

no. 8676
Rayford Subberville
J. V. S.
Jimmy Morris

JURY LIST - JUNE 15, 1970

1. Anderson, Raymond, Farmer, Summerdale
2. Baggett, M. H., Civil Service, Stapleton
3. Barbarow, Cecil E., Retired, Bay Minette
4. ~~Beasley, Wilson C., Store Owner, Bay Minette~~
5. Broughton, Joe N., Merchant, Cross Roads
6. Floyd, Bung, Merchant, Fairhope
7. Clopton, Eddie, Janitor, Bay Minette
8. Cox, Y. A., Jr., Stockton
9. Fell, Neal J., Farmer, Lillian
10. Flowers, Elvin A., Farmer, Robertsdale
11. Hardy, Frankk, Janitor, Bay Minette
12. Head, Mary Lou, Stapleton
13. Johnson, Ralph R., Minister, Bay Minette
14. Lazzari, Joe, Jr., Farmer, Belforest
15. Leatherwood, L. J. Teacher, Bay Minette
16. Leatherwood, Ruby, Teacher, Bay Minette
17. Lynd, Joe E., Plumber, Bay Minette
18. Manning, Wesley W., Civil Service, Foley
19. Means, Vera, Teacher, Bay Minette
20. Morse, Wilson W., Civil Service, Foley
21. Palmer, James J., Farmer, Robertsdale
22. Roberts, Howard, Civil Service, Stapleton
23. Rockwell, Oliver M., Fairhope
24. Ruple, Leroy, Engineer, Bay Minette
25. Valrie, William, Daphne Pottery, Daphne
26. Whidbee, Ellis, Shipyard Worker, Perdido
27. Whidbee, Melzie, Shipyard Worker, Perdido
28. Wright, Justice D., Forester, Bay Minette
29. Brabner, Martin J., Jr., South Central Bell, Bay Minette
30. Calloway, John, Fisherman, Gulf Shores
31. Chestang, Jas. Paper Mill, Bay Minette
32. Day, Bernice, Stockton
33. Fackler, Paul W., Mechanic, Loxley
34. Friel, W.E., Retired, Bay Minette
35. Gilbert, Annie Ree, Housewife, Bay Minette
36. Hudson, Ethel, Maid, Bay Minette
37. Myrick, T.C., Fairhope
38. Smith, Columbus, Retired, Stockton
39. Therrell, E. L. Doris, Housewife, Daphne
40. Trawick, Emma D., Stockton
41. Ward, John, International Paper Spanish Fort
42. Whitten, Lewis S. Electrician, Fairhope
43. Woolf, Burnette K., Housewife, Stockton
44. Wrenn, Walter P., Retired, Bay Minette
45. Wrenn, Wynona Housewife, Bay Minette
46. Stacey, William B., Operator Union Carbide, Bay Minette

946
42
12
30

P XXXXX XXXXX XXXXX

D XXXXX XXXXX XXXXX

RAYFORD TUBERVILLE, :
Plaintiff, : IN THE CIRCUIT COURT OF
-vs- :
JIMMY MORRIS and : BALDWIN COUNTY, ALABAMA
ALBERT BROWN, :
Defendants. : AT LAW CASE NO. 8670

A N S W E R :

Come the defendants in the above styled cause and for answer to the complaint filed in said cause show unto this Honorable Court, as follows:

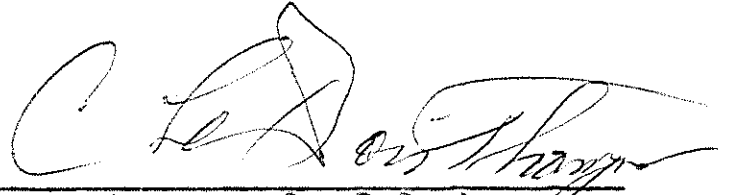
(1) Not guilty.

(2) And for further answer to said complaint defendants say that plaintiff ought not to recover in this that on the occasion complained of the plaintiff was himself guilty of negligence proximately contributing to his alleged injuries and damages, in this, that the plaintiff was in charge of the work being done and negligently instructed defendant, Albert Brown, in the manner of the duty said plaintiff assigned him in that said defendant, Albert Brown, was instructed by the plaintiff to tie supporting rope to a nail, which the said defendant did, and, as a result of the negligent instructions of said plaintiff and the failure of said nail to hold the said rope, said plaintiff's injuries were sustained, as a proximate consequence of said negligence.

(3) Now come said defendants and for answer to said complaint say he has paid the debt or demand for the recovery of which this suit was brought before this action was commenced.

(4) Come the defendants and, without in any way confessing the plaintiff's claim or demand, as a defense to action of the plaintiff, say: That at the time said action was commenced, the plaintiff was indebted to the defendant in the sum of One Thousand Eight Hundred Eight and 87/100 (\$1,808.87) Dollars, for this: moneys advanced to or paid to at the instance of said plaintiff, Rayford Tuberville.

For all of which said injuries the plaintiff is indebted to the defendant in the sum of One Thousand Eight Hundred Eight and 87/100 (\$1,808.87) Dollars, which the defendant hereby offers to set off against the demand of the plaintiff, and he claims judgment for the excess.



Attorney for Defendants.

I, C. LeNoir Thompson, Attorney for the Defendants in the above and foregoing answer, hereby certify that I have this day mailed a copy of the said answer to Honorable Tolbert M. Brantley, Attorney for the Plaintiff in said cause, by depositing a copy of same in the United States Mail, postage prepaid and properly addressed to his Bay Minette address.

Done this _____ day of _____, 1970.

RAYFORD TUBERVILLE,	:	
	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	
-vs-	:	
	:	BALDWIN COUNTY, ALABAMA
JIMMY MORRIS and	:	
ALBERT BROWN,	:	
	:	
Defendants.	:	AT LAW CASE NO. 8670

A N S W E R :

Come the defendants in the above styled cause and for answer to the complaint filed in said cause show unto this Honorable Court, as follows:

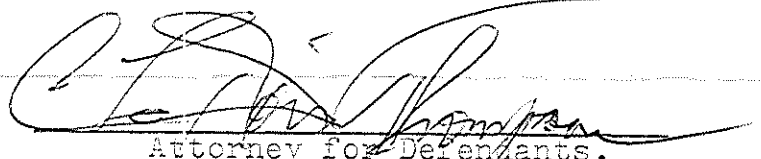
(1) Not guilty.

(2) And for further answer to said complaint defendants say that plaintiff ought not to recover in this that on the occasion complained of the plaintiff was himself guilty of negligence proximately contributing to his alleged injuries and damages, in this, that the plaintiff was in charge of the work being done and negligently instructed defendant, Albert Brown, in the manner of the duty said plaintiff assigned him in that said defendant, Albert Brown, was instructed by the plaintiff to tie supporting rope to a nail, which the said defendant did, and, as a result of the negligent instructions of said plaintiff and the failure of said nail to hold the said rope, said plaintiff's injuries were sustained, as a proximate consequence of said negligence.

(3) Now come said defendants and for answer to said complaint say he has paid the debt or demand for the recovery of which this suit was brought before this action was commenced.

(4) Come the defendants and, without in any way confessing the plaintiff's claim or demand, as a defense to action of the plaintiff, say: That at the time said action was commenced, the plaintiff was indebted to the defendant in the sum of One Thousand Eight Hundred Eight and 87/100 (\$1,808.87) Dollars, for this: moneys advanced to or paid to at the instance of said plaintiff, Rayford Tuberville.

For all of which said injuries the plaintiff is indebted to the defendant in the sum of One Thousand Eight Hundred Eight and 87/100 (\$1,808.87) Dollars, which the defendant hereby offers to set off against the demand of the plaintiff, and he claims judgment for the excess.


Attorney for Defendants.

I, C. LeNoir Thompson, Attorney for the Defendants in the above and foregoing answer, hereby certify that I have this day mailed a copy of the said answer to Honorable Tolbert M. Brantley, Attorney for the Plaintiff in said cause, by depositing a copy of same in the United States Mail, postage prepaid and properly addressed to his Bay Minette address.

Done this 6 day of June, 1970.

FILED

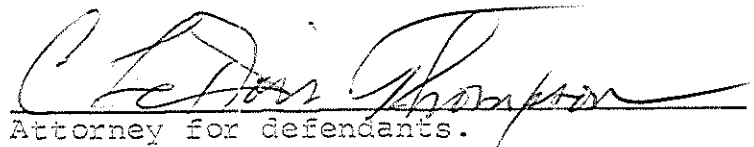
JUN 8 1970

ALICE J. DUCK CLERK
REGISTER

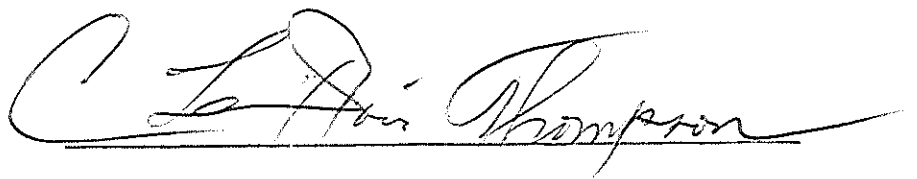
RAYFORD TUBERVILLE	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
JIMMY MORRIS and ALBERT BROWN	X	AT LAW NO. 8670
Defendants	X	
	X	

Come the defendants in the above styled cause and demur to the complaint filed in said cause and for demurrer show unto this Honorable Court as follows:

1. The complaint fails to state a cause of action.
2. The plaintiff fails to allege that he was in charge of the work being done on the bulkhead mentioned in the complaint.
3. Plaintiff fails to allege that the alleged defendant, Albert Brown, was under his direction and supervision at all times in the course of the said Albert Brown's employment.
4. Plaintiff fails to allege the sums of money spent by said plaintiff as the proximate result of said accident.
5. Plaintiff fails to allege specific facts causing the continuation of spending large sums of money.


Attorney for defendants.

I hereby certify that I have this 19 day of May, 1969, served a copy of the foregoing on Honorable Tolbert Brantley, attorney for plaintiff, by depositing copy of same in the U. S. Mail, properly addressed to his office in Bay Minette, Alabama.



FILED

MAY 19 1969

ALICE J. DUFF

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jimmy Morris and Albert Brown 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 the same, then and there to answer the complaint of Rayford Tuberville.

WITNESS my hand this 22nd day of April, 1969.

Alice J. Luck
Clerk

RAYFORD TUBERVILLE,)
Plaintiff,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
JIMMY MORRIS and ALBERT) AT LAW
BROWN,) CASE NO. 8670
Defendants.)

The Plaintiff claims of the Defendant the sum of FIVE THOUSAND DOLLARS (\$5,000.00) as damages for that, heretofore, on to-wit: the 17th day of July, 1968, the Plaintiff was working for the Defendant, Jimmy Morris, installing a bulkhead on the property of Jimmy Morris in Spanish Fort, Alabama, at a place where the Plaintiff had a right to be. That, then and there, the Defendant, Albert Brown, as agent, servant or employee of the Defendant, Jimmy Morris, while acting within the line and scope of his employment, so negligently tied an ell-shaped suction pipe to a framework as to cause or allow said suction pipe to come loose and fall on the Plaintiff's left arm. The Plaintiff avers that, as a direct and proximate consequence of said negligence, he was injured as

follows: His left arm was broken; he was caused much pain and suffering and was caused to spend great sums of money in treatment of said injury and was caused to lose great sums of money because he was unable to work. The Plaintiff avers that he was permanently injured and will continue to have to spend large sums of money in the treatment of said injury. The Plaintiff further avers that all of said injuries were proximately caused by the negligence of the Defendant, Albert Brown, as the agent, servant or employee of Jimmy Morris, while acting within the line and scope of his authority.

WILTERS & BRANTLEY

BY: *Sothen M Brantley*
Attorneys for Plaintiff

The Plaintiff demands a trial by jury.

WILTERS & BRANTLEY

BY: *Sothen M Brantley*
Attorneys for Plaintiff

The Defendant, Jimmy Morris, can be served
at Daphne Route, Spanish Fort, Alabama.

The Defendant, Albert Brown, can be served
at Brady Road, Bay Minette, Alabama.

FILED

APR 22 1969

ALICE J. DUCK CLERK
REGISTER

Sheriff claims 44 miles at

Ten Cents per mile Total \$ 4.40

TAYLOR WILKINS, Sheriff

BY Randall
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8670

RAYFORD TUBERVILLE,

Plaintiff

VS.

JIMMY MORRIS and ALBERT BROWN,

Defendants.

SUMMONS AND COMPLAINT

Wilters & Brantley
Bay Minette, Alabama
Attorneys for Plaintiff

FILED

APR 22 1969

ALICE J. DUCK
CLERK
REGISTER

*The the Jury find for the defendants
my Brother*