

JAMES A. BROWN,

Plaintiff,

VS

PHIL MANGUM,
SULLIVAN, LONG & HAGGERTY,

Defendants.

*

IN THE CIRCUIT COURT OF

*

BALDWIN COUNTY, ALABAMA

*

AT LAW

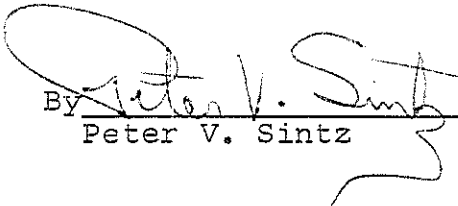
*

*

CASE NO. 8795

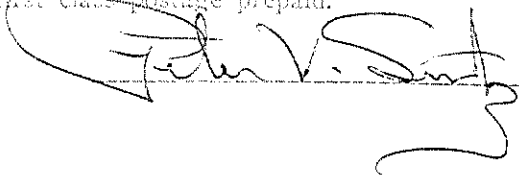
Comes now, the Defendant, Sullivan, Long and Haggerty,
and refiles its answer and Motion To Strike, hertofore filed,
to the Plaintiff's Complaint as amended.

FOREMAN, BROWN & HUDGENS
Attorneys for the Defendant,
Sullivan, Long and Haggerty

By 
Peter V. Sintz

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9th
day of Feb, 1970, 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

FEB 12 1970

ALICE J. DICK

no. 8795

Jas Brown vs Sullivan et al

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, Jackson C., ~~Score Farmer, 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, Frank, 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. Vairie, 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. Wolf, 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

P1
D10
P2
P3
P4
P5
P6
P7
P8
P9
P10
P11
P12
P13
P14
P15
P16
P17
P18
P19
P20
P21
P22
P23
P24
P25
P26
P27
P28
P29
P30
P31
P32
P33
P34
P35
P36
P37
P38
P39
P40
P41
P42
P43
P44
P45
P46
P47
P48
P49
P50
P51
P52
P53
P54
P55
P56
P57
P58
P59
P60
P61
P62
P63
P64
P65
P66
P67
P68
P69
P70
P71
P72
P73
P74
P75
P76
P77
P78
P79
P80
P81
P82
P83
P84
P85
P86
P87
P88
P89
P90
P91
P92
P93
P94
P95
P96
P97
P98
P99
P100

P XXXXX XXXXX XXXXX

D XXXXX XXXXX XXXXX

46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

JAMES A. BROWN,	*	
Plaintiff	*	IN THE CIRCUIT COURT OF
vs.	*	BALDWIN COUNTY, ALABAMA
PHIL MANGUM,	*	AT LAW
SULLIVAN, LONG & HAGGERTY,	*	No. 8795
Defendants	*	

AMENDMENT TO COMPLAINT

Comes now the Plaintiff in the above styled cause and amends his complaint heretofore filed in said cause by adding immediately after the words "West 24th Avenue," the following: "west of Highway 59, just west of the private drive leading to Calloway Seaford."

And the Plaintiff also strikes the phrase "or near" coming after the words " a public road in."

by Daniel E. Robison.....
 Daniel E. Robison
 Attorney for Plaintiff

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 27... day of ~~August~~, 1969. OCT.

Daniel E. Robison

FILED
 OCT 28 1969
ALICE J. DUCK CLERK
 REGISTER

JAMES A. BROWN,
Plaintiff,

VS

PHIL MANGUM,
SULLIVAN, LONG & HAGGERTY,

Defendants.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW

*
*

CASE NO. 8795

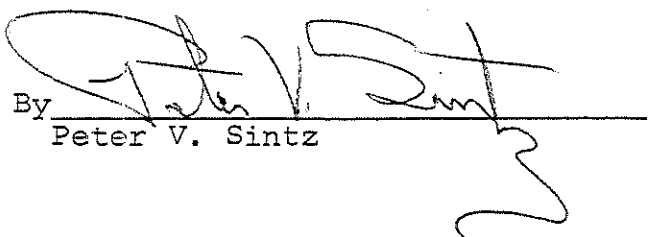
MOTION TO STRIKE

Comes now the Defendant, Phil Mangum, and moves to strike that portion of the Plaintiff's Complaint which reads as follows: "and Plaintiff was unable to use it for transportation to and from work, and so he lost wages."

Defendant, Phil Mangum, assigns the following separate and several grounds in support of its motion:

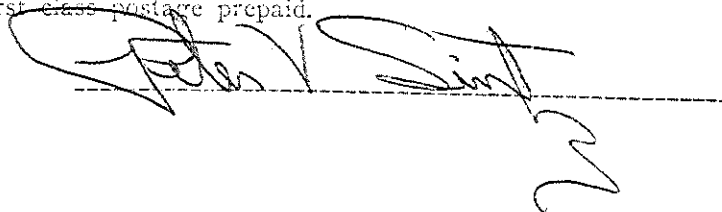
1. That said damages are not recoverable under the law of Alabama.
2. That said damages are not a proper element of damages under the law of Alabama.
3. That in a Complaint for damage to personal property, loss of wages is not a proper element of damages.

FOREMAN, BROWN & HUDGENS
Attorneys for the Defendant
Phil Mangum

By 
Peter V. Sintz

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13th day of August, 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.


Peter V. Sintz

FILED

AUG 14 1969

ALICE J. DUCK CLERK
REGISTER

JAMES A. BROWN,

Plaintiff,

VS

PHIL MANGUM,
SULLIVAN, LONG & HAGGERTY,

Defendants.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW

CASE NO. 8795

Comes now, Foreman, Brown & Hudgens, the attorneys
of record for the Defendants, Sullivan, Long and Haggerty
and Phil Mangum and moves this Court to allow it to with-
draw as the Attorney of record for the Defendant, Phil
Mangum.

FOREMAN, BROWN & HUDGENS

BY

Peter V. Sintz

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9th
day of Oct, 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

OCT 10 1969

ALICE J. DUCK CLERK
REGISTER

JAMES A. BROWN,
Plaintiff,

VS

PHIL MANGU,
SULLIVAN, LONG & HAGGERTY,

Defendants.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW

*

*

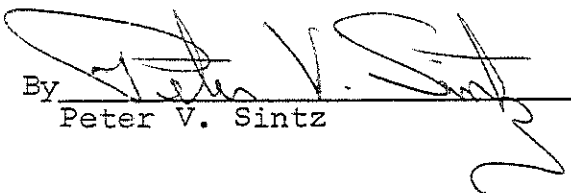
CASE NO. 8795

Comes now the Defendant, Phil Mangum, and for answer to the Plaintiff's Complaint heretofore filed sets down and assigns the following separate and several pleas:

1. Not guilty.

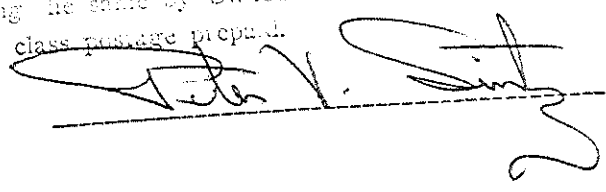
2. That at the time and place complained of in the Plaintiff's Complaint, the Plaintiff was himself guilty of negligence in and about the operation of his motor vehicle which proximately contributed to the collision between Plaintiff's motor vehicle and the motor vehicle of the Defendant, Phil Mangum, and as a proximate consequence of the negligence aforesaid, he was damaged as complained of in the Complaint.

FOREMAN, BROWN & HUDGENS
Attorneys for the Defendant,
Phil Mangum

By 
Peter V. Sintz

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13th day of August, 1969, served a copy of the foregoing pleading on counsel for all parties to the proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.



FILED

AUG 14 1969

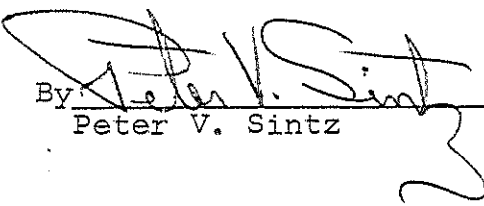
ALICE J. DUCK CLERK
REGISTER

JAMES A. BROWN,	*	IN THE CIRCUIT COURT OF
Plaintiff	*	BALDWIN COUNTY, ALABAMA
VS	*	AT LAW
PHIL MANGUM,	*	
SULLIVAN, LONG & HAGGERTY,	*	
Defendants.	*	CASE NO. 8795

Comes now the Defendant, Sullivan, Long & Haggerty, and for answer to the Plaintiff's Complaint heretofore filed sets down and assigns the following separate and several pleas:

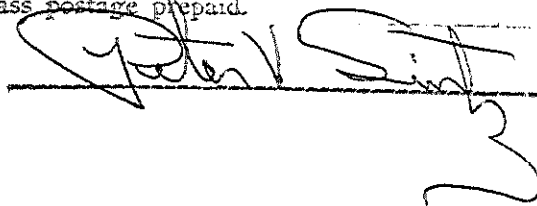
1. Not guilty.
2. That at the time and place complained of in the Plaintiff's Complaint, the Plaintiff was himself guilty of negligence in and about the operation of his motor vehicle which proximately contributed to the collision between Plaintiff's motor vehicle and the motor vehicle of the Defendant, Phil Mangum, and as a proximate consequence of Plaintiff's the negligence aforesaid, he was damaged as complained of in the Complaint.

FOREMAN, BROWN & HUDGENS
Attorneys for the Defendant,
Sullivan, Long & Haggerty

By 
Peter V. Sintz

CERTIFICATE OF SERVICE

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

AUG 13 1969

ALICE J. DEAN CLERK
REGISTER

JAMES A. BROWN, * IN THE CIRCUIT COURT OF
Plaintiff * BALDWIN COUNTY, ALABAMA
VS * AT LAW
PHIL MANGUM, *
SULLIVAN, LONG & HAGGERTY, *
Defendants. * CASE NO. 8795


MOTION TO STRIKE

Comes now the Defendant, Sullivan, Long & Haggerty, and moves to strike that portion of the Plaintiff's Complaint which reads as follows: "and Plaintiff was unable to use it for transportation to and from work, and so he lost wages."

Defendant, Sullivan, Long & Haggerty, assigns the following separate and several grounds in support of its motion:

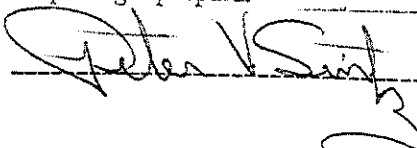
1. That said damages are not recoverable under the law of Alabama.
2. That said damages are not a proper element of damages under the law of Alabama.
3. That in a Complaint for damage to personal property, loss of wages is not a proper element of damages.

FOREMAN, BROWN & HUDGENS
Attorneys for the Defendant,
Sullivan, Long & Haggerty

By 
Peter V. Sintz

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day of August, 1964, 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.


Peter V. Sintz

JAMES A. BROWN
Plaintiff

vs.

PHIL MANGUM,
SULLIVAN, LONG & HAGGERTY
Defendants

§
§
§
§
§
§

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. 8795

DEMURRER

Comes now the Defendant, Phil Mangum, in the above styled cause, by his attorneys, and demurs to the Complaint heretofore filed against him and assigns in support thereof, the following grounds separately and severally:

1. The complaint fails to state cause of action.
2. The allegations contained in the complaint are mere conclusions of the pleader.
3. The complaint fails to allege with sufficient certainty the place where the alleged accident occurred.
4. The allegations of the complaint are vague, indefinite and uncertain.
5. The complaint fails to allege with sufficient certainty in what manner plaintiff was damaged.

Respectfully submitted,

CHASON, STONE & CHASON

By: Edward E. Ball
Attorney 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 8th day of August, 1969.

Edward E. Ball

FILED

AUG 8 1969

AUDIE J. DUCK

CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF IN THE STATE OF ALABAMA -- GREETINGS:

You are hereby commanded to summon PHIL MANGUM and SULLIVAN, LONG & HAGGERTY, both of Gulf Shores, to appear before the Circuit Court of Baldwin County, Alabama, at the place of holding the same, to plead, answer or demur, within thirty days from service hereof to the complaint of JAMES A. BROWN.

WITNESS my hand, this 11... day of July, 1969.
.....
Clerk

* * * * *

JAMES A. BROWN,)	
Plaintiff)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
PHIL MANGUM,)	AT LAW
SULLIVAN, LONG & HAGGERTY,)	No. 8795
Defendants)	

COMPLAINT

COUNT ONE: The Plaintiff claims of the Defendants Two Thousand Dollars(\$2,000.00) as damages for that heretofore on to-wit: June 28, 1969, the Plaintiff's automobile was being driven along and upon West 24th Avenue, a public road in or near the town of Gulf Shores, in Baldwin County, Alabama, and Phil Mangum, an agent of SULLIVAN, LONG & HAGGERTY, acting in the line and scope of his employment, while under a duty to drive his vehicle in a safe and prudent manner upon the public roadways, did then and there negligently drive a truck into, and in front of Plaintiff's automobile; and as a proximate consequence of Mangum's negligence the Plaintiff's automobile was greatly bent, mashed, broken and damaged about the front, motor, and left side, and the market value thereof was greatly and permanently depreciated, and Plaintiff was unable to use it for transportation to and from work, and so he lost wages.

Daniel E. Robinson
Attorney for Plaintiff

The Plaintiff demands a struck jury for the trial of this cause.

Daniel E. Robinson
Attorney for Plaintiff

P. L. Kuple
Foreman

We the jury find for the Plaintiff and against
Mr. Mangum to the amount of \$1500.00 as
damages.

ALICE J. DUCK

CLERK
REGISTER

FILED

JUL 11 1969

Edw Shorer

Phil Mangum
et al

James A. Brown

no. 8795

Received 11 day of July 1969
and on 23 day of July 1969
I served a copy of the within
on Phil Mangum

By service on _____
TAYLOR WILKINS, Sheriff
By Darner D. S.

Sheriff claims 200 miles at
Ten Cents per mile Total \$20.00
TAYLOR WILKINS, Sheriff
BY Darner
DEPUTY SHERIFF

Received 11 day of July 1969
and on 23 day of July 1969
I served a copy of the within
on Phil Mangum et al
Margaret James Baird et al
By service on Phil Mangum et al
Supt. Taylor Wilkins, Sheriff
W. C. Darner, D. S.
Edw Shorer