

JESSIE G. FOLMAR

Plaintiff

VS.

KENNETH KAISER

Defendant

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8646

1.

The Plaintiff, Jesse G. Folmar, claims of the Defendant the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) as damages for that heretofore on, to-wit, the 6th day of June, 1968, the Plaintiff was riding in an automobile being operated in a Easterly direction along and upon U. S. Highway #98 in Elberta, Baldwin County, Alabama, a place where he had a right to be, where Chicago Street, intersects U. S. Highway #98; that at said time and place, the Defendant, Kenneth Kaiser, driving a pick-up truck in a North-erly direction on Chicago Street, so negligently operated his pick-up truck as to cause it to run into and against the auto-mobile the Plaintiff was riding in; and as a direct and proximate consequence and result thereof, the Plaintiff was injured as follows: A misalignment of the 6th and 7th Cervical, 1st and 3rd Dorsal, bringing about foraminal encroachment and nerve root irritation resulting in Cervical fixation, Paresthesia in the hands and arms; servere pain in the Cervical region and thoracic cage. He was caused to suffer much mental and physical pain. He was caused to incur great expense for medical, doctor and hos-pital treatment in and about the treatment of himself and will probably have to incur further expense in the future, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff, Jesse G. Folmar, claims of the Defendant the sum of \$15,000.00 as damages for that heretofore on, to-wit, June 6, 1968, the Plaintiff was riding in an automobile being operated in a Easterly direction along and upon U. S. Highway #98 in Elberta, Baldwin County, Alabama, a place where he had a right to be, where Chicago Street intersects U. S. Highway #98; that

at said time and place, the Defendant, Kenneth Kaiser, driving a pick-up truck in a Northerly direction on Chicago Street so wantonly operated his pick-up truck as to cause it to run into and against the automobile the Plaintiff was riding in, and as a direct and proximate consequence and result thereof, the Plaintiff was wantonly injured as follows: A misalignment of the 6th and 7th Cervical, 1st and 3rd Dorsal, bringing about foraminal encroachment and nerve root irritation resulting in Cervical fixation, Paresthesia in the hands and arms; servere pain in the Cervical region, and thoracic cage. He was caused to suffer much mental and physical pain; he was caused to incur great expense for medical, doctor and hospital treatment in and about the treatment of himself and will probably have to incur further expense in the future, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

BY:

Hylden S. Nesbit
Attorney for Plaintiff

Plaintiff demands trial by Jury

WILTERS, BRANTLEY & NESBIT

BY:

Hylden S. Nesbit

FILED

APR 10 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. 8646

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon KENNETH KAISER

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.....

KENNETH KAISER

Defendant.....

by JESSE G. FOLMAR

Plaintiff.....

Witness my hand this 10th day of April 1969

Alice J. Slack Clerk

24/4/25/69

No. 8646

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Jesse G. Folmar

Plaintiffs

vs.

Kenneth Kaiser

Defendants

SUMMONS AND COMPLAINT

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

APR 10 1969 Clerk

ALICE J. DUCK CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT

BY:

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Box 27, Elberta, Alabama

Received In Office

RECEIVED

APR 14 1969

19.....

Sheriff

I have executed this summons

this April 25 1969

by leaving a copy with

Kenneth Kaiser

Sheriff claims 84 miles at

Ten Cents per mile Total \$ 8.40

TAYLOR WILKINS, Sheriff

BY Danner
DEPUTY SHERIFF

Taylor Wilkins Sheriff
W.E. Danner Deputy Sheriff

Elberta

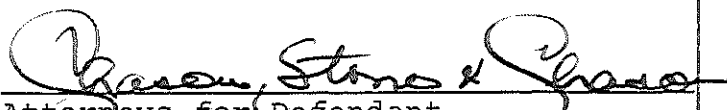
JESSIE G. FOLMAR,
Plaintiff,
vs.
KENNETH KAISER,
Defendant.

X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 8646

Comes the Defendant in the above styled cause and for
plea to the complaint filed in said cause and to each and every
count thereof and says:

1. Not guilty.
2. That the allegations of the complaint are untrue.


Attorneys for Defendant

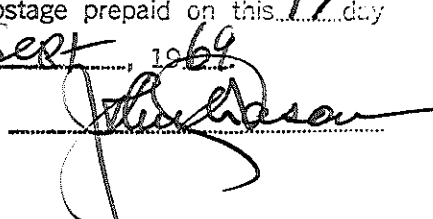
FILED

SEP 17 1969

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 17 day
of Sept, 1969.

ALICE J. DUCK CLERK
REGISTER



no. 8646

JESSIE G. FOLMAR,

Plaintiff,

vs.

KENNETH KAISER,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO: 8646

* * * * *

PLEA

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JESSIE G. FOLMAR

Plaintiff

VS.

KENNETH KAISER

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8645

Comes now the Plaintiff in the above styled cause and amends his Complaint to read as follows:

1.

The Plaintiff, Jesse G. Folmar, claims of the Defendant the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) as damages for that heretofore on, to-wit, the 6th day of June, 1968, the Plaintiff was a passenger in an automobile being operated by Geraldean Pennington in a Easterly direction along and upon U. S. Highway #98 in Elberta, Baldwin County, Alabama, a place where he had a right to be, where Chicago Street intersects U. S. Highway #98; that at said time and place, the Defendant, Kenneth Kaiser, driving a pick-up truck in a Northerly direction on Chicago Street, so negligently operated his pick-up truck as to cause it to run into and against the automobile in which the Plaintiff was a passenger; and as a direct and proximate consequence and result thereof, the Plaintiff was injured as follows: A misalignment of the 6th and 7th Cervical, 1st and 3rd Dorsal, bringing about foraminal encroachment and nerve root irritation resulting in Cervical fixation, Paresthesia in the hands and arms; servere pain in the Cervical region and thoracic cage. He was caused to suffer much mental and physical pain. He was caused to incur great expense for medical, doctor and hospital treatment in and about the treatment of himself and will probably have to incur further expense in the future, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff, Jesse G. Folmar, claims of the Defendant the sum of \$15,000.00 as damages for that heretofore on, to-wit, June 6, 1968, the Plaintiff was a passenger in an automobile being operated by Geraldean Pennington in a Easterly direction along and upon U. S. Highway #98 in

Elberta, Baldwin County, Alabama, a place where he had a right to be, where Chicago Street intersects U. S. Highway #98; that at said time and place, the Defendant, Kenneth Kaiser, driving a pick-up truck in a Northerly direction on Chicago Street so wantonly operated his pick-up truck as to cause it to run into and against the automobile in which the Plaintiff was a passenger, and as a direct and proximate consequence and result thereof, wantonly injured the Plaintiff as follows: A misalignment of the 6th and 7th Cervical, 1st and 3rd Dorsal, bringing about foraminal encroachment and nerve root irritation resulting in Cervical fixation, Paresthesia in the hands and arms; severe pain in the Cervical region, and thoracic cage. He was caused to suffer much mental and physical pain; he was caused to incur great expense for medical, doctor and hospital treatment in and about the treatment of himself and will probably have to incur further expense in the future, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

BY: *Hydell S. Nesbit*
Attorney for Plaintiff

Plaintiff demands trial by Jury.

WILTERS, BRANTLEY & NESBIT

BY: *Hydell S. Nesbit*

FILED

SEP 11 1969

ALICE J. DUCK CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11 day of September 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.

WILTERS, BRANTLEY & NESBIT

BY: *Hydell S. Nesbit*

JESSIE G. FOLMAR,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

X

KENNETH KAISER,

X

AT LAW


NO: 8646

Defendant.

X

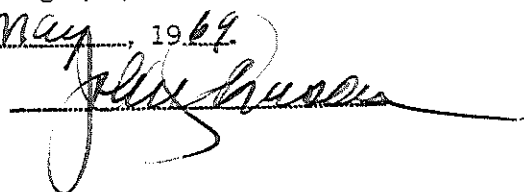
Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint fails to allege whether the Plaintiff was a passenger or was driving the automobile in which he was riding.
3. That said Complaint claims speculative damages.
4. That Count 2 of said Complaint does not allege that the Defendant wantonly injured the Plaintiff.


Attorneys for Defendant

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 13 day of May, 1969.



FILED

MAY 13 1969

ALICE J. BUSER CLERK
REGISTER

JESSIE G. FOLMAR,

Plaintiff,

vs.

KENNETH KAISER,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW: NO: 8646

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DEMURRER

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