

EZELL PORTER, as Administrator of
the Estate of EDWARD LEE PORTER,
deceased

Plaintiff

vs

HERMAN EUGENE LAMBETH, a
minor over the age of 14
years

Defendant

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

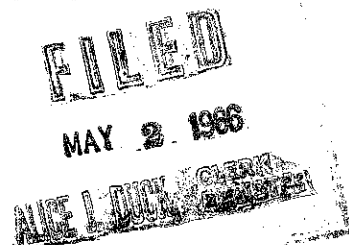
AT LAW

NO. 6868

Comes the defendant in the above styled cause and for answer
to the complaint filed in said cause and to each count thereof
separately and severally, says as follows:

1. As to Count one, not guilty.
2. As to Count two, not guilty.
3. For further answer to Count one, the defendant says
the plaintiff ought not to recover in this case for that on the
occasion complained of, the said Edward Lee Porter was himself
guilty of negligence proximately contributing to his injuries
and death in this that the said Edward Lee Porter suddenly and
without warning was lying in or threw himself into the highway
immediately in front of your said defendant's automobile so that
your said defendant had no warning or opportunity to avoid the
said Edward Lee Porter, now deceased. Hence, the said plaintiff
ought not to recover in this suit.

4. For further answer to Count two, the defendant says
the plaintiff ought not to recover in this case for that on the
occasion complained of, the said Edward Lee Porter was himself
guilty of negligence proximately contributing to his injuries
and death in this that the said Edward Lee Porter suddenly and
without warning was lying in or threw himself into the highway
immediately in front of your said defendant's automobile so that
your said defendant had no warning or opportunity to avoid the
said Edward Lee Porter, now deceased. Hence, the said plaintiff
ought not to recover in this suit.



LeDain Thompson
Attorney for defendant.

We, the jury, find in favor of the
defendant.

G. F. Smyth
Foreman

6969

EZELL PORTER, as Adminis-
trator of the Estate of
EDWARD LEE PORTER, deceased,

Plaintiff,

Vs.

HERMAN EUGENE LAMBETH, a
minor over the age of 14
years,

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6868

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause and amends
his Complaint by adding the following to Paragraph 1 & 2.

That this accident occurred during the night time.

WILTERS & BRANTLEY

BY:

S. Odell M. Brantley
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 16 day of May
1965 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.

WILTERS & BRANTLEY

By:

S. Odell M. Brantley

FILED

MAY 18 1965

ALICE L. DICK, CLERK
REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Herman Eugene Lambeth 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 Ezell Porter, as the Administrator of the Estate of Edward Lee Porter, deceased.

Witness my hand this the 18th day of February, 1966.

Alice J. [Signature]
Clerk

EZELL PORTER, as Adminis-	X	
trator of the Estate of		
EDWARD LEE PORTER, deceased,	X)	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
HERMAN EUGENE LAMBETH, a	X	AT LAW,
minor over the age of 14		
years,	X	6868
Defendant.	X	
	1.	

Plaintiff, Ezell Porter, sues as Administrator of the Estate of Edward Lee Porter, deceased, and claims of the Defendant the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, as damages for that heretofore on, to-wit, the 16th day of August, 1965, Edward Lee Porter, deceased, was on Alabama Highway #59, approximately 1.9 miles North of Stockton, Baldwin County, Alabama, at a point near the place this highway intersects Baldwin County Highway #21; said roads being public highways in Baldwin County, Alabama. The Plaintiff avers that at this said time and place, the Defendant, Herman Eugene Lambeth, so negligently operated the vehicle he was driving as to cause the same to run over, into or against Edward Lee Porter, and as a direct and proximate consequence and result thereof, he was injured so severely that he died, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, as damages for that heretofore on to-wit, the 16th day of August, 1965, Edward Lee Porter was on Alabama Highway #59, a public highway in Baldwin County, Alabama, at a point approximately 1.9 miles North of Stockton, Baldwin County, Alabama, near the intersection of Baldwin County Highway #21; both roads being public highways in Baldwin County, Alabama. At this said time and place, the Defendant, Herman Eugene Lambeth, so negligently operated the vehicle he was driving as to cause it to run over, upon or against Edward Lee Porter and as a direct and proximate consequence and result of said negligence, Edward Lee Porter was killed.

Your Plaintiff avers that he is the Administrator of the Estate of Edward Lee Porter and brings this suit in that capacity.

WILTERS & BRANTLEY

BY: S. Oliver M. Brantley

Attorney for the Plaintiff

Plaintiff demands a trial by jury.

WILTERS & BRANTLEY

BY: S. Oliver M. Brantley

Attorney for the Plaintiff

FILED
FEB 10 1966
MAUDE L. DAVIS, CLERK
REGISTER

Plaintiff respectfully requests that the Court appoint a guardian ad litem to represent Herman Eugene Lambeth unless he nominates one of his own choice.

Please serve a copy of this complaint on Herman Eugene Lambeth and uponeither his father or his mother at 208 Station Street, Bay Minette, Alabama.

EZELL PORTER, as Adminis-
trator of the Estate of
EDWARD LEE PORTER, deceased

Plaintiff

vs

HERMAN EUGENE LAMBETH, a
minor over the age of 14
years

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 6868

Comes the defendant in the above styled cause by C. LeNoir
Thompson, his attorney of record and demurs to the complaint
filed in said cause; and for demurrer shows as follows:

1. As to Count 1, said complaint fails to allege whether
the facts alleged in said complaint occurred in the daytime
or in the nighttime.

2. As to Count 2, said complaint fails to allege whether
the facts alleged in said complaint occurred in the daytime
or in the nighttime.

3. As to Count 1, said complaint fails to state a cause
of action.

4. As to Count 2, said complaint fails to state a cause
of action.


Attorney for Defendant

Defendant respectfully requests trial by jury.


Attorney for Defendant.

FILED
MAR 16 1938
MADE A COPY
CLERK
REGISTER

EZELL PORTER, as Administrator of X
the Estate of Edward Lee Porter, X
deceased

Plaintiff

vs

HERMAN EUGENE LAMBETH, a minor X
over the age of 14 years X

Defendant X

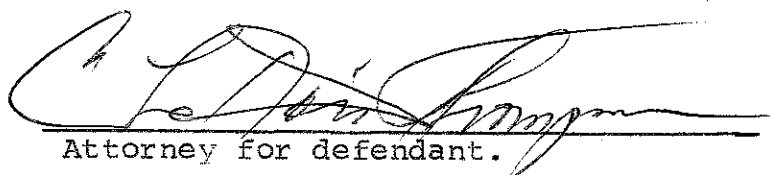
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 6868

Comes the defendant in the above styled cause and demurs to the amendment filed in said cause and as grounds for said demurrer shows unto this Honorable Court as follows:

1. That said amendment does not comply with the rules of this Honorable Court in that said amendment is a "piece meal" amendment.
2. That said amendment fails to allege the time of said accident with sufficient certainty.


Attorney for defendant.

FILED

MAY 19 1968

CLERK
REGISTER

NO. 64 68 Egell Porter vs. Hermana Lambeth

JURY LIST - SEPTEMBER 8, 1969

1. Williams, Bryant, Farmer, Fairhope
2. Mitchell, Clifton Elm. Sr., Fairhope
3. Bishop, David, Farmer, Fairhope
4. McKean, Mary, Fairhope
5. Corte, Julio, Farmer, Belforest
6. Barnhill, Charles W., Oil Dealer, Robertsdale
7. Smythe, George F., Furniture Dealer, Foley
8. Hesse, Henry W., Linesman, Foley
9. Stephens, Billie W., Brookley, Summerdale
10. Andrews, Guy C., Bay Minette
11. Ankum, Charlotte, Tensaw
12. Bill, Harry C., Farmer, Loxley
13. Lamar, Reuben, Laborer, Foley
14. Lang, Arthur, Laborer, Foley
15. Ponder, Virginia Irby, Fairhope
16. Ingersoll, Helen, Fairhope
17. Jenkins, Hillard P., Farmer, Loxley
18. Jones, Adolphus, Retired, Bay Minette
19. Hill, Calvin, Farmer, Belforest
20. Hunt, Frank C., GRAMCO, Loans Mgr. S.B., Spanish Fort-Daphne
21. Eslava, Clarence, Farmer, Magnolia Springs
22. Rhodes, Latham, Farmer, Foley
23. Ruple, J. L., Civil Service, Bay Minette
24. Skipper, Lois E., Real Estate, Foley
25. Mason, Mayre H., Fairhope
26. McCallagher, Joseph E., Fairhope
27. McIntosh, William J., Jr., Fairhope
28. McKibbin, Linda B., Fairhope
29. Mills, Elbert R., Jr., Fairhope
30. Love, Carol Fisher, Fairhope
31. Perryman, Matt, Fairhope
32. Pipkin, James E., Stockton
33. Ponder, Ellis G., Auto Salesman, Fairhope
34. Pope, James M., Hotel Manager, Fairhope
35. Powe, Prince A., Fairhope
36. Hogan, C. J., Furniture Store, Bay Minette
37. Duffee, Kenneth, Brookley Field, Stockton
38. Slaughter, Helen, Bay Minette

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P XXXXX XXXXX XXX
D XXXXX XXXXX XX