

6821

JOHN H. BURTON,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
ROY RUFFETT MORTON,	X	AT LAW
Defendant.	X	

Comes now the Plaintiff and amends his complaint so that the same shall read as follows:

COUNT ONE

The Plaintiff claims of the Defendant the sum of Seventy-five Thousand Dollars (\$75,000.00), as damages, for that on heretofore, to-wit: The 18th day of December, 1965, at a point on U. S. Highway No. 98, 150 feet East of the West entrance to VFW Post 5658 in Elberta, Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle in which the Plaintiff's minor son, William Thomas Burton, was riding, and as a proximate result of such negligence the said William Thomas Burton received injuries resulting in his death for which the Plaintiff claims damages in the sum above mentioned, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Seventy-five Thousand Dollars (\$75,000.00), as damages, for that on heretofore, to-wit: The 18th day of December, 1965, at a point on U. S. Highway No. 98, 150 feet East of the West entrance to VFW Post 5658 in Elberta, Baldwin County, Alabama, the Defendant so wilfully and wantonly operated a motor vehicle as to

cause or allow the same to run into, upon or against a motor vehicle in which the Plaintiff's minor son, William Thomas Burton, was riding, thereby wilfully and wantonly injuring him and as a result of such willful and wanton injuries, the said William Thomas Burton died, for which the Plaintiff claims damages in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

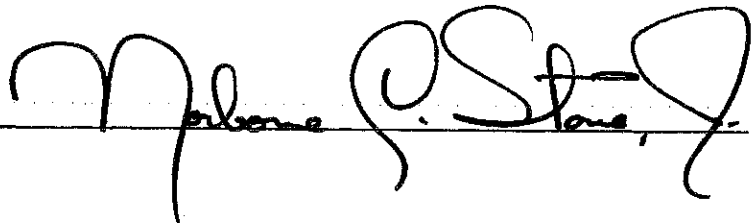
By:

  
Attorneys for Plaintiff

Plaintiff respectfully demands  
a trial of this cause by jury.

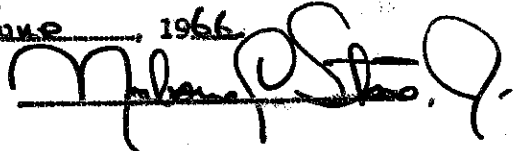
CHASON, STONE & CHASON

By:



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 2<sup>nd</sup> day of June, 1966.



68921 July

JOHN H. BURTON,  
Plaintiff,

vs.

ROY RUFFETT MORTON,  
Defendant.

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AMENDED COMPLAINT

\*\*\*\*\*

FILED  
JUN 1 1980  
U.S. DISTRICT COURT  
BAY MINETTE, ALABAMA

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

JOHN H. BURTON, : IN THE CIRCUIT COURT OF  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 VS: :  
 : AT LAW  
 ROY RUFFETT MORTON, :  
 Defendant. : CASE NO. 6 8 2 1

Comes the Defendant in the above styled matter and amends the answer heretofore filed by adding the following:

2. Plaintiff cannot have and recover of the Defendant in this matter for at the time and place complained of in the complaint William Thomas Burton was himself guilty of negligence which proximately caused or contributed to his death, hence the Plaintiff cannot recover.

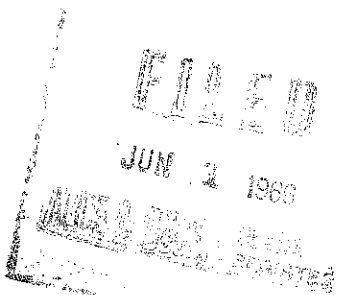
CECIL G. CHASON

and

COLLINS, GALLOWAY & MURPHY

By:

Thomas M. Galloway  
 ATTORNEYS FOR DEFENDANT



# CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3rd day of May, 1966, 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.

Thomas M. Galloway

JOHN H. BURTON, : IN THE CIRCUIT COURT OF  
 Plaintiff, :  
 VS: : BALDWIN COUNTY, ALABAMA  
 :  
 ROY RUFFETT MORTON, : AT LAW  
 Defendant. : CASE NO. 6 8 2 1

Comes the Defendant in the above styled matter and demurs to the complaint and each and every count thereof separately and severally upon the following separate and several grounds:

1. The same fails to state a cause of action against the Defendant.

2. The same fails to apprise the Defendant if the Plaintiff's minor son William Thomas Burton was a passenger or operator of the automobile in which he was riding at the time of the accident as alleged in the complaint.

3. The same fails to apprise the Defendant of sufficient facts with which to properly defend Counts One and Two of the complaint.

4. From aught that appears in the complaint Plaintiff's minor son William Thomas Burton was a trespasser riding on the outside of an automobile/ as alleged in the complaint. <sup>at the time of the accident</sup>

5. To properly defend against the action as set out in the complaint the Plaintiff must allege facts to apprise the Defendant of the status of the Plaintiff's minor son William Thomas Burton in the automobile in which he was riding at the time of the accident alleged in the complaint.

CECIL G. CHASON

and

COLLINS, GALLOWAY & MURPHY

By:

*Thomas M. Galloway*  
 THOMAS M. GALLOWAY

Attorneys for Defendant

FILED

JUN 8 1938

ALICE J. DUCK, CLERK  
 REGISTER

JOHN H. BURTON, : IN THE CIRCUIT COURT OF  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 VS: :  
 ROY RUFFETT MORTON, : AT LAW  
 Defendant. : CASE NO. 6 8 2 1

Comes the Defendant in the above styled matter and for answer to the complaint as amended, and to each and every Count thereof jointly and separately, says as follows:

1. Not guilty.

2. The Plaintiff cannot have and recover of the Defendant under Count One of the amended complaint for that at the time and place complained of in the complaint and on, to-wit, the 18th day of December 1965, William Thomas Burton was himself guilty of negligence which proximately caused or contributed to the injuries complained of in the complaint, hence the Plaintiff cannot recover.

CECIL G. CHASON

and

COLLINS, GALLOWAY & MURPHY

By: Thomas M. Galloway  
 THOMAS M. GALLOWAY  
 Attorneys for Defendant

# CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12 day of Sept, 1966, 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.

Thomas M. Galloway

FILED

SEP. 2 1966

ALICE L. DICK, CLERK  
 REGISTER

JOHN H. BURTON, : IN THE CIRCUIT COURT OF  
Plaintiff, :  
VS: : BALDWIN COUNTY, ALABAMA  
= :  
ROY RUFFETT MORTON, : AT LAW  
Defendant. : CASE NO. 6 8 2 1

Comes the Defendant in the above styled matter and for answer to the complaint and each and every count thereof separately and severally, files the following separate and several pleas:

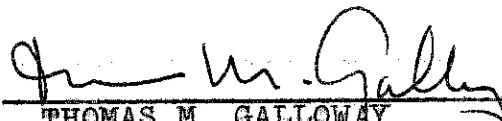
1. Not guilty.

CECIL G. CHASON

and

COLLINS, GALLOWAY & MURPHY

By:



THOMAS M. GALLOWAY  
Attorneys for Defendant

FILED

JAN 27 66

CLERK  
REGISTER

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Roy Ruffett Morton 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 same, then and there to answer the Complaint of John H. Burton.

Witness my hand this 13 day of January, 1966.

  
Clerk

JOHN H. BURTON,

Plaintiff,

vs.

ROY RUFFETT MORTON,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

4821

COUNT ONE

The Plaintiff claims of the Defendant the sum of Seventy-five Thousand Dollars (\$75,000.00), as damages, for that on heretofore, to-wit: The 18th day of December, 1965, at a point on U. S. Highway No. 98, 150 feet East of the West entrance to VFW Post 5658 in Elberta, Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle

in which the Plaintiff's minor son, William Thomas Burton, was riding as a passenger, and as a proximate result of such negligence the said William Thomas Burton received injuries resulting in his death for which the Plaintiff claims damages in the sum above mentioned, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Seventy-five Thousand Dollars (\$75,000.00), as damages, for that on heretofore, to-wit: The 18th day of December, 1965, at a point on U. S. Highway No. 98, 150 feet East of the West entrance to VFW Post 5658 in Elberta, Baldwin County, Alabama, the Defendant so wilfully and wantonly operated a motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle in which the Plaintiff's minor son, William Thomas Burton, was riding as a passenger, thereby wilfully and wantonly injuring him and as a result of such willful and wanton injuries, the said William Thomas Burton died, for which the Plaintiff claims damages in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By John Earle Chason  
Attorneys for Plaintiff

Plaintiff respectfully demands a trial of this cause by jury.

CHASON, STONE & CHASON

By

John Earle Chason

FILED  
JAN 13 1966  
ALICE I. DUCK, CLERK  
RECEIVED

Executed 6-14-66  
Taylor, Wilkins & Hill  
by Darrell Williams

6821

6821

JOHN H. BURTON,

Plaintiff,

VS.

ROY RUFFETT MORTON,

Defendant.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

\* \* \* \* \*

FILED

JAN 13 1966

ALABAMA COUNTY CLERK

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

Received 13 day of Jan 1966  
and on 12 day of Jan 1966  
served a copy of the within  
on Roy Ruffett Morton

By service on  
TAYLOR WILKINS, Sheriff  
By [Signature] D.S.  
[Signature]

Sheriff claims 84 miles at  
Ten Cents per mile Total \$ 8.92  
TAYLOR WILKINS, Sheriff  
BY [Signature] DEPUTY SHERIFF