

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 6891

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sidney Wills Cromer & Andrew Cromer, Separately
..... & Severally

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 Sidney Wills Cromer
& Andrew Cromer, Separately & Severally....., Defendant.....

by James Morton Gaines, Plaintiff.....

Witness my hand this 7th day of March 1966

Alise D. Duck Clerk

RECEIVED

No. 6891 Page.....

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JAMES MORTON GAINES,
Plaintiffs

vs.

SIDNEY WILLS CROMER & ANDREW
CROMER, Separately & Defendants
Severally

SUMMONS AND COMPLAINT

Filed March 7, 1966

Alice J. Duck Clerk

Lyons, Pipes & Cook -Attention:
Gordon B. Kahn Plaintiff's Attorney
P.O. Drawer 792- Mobile

Defendant's Attorney

JUN 1 1966

Defendant lives at
TAYLOR WILKINS
BENTLEY

RECEIVED

Received In Office

MAR 7 1966

TAYLOR WILKINS

SHERIFF

19.....

Sheriff

I have executed this summons

this 3-14 1966

by leaving a copy with

Andrew Cromer
Severally and
Separately as
Father of Sidney
Willis Cromer

Perry Co. Sheriff

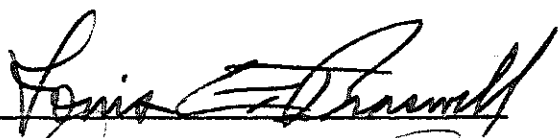
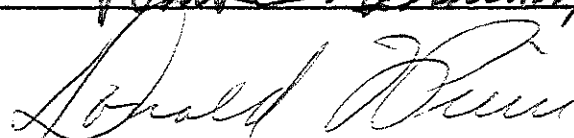
Christen Deputy Sheriff

JAMES MORTON GAINES, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
v. : AT LAW
SIDNEY WILLS CROMER :
and ANDREW CROMER, :
separately and severally, :
Defendants. : Case No. 6891

A N S W E R

Comes now each of the separate and several defendants
in the above case, separately and severally, and for
answer to each separate and several count of the com-
plaint filed herein, as last amended, assigns the follow-
ing separate and several pleas, separately and severally:

1. Not guilty.
2. The material allegations thereof are untrue.



First National Bank Building
Mobile, Alabama

The Defendants demand a trial by jury.



Of Counsel:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

FILED
JAN 10 1934
MOBILE, ALA.

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing answer to Gordon B. Kahn, Esquire, Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this the 15 day of July, 1966.

Louis E. Russell

FILED
JULY 19 1966
JULIE A. DICK, CLERK
REGISTERED

LYONS, PIPES & COOK

ATTORNEYS AT LAW

25TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES, III
WALTER M. COOK
GORDON S. KAHN
IRWIN W. COLEMAN, JR.
G. SAGE LYONS
WILLIAM F. HORSLEY
AUGUSTINE MEASER, III

AREA CODE 205
TEL. 432-4483
P. O. DRAWER 79

December 14, 1966

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

Re: James Morton Gaines - Ernest Morton Hauser
and Shaler Hauser vs. Sidney Wills Cromer,
et al. In the Circuit Court of Baldwin County,
Alabama, Cases No. 6891, 6892 and 7053.

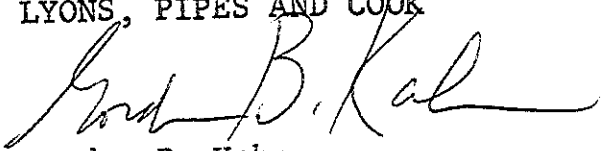
Dear Mrs. Duck:

We enclose herewith the originals of depositions taken of Dr. Kenneth Hannon, Dr. Byron E. Green, Jr. and Sidney Wills Cromer. We request that the deposition of Dr. Hannon be filed in the case of Ernest Morton Hauser and that the bill of the Reporter in the amount of \$46.90 be included as Court costs in that case. We request that the original of the deposition of Dr. Green be filed in the case of Ernest Morton Hauser and that the bill of the reporter in the amount of \$75.67 be included in that case. We also request that the original of the deposition of Sidney Wills Cromer be filed in the case of James Morton Gaines and that the bill of the Reporter in the amount of \$55.00 be included as Court costs in that case.

We appreciate your assistance in this matter and should anything further be needed, kindly let us know.

Very truly yours,

LYONS, PIPES AND COOK


Gordon B. Kahn



GBK:mb

JAMES MORTON GAINES, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA
v. : AT LAW
SIDNEY WILLS CROMER :
and ANDREW CROMER, :
separately and severally, :
Defendants. : Case No. 6891

A N S W E R

Comes now the separate and several defendant Andrew Cromer, separately and severally, and for answer to each separate and several count of the complaint filed herein, separately and severally, assigns the following separate and several pleas, separately and severally:

1. Not guilty.
2. The material allegations thereof are untrue.



First National Bank Building
Mobile, Alabama

Defendant Andrew Cromer demands a trial by jury.



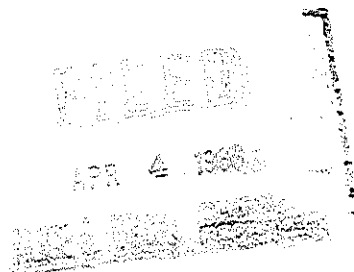
Of Counsel:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing answer to Gordon B. Kahn, Esquire, Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this the 1 day of April, 1966.

Louis E. Benwell



JAMES MORTON GAINES,

Plaintiff,

vs.

SIDNEY WILLS CROMER
and ANDREW CROMER,
separately and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6891

ORDER APPOINTING GUARDIAN AD LITEM

It having been made to appear to the Court that the Defendant Sidney Wills Cromer was, at the time of the filing of this action against him, a minor, and that a Guardian Ad Litem should therefore be appointed for him; and it further appearing to the Court that J. Connor Owens, Jr., a practicing attorney in Bay Minette, Baldwin County, Alabama, is a suitable person to act as such Guardian Ad Litem, and that he should be appointed as such; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, At Law, that J. Connor Owens, Jr. be, and he is hereby, appointed Guardian Ad Litem to represent and defend the interest of the said Sidney Wills Cromer in this cause.

Done this 9th day of December, 1966.

J. Connor Owens, Jr.
Circuit Judge

FILED
DEC 9 1966
J. CONNOR OWENS, JR.
CLERK
BALDWIN COUNTY, ALABAMA

JAMES MORTON GAINES,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
-vs-	:	
	:	AT LAW
SIDNEY WILLS CROMER and	:	
ANDREW CROMER, Separately	:	
and Severally,	:	CASE NO. 6891.
Defendants.	:	

COMES NOW the Plaintiff in the above-mentioned cause and amends his complaint filed herein so that the same shall read as hereinafter set forth:

COUNT ONE

The plaintiff claims of the defendants, separately and severally, the sum of to-wit, SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, for that heretofore and on to-wit the 6th day of July, 1965, the plaintiff was riding as a passenger in a motor vehicle being operated by the defendant, Sidney Wills Cromer, an agent, servant or employee of the defendant, Andrew Cromer, and said motor vehicle was being operated on Alabama Highway 135 at a point to-wit, 528 feet North of the intersection of Alabama Highway 182 and Alabama Highway 135, both of said highways being public roads in the County of Baldwin, State of Alabama, and at said time and place as aforesaid, the defendant, Sidney Wills Cromer, an agent, servant or employee of the defendant, Andrew Cromer, while acting within the line and scope of his employment, as such agent, servant or employee, wantonly injured the plaintiff by so wantonly operating the aforesaid motor vehicle so as to cause it to run into, upon, over and against a pine tree and as a direct and proximate result of the aforesaid wanton misconduct of the defendant, Sidney Wills Cromer, an agent, servant or

employee of the defendant, Andrew Cromer, while acting within the line and scope of his employment as such agent, servant or employee, the plaintiff was wantonly injured in that he received severe lacerations of the face, multiple facial bone fractures, he was bruised and contused and had numbness of the right cheek, his dental occlusion is off, he was made sick and sore, suffered physical pain and mental anguish; he was caused to incur medical expenses and hospital bills, HENCE THIS SUIT.

LYONS, PIPES AND COOK
Attorneys for the Plaintiff

By: Gordon B. Kahn
Gordon B. Kahn

CERTIFICATE OF SERVICE
I do hereby certify that I have on this 12th
day of July, 1946, 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.

Gordon B. Kahn

FILED

JUL 12 1946

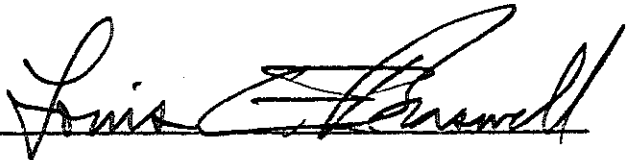
AUG 1 1946 CLERK
REGISTER

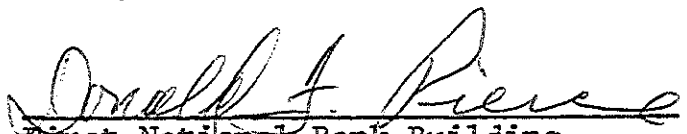
JAMES MORTON GAINES,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
v.	:	AT LAW
SIDNEY WILLS CROMER	:	
and ANDREW CROMER,	:	
separately and severally,	:	
Defendants.	:	Case No. 6891

A N S W E R


Comes now the separate and several defendant Sidney Wills Cromer, separately and severally, and for answer to each separate and several count of the complaint filed herein, separately and severally, assigns the following separate and several pleas, separately and severally:

1. Not guilty.
2. The material allegations thereof are untrue.




First National Bank Building
Mobile, Alabama

Defendant Sidney Wills Cromer demands a trial by jury.



Of Counsel:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

FILED

DECEMBER 17 1934
MOBILE ALA.

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing answer to Gordon B. Kahn, Esquire, Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this the 5th day of July, 1966.

Louis E. Brumell

FILED

7-5-66

MOBILE, ALA.

JAMES MORTON GAINES,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	
VS	X	BALDWIN COUNTY, ALABAMA
	X	
SIDNEY WILLS CROMER	X	
and ANDREW CROMER,	X	
separately and severally,	X	AT LAW CASE NO.6891
Defendants.	X	

MOTION:

Comes now the Plaintiff in the above styled cause, by his attorneys, and moves this Honorable Court to appoint a Guardian Ad Litem to defend this action for the Defendant Sidney Wills Cromer and as grounds therefor says:

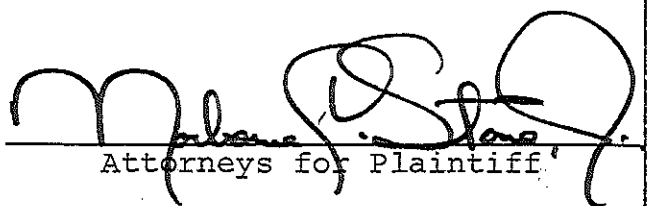
That the said Sidney Wills Cromer was a minor at the time of the filing of the complaint in this cause against him.

Respectfully submitted,

LYONS, PIPES & COOK

and

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff

FILED

DEC 5 1966

ALLIANCE I. DICK, CLERK, REGISTER

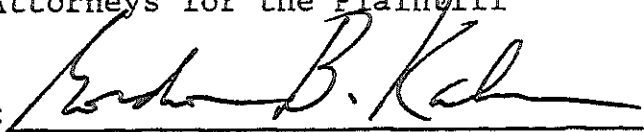
JAMES MORTON GAINES,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
-versus-	:	
	:	AT LAW
SIDNEY WILLS CROMER and	:	
ANDREW CROMER, Separately	:	
and Severally,	:	CASE NO. <u>6891</u>
Defendants.	:	

COUNT ONE

The plaintiff claims of the defendants, separately and severally, the sum of to-wit, SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, for that heretofore and on to-wit the 12th day of July, 1965, the plaintiff was riding as a passenger in a motor vehicle being operated by the defendant, Sidney Wills Cromer, an agent, servant or employee of the defendant, Andrew Cromer, and said motor vehicle was being operated on Alabama Highway 135 at a point to-wit, 528 feet North of the intersection of Alabama Highway 182 and Alabama Highway 135, both of said highways being public roads in the County of Baldwin, State of Alabama, and at said time and place as aforesaid, the defendant, Sidney Wills Cromer, an agent, servant or employee of the defendant, Andrew Cromer, while acting within the line and scope of his employment, as such agent, servant or employee, wantonly injured the plaintiff by so wantonly operating the aforesaid motor vehicle so as to cause it to run into, upon, over and against a pine tree and as a direct and proximate result of the aforesaid wanton misconduct of the defendant, Sidney Wills Cromer, an agent, servant or employee of the defendant, Andrew Cromer, while acting within the line and scope of his employment as such agent, servant or employee, the plaintiff was wantonly injured in that he received severe lacerations of the face,

multiple facial bone fractures, he was bruised and contused and had numbness of the right cheek, his dental occlusion is off, he was made sick and sore, suffered physical pain and mental anguish; he was caused to incur medical expenses and hospital bills, HENCE THIS SUIT.

LYONS, PIPES AND COOK
Attorneys for the Plaintiff

By: 
Gordon B. Kahn

Defendants may be served at:

Uniontown, Alabama.

Plaintiff respectfully requests that an additional copy of the Summons and Complaint be served upon Andrew Cromer as father of Sidney Wills Cromer who is believed to be a minor over the age of Fourteen (14) years.

FILED

MAR 7 1966

ALICE J. DUCK, CLERK
REGISTER

*Executed 3-14-66
Perry Co Sher
by C. W. Foster
R.S.*

Received this the 10th day of
June, 1906, by
leaving a copy of the within

S. J. C.
with Arthur W. Little, Clerk
of the Board of County
Separately and identically
Sheriff Henry County, Ala.
by H. K. Wilburn, D. A.