suffer in the future; his back and neck were severely injured; he was permanently injured; he was caused to lose time from his employment and his ability to work and earn money in the future has been impaired; and he was caused to incur doctors bills and other medical expenses for the care and treatment of his injuries.

CUNNINGHAM, BOUNDS & BYRD
ATTORNEYS FOR PLAINTIFF

BY: 
RICHARD BOUNDS

HARE, WYNN, NEWELL & NEWTON
ATTORNEYS FOR PLAINTIFF

BY: 
ALEX W. NEWTON

Plaintiff demands a trial by jury.


RICHARD BOUNDS

Trial Attorneys: Richard Bounds & Alex W. Newton

Address of Defendant:
Route 5
Foley, Alabama

FILED

MAR 30 1969

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 8626

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon LEROY PADGETT

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.....

Leroy Padgett, et al Defendant.....

by Charles H. Yessick

Plaintiff.....

Witness my hand this 31st day of March 19 69

Alice J. Luck Clerk

Ev/7-1-69

No. 8626 Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

*Lives in Fairhope -
married a Bishop girl*

CHARLES H. YESSICK

Plaintiffs

vs.

LEROY PADGETT, ET AL

Defendants

SUMMONS AND COMPLAINT

Filed March 31, 19. 69

Alice J. Duck Clerk

Cunningham, Bounds & Byrd

P. O. Box 4486, Plaintiff's Attorney
Mobile, Alabama

Defendant's Attorney

*at Fairhope
PD*

RECEIVED

Defendant lives at 131 1969
Route 5, Foley

Received In Office

19.....

Sheriff

I have executed this summons

this July 1 1969

by leaving a copy with

Leroy Padgett

Sheriff claims 80 miles at

Ten Cents per mile Total \$ 8.00

TAYLOR WILKINS, Sheriff

BY Brown
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Randall
Deputy Sheriff


*80 miles R.T.
So of Fairhope*

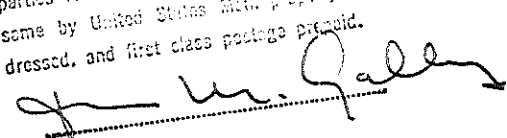
CHARLES H. YESSICK, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
VS: :
 : AT LAW
LEROY PADGETT, et al, :
Defendants. : CASE NO. 8 6 2 6

Comes the defendant Leroy Padgett in the above styled
matter and for answer to the complaint as heretofore filed
says as follows:

1. Not guilty.

COLLINS, GALLOWAY & MURPHY

By: 
THOMAS M. GALLOWAY
ATTORNEYS FOR DEFENDANT LEROY PADGETT

CERTIFICATE OF SERVICE
I do hereby certify that I have on this 18th
day of Sept 1969 served a copy of
the foregoing pleading on each of all
parties to this proceeding by mailing the
same by United States Mail, properly ad-
dressed, and first class postage prepaid.


FILED

SEP 19 1969

VOL

63

PAGE

793

ALICE J. DUCK

CLERK
REGISTER

CHARLES H. YESSICK, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : BALDWIN COUNTY, ALABAMA
LEROI PADGETT, et al, : AT LAW
Defendants. : CASE NO. 8 6 2 6

Comes the defendant, Leroy Padgett and demurs to the complaint as heretofore filed and to each and every count thereof jointly and separately upon the following separate and several grounds:

1. The same fails to state a cause of action against this defendant.
2. The allegations in the complaint are conclusions of the pleader.
3. The same fails to apprise this defendant of the County in which this accident occurred.
4. From aught that appears from the complaint any negligence on the part of this defendant was not the proximate result of any injuries as received by the plaintiff except as based upon conclusions of the pleader.
5. The allegations as to injuries received by the plaintiff in Count Two of the complaint are not alleged to be the result of the wanton act of this defendant.
6. Count Two of the complaint fails to allege that the injuries as alleged to have been received by the plaintiff were wantonly inflicted by this defendant.

COLLINS, GALLOWAY & MURPHY

By: Thomas M. Galloway
THOMAS M. GALLOWAY
ATTORNEYS FOR LEROY PADGETT

FILED

JUL 11 1969

ALICE J. DUCK CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10th day of July, 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.

Thomas M. Galloway

COLLINS, GALLOWAY & MURPHY
ATTORNEYS AT LAW
958 DAUPHIN STREET
MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
JAMES H. LACKEY

September 17, 1969

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

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

Re: Charles H. Yessick
Vs: Leroy Padgett, et al
Case No. 8626

Dear Mrs. Duck:

Would you please file the enclosed answer in the above
referred to case.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

By: 

Thomas M. Galloway

TMG/fs
Encl:

LAW OFFICES

Cunningham, Bounds and Byrd

1350 DAUPHIN STREET

P. O. BOX 4486

MOBILE, ALABAMA 36604

ROBERT T. CUNNINGHAM
RICHARD BOUNDS
ROBERT L. BYRD, JR.
WARREN L. HAMMOND, JR.

AREA CODE 205
TELEPHONE 438-6188

March 19, 1970

Clerk of Circuit Court
County Courthouse
Bay Minette, Alabama

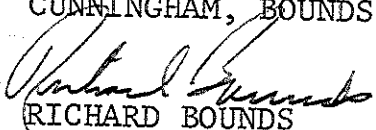
Re: Yessick vs. Padgett
Case No. 8626

Dear Sir:

Please dismiss the above cause on motion of plaintiff and
forward your cost bill to Mr. Thomas M. Galloway, P. O.
Box 4492, Mobile, Alabama.

Very truly yours,

CUNNINGHAM, BOUNDS & BYRD


RICHARD BOUNDS

RB/ac

cc: Mr. Thomas M. Galloway

CUNNINGHAM, BOUNDS AND BYRD

ATTORNEYS AT LAW
1350 DAUPHIN STREET
P. O. BOX 4486

MOBILE, ALABAMA 36604

ROBERT T. CUNNINGHAM
RICHARD BOUNDS
ROBERT L. BYRD, JR.
WARREN L. HAMMOND, JR.

AREA CODE 205
TELEPHONE 438-6188

March 28, 1969

Went

8626

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

Re: Yessick vs. Padgett

Dear Mrs. Duck:

Enclosed is a suit which I would appreciate your filing for us. Will you please acknowledge the fact that it has been filed by returning the attached receipt to this office?

Very truly yours,

CUNNINGHAM, BOUNDS & BYRD

Richard Bounds
RICHARD BOUNDS

RB/ac

Encl.

CHARLES H. YESSICK,

PLAINTIFF,

-vs-

LEROY PADGETT, and A B C,
a person, firm or corpora-
tion who was the owner and/
or operator of the vehicle
involved in the accident
made the basis of this suit
whose true name and legal
identification is otherwise
unknown to the Plaintiff at
this time but will be added
by amendment when ascer-
tained, individually and
jointly,

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO.

8626

COUNT ONE

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COLLINS, GALLOWAY & MURPHY
ATTORNEYS AT LAW
958 DAUPHIN STREET
MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
JAMES H. LACKEY

July 10, 1969

P. O. BOX 4492
TELEPHONE
432-0568
AREA CODE 205

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

Re: Charles H. Yessick
Vs: Leroy Padgett, et al
Case No. 8626

Dear Mrs. Duck:


I enclose herewith demurrers on behalf of the defendant
Leroy Padgett to be filed in the above styled matter.

Would you please file these and enter our name as
attorney for the defendant Leroy Padgett.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

By: 
Thomas M. Galloway

TMG/fs
Encl: