

STATE OF ALABAMA)

BALDWIN COUNTY)

To any Sheriff of the State of Alabama - GREETING:

You are hereby commanded to summon

Crystal River Barge Lines, Inc.
New Orleans, Louisiana

Self Towing Company, Inc.
353 South Water
Mobile, Alabama

to appear before the Circuit Court of Baldwin County, in
and for said County, at the place of holding the same,
within thirty days from the service of this summons and
complaint, then and there to demur or plead to the com-
plaint of

State of Alabama

And you are hereby commanded to execute this process instanter
and make return as required by law.

Witness my hand this 24 day of Feb, 1966.


Clerk

STATE OF ALABAMA, ex rel
The Attorney General of
Alabama,

Plaintiff,

VS.

CRYSTAL RIVER BARGE LINES, INC.,
a Louisiana corporation, and
SELF TOWING COMPANY, INC., an
Alabama corporation,

Defendants.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA,
)
) AT LAW.

CASE NO. 6877

COUNT ONE

The Plaintiff, State of Alabama, claims of the Defendants
Thirty Thousand Dollars (\$30,000.00) as damages for that here-

Company, Inc., acting within the line and scope of their employment for said Defendant, did use the tug BLACK JACK belonging to Defendant Self Towing Company, Inc., to pull the tugboat PERRY N and its barge or barges off of said Shell Banks Oyster Reef and while engaged in this operation did so willfully and wantonly operate said tug BLACK JACK as to cause the Plaintiff's oysters on Shell Banks Oyster Reef to become willfully and wantonly damaged, covered with mud, silt and sand, and to be willfully and wantonly destroyed. Plaintiff claims punitive damages for the willful and wanton and grossly negligent misconduct of the Defendants as aforesaid.

Richmond M. Flowers

Richmond M. Flowers
Attorney General

William G. O'Rear

William G. O'Rear
Assistant Attorney General

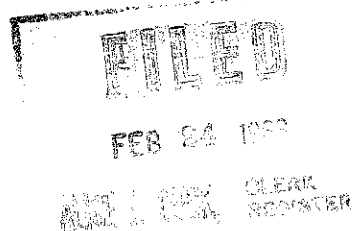
John D. Bonham

John D. Bonham
Assistant Attorney General

David Ellwanger

David Ellwanger
Assistant Attorney General

Attorneys for Plaintiff



CASE NO. 6877

5301

STATE OF ALABAMA, ex rel
The Attorney General of Alabama,

Plaintiff,

vs:

CYRSTAL RIVER BARGE LINES, INC.,
a Louisiana Corporation, and
SELF TOWING COMPANY, INC., an
Alabama Corporation,

Defendants.

FILED

FEB 27 1966

ALICE J. DUNN, CLERK
REGISTER

Richmond M. Flowers, Atty. General
John D. Bonham, Assistant
Montgomery, Alabama


Received 24 day of Feb 1966
at the day of May 1966
spread in view of the within
by Self Towing Company
Mr Hansen, mgr
TAYLOR WILLIAMS, Sheriff
20 Chambers

REC'D. SHERIFF DEPT.
MOBILE COUNTY, ALA.
FEB 23 9:21 AM '66
BY _____

STATE OF ALABAMA, ex rel	:	IN THE CIRCUIT COURT OF
The Attorney General of	:	
Alabama,	:	BALDWIN COUNTY, ALABAMA
Plaintiff,	:	
vs.	:	
	:	AT LAW
CRYSTAL RIVER BARGE LINES,	:	
INC. a Louisiana Corpora-	:	
tion, and SELF TOWING COM-	:	
PANY, INC. an Alabama Cor-	:	
poration,	:	
Defendants.	:	CASE NO. 6877
	:	

NOTICE OF FILING OF AFFIDAVIT

Comes now the Defendant Self Towing Company, Inc.,
and files the affidavit of Earl A. Self in opposition to
the Plaintiff's motion to reinstate case to docket.


A. Clay Rankin

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27th day of
December, 1968, served a copy of the foregoing Notice of
Filing of Affidavit by mailing the same by United States
mail addressed to John D. Bonham, Assistant Attorney Gener-
al and Broox Holmes, Esquire, counsel for Crystal River
Barge Lines, Inc.

A. Clay Rankin
FILED

DEC 28 1968

652

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA, ex rel	:	IN THE CIRCUIT COURT OF
The Attorney General of	:	
Alabama	:	BALDWIN COUNTY, ALABAMA
Plaintiff,		:
vs.	:	AT LAW
CRYSTAL RIVER BARGE LINES,	:	
INC. a Louisiana Corpora-	:	
tion, and SELF TOWING COM-	:	
PANY, INC. an Alabama Cor-	:	
poration,	:	
Defendants.	:	CASE NO. 6877

MOTION IN OPPOSITION TO
REINSTATEMENT OF CAUSE

Comes now the Defendant Self Towing Company, Inc., and moves this Court to deny the Motion to Reinstate Case to Docket, heretofore filed by the Plaintiff on December 10, 1968, and as grounds therefor avers the following:

The Plaintiff's complaint alleges that the incident giving rise to the damages sued for occurred on February 25th and February 26, 1965, three years and ten months ago. The suit remained on the docket of the Circuit Court of Baldwin County from February 24, 1966, until November 21, 1968, without the Plaintiff making any effort to prosecute same. On November 10, 1968, this Court dismissed the complaint of the Plaintiff for the want of prosecution.

Since the date of the alleged incident, certain witnesses

upon whom this Defendant would have relied to disprove the Plaintiff's complaint have left the employ of this Defendant, and their present whereabouts is unknown. The memories of all witnesses concerning the crucial facts have faded with the passage of time.

WHEREFORE, to permit the State to reinstitute this proceeding would cause substantial prejudice to this Defendant.

W. D. Bonham, III

A. Clay Rankin

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27th day of December, 1968, served a copy of the foregoing Motion in Opposition to Reinstatement of Cause by mailing the same by United States mail addressed to John D. Bonham, Assistant Attorney General and Broox Holmes, Esquire, counsel for Crystal River Barge Lines, Inc.

A. Clay Rankin

Plaintiff, :

CRYSTAL RIVER BARGE LINES, :
INC. a Louisiana Corpora- :
tion, and SELF TOWING COM- :
PANY, INC. an Alabama Cor- :
poration, :

A F F I D A V I T

COUNTY OF MOBILE :

I have been the President of Self Towing Company, Inc. at all times material to this case. Robert Lee Nelson, Larry Williams, and Charles Ewing were all crewmen aboard the Tug BLACKJACK on February 25th and/or February 26th, and were witnesses to the activities of the said tug on either or both of those days. These three men are no longer in the employ of Self Towing Company, Inc., and their present whereabouts is unknown to me.

Earl A. Self
EARL A. SELF

Sworn to and subscribed before me on
this 27th day of December, 1968.

Zoone Bryant
Notary Public
State of Alabama at Large

649

My Commission Expires: 4/1/72

6877

State

va
Crystal Barge Line

STATE OF ALABAMA, ex rel
The Attorney General of Alabama

Plaintiff,

VS.

CRYSTAL RIVER BARGE LINES, INC.
a Louisiana Corporation, and
SELF TOWING COMPANY, INC. an
Alabama Corporation,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6877

MOTION TO REINSTATE CASE TO DOCKET

Comes now the Plaintiff and moves this Honorable Court to reinstate the above-styled case to the docket and dissolve and hold for naught its order of November 21, 1968, dismissing this case for want of prosecution, and for grounds of said Motion shows unto the Court the following:

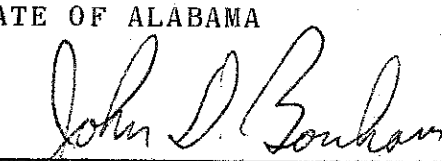
1. That the Assistant Attorney General, John D. Bonham, who is handling this case for the Plaintiff, State of Alabama, has never received any notices whatsoever as to the dates this Honorable Court hears pleadings. That he is far removed from said Court and has no way of learning of said pleading dates unless he is notified.

That Plaintiff is still vitally interested in said case and intends to prosecute same and requests this Honorable Court to reinstate it to the docket.

This the 10th day of December, 1968.

STATE OF ALABAMA

By


John D. Bonham
Assistant Attorney General

647

FILED

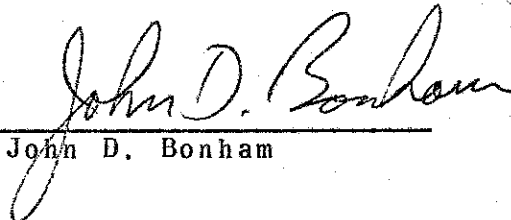
DEC 19 1968

ALICE J. DUCK

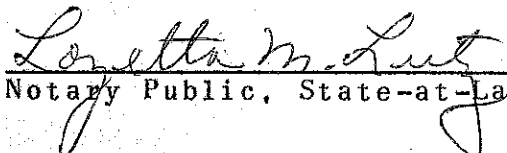
CLERK
REGISTER

I hereby certify that the facts averred to in the foregoing Motion are true.

The is the 10th day of December, 1968.

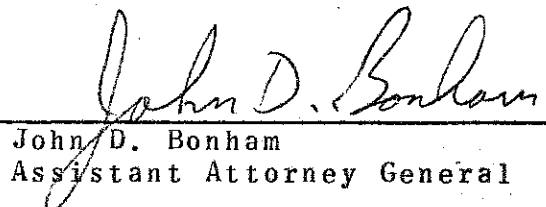

John D. Bonham

Sworn to and subscribed
before me this the 10th
day of December, 1968.


Notary Public, State-at-Large

CERTIFICATE OF SERVICE

I hereby certify that I have this date mailed a copy of the above Motion to Honorable Broox G. Holmes, Attorney of Record for Defendants, and to Honorable C. Wayne Loudermilch, Attorney of Record for Defendants, by placing copy of same in the United States mail, postage prepaid.


John D. Bonham
Assistant Attorney General

FILED

DEC 19 1968

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA, ex rel
The Attorney General of Alabama

Plaintiff,

VS.

CRYSTAL RIVER BARGE LINES, INC.
a Louisiana Corporation, and
SELF TOWING COMPANY, INC. an
Alabama Corporation,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6877

MOTION TO REINSTATE CASE TO DOCKET

Comes now the Plaintiff and moves this Honorable Court to reinstate the above-styled case to the docket and dissolve and hold for naught its order of November 21, 1968, dismissing this case for want of prosecution, and for grounds of said Motion shows unto the Court the following:


1. That the Assistant Attorney General, John D. Bonham, who is handling this case for the Plaintiff, State of Alabama, has never received any notices whatsoever as to the dates this Honorable Court hears pleadings. That he is far removed from said Court and has no way of learning of said pleading dates unless he is notified.

That Plaintiff is still vitally interested in said case and intends to prosecute same and requests this Honorable Court to reinstate it to the docket.

This the 10th day of December, 1968.

STATE OF ALABAMA

By


John D. Bonham
Assistant Attorney General

FILED

645

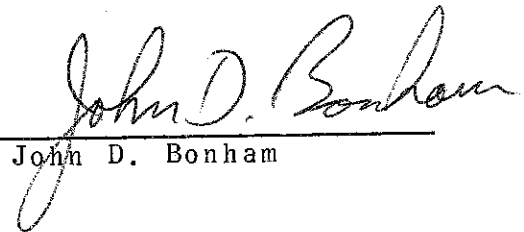
DEC 19 1968

ALICE J. DUCK

CLERK
REGISTER

I hereby certify that the facts averred to in the foregoing Motion are true.

The is the 10th day of December, 1968.

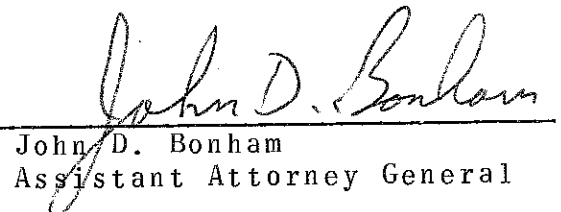

John D. Bonham

Sworn to and subscribed
before me this the 10th
day of December, 1968.


Notary Public, State-at-Large

CERTIFICATE OF SERVICE

I hereby certify that I have this date mailed a copy of the above Motion to Honorable Broox G. Holmes, Attorney of Record for Defendants, and to Honorable C. Wayne Loudermilch, Attorney of Record for Defendants, by placing copy of same in the United States mail, postage prepaid.


John D. Bonham
Assistant Attorney General

FILED

DEC 19 1968

646

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA, ex rel
The Attorney General of Alabama

Plaintiff,

VS.

CRYSTAL RIVER BARGE LINES, INC.,
a Louisiana Corporation, and
SELF TOWING COMPANY, INC., an
Alabama Corporation,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6877

ORDER REINSTATING CASE TO THE DOCKET

This Court having considered the Motion of Plaintiff to
reinstate this case to the docket, and finding it to be well
taken, it is, therefore:

ORDERED, ADJUDGED AND DECREED that this cause be and the
same hereby is reinstated to the docket of this Court, and this
Court's Order of November 21, 1968, dismissing this cause for
want of prosecution, is hereby reversed and held for naught.

This the 10th day of December, 1968.

Julian A. Madaleno
Circuit Judge

FILED

DEC 19 1968

ALICE J. DICK CLERK
REGISTER

STATE OF ALABAMA,

Plaintiff,

vs.

CRYSTAL RIVER BARGE LINES,
INC., et al,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

:

AT LAW

1

1

CASE NO. 6877

P L E A

Comes now the Defendant, CRYSTAL RIVER BARGE LINES, INC.,
in the above styled cause, and for answer to the Complaint and to each and
every count thereof, says:

1. Not guilty.

ARMBRECHT, JACKSON & DeMOUY
Attorneys for Defendant, Crystal River
Barge Lines, Inc.

By:

Brook G. Holmes
BROOK G. HOLMES

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11 day
of Feb, 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.

Brook G. Holmes

FILED

FEB 12 1969

643

ALICE J. DICK

CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10th
day of February, 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.

A. Clay Rankin, III

STATE OF ALABAMA,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
CRYSTAL RIVER BARGE LINES,) CASE NO. 6877
INC., ET AL)
Defendants.

DECREE DENYING MOTION TO DISMISS
AND OVERRULING DEMURRERS

Come now the parties before this Court to argue the pleadings therein and the Court having considered the same, it is, therefore,

CONSIDERED, ORDERED, ADJUDGED, AND DECREED

That Defendants' motion to dismiss for want of prosecution is not well taken and is therefore denied.

That Defendants' demurrers are not well taken and are hereby overruled.

The Defendants are given twenty (20) days in which to file their Answer.

Done this the 23rd day of January, 1969.

William G. Maslowski
Circuit Judge

FILED

JAN 27 1969

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA, ex rel	:	IN THE CIRCUIT COURT OF
The Attorney General of	:	
Alabama,	:	BALDWIN COUNTY, ALABAMA
	:	
Plaintiff,	:	
	:	
vs.	:	AT LAW
	:	
CRYSTAL RIVER BARGE LINES,	:	
INC. a Louisiana Corpora-	:	
tion, and SELF TOWING COM-	:	
PANY, INC. an Alabama Cor-	:	
poration,	:	
	:	
Defendants.	:	CASE NO. 6877
	:	

MOTION TO DISMISS
FOR WANT OF PROSECUTION

Comes now the Defendant Self Towing Company, Inc., and moves this Court to dismiss this cause for want of prosecution, and as grounds therefor avers the following:

The Plaintiff's complaint alleges that the incident giving rise to the damages sued for occurred on February 25th and February 26, 1965, three years and ten months ago. The suit remained on the docket of the Circuit Court of Baldwin County from February 24, 1966, until November 21, 1968, without the Plaintiff making any effort to prosecute same. On November 10, 1968, this Court dismissed the complaint of the Plaintiff for the want of prosecution.

Since the date of the alleged incident, certain witnesses upon whom this Defendant would have relied to disprove the

Plaintiff's complaint have left the employ of this Defendant, and their present whereabouts is unknown. The memories of all witnesses concerning the crucial facts have faded with the passage of time.


ALEX F. LANKFORD, III


A. CLAY RANKIN, III


Defendant respectfully requests
oral argument on this motion.

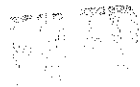
OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10th day of January, 1969, served a copy of the foregoing Motion to Dismiss For Want of Prosecution by mailing the same by United States mail addressed to John D. Bonham, Assistant Attorney General and Broox Holmes, Esquire, counsel for Crystal River Barge Lines, Inc.


A. CLAY RANKIN, III


JAN 10 1969

639

FILED
JAN 10 1969
FBI - JACKSON

STATE OF ALABAMA, ex rel	)	IN THE CIRCUIT COURT OF
The Attorney General of Alabama,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	AT LAW
vs.)	
CRYSTAL RIVER BARGE LINES,)	
INC., a Louisiana Corporation,)	
and SELF TOWING COMPANY, INC.,)	
an Alabama Corporation,)	
Defendants.	)	CASE NO. <u>6877</u>

MOTION FOR PRODUCTION OF DOCUMENTS

Comes now the defendant, Self Towing Company, Inc., and moves the Court to order the defendant, Crystal River Barge Lines, Inc., to produce the following books, documents, and writings:

(1) The deck log of the tug PERRY N for the month of February, 1965.

(2) Any and all engine logs kept by the tug PERRY N separate and apart from the deck log mentioned in (1) above, for the month of February, 1965.

(3) Any and all crew lists which would show the names and addresses of the master and crew aboard the tug PERRY N during the month of February, 1965.

(4) Any and all reports or writings filed or made by any personnel of the defendant, Crystal River Barge Lines, Inc., on anyone on behalf of the barges being towed on February 25 - 26, 1965, concerning the grounding of the said tug PERRY N and her tow on or about February 25 or 26, 1965, or concerning the subsequent operations for the re-floating of the said vessel and tow.

- (5) Any and all documents, plans, and/or specifications which show the dimensions, tonnage, design, draft (fore and aft) and power plant of the tug FERRY N as of the time of the grounding mentioned above.
- (6) Any and all documents, plans, and/or specifications which show the design, dimensions, drafts (fore and aft, port and starboard) and tonnage of any and all barges which were under the control of the tug FERRY N at the time of the grounding referred to above.
- (7) Any and all reports and/or statements filed or given by the master and/or crew of the tug FERRY N to the defendant Crystal River Barge Lines, Inc., concerning the grounding of the said vessel on February 25 or 26, 1965.
- (8) Any and all documents which show repairs to the FERRY N and/or the barge or barges in her care, as a result of or in connection with the grounding on February 25 or 26, 1965.
- (9) Any and all correspondence written or received by Crystal River Barge Lines, Inc., and/or the master and/or crew of the tug FERRY N concerning or pertaining to the grounding of the said vessel on February 25 or 26, 1965.
- (10) Any and all written transcriptions of radio messages to or from the tug FERRY N pertaining to the grounding of the said vessel and tow on or about February 25 or 26, 1965.

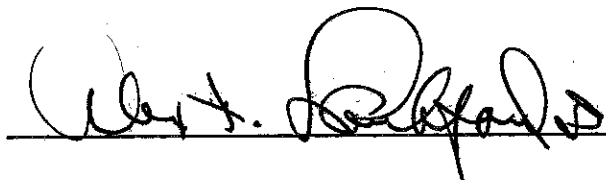
(11) Any and all documents, letters, reports or memoranda which indicate any disciplinary action on the part of Crystal River Barge Lines, Inc., toward the master and/or crew of the vessel PERRY N as a result of the grounding of the said vessel on February 25 or 26, 1965.


(12) Any and all documents, letters, reports or memoranda which show the results of any Coast Guard investigation of the said grounding.

(13) Any and all surveys or photographs made of either the PERRY N or her tow in connection with the subject grounding.

As grounds for this motion, defendant Self Towing Co., Inc., avers the following:

The above specified documents, books, writings, and papers contain information necessary and material to this defendant's case, and said information is pertinent to the issues herein. This defendant further avers that it is informed and believes, and based upon such information and belief states, that defendant Crystal River Barge Lines, Inc., has possession, custody and control of, or power over, the above specified documents.





Attorneys for Self Towing Co., Inc.

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

COUNTY OF MOBILE
STATE OF ALABAMA

AFFIDAVIT

Before me, the undersigned authority in and for said County, in said State, personally appeared A. Clay Rankin, III, who is known to me, and known to me to be one of the attorneys for Self Towing Co., Inc., and who, being first duly sworn on oath deposes and says as follows:

My name is A. Clay Rankin, III, and I am one of the attorneys of record for the defendant Self Towing Co., Inc., movant in the foregoing motion. The documents designated in said motion are necessary and material to the issues in this cause, and it is necessary and material that they be produced for inspection on behalf of defendant Self Towing Co., Inc., at the trial and at a reasonable time prior to the date of said trial, in order to enable a proper defense to be prepared as to the issues in the case.

A. Clay Rankin, III
A. Clay Rankin, III

Subscribed and sworn to before me on
this, the 4th day of October, 1967.

Juanita Knox
Notary Public, at large, Alabama

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing motion upon Bruce Holmes, Esq., attorney for defendant Crystal River Barge Lines, Inc., and John D. Bonham, Esq., attorney for plaintiff, by depositing copies of same in the United States mail, postage prepaid, addressed to said attorneys at their respective offices in Mobile and Montgomery, Alabama, on this the 4th day of October, 1967.

A. Clay Rankin, III

FILED

OCT 7 1967

FILED IN 10000 CLERK REGISTER

STATE OF ALABAMA, ex rel	)	IN THE CIRCUIT COURT OF
The Attorney General of Alabama,	(
	*	BALDWIN COUNTY, ALABAMA
Plaintiff,	*	
)	
vs.	(
	*	
CRYSTAL RIVER BARGE LINES,	*	
INC., a Louisiana Corporation,	)	AT LAW
and SELF TOWING COMPANY,	(
INC., an Alabama Corporation,	*	
	*	
Defendants.	)	CASE NO. 6877
	(

D E M U R R E R ---

Comes now the Defendant, CRYSTAL RIVER BARGE LINES, INC., and demurs to Plaintiff's Complaint as a whole, and to each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count wholly fails to state a cause of action.
2. The allegations contained in said count are vague, uncertain and indefinite.
3. The allegations in said count are vague, misleading and confusing and do not apprise this Defendant of what it is called upon to defend.
4. From aught that appears from the allegations of said count, there was no legal duty owing from this Defendant to the Plaintiff's said property.
5. For that it affirmatively appears from the allegations of said count that there was no legal duty owing from this Defendant to the Plaintiff.

6. For aught that appears from the allegations of said count, there was no breach of any legal duty owing from this Defendant to the Plaintiff.

7. Said count does not aver sufficient facts to state a cause of action.

8. Said count seeks to set out the quo modo constituting the negligence of this Defendant without alleging sufficient facts in support thereof.

9. Said count wholly fails to set forth sufficient facts as to how this Defendant was negligent.

10. There is no characterization of any alleged act of this Defendant as a negligent act.

11. For aught that appears, the damage to the Plaintiff's property was not caused by this Defendant's alleged negligence.

12. For that there is no characterization of any alleged act of this Defendant as a wrongful act.

13. For that negligence, as averred, is a mere conclusion of the pleader.

14. For aught appearing from the allegations of said count, there was no proximate cause between the alleged negligence of this Defendant and the alleged damage to Plaintiff's property.

15. For aught that appears, there was no causal connection between the alleged negligence of this Defendant and the said damage to Plaintiff's property.

16. For aught that appears, there was no physical causation between the alleged negligence of this Defendant and the damage to Plaintiff's property.

17. For that there is an insufficient allegation of the place of the alleged accident in said count.

18. For that said count is duplicitous.

19. For that there is a misjoinder of parties defendant.

20. For that there is a misjoinder of causes of action.

21. For aught that appears, the said conduct of this Defendant was a mere remote cause or antecedent occasion or condition to the alleged negligence of the Defendant, SELF TOWING COMPANY, INC.

22. It is not averred with sufficient certainty where said negligence of this Defendant occurred.

23. The location of Plaintiff's said property is not averred with sufficient certainty.

24. For that the allegation that the said Shell Banks Oyster Reef was "the property of Plaintiff" is a mere conclusion of the pleader without sufficient facts alleged in support thereof.

25. For aught that appears, Plaintiff had no right, title or interest to said property at the time of the alleged negligence of this Defendant.

26. For that there is an insufficient allegation of wanton injury or damage.

27. Said count wholly fails to set forth sufficient facts as to how this Defendant was wanton or wilful.

28. For that the said conduct of this Defendant does not constitute wanton or wilful conduct as a matter of law.

ARMBRECHT, JACKSON & DeMOUY
Attorneys for Defendant CRYSTAL
RIVER BARGE LINES, INC.

By: _____

T. K. Jackson, Jr.
T. K. JACKSON, JR.

By: _____

Broox G. Holmes
BROOX G. HOLMES

Defendant, CRYSTAL RIVER BARGE LINES, INC. respectfully demands a trial by jury.

Broox G. Holmes
BROOX G. HOLMES

CERTIFICATE OF SERVICE

I, BROOX G. HOLMES, do hereby certify that I have served a copy of the foregoing Demurrer on the Honorable Richmond M. Flowers, Attorney General of the State of Alabama, Plaintiff herein, by mailing the same to him by United States mail, first class postage prepaid and properly addressed, on this 2nd day of May, 1966.

Broox G. Holmes
BROOX G. HOLMES

FILED
MAY 8 1966
ALICE L. DICK, CLERK
REGISTERED

633

STATE OF ALABAMA, ex rel	)	IN THE CIRCUIT COURT OF
The Attorney General of)	
Alabama,	)	BALDWIN COUNTY, ALABAMA
)	
Plaintiff,	)	AT LAW
)	
vs.)	
)	
CRYSTAL RIVER BARGE LINES,)	
INC., a Louisiana corporation,)	
and SELF TOWING COMPANY,)	
INC., an Alabama corporation,)	
)	
Defendants.	)	CASE NO. 6877

D E M U R R E R

Comes now the following defendant, Self Towing Company, Inc., an Alabama corporation, separately and severally, and demurs to the plaintiff's complaint filed herein and each count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against this defendant.
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, this defendant may have owed to the plaintiff.

5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

6. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7. For that the averments set up, if true, do not show any liability on the part of the defendant.

8. For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9. For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10. 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 this defendant.

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

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

13. It is not alleged that the willful and wantonness complained of proximately caused the accident and injuries and damages complained of.

14. For that the allegation that plaintiff owned the Shell Banks Oyster Reef is but a conclusion of the pleader.

15. For aught that appears, plaintiff is not the proper party to bring this action.

16. For that there are not sufficient facts averred to show that at the time and place complained of, this defendant was the agent, servant or employee of defendant Crystal River Barge Lines, Inc.

17. For aught that appears, the alleged negligence on the part of this defendant was not the proximate cause of the damages complained of.

18. For that it affirmatively appears that said Reef was located in navigable waters where this defendant had a right to navigate its tug at the time and place complained of in the complaint.

19. For that there are insufficient allegations to charge this defendant with willful or wanton negligence.

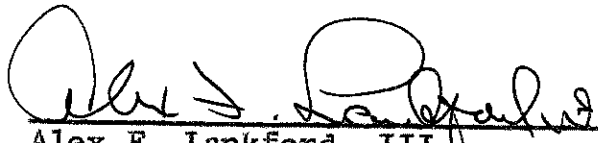
20. For aught that appears, the damages complained of were not wantonly or willfully inflicted by this defendant.


21. For that there are insufficient facts avered to show, with reasonable certainty, the manner in which it is claimed that the acts of this defendant caused the damages complained of.

22. For that there are insufficient allegations to show that this defendant, and not defendant Crystal River Barge Line, Inc., caused the damages complained of.

23. For that there is a misjoinder of causes of action.

24. For that this is a misjoinder of parties defendant.



Alex F. Lankford, III


C. Wayne Loudermilch
Trial Attorneys for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant respectfully demands a trial by jury.


Alex F. Lankford, III

C E R T I F I C A T E

I hereby certify that I have mailed a true and correct copy of the foregoing demurrer to William G. O'Rear, Esq., attorney for the plaintiff, by depositing a copy of the same in the United States mail, postage prepaid, addressed to said attorney at his office in the State Office Building, Montgomery, Alabama, on this the 31 day of March, 1966.

FILED

MAR 31 1966

ALICE I. DICK, CLERK
REGISTER



STATE OF ALABAMA, ex rel	)	IN THE CIRCUIT COURT OF
The Attorney General of Alabama,	)	BALDWIN COUNTY, ALABAMA,
Plaintiff,	)	AT LAW
VS.	)	CASE NO. 6877
CRYSTAL RIVER BARGE LINES, INC.,)	
a Louisiana corporation, AND)	
SELF TOWING COMPANY, INC., an)	
Alabama corporation,)	
Defendants.)	

INTERROGATORIES TO DEFENDANT, SELF TOWING COMPANY, INC.

Comes now Plaintiff in the above-styled cause and desiring the testimony of the Defendant, Self Towing Company, Inc., in said cause, hereby propounds the following separate and several interrogatories to said Defendant under Equity Rule 39, et seq., as set out in the Appendix of Title 7, Code of Alabama 1940.

1. What is the full and correct legal name and legal entity of Self Towing Company, Inc.?

2. In what state is this Corporation incorporated?

3. Please list the address of the home office of the Self Towing Company, Inc.

4. Please list the names and addresses of the officers of the Self Towing Company, Inc.


5. (a) Please set forth the name and address of the person answering these interrogatories.

(b) Are you an officer of the Self Towing Company, Inc.? If so, please specify.

(c) If you are not an officer of the Self Towing Company, Inc., please state your connection with, or official capacity in, the Self Towing Company, Inc.

6. On or about, to-wit: February 26, 1965, did you own or lease the tug BLACK JACK? Please specify.

7. Please describe in detail the activities of the tug BLACK JACK on or about February 26, 1965.
8. Did the tugboat BLACK JACK at any time during 1965 pull the tug boat PERRY N and/or its tow off of an oyster reef or a place where it had run aground in Mobile Bay? If so, please give the details.
9. Please state what procedure, process or method was used in getting the PERRY N and/or its tow off of the oyster bottom or place where it ran aground in Mobile Bay. How long did it take to free the PERRY N from its grounding?
10. Please attach to these interrogatories a complete copy of the entries in the log of the BLACK JACK for February 26, 1965, or for any other days that it was engaged in freeing the tugboat PERRY N from its grounding.
11. Please attach to these interrogatories copy of any report filed by the Captain of the BLACK JACK with the Company concerning the PERRY N running aground on or about February 25 or 26, 1965.
12. Please attach to these interrogatories copy of any reports filed with the Coast Guard by the Captain of the BLACK JACK or by the Company in regard to the grounding and/or freeing of the PERRY N on or about, to-wit: February 25-26, 1965.
13. Please describe the barge or tow being pushed or pulled by the PERRY N when it ran aground in Mobile Bay.
14. Please describe as to size, cargo, tonnage, displacement, etc.



John D. Bonham
Assistant Attorney General
One of the Attorneys of Record
for Plaintiff

STATE OF ALABAMA)

MONTGOMERY COUNTY)

Personally appeared before me, Lozetta M. Lutz, the undersigned authority, John D. Bonham, who, being by me first duly sworn, deposes and says:

That he is one of the Attorneys of Record for the Plaintiff in the above-styled cause, and as such is authorized to make this affidavit for the Plaintiff, and that the answers of the Defendants to the foregoing interrogatories will be material testimony for the Plaintiff in said cause.

John D. Bonham

Sworn to and subscribed before
me this the 8th day of March,
1966.

Lozetta M. Lutz
Notary Public
My Commission expires Nov. 23, 1968

FILED
MAR 28 1966
FBI - MONTGOMERY

RECEIVED

MAR 10 1966

RAYMOND WILKINS
SHERIFF

Received 14 Day of Mar 19 66
and on 15 Day of Mar 19 66
I served a Copy of the Inter
on Self Insurance Co
by service on Mr Self Ins

RAYMOND WILKINS, Sheriff

By J J Chambers

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.
MAR 11 12 59 PM '66

BY

[Signature]

6877

8323

State of New

1357 *[Signature]*
Capital River Bank
at al

Introspective

20 the record on
Self Insurance Co
353 S. West 2nd
Tomball, Tex

FILED

CLERK
RECEIVED

copy mailed 2-10-66
mailed on (2nd) 4-5-66

STATE OF ALABAMA, ex rel
The Attorney General of Alabama,
Plaintiff,

VS.

CRYSTAL RIVER BARGE LINES, INC.,
a Louisiana corporation, AND
SELF TOWING COMPANY, INC., an
Alabama corporation,
Defendants.

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

CASE NO. 6877

INTERROGATORIES TO DEFENDANT, CRYSTAL RIVER BARGE LINES, INC.

Comes now Plaintiff in the above-styled cause and desiring the testimony of the Defendant, Crystal River Barge Lines, Inc., in said cause, hereby propounds the following separate and several interrogatories to said Defendant under Equity Rule 39, et. seq., as set out in the Appendix of Title 7, Code of Alabama 1940.

1. What is the full and correct legal name and legal entity of Crystal River Barge Lines, Inc.?
2. In what state is this Corporation incorporated?
3. Please list the address of the home office of the Crystal River Barge Lines, Inc.
4. Please list the names and addresses of the officers of the Crystal River Barge Lines, Inc.
5. (a) Do you do business in the State of Alabama by agent?
(b) If so, please state when, where and through what agents.
6. (a) Please set forth the name and address of the person answering these interrogatories.
(b) Are you an officer of the Crystal River Barge Lines, Inc.? If so, please specify.
(c) If you are not an officer of the Crystal River Barge Lines, Inc., please state your connection with, or official capacity in, the Crystal River Barge Lines, Inc.

7. On or about, to-wit: February 25 and 26, 1965, did you own or lease the tug boat PERRY N? Please specify.

8. (a) Please describe exactly what happened to the PERRY N on February 25, 1965.

(b) On February 26, 1965.

9. Please attach to these interrogatories a complete copy of the entries in the log of the PERRY N for the days February 25 and February 26, 1965.

10. (a) Please list the names and addresses of the persons aboard the PERRY N on the days February 25 and February 26, 1965.

(b) Please list the status of each of these persons aboard in connection with the tug PERRY N, such as Captain, First Mate, Deck Hand, etc., and state whether or not said persons are employed by the Crystal River Barge Lines, Inc.

11. Please describe the barge or tow being pushed or pulled by the PERRY N. Please describe it as to size, ownership, cargo, tonnage, displacement, etc.

12. (a) Did the PERRY N and/or its tow run aground on or about, to-wit: February 26, 1965?

(b) If so, please give a detailed description of exactly what happened.

13. (a) Please state what procedure, process or method was used in getting the PERRY N and/or its tow off of the oyster bottom or place where it ran aground on Mobile Bay.


(b) Please give details as to length of time the tug, PERRY N, and its tow stayed aground; what help, if any, was secured in freeing said tug and tow?

(c) Who owned said other vessels helping to free the PERRY N?

(d) Describe the procedure used by any assisting vessels in freeing the PERRY N and its tow, etc.

14. Please attach to these interrogatories copies of any report filed by the Captain of the PERRY N with the Company concerning the PERRY N running aground on February 25 or 26, 1965.

15. Please attach to these interrogatories copies of any reports filed with the Coast Guard by the Captain or the Company in regard to the grounding of the PERRY N on February 25-26, 1965.



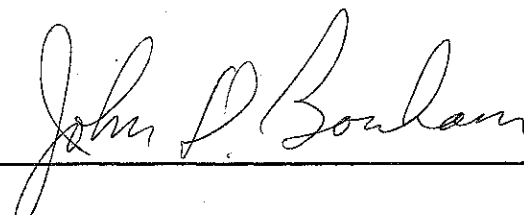
John D. Bonham
Assistant Attorney General
One of the Attorneys of Record
for Plaintiff.

STATE OF ALABAMA)

MONTGOMERY COUNTY)

Personally appeared before me, Lozetta M. Lutz, the undersigned authority, John D. Bonham, who, being by me first duly sworn, deposes and says:

That he is one of the Attorneys of Record for the Plaintiff in the above-styled cause, and as such is authorized to make this affidavit for the Plaintiff, and that the answers of the Defendants to the foregoing interrogatories will be material testimony for the Plaintiff in said cause.



Sworn to and subscribed before
me this the 8th day of March,
1966.



Notary Public
My Commission expires Nov. 23, 1968

STATE OF ALABAMA, ex rel	)	IN THE CIRCUIT COURT OF
The Attorney General of Alabama,	(
	*	BALDWIN COUNTY, ALABAMA
Plaintiff,	*	
)	
vs.	(
	*	
CRYSTAL RIVER BARGE LINES,	*	AT LAW
INC., a Louisiana Corporation,)	
and SELF TOWING COMPANY,	(
INC., an Alabama Corporation,	*	
	*	
Defendants.	)	CASE NO. 6877
	(

ANSWERS TO INTERROGATORIES

Comes now the Defendant, CRYSTAL RIVER BARGE LINES, INC.,
and for answer to the Interrogatories heretofore propounded by the Plaintiff,
says as follows:

1. Crystal River Barge Lines, Inc., a corporation.
2. Louisiana.
3. 2600 Gold Street
Harvey, Louisiana.
4. L. B. Edmundson President
I. V. Edmundson Vice President
B. J. Edmundson Secretary-Treasurer

All of Harvey, Louisiana
5. (a) No.

(b) No answer required.
6. (a) B. J. Edmundson
444 Paillet Street
Harvey, Louisiana

(b) Yes. Secretary-Treasurer.

(c) No answer required.

7. Yes. The "PERRY N" was owned by Crystal River Barge Lines, Inc.
8. (a) and (b) See attached copy of Log for February 25 and 26, 1965.
9. See attached copy of Log for February 25 and 26, 1965.
10. (a) and (b)

Herbert Beck	Captain
Route 8, Box 210	
Pensacola, Florida	
 Kenneth Lindsay	 Chief Mate
Harvey, Louisiana	
 Herman Hall	 Engineer
309 South "C" Street	
Pensacola, Florida	
 Leon Margiotta	 Deckhand
Harvey, Louisiana	
 Eddie Tilghman	 Deckhand
Harvey, Louisiana	

None of the above is presently employed by this Corporation.
11. 200'x48'x10' Butane Barge - 900 Ton capacity.

Owned by Warren Gas Corporation of Tulsa, Oklahoma.
12. (a) No. It was blown aground.

(b) See attached copy of Log for February 25
and 26, 1965.
13. (a), (b), (c) and (d).

See copy of Log attached. Tug "BLACKJACK" was
apparently owned by Self Towing Company.

14. See copy of Log attached.
15. Do not have copies of the report. Check with
the Coast Guard.

CRYSTAL RIVER BARGE LINES, INC.

By: B. J. Edmundson
B. J. EDMUNDSON
Its Secretary-Treasurer

STATE OF ALABAMA !

COUNTY OF MOBILE !

Before me, the undersigned Notary Public in and for said County in said State, personally appeared B. J. EDMUNDSON, known to me to be the Secretary-Treasurer of CRYSTAL RIVER BARGE LINES, INC., and who by me being first duly sworn, deposes and says that the Answers to the foregoing Interrogatories are true and correct according to the best of his knowledge and belief.

B. J. Edmundson
B. J. EDMUNDSON

SUBSCRIBED and SWORN TO
before me this 8th day of
June, 1967.

Bessie H. Anderson
Notary Public, State of Alabama at Large

(NOTARIAL SEAL)

FILED

JUN 9 1967

ALICE I. DUCK, CLERK
REGISTER

UNITED STATES SALVAGE ASSOCIATION, INC.

99 John Street, New York 38, N.Y.

Case No. 72-2905
Grounded
February 25, 1965

Mobile, Alabama
May 5, 1965

TUG "PERRY N."

LOG ABSTRACT TUG "PERRY N.":

ENROUTE NEW ORLEANS, LA. TO ST. MARKS, FLA. TOWING LOADED BARGE
"CITY OF GALVESTON"

FEBRUARY 24, 1965

2130 HOURS WATER IN FUEL.

2400 HOURS WORKING ON MAIN ENGINES.

FEBRUARY 25, 1965

0001 - Water in fuel main engine and light plant stopped.
0320 - Aground mile 143 south of Channel.

FEBRUARY 26, 1965

Aground south of Mile 143 awaiting Tug and tide.
0500 - Tug "Black Jack" arrived.
1000 - Off ground being helped by Tug "Black Jack".
1050 - Started for Mobile
1430 - Arrived Bender Shipyard.

MASTERS'S STATEMENT:

FEBRUARY 23, 1965

The Tug "Perry N." was east bound with the barge "City of Galveston". Destination St. Marks, Florida. Port of departure New Orleans, Louisiana.

Took on fuel and groceries at Gulf Fuel Dock at Harvey, Louisiana on the Harvey Canal on February 23, 1965. Departed Industrial Lock, east bound at 7:40 P.M. 12:00 midnight 30 miles east.

FEBRUARY 24, 1965

6:00 A.M. - 67 miles east.
12:00 Noon- 100 miles east.
5:30 P.M.- Dauphin Island Bridge.
9:30 P.M.- Water in fuel stopped main engine and light plant. Anchored immediately. High winds and heavy seas. Wind was recorded by the captain of the "Charles Houghland" at between 50 and 60 M.P.H. from west north west according to his wind indicator aboard his vessel.

Captains of other vessels in the vicinity reported that their anchors were not holding their tows.

12:00 P.M. - Strong winds and heavy seas. Wind from west north west, working on main engine and light plant trying to clear up water out of fuel.

FEBRUARY 25, 1965

3:20 A.M. - Aground drag anchor. Strong wind out of west north west. Boat listing heavy to the port and pounding bottom. Location 1 3/4 miles SSE of Beacon 247. Tried to get other tugs to help, but no one was available due to weather conditions.

12:00 Noon - Same position. Strong wind and heavy seas. Waiting on help. Rudder bent.

12:00 Midnight - Waiting on help. Seas diminishing some. Winds 30 M.P.H.

FEBRUARY 26, 1965

12:01 A.M. - Same condition.

5:00 A.M. - Tug "Black Jack" Arrived.

10:00 A.M. - Off ground, being helped by Tug "Black Jack".

10:50 A.M. - Departed for Mobile.

2:30 P.M. - Arrived Bender Shipyard.

s/ Herbert Beck
Master

STATE OF ALABAMA, ex rel	)	IN THE CIRCUIT COURT OF
The Attorney General of Alabama,	(
	*	BALDWIN COUNTY, ALABAMA
Plaintiff,	*	
)	
vs.	(
	*	
CRYSTAL RIVER BARGE LINES,	*	AT LAW
INC., a Louisiana Corporation,)	
and SELF TOWING COMPANY,	(
INC., an Alabama Corporation,	*	
	*	
Defendants.	)	CASE NO. 6877
	(

NOTICE TO TAKE DEPOSITION

TO: Alex F. Lankford, III, Esquire	John D. Bonham, Esquire
Attorney at Law	Assistant Chief Attorney
Post Office Box 123	State of Alabama
Mobile, Alabama 36601	Department of Conservation
	Administrative Building
	Montgomery, Alabama 36104

Please take notice that the Defendant, CRYSTAL RIVER BARGE LINES, INC., in the above styled cause will, in accordance with the provisions of Act No. 375, Legislature of Alabama (1955), take the pre-trial deposition of ROBERT LEE NELSON, a witness, upon oral examination, on Monday, July 31, 1967, at 2:00 P.M., in the offices of Messrs. Armbrecht, Jackson & DeMouy, located at 1101 Merchants National Bank Building, Mobile, Alabama, before Louis M. Hubbard, or before some other officer authorized by law to take depositions. The oral examination will continue from time to time until completed.

ARMBRECHT, JACKSON & DeMOUY

By: Brook G. Holmes
BROOK G. HOLMES

FILED
JUL 13 1967

ALICE J. DICK, CLERK
REGISTERED

CERTIFICATE OF SERVICE
I do hereby certify that I have on this 12th day of July, 1967, 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.
Brook G. Holmes

STATE OF ALABAMA, ex rel
The Attorney General of Alabama,

Plaintiff,

vs.

CRYSTAL RIVER BARGE LINES,
INC., a Louisiana Corporation,
and SELF TOWING COMPANY,
INC., an Alabama Corporation,

Defendants.

) IN THE CIRCUIT COURT OF
(
* BALDWIN COUNTY, ALABAMA
*
)
(
*
* AT LAW
(
*
*
) CASE NO. 6877
(

NOTICE TO TAKE DEPOSITION

TO: Alex F. Lankford, III, Esquire
Attorney at Law
Post Office Box 123
Mobile, Alabama 36601

John D. Bonham, Esquire
Assistant Chief Attorney
State of Alabama
Department of Conservation
Administrative Building
Montgomery, Alabama 36104

Please take notice that the Defendant, CRYSTAL RIVER BARGE LINES, INC., in the above styled cause will, in accordance with the provisions of Act No. 375, Legislature of Alabama (1955), take the pre-trial deposition of CHARLES EWING, a witness, upon oral examination, on Monday, July 31, 1967, at 3:00 P.M., in the offices of Messrs. Armbrecht, Jackson & DeMouy, located at 1101 Merchants National Bank Building, Mobile, Alabama, before Louis M. Hubbard, or before some other officer authorized by law to take depositions. The oral examination will continue from time to time until completed.

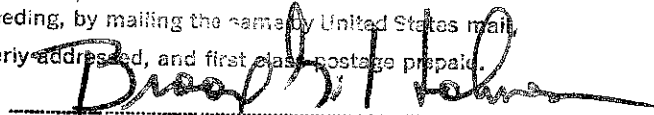
ARMBRECHT, JACKSON & DeMOUY

By:


BROOX G. HOLMES

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day
of July, 1967, 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.



ALICE J. DUCK, Circuit Clerk
BALDWIN COUNTY
 BAY MINETTE, ALA.
 36507



CERTIFIED
 No. 665620
MAIL

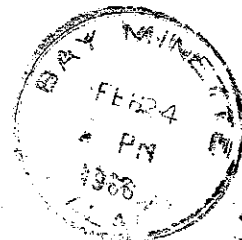
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 For Delivery Only
 To Person To Whom Addressed
 Return Receipt Requested

MAR 11 1966

~~Crystal River Barge Lines, Inc.~~

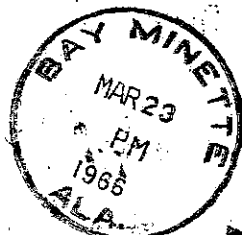
~~New Orleans, Louisiana~~

REASON CHECKED
 Unclaimed ☒ Refused ☒
 Unknown ☒
 Insufficient address ☒
 Moved ☒ Left no address ☒
 No such post office in state ☒
 Do not re-mail in this envelope ☒
 Not in Directory ☒



ALICE J. DUCK, Circuit Clerk
BALDWIN COUNTY
 BAY MINETTE, ALA.
 36507

CERTIFIED
 No. 665620
MAILED



Name _____
 1st Notice MAR 24 1966
 2nd Notice _____
 Return 4/8/66



Crystal River Barge Lines,
 410 Boilest Street,
 Harvey, Louisiana

Certified

For Delivery Only To Person
 To Whom Addressed

Return Receipt Requested

*Mailed back
 4-25-66*

REASON CHECKED
 Unclaimed ☒ Refused ☒
 Addressee unknown ☒
 Insufficient address ☒
 No such street ☒ number ☒
 No such office in state ☒
 Do not re-mail in this envelope ☒

Br

ALICE J. DUCK, Circuit Clerk
BALDWIN COUNTY
BAY MINETTE, ALA.
36507

Interrogatorio

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Address _____
City _____
State _____
Zip _____
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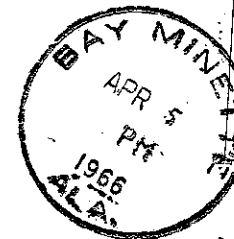
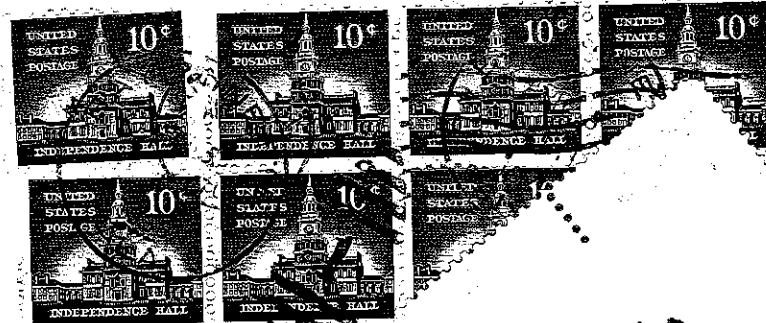
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Unclaimed _____
Addressee unknown _____
Insufficient Address _____
No such street _____
Office in state _____
mail in this envelope

CERTIFIED
No. 831498
MAIL

Certified Mail
For Delivery Only
To Person To Whom Addressed
Return Receipt Requested

Crystal River Barge Lines
440 Teller Street
Bartlett, Louisiana 70058

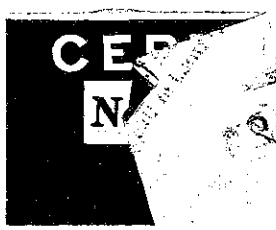
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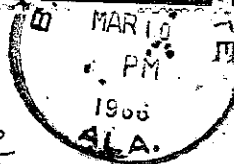
ALICE J. DUCK, Circuit Clerk
BALDWIN COUNTY
BAY MINETTE, ALA.
36507

RETURNED TO WRITER
REASON CHECKED
Unclaimed _____
Insufficient address _____
Moved, Left no address _____
No such post office _____
Do not remain _____



Certified
For Delivery Only To Person

RETURNED TO WRITER
REASON CHECKED
Unclaimed _____
Insufficient address _____
Moved, Left no address _____
No such post office _____
Do not remain _____



3858
MAR 11 1966

New Address