

MICHAEL J. SALMON
LAWYER
SUITE 324
INTERNATIONAL TRADE CENTER
250 N. WATER STREET
MOBILE, ALABAMA 36602
433-5595

August 4, 1969

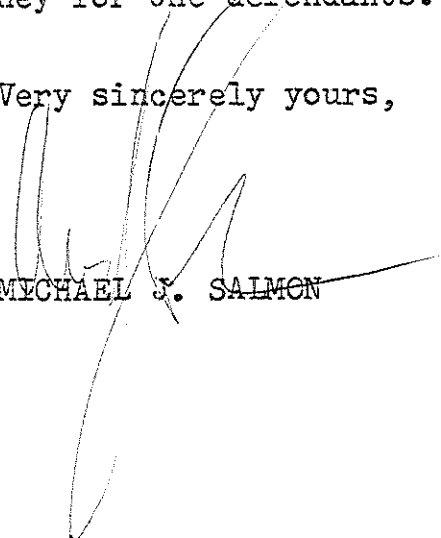
Honorable Alice Duck
Clerk, Circuit Court
County Courthouse
Bay Minette, Alabama

Re: Carolyn Morcom v. Ronald G. Barrett
and James E. Barrett, Jr.
At Law, Number 8677

Dear Mrs. Duck:

The above matter has been settled. Kindly dismiss the cause with prejudice at the request of the plaintiff and send the cost bill to Mr. Galloway, attorney for the defendants.

Very sincerely yours,


MICHAEL J. SALMON

jes

cc: Thomas M. Galloway, Esquire
Post Office Box 4492
Mobile, Alabama 36604

John V. Duck, Esquire
319 Magnolia Avenue
Fairhope, Alabama 36532

CAROLYN MORCOM,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
-vs-	:	
RONALD G. BARRETT and JAMES	:	AT LAW
E. BARRETT, JR., jointly	:	
and severally,	:	
Defendants.	:	NUMBER <u>8677</u>

COUNT ONE

Plaintiff claims of the Defendants, jointly and severally, the sum of FIFTY THOUSAND AND NO/HUNDREDTHS DOLLARS (\$50,000.00) as damages for that heretofore and on, to-wit, December 13, 1968, Plaintiff was driving her motor vehicle southwardly on U. S. Highway 98 at a point approximately 1.8 miles west of the city limits of Fairhope, Alabama, and at a point where such highway was a public highway in and of the County of Baldwin, State of Alabama, and at such time and place, Defendant Ronald G. Barrett, an agent, servant or employee of James E. Barrett, Jr., while in the line and scope of employment as such, who was driving a motor vehicle northwardly on said U. S. Highway 98, so negligently operated such motor vehicle as to cause or allow the same to run into, upon and against the motor vehicle of Plaintiff. And Plaintiff avers that as a direct and proximate consequence and result of the negligence of Defendant Ronald G. Barrett, an agent, servant or employee of Defendant James E. Barrett, Jr., while acting in the line and scope of employment as such, Plaintiff's motor vehicle was demolished; Plaintiff sustained a head injury; lost control of the movement of one eye; her vision was impaired; she sustained a fracture of the right arm; was lacerated and battered about her body; she was caused to be hospitalized for a long period of time; was caused to lose time from her employment; was caused to incur medical bills and expenses; she suffered great pain and mental anguish; she will in the future be caused to incur further expenses

for medical treatment and lose further time from her employment; she will suffer further pain and mental anguish in the future; and she suffered permanent impairment to her body, all to her damage as aforesaid.

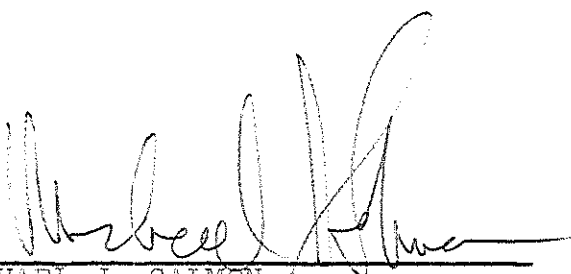
Wherefore this suit.

COUNT TWO

Plaintiff claims of the Defendants, jointly and severally, the sum of FIFTY THOUSAND AND NO/HUNDREDTHS DOLLARS (\$50,000.00) as damages for that heretofore and on, to-wit, December 13, 1968, Plaintiff was driving her motor vehicle southwardly on U. S. Highway 98 at a point approximately 1.8 miles west of the City limits of Fairhope, Alabama, and at a point where such highway was a public highway in and of the County of Baldwin, State of Alabama, and at such time and place, Defendant Ronald G. Barrett, an agent, servant or employee of James E. Barrett, Jr., while in the line and scope of employment as such, who was driving a motor vehicle northwardly on said U. S. Highway 98, wilfully or wantonly injured Plaintiff by wilfully or wantonly driving such motor vehicle into, upon and against the motor vehicle of Plaintiff. And Plaintiff avers that as a direct and proximate consequence and result of the wilful or wanton conduct of Defendant Ronald G. Barrett, an agent, servant or employee of Defendant James E. Barrett, Jr., while acting in the line and scope of employment as such, Plaintiff's motor vehicle was demolished; Plaintiff sustained a head injury; lost control of the movement of one eye; her vision was impaired; she sustained a fracture of the right arm; was lacerated and battered about her body; she was caused to be hospitalized for a long period of time; was caused to lose time from her employment; was caused to incur medical bills and expenses; she suffered great pain and mental anguish; she will in the future be caused to incur further expenses for medical treatment and lose further time from her employment; she will suffer further pain and mental anguish in

the future; and she suffered permanent impairment to her body,
all to her damage as aforesaid.

Wherefore this suit.


MICHAEL J. SALMON
Attorney for Plaintiff

324 International Trade Center
Mobile, Alabama 36602

Plaintiff respectfully demands trial by jury.

Plaintiff asks that a guardian be appointed to defend
Defendant Ronald G. Barrett, a minor.

FILED

APR 25 1969

ALICE J. DUCK CLERK
REGISTER

Defendants may be served at:

Gulf Coast Sub-Station
Robertsdale Highway
Fairhope, Alabama

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8677

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

.....Ronald G. Barrett and James E. Barrett, jointly and severally.....

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.....

.....Ronald G. Barrett and James E. Barrett, jointly and severally....., Defendant.....

byCarolyn Morcom.....

....., Plaintiff.....

Witness my hand this.....23rd.....day of.....April.....19.....69

.....*David White*....., Clerk

44-23-69

No. 8677

Page

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

CARLYN MORCOM

Plaintiffs

vs.

RONALD G. BARRETT and JAMES E. BARRETT
Jointly and severally

Defendants

SUMMONS AND COMPLAINT

Filed 4-23 1969

Alice J. Duck

Clerk

Michael Salmon

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

April 23 1969

Sheriff

I have executed this summons

this April 25 1969

by leaving a copy with

Ronald G. Barrett
James E. Barrett

Sheriff claims 20.40 miles at
Ten Cents per mile Total \$1.44.00
TAYLOR WILKINS, Sheriff
BY Kendall
DEPUTY SHERIFF

Taylor Wilkins Sheriff
Roy Randall Deputy Sheriff
L. Hope

CAROLYN MORCOM, : IN THE CIRCUIT COURT OF
Plaintiff,
VS: : BALDWIN COUNTY, ALABAMA
RONALD G. BARRETT and JAMES
E. BARRETT, JR., jointly : AT LAW
and severally,
Defendants. : CASE NO. 8 6 7 7

Come the defendants jointly and separately and demur to the complaint heretofore filed and 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 the defendants.
2. The same attempts to allege wilfull conduct on the part of the defendant James E. Barrett, Jr. without alleging sufficient facts in support thereof.
3. The same fails to state a count of wilfull or wanton conduct against the defendants.
4. The same fails to allege that the injuries as alleged in the complaint were wilfully inflicted upon the plaintiff.
5. Count Two of the complaint attempts to allege injuries sustained by the plaintiff but fails to set out that the same were wilfully inflicted.

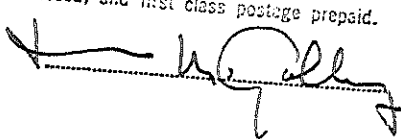
COLLINS, GALLOWAY & MURPHY

By: 

THOMAS M. GALLOWAY
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day of May, 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.



FILED

MAY 13 1969

ALICE J. DUCK

CAROLYN MORCOM, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : BALDWIN COUNTY, ALABAMA
RONALD G. BARRETT and JAMES :
E. BARRETT, JR., jointly : AT LAW
and severally, :
Defendants. : CASE NO. 8 6 7 7

Comes now Ronald G. Barrett, a minor, over the age of fourteen (14) years, and having received a copy of the complaint in this matter hereby nominates as guardian ad litem to act for him in this case John V. Duck, who is a practicing attorney in Baldwin County, Alabama, and does hereby request that the court appoint John V. Duck as guardian ad litem for said purposes.

Ronald G. Barrett
Ronald G. Barrett

STATE OF ALABAMA:
COUNTY OF BALDWIN:

Before me, the undersigned authority in and for said State and County, personally appeared Ronald G. Barrett, who is a minor over fourteen (14) years of age and he acknowledged before me on this date that he executed the foregoing appointment of guardian ad litem on this the 20 day of May 1969.

Lucia Higbee
Notary Public,

FILED

MAY 21 1969

ALICE J. DUCK