

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 Lena F. Hodges 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 David John Zukerman.

Witness my hand this 21st day of March, 1966.

Alice J. Black  
Clerk

DAVID JOHN ZUKERMAN,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
LENA F. HODGES,	X	LAW SIDE
Defendant.	X	<u>6907</u>

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Fifteen Thousand Dollars (\$15,000.00) as damages for that on, to-wit: March 26, 1965, at a point on U. S. Highway No. 98 at the intersection of the Greeno Road in Baldwin County, Alabama, the Defendant negligently drove an automobile into or against the automobile which was then and there being driven by the Plaintiff and as a proximate result of the negligence of such Defendant the Plaintiff was injured in this: He received head injuries, injuries to his back and neck, he was bruised and


lacerated and permanently injured and he was caused to incur large medical and hospital expenses all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

COUNT TWO:

The Plaintiff further claims of the Defendant the sum of Fifteen Hundred Dollars (\$1500.00) as damages for that on, to-wit: March 26, 1965, at a point on U. S. Highway No. 98, at the intersection of the Greeno Road, in Baldwin County, Alabama, the Defendant negligently drove an automobile into or against an automobile owned by the Plaintiff and which was then and there being driven by him, and as a proximate result of the negligence of such Defendant the Plaintiff's automobile was destroyed to such extent that it was necessary to sell it for junk, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

  
Attorneys for Plaintiff

Plaintiff demands trial of  
this cause by jury.

  
Attorneys for Plaintiff

Defendant's address is Route 2, Fairhope, Alabama.

FILED

MAR 21 1966

ALICE L. DICK, CLERK  
REGISTER

Exhibited H-1-66  
Taylor Wilkins - Sher.  
By Ray Randall - recs.

6907

DAVID JOHN ZUKERMAN,

Plaintiff,

VS.

LENA F. HODGES,

Defendant.

\*\*\*\*\*

SUMMONS AND COMPLAINT

\*\*\*\*\*

FILED

MAR 21 1966

ALICE A. DICK  
CLERK  
REGISTER

Received 21 day of March 1966  
and on 1 day of April 1966  
I served a copy of the within on Lena F. Hodges

By service on same

TAYLOR WILKINS, Sheriff,  
By Roy Randall D.S.

L. J. Zukerman

Sheriff's claim 70  
Ten Cents per copy 7.00  
BY Roy Randall  
Taylor & Sheriff

Hodges, cannot be legally liable to the plaintiff in this matter.

10. For that Count Two shows on its face that the defendant, Lena F.

Hodges, cannot be legally liable to the plaintiff in this matter.

9. For that Count One shows on its face that the defendant, Lena F.

8. For that Count Two fails to state a cause of action.

7. For that Count One fails to state a cause of action.

was filed or at the time of the alleged accident.

public street or highway in Baldwin County, Alabama, at the time the suit

6. For that Count Two fails to aver that U. S. Highway 98 was a

was filed or at the time of the alleged accident.

public street or highway in Baldwin County, Alabama, at the time the suit

5. For that Count One fails to aver that U. S. Highway 98 was a

which she is called upon to defend.

4. For that said Count One fails to acquaint the defendant with that

3. For that said complaint is a conclusion of the pleader.

2. For that said complaint is vague, indefinite and uncertain.

1. For that said complaint fails to state a cause of action.

separate and several grounds to each count separately and severally:

and as grounds for said demurrer sets down and assigns the following

cause and demurs to Count One and Count Two of the plaintiff's complaint,

Now comes the defendant, Lena F. Hodges, in the above styled

DE M U R R E R

DAVID JOHN ZUKERMAN, Plaintiff,  
VS.  
LENA F. HODGES, Defendant.  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
LAW SIDE.  
CASE NO. 6907

FILED  
APR 14 1966  
ALICE L. DICK  
CLERK  
REGISTERED

By: *J. Terry Reynolds, Jr.*  
J. Terry Reynolds, Jr.

REYNOLDS & LAUTEN  
Attorneys for Defendant

11. For that Count One fails to aver the direction in which the plaintiff was traveling at the time of the accident.
12. For that Count One fails to aver the direction in which the defendant was traveling at the time of the accident.
13. For that Count Two fails to aver the direction in which the plaintiff was traveling at the time of the accident.
14. For that Count Two fails to aver the direction in which the defendant was traveling at the time of the accident.
15. For that Count Two fails to aver in what manner the plaintiff's automobile was destroyed or damaged and is therefore vague, indefinite and uncertain.
16. For that Count One is vague, indefinite and uncertain in that it avers that the plaintiff was permanently injured but fails to set out in what manner or means the plaintiff was premanently injured.

DAVID JOHN ZUKERMAN,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
VS:	)	LAW SIDE
	)	
LENA F. HODGES,	)	
	)	
Defendant.	)	CASE NUMBER 6907

P L E A S

Now comes the Defendant, Lena F. Hodges, in the above styled cause, and for answer to the complaint and to each count thereof, separately and severally, files the following separate and several pleas:

O N E

The Defendant pleads the general issue.

T W O

The Defendant days that she is "not guilty".

T H R E E

The Defendant for further answer to the complaint says that at the time and place complained of, the Plaintiff was himself guilty of negligence which directly and proximately contributed to the damages complained of in that the Plaintiff so negligently operated his automobile on U. S. Highway 98 at the intersection of the Greeno Road in Baldwin County, Alabama, said highway and road being a public highway and road in the County of Baldwin, State of Alabama, that said automobile driven by the Plaintiff collided with, ran upon, over or against the automobile driven by the Defendant, Lena F. Hodges, at said time and place and thereby proximately contributed to the damages complained of.

F O U R

The Defendant for further plea specially, by way of recoupment, claims of the Plaintiff the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS for that at the time and place complained of the Plaintiff so negligently operated his automobile on U. S. Highway 98 at the intersection of the Greeno Road in Baldwin County, Alabama, said highway and road being a public highway and road in the County of Baldwin, State of Alabama, as to cause a collision between the automobile driven by the Plaintiff and the

automobile driven by the Defendant. That it broke, bent, damaged, or otherwise destroyed the automobile of the Defendant, all to the Defendant's damage in the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, which said sum the Defendant claims of the Plaintiff.

REYNOLDS & LAUTEN

BY:

J. Terry Reynolds, Jr.  
Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.  
This 27th day of January, 1967.

J. Terry Reynolds, Jr.  
Attorney for Defendant

FILED

1-3-67

ALICE L. TAYLOR

DAVID JOHN ZUKERMAN,

Plaintiff,

vs.

LENA F. HODGES,

Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

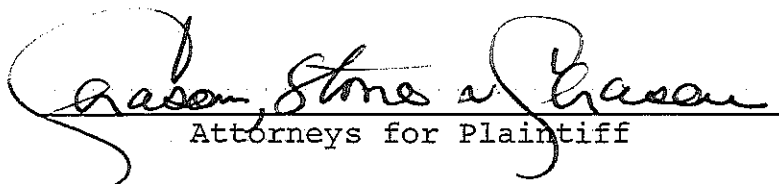
NO. 6907

ANSWER

Comes the Plaintiff in the above styled cause and for answer to Plea Three filed by the Defendant in said cause, separately and severally, says:

1. Not guilty.

2. For that, at the time and place set out in such plea, the Defendant, herself, was guilty of negligence which was the proximate cause of her damages, hence she cannot recover under such plea.

  
Attorneys 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.....day of....., 19.....

FILED  
JUN 51 1967  
ALICE L. BOWEN, CLERK  
REGISTERED



6907

DAVID JOHN ZUKERMAN,

Plaintiff,

vs.

LENA F. HODGES,

Defendant.

\*\*\*\*\*

ANSWER

\*\*\*\*\*

FILED  
JAN 31 1968  
ALICE J. DICK, CLERK  
REGISTER

DAVID JOHN ZUKERMAN,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
VS:	)	LAW SIDE
	)	
LENA F. HODGES,	)	
	)	
Defendant.	)	CASE NUMBER 6907

MOTION FOR REHEARING ON  
DEMURRER

Now comes the Defendant, Lena F. Hodges, and respectfully moves this Honorable Court to grant her a rehearing on demurrer heretofore filed in this cause on, to-wit, April 14, 1966, and heretofore overruled on, to-wit, 5-19-66 , and as grounds therefor respectfully avers as follows:

O N E

The demurrer in behalf of the Defendant, Lena F. Hodges, was filed by J. Terry Reynolds, Jr., attorney at law, acting for the Defendant, Lena F. Hodges.

T W O

It has now been ascertained by the attorney for the Defendant, Lena F. Hodges, that said demurrer has been heretofore overruled by this Honorable Court without argument by the attorney for the Defendant and without any notice to the said attorney, J. Terry Reynolds, Jr., that said demurrer was set or was to be set for a hearing.

WHEREFORE, the Defendant respectfully prays that she be granted a rehearing on said demurrer.

REYNOLDS & LAUTEN

BY:

*J. Terry Reynolds, Jr.*  
Attorney for Defendant

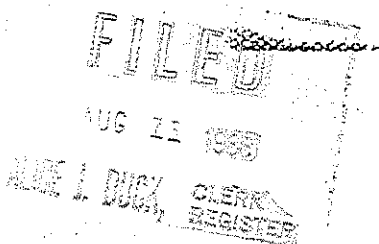
CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 10<sup>th</sup> day of Aug. 1966

*J. Terry Reynolds, Jr.*  
Attorney for

LAW OFFICES  
J. Terry Reynolds, Jr.  
AND  
William R. Lauten  
1ST NAT'L BANK BLDG.  
MOBILE, ALA.



J. TERRY REYNOLDS, JR.

AND

WILLIAM R. LAUTEN

ATTORNEYS AT LAW

SUITE 1401 WATERMAN BUILDING

MOBILE, ALABAMA

433-3661  
AREA CODE 205

April 13, 1966

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

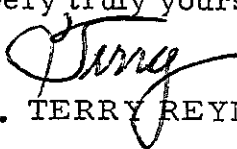
Re: David John Zukerman  
Vs: Lena F. Hodges  
Circuit Court of Baldwin County,  
Law Side, Case No. 6907

Dear Mrs. Duck:

I am going to represent the defendant, Lena F. Hodges, in this case. Enclosed is the original and one copy of the demurrers which we wish to file in this matter. It would be appreciated if you would deliver to the attorneys for the plaintiff the enclosed copy of the demurrers and if you would further advise me the date that the demurrers are set for argument so that I may be present in court. I do not believe that you all follow our practice in this court of mailing a copy of the pleadings directly to the opposing counsel and by attaching a certification to the pleading that this is done. Therefore, we are enclosing an extra copy of the demurrers for delivery to Chason, Stone & Chason, if this is in order. We will thank you most kindly to acknowledge receipt of these demurrers since the time for an appearance in the matter for Mrs. Hodges has almost run.

Thanking you, I am

Very truly yours,

  
J. TERRY REYNOLDS, JR.

JTR:mh  
Encl. 3

DAVID JOHN ZUKERMAN,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
VS:	)	AT LAW
	)	
LENA F. HODGES,	)	
	)	
Defendant.	)	CASE NUMBER 6907

TO: Honorable John Chason  
 Attorney at Law  
 Post Office Box 120  
 Bay Minette, Alabama

Please take notice that at 3:00 o'clock, Thursday, February 2, 1967, in the office of Reynolds and Lauten, Attorneys at Law, situated at Suite 1401 Waterman Building, Mobile, Alabama, the Defendant will take the deposition of David John Zukerman, whose address is 3285 58th Street North, St. Petersburg, Florida, upon oral examination pursuant to an Act of the Legislature of the State of Alabama, designated as Action No. 375, Regular Session 1955, Approved September 8, 1966, before Charles Howard, an officer authorized to administer oaths in the County of Mobile, State of Alabama, duly authorized to take depositions and swear witnesses in said County in said State. The oral examination will continue from day to day until completed and you are invited to attend and cross-examine.

REYNOLDS & LAUTEN

BY:

*J. Terry Reynolds, Jr.*  
 J. Terry Reynolds, Jr.

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing notice to take the deposition upon oral examination of David John Zukerman by mailing same to him at 3285 58th Street North, St. Petersburg, Florida, and by mailing a copy of same to his attorney of record, Honorable John Chason, Post Office Box 120, Bay Minette, Alabama, on this the 18th day of January, 1967.

*J. Terry Reynolds, Jr.*  
 Attorney for Defendant

