

JOHN K. RAYBORN,

Plaintiff,

VS.

CLAY PRODUCTS, INC., a  
corporation, et al.,

Defendants.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY

) ALABAMA

) CIVIL DIVISION

) CASE NO. 8785

MOTION FOR PRODUCTION OF INCOME TAX RECORDS

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INGE, TWITTY, DUFFY & PRINCE

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 6th day  
of August, 1969.

Attorney for

By:

James J. Duffy, Jr.

CHASON, STONE & CHASON

By:

John Chason

FILED

AUG 12 1969

ALICE J. DUCK

CLERK  
REGISTER

SEALE, MARSAL, SEALE & DUKE

LAWYERS

2410 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

HARRY SEALE

M. A. MARSAL

A. J. SEALE

LEON G. DUKE

MAILING ADDRESS

POST OFFICE BOX 1746

432-6686

July 3, 1969

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

8785

Re: John K. Rayborn vs Clay Products,  
et al

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Dear Mrs. Duck:

Please file the enclosed complaint in the above case.

Thanking you and with highest personal regards, I am

Very truly yours,

*M. A. Marsal*

M. A. MARSAL

MAM:mjm

Enclosures (3)

JOHN K. RAYBORN,

Plaintiff,

VS

CLAY PRODUCTS, INC., a  
corporation, JOHN DOE and  
RICHARD ROE d/b/a/ CLAY  
PRODUCTS COMPANY, a part-  
nership composed of JOHN  
DOE and RICHARD ROE; being  
the person, persons, firm or corporation operating  
the Clay Products Plant in  
Fairhope, Alabama, whose  
exact name or names are  
otherwise unknown but will  
be corrected by amendment  
when ascertained,

Defendants.

I IN THE CIRCUIT COURT

I OF BALDWIN COUNTY,

I ALABAMA

I CASE NO. 8785

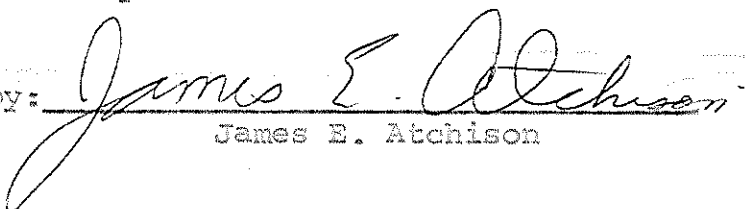
Plaintiff claims of the Defendants the sum of SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 10th day of October, 1968, the Defendants were the owners or proprietors having charge of the maintenance or condition of certain premises in the City of Fairhope, Baldwin County, Alabama, to-wit, said Clay Products, Inc.; Plaintiff further avers that on said occasion he was upon said premises by instruction of the Defendants, being there to inquire as to the possibility of Plaintiff performing additional work for the Defendants, Plaintiff having perviously performed certain landscaping work, etc. for the Defendants, and Plaintiff avers that at said time and place he was instructed by an agent, servant or employee of the Defendants to come upon a building which Defendants were constructing or having constructed, and Plaintiff avers that on said occasion the Defendants negligently allowed said portion of said premises, to-wit, the walkway on said building to be or remain in a condition not reasonably safe for use as a walkway for walking thereon by persons traversing the same; and Plaintiff avers that at said time and place he was instructed by an agent, servant, or employee of Defendants

to come around to where the agent, servant or employee was so that they could talk; and in so doing Plaintiff was caused to fall into a, to-wit, dryer, approximately five (5) feet onto a cement floor and thereby Plaintiff sustained severe, painful and permanent injury to his person; Plaintiff was contused and bruised in and about the various portions of his body; Plaintiff's right shoulder was fractured; Plaintiff was caused to undergo a serious operation; Plaintiff was caused to suffer a partial permanent disability of his shoulder of 30 per cent; Plaintiff has been caused to spend large sums of money for medical, doctor, and hospital expenses; and Plaintiff has been prevented from going about his gainful employment because of the injury he received in said accident, and in the future he will be unable to work and earn money; all to his damage which he claims.

Plaintiff avers that on said occasion the Defendants negligently caused or negligently allowed said portion of said premises to be or remain in a condition not reasonably safe for use as a passageway for walking thereon by persons traversing the same, and as a direct and proximate consequence of the aforesaid negligence of Defendants, Plaintiff was, as aforesaid, caused to fall and sustain the injuries and damages herein claimed all as a direct and proximate result of the negligence of the Defendants as aforesaid.

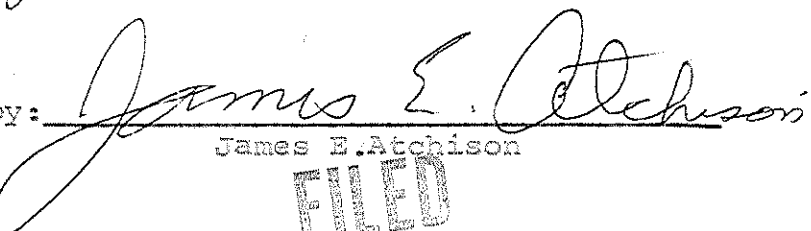
M. A. MARSAI and JAMES E. ATCHISON  
Attorneys for Plaintiff

by:

  
James E. Atchison

Plaintiff respectfully  
demands a trial by jury.

by:

  
James E. Atchison

Defendants may be served:  
at its Plant Site in Fairhope,  
Baldwin County, Alabama

FILED

JUL 7 1969

ALICE J. DUCK

CLERK  
REGISTER

JOHN K. RAYBORN,

I

IN THE CIRCUIT COURT

Plaintiff,

I

VS

I

OF BALDWIN COUNTY,

CLAY PRODUCTS, INC., a  
corporation, JOHN DOE and

I

RICHARD ROE d/b/a/ CLAY  
PRODUCTS COMPANY, a part-

I

ALABAMA

nership composed of JOHN  
DOE and RICHARD ROE; being

I

the person, persons, firm  
or corporation operating

I

AT LAW

the Clay Products Plant in  
Fairhope, Alabama, whose

I

exact name or names are  
otherwise unknown but will

I

be corrected by amendment  
when ascertained,

I

Defendants.

I

CASE NO.

8285

Plaintiff claims of the Defendants the sum of SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 10th day of October, 1968, the Defendants were the owners or proprietors having charge of the maintenance or condition of certain premises in the City of Fairhope, Baldwin County, Alabama, to-wit, said Clay Products, Inc.; Plaintiff further avers that on said occasion he was upon said premises by instruction of the Defendants, being there to inquire as to the possibility of Plaintiff performing additional work for the Defendants, Plaintiff having perviously performed certain landscaping work, etc. for the Defendants, and Plaintiff avers that at said time and place he was instructed by an agent, servant or employee of the Defendants to come upon a building which Defendants were constructing or having constructed, and Plaintiff avers that on said occasion the Defendants negligently allowed said portion of said premises, to-wit, the walkway on said building to be or remain in a condition not reasonably safe for use as a walkway for walking thereon by persons traversing the same; and Plaintiff avers that at said time and place he was instructed by an agent, servant, or employee of Defendants

to come around to where the agent, servant or employee was so that they could talk; and in so doing Plaintiff was caused to fall into a, to-wit, dryer, approximately five (5) feet onto a cement floor and thereby Plaintiff sustained severe, painful and permanent injury to his person; Plaintiff was contused and bruised in and about the various portions of his body; Plaintiff's right shoulder was fractured; Plaintiff was caused to undergo a serious operation; Plaintiff was caused to suffer a partial permanent disability of his shoulder of 30 per cent; Plaintiff has been caused to spend large sums of money for medical, doctor, and hospital expenses; and Plaintiff has been prevented from going about his gainful employment because of the injury he received in said accident, and in the future he will be unable to work and earn money; all to his damage which he claims.

Plaintiff avers that on said occasion the Defendants negligently caused or negligently allowed said portion of said premises to be or remain in a condition not reasonably safe for use as a passageway for walking thereon by persons traversing the same, and as a direct and proximate consequence of the aforesaid negligence of Defendants, Plaintiff was, as aforesaid, caused to fall and sustain the injuries and damages herein claimed all as a direct and proximate result of the negligence of the Defendants as aforesaid.

M. A. MARSAL and JAMES E. ATCHISON  
Attorneys for Plaintiff

by: James E. Atchison  
James E. Atchison

Plaintiff respectfully  
demands a trial by jury.

by: James E. Atchison  
James E. Atchison

Defendants may be served:  
at its Plant Site in Fairhope,  
Baldwin County, Alabama

FILED

JUL 7 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. 8785

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CLAY PRODUCTS, Inc., a Corp., JOHN DOE & RICHARD ROE, d/b/a CLAY PRODUCTS COMPANY, a partnership, et al

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 Clay Products, Inc., a corp., Defendant.

by John K. Rayborn

Plaintiff

Witness my hand this 7th day of July 1969

Alice J. Duck, Clerk

No. 8785

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JOHN K. RAYBORN

Plaintiffs

vs.

CLAY PRODUCTS, a corp. et al

Defendants

SUMMONS AND COMPLAINT

Filed July 7, 1969

Alice J. Duck Clerk

M. A. Marsal & James E. Atchison

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

JUL 7, 1969 19

Sheriff

I have executed this summons

this 7-21 1969

by leaving a copy with

Clay Products Inc.,  
by service on:  
Ralph Brown Jennings  
Clay Products Company,  
by service on:  
Ralph Brown Jennings

asst Mgr.  
Clay City, LaRue  
Sheriff claims 12.00 miles at..

Ten Cents per mile Total \$ 14.00

TAYLOR, WILKINS, Sheriff

BY Roy Randall  
DEPUTY SHERIFF Sheriff

Roy Randall Deputy Sheriff



JOHN K. RAYBORN,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY
VS.	)	ALABAMA
CLAY PRODUCTS, INC., a	)	CIVIL DIVISION
corporation, et al.,		
Defendants.	)	CASE NO. 8785

DEMURRER OF FAIRHOPE CLAY PRODUCTS, INC.

Comes now Fairhope Clay Products, Inc., incorrectly denominated in the caption hereof as Clay Products, Inc., one of the defendants in the above-captioned cause, and demurs to the complaint of the plaintiff in said cause and to each and every count thereof, separately and severally, and as grounds of said demurrer sets down and assigns the following, separately and severally, to-wit:

1. For that it does not state facts sufficient to constitute a cause of action.
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, defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty he may have owed to the plaintiff.
6. For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.
7. For that there does not appear sufficient causal connection between defendant's said breach of duty and plaintiff's injuries and damages.
8. 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 the defendant.

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

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

11. The averments thereof are conflicting and repugnant.

12. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

13. For that the allegation therein contained that "...the defendants were the owners or proprietors having charge of the maintenance or condition of certain premises in the City of Fairhope, Baldwin County, Alabama, to-wit, said Clay Products, Inc...." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

14. For that the allegation therein contained that "...plaintiff further avers that on said occasion he was upon said premises by instruction of the defendants, being there to inquire as to the possibility of plaintiff performing additional work for the defendants...." is conflicting and repugnant.

15. For that the allegation therein contained that "...plaintiff further avers that on said occasion he was upon said premises by instruction of the defendants, being there to inquire as to the possibility of plaintiff performing additional work for the defendants...." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

16. For that the allegation therein contained that plaintiff "...was instructed by an agent, servant or employee of the defendants to come upon a building which defendants were constructing or having constructed...." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

17. For that the allegation therein contained that plaintiff "...was instructed by an agent, servant or employee of the defendants to come upon a

building which defendants were constructing or having constructed...." is vague, indefinite and uncertain in that it does not sufficiently apprise this defendant as to whether this defendant is charged with the construction of the building complained of.

18. For aught appearing from the allegations therein contained, this defendant was not responsible for the construction and maintenance of the building complained of.

19. For that the allegation therein contained that "...defendants negligently allowed said portion of said premises, to-wit, the walkway on said building, to be or remain in a condition not reasonably safe for use as a walkway for walking thereon by persons traversing the same...." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

20. For that said count fails to allege why or in what manner the walkway complained of was not reasonably safe for use as such.

21. For that the allegation therein contained that plaintiff "...was instructed by an agent, servant, or employee of defendants to come around to where the agent, servant or employee was so that they could talk; and in so doing plaintiff was caused to fall...." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

21. For that the allegation therein contained that plaintiff "...was instructed by an agent, servant, or employee of defendants to come around to where the agent, servant or employee was so that they could talk; and in so doing plaintiff was caused to fall...." is vague, indefinite and uncertain in that it fails to sufficiently apprise this defendant where the plaintiff allegedly fell.

22. For that the allegation therein contained that plaintiff "...was instructed by an agent, servant, or employee of defendants to come around to where the agent, servant or employee was so that they could talk; and in so doing plaintiff was caused to fall...." is insufficient in that it is not alleged that the agent, servant or employee of this defendant was acting within the line and scope

of his employment as such at the time and place complained of by the plaintiff.

23. For that it is not alleged that the plaintiff fell as a proximate result of any negligence or breach of duty on the part of this defendant.

24. For aught appearing from the allegations therein contained, the plaintiff fell as a proximate result of his own negligence.

25. For that there is a misjoinder of causes of action in the same count.

26. For that the allegation therein contained that "...defendants negligently caused or negligently allowed said portion of said premises to be or remain in a condition not reasonably safe for use as a passageway for walking thereon by persons traversing the same...." is nonsensical.

27. For that the allegation therein contained that "...defendants negligently caused or negligently allowed said portion of said premises to be or remain in a condition not reasonably safe for use as a passageway for walking thereon by persons traversing the same...." is vague, indefinite and uncertain and not permissive of answer.

28. For that the allegation therein contained that "...defendants negligently caused or negligently allowed said portion of said premises to be or remain in a condition not reasonably safe for use as a passageway for walking thereon by persons traversing the same...." is insufficient as a matter of law in that it is not alleged that this defendant knew or, by the exercise of reasonable care, should have known that the premises complained of were in a condition not reasonably safe for use as a passageway for persons walking thereon.

29. For that said complaint fails to allege that the plaintiff fell as a direct and proximate result of any unsafe condition of the premises of this defendant.

30. For that the allegation therein contained that "...defendants negligently caused or negligently allowed said portion of said premises to be or

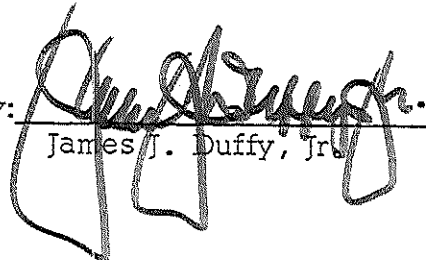
remain in a condition not reasonably safe for use as a passageway for walking thereon by persons traversing the same...." is vague, indefinite and uncertain and fails to sufficiently apprise this defendant as to what it is this defendant is called upon to defend.

31. For aught appearing from the allegations therein contained, the plaintiff was on the premises of this defendant as a mere trespasser.

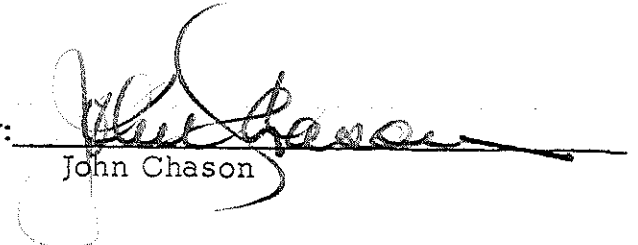
32. For aught appearing from the allegations therein contained, the plaintiff was on the premises of this defendant as a mere licensee.

33. For that it fails to sufficiently describe the premises where the plaintiff allegedly fell.

INGE, TWITTY, DUFFY & PRINCE

By:   
James J. Duffy, Jr.

CHASON, STONE & CHASON

By:   
John Chason

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 4 day

of July, 1968  


FILED

AUG 4 1968

ALICE J. DUCK

CLERK  
REGISTER

JOHN K. RAYBORN,

Plaintiff,

vs.

CLAY PRODUCTS, INC., a corporation,  
et al.,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CIVIL DIVISION

CASE NO. 8785

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

FILED

AUG 4 1969

ALICE J. DUCK

CLERK  
REGISTER

CHASON, STONE & CHASON  
ATTORNEYS AT LAW  
P. O. Box 120  
BAY MINETTE, ALABAMA

JOHN K. RAYBORN,

Plaintiff

vs.

FAIRHOPE CLAY PRODUCTS,  
INC., a corporation,

Defendants.

)  
) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY,  
)  
) ALABAMA  
)  
) AT LAW  
)  
) CASE NO. 8785

ANSWER

Comes now Fairhope Clay Products, Inc., one of the defendants in the above captioned cause, and in answer to the complaint of the plaintiff as last amended and to each and every count thereof, separately and severally, files the following pleas, separately and severally, that is to say:

1. This defendant is not guilty of the matters and things contained therein.
2. This defendant denies each and every one of the material allegations therein contained.
3. The plaintiff ought not recover of this defendant for that at the time and place complained of in the complaint of the plaintiff the plaintiff himself was guilty of contributory negligence which proximately contributed to his injury and damage in that the plaintiff, with knowledge that the manner in which he attempted to walk on the walkway of which he complains was not reasonably safe, did negligently proceed to walk on said walkway.

INGE, TWITTY, DUFFY & PRINCE

BY: 

James J. Duffy, Jr.

CHASON, STONE & CHASON

BY: 

John Chason

CERTIFICATE OF SERVICE

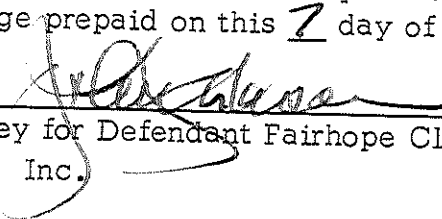
I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 7 day of January, 1971.

**FILED**

JAN 7 1971

**ALICE J. DUCK**

CLERK  
REGISTER

  
Attorney for Defendant Fairhope Clay Products,  
Inc.

JAMES R. OWEN  
ATTORNEY AT LAW  
110 COURTHOUSE SQUARE  
BAY MINETTE, ALABAMA 36507

December 2, 1969

P. O. BOX 248  
TEL. 937-2061  
AREA CODE 205

Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

In Re: Rayborn vs. Fairhope Clay Products  
Case No. 8785

Dear Mrs. Duck:

Please enter my name as one of the attorneys  
for the plaintiff in this case.

Yours very truly,



JAMES R. OWEN

JRO/ers

CC: Mr. John Chason  
Attorney at Law  
Bay Minette, Alabama

CC: Mr. James J. Duffy, Jr.  
Attorney at Law  
The Merchants National Bank Building  
Mobile, Alabama 36601



JOHN K. RAYBORN,

Plaintiff,

VS.

CLAY PRODUCTS, INC., a  
corporation, et al.,

Defendants.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY

) ALABAMA

) CIVIL DIVISION

) CASE NO. 8785

NOTICE OF DEPOSITION

TO: James E. Atchison, Esq.  
Messrs. Seale, Marsal, Seale & Duke  
P. O. Box 1746  
Mobile, Alabama 36601

You are hereby notified that defendant Fairhope Clay Products, Inc., (incorrectly denominated Clay Products, Inc. in the caption herein) will take the pretrial discovery deposition of plaintiff, John K. Rayborn, on Wednesday, August 27, 1969, commencing at 2:30 o'clock P.M., in the offices of Messrs. Inge, Twitty, Duffy & Prince, 1301 Merchants National Bank Building, Mobile, Alabama, before Louis M. Hubbard, Jr., or before some other officer authorized by law to take depositions. The deposition is to be taken in accordance with and pursuant to Act No. 375 of the Alabama Legislature of 1955, as amended, and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 7th day of August, 1969.

INGE, TWITTY, DUFFY & PRINCE

By: 

James J. Duffy, Jr.

CHASON, STONE & CHASON

By: 

John Chason

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 8 day

of

Aug. 1969

FILED

AUG 8 1969

AUGIE J. DICK CLERK  
REGISTER

JOHN K. RAYBORN,

Plaintiff,

VS.

FAIRHOPE CLAY PRODUCTS, INC.,  
a corporation, JOHN DOE and  
RICHARD ROE, doing business  
as Fairhope Clay Products, a  
Partnership composed of John  
Doe and Richard Roe, being the  
person, persons, firm or  
corporation, operating the  
Fairhope Clay Products Plant  
in Fairhope, Alabama, whose  
exact name or names are  
otherwise unknown, but will be  
corrected by amendment when  
ascertained,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 8785

#### AMENDED COMPLAINT

Now comes the plaintiff in the above styled cause and amends the complaint heretofore filed in said cause, so that, as amended, the said complaint will read as follows:

#### COUNT ONE

Plaintiff claims of the defendants the sum of Seventy-five Thousand Dollars (\$75,000.00) as damages for that heretofore on to-wit, October 10, 1968, the defendants were the owners or proprietors having charge of the maintenance or condition of certain premises in or near the city of Fairhope, Baldwin County, Alabama, to-wit, said Fairhope Clay Products, Inc.; plaintiff further avers that on said occasion he was upon said premises by invitation or instruction of the defendants, being there to inquire as to the possibility of plaintiff performing additional work for the defendants, plaintiff having previously performed certain landscaping work for the defendants, and plaintiff avers that at said time and place he was instructed by an agent, servant or employee of the defendants, which said agent, servant or employee was acting within the line and scope of his authority as such at said time and place, to come upon a building which the defendants were constructing or having constructed, and plaintiff avers that on said occasion the defendants negligently allowed said portion of said premises, to-wit, the walkway on said building to be or remain in a condition

not reasonably safe for use as a walkway for walking thereon by persons traversing the same, which said condition was known to the defendant or, in the reasonable exercise of precaution should have been known by said defendants; and plaintiff avers that at said time and place he was instructed by an agent, servant or employee of defendants, who was then and there acting within the line and scope of his authority as such agent, servant or employee, to come around to where the said agent, servant or employee was so that they could talk; and in so doing plaintiff was caused to fall into a to-wit, dryer, approximately five feet on to a cement floor and thereby plaintiff sustained severe, painful and permanent injury to his person; plaintiff was contused and bruised in and about the various portions of his body; plaintiff's right shoulder was fractured; plaintiff was caused to undergo a serious operation; plaintiff was caused to suffer a partial permanent disability of his shoulder of thirty percent; plaintiff has been caused to spend large sums of money for medical, doctor and hospital bills; and plaintiff has been prevented from going about his gainful employment because of the injury he received in said accident, and in the future he will be unable to work and earn money, all to his damage as aforesaid.

The plaintiff further avers that on said occasion the defendants negligently caused or negligently allowed said portion of said premises to be or remain in a condition not reasonably safe for use as a passage way for walking thereon by persons traversing the same, and as a direct and proximate consequence of the aforesaid negligence of the defendants, plaintiff was, as aforesaid, caused to fall and sustain the injuries and damages herein claimed, all as a direct and proximate result of the negligence of the defendants as aforesaid.

M. A. MARSAL, JAMES E. ATCHISON  
and JAMES R. OWEN  
Attorneys for Plaintiff

By 

**FILED**

NOV 6 1970

**ALICE J. DUCK**

CLERK  
REGISTER

JOHN K. RAYBORN,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY
VS.	)	ALABAMA
CLAY PRODUCTS, INC., a	)	CIVIL DIVISION
corporation, et al.,	)	
Defendants.	)	CASE NO. 8785

MOTION FOR PHYSICAL EXAMINATION

Comes now Fairhope Clay Products, Inc., incorrectly denominated in the caption hereof as Clay Products, Inc., one of the defendants in the above-styled cause, and respectfully moves this Court for an order requiring the plaintiff to submit to a complete physical examination by a duly qualified, disinterested, physician in the City of Mobile, Alabama, specializing in orthopedic surgery, at a time and date designated by this Court.

This defendant moves the Court for such other, further and different relief as may be meet and proper, the premises considered.

INGE, TWITTY, DUFFY & PRINCE

By:   
James T. Duffy, Jr.

CHASON, STONE & CHASON

By:   
John Chason

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 5th day of Aug., 1969.

  
Attorney for

**FILED**

AUG 12 1969

ALICE J. DUCK

CLERK  
REGISTER