

491

CONNIE R. PHILLIPS, a  
Minor,  
By her father and next friend,  
JACK PHILLIPS,

Plaintiff,

VS.

LOUIS BERTOLLA, JOHN BERTOLLA,  
RUDOLPH BERTOLLA, ALEX BERTOLLA,  
and ANGELO BERTOLLA, individually,  
and as members of the Co-Partnership  
of A. BERTOLLA AND SONS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_\_

PLEA.

Now come the Defendants in the above entitled cause  
and for plea to the Complaint and to each and every count thereof  
separately and severally say:

1. Not guilty.

J. B. Blackman  
Gons v Chamberlain  
Attorneys for Defendants.

PLEA.

CONNIE R. PHILLIPS, a Minor,  
By her father and next friend,  
JACK PHILLIPS,

Plaintiff,

VS.

LOUIS BERTOLLA, JOHN BERTOLLA,  
RUDOLPH BERTOLLA, ALEX BERTOLLA,  
and ANGELO BERTOLLA, individually  
and as members of the Co-Partner-  
ship of A. BERTOLLA AND SONS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER \_\_\_\_\_.

*Filed January 28, 1935*

*R. S. Buck, Clerk*

*By Charles Thompson, Deputy*

THE STATE OF ALABAMA  
BALDWIN COUNTY

No. 491

CIRCUIT COURT

Judgment None Term, 1934

vs.

DEAR SIRS: At the \_\_\_\_\_ Term, 193\_\_\_\_, of the Circuit Court of said County,

recovered a judgment against \_\_\_\_\_  
for the sum of \_\_\_\_\_ Dollars

besides \_\_\_\_\_ Dollars, cost of suit, and execution  
was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tene-  
ments of said \_\_\_\_\_

the amount of the judgment and costs, and the Sheriff has returned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the execution to the Sheriff of your County for collection.

Respectfully yours, \_\_\_\_\_, Clerk.

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
1	Issuing Summons and Complaint,	\$1.25		1	Levying Attachment,	\$3.00	
2	Issuing 12 copies thereof,	30	1 25	2	Entering and returning Attachment,	25	
3	Making every copy thereof, when over 200 words, per 100 words	15	1 80	3	Summoning garnishee and return,	1.50	
4	Entering Sheriff's return or copy thereof	20	20	4	Serving Summons and Return,	1.50	9 20
5	Docketing cause, to be charged but once,	25	22	5	Serving Subpoenas,	65	
6	Entering Appearance	20		6	Impaneling jury,	75	
7	Filing pleas, demurrer and other pleadings, for each,	10	10	7	Making deed,	2.50	
8	Every trial, with or without jury, and its incidents, not including judgments by default, or nil dicit,	75	75	8	Serving Summons, forcible entry, etc.,	1.50	
9	Entering Continuance, (each)	10		9	Executing writ of restitution or possession,	5.00	
10	Entering Judgment, (each)	30	30	10	Collecting, execution for cost	1.50	
11	Entering any other order of Court (each)	30	50	11	Serving Sci. Fa. notices, etc.,	1.50	
12	Issuing Scire Facias, or notice in the nature thereof, (each)	75		12	Serving any summons not provided for and return,	1.50	
13	Issuing Execution or copy thereof; (each)	50		13	Serving attachment for contempt,	1.50	
14	Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than	20		14	Taking and approving bond,	1.00	
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words,	15		15	Seizing personal property in detinue,	3.00	
16	Issuing execution or attachment thereon, and entering return,	1.00		16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00.		
17	Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same,	75		17	Selling property attached, same for selling under execution,		
18	Issuing Subpoenas for Witness, (each)	30		18	Former Sheriff's fees,		
19	Administering an oath, not relating to a trial pending and certifying the same,	25					9 20
20	Issuing Attachment and taking bond, (ea.)	1.00					
21	Filing papers in attachment, (each)	10					
22	Issuing Summons for garnishees, (each)	50					
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than	50					
24	Order to advertise, or order of survey, or copy thereof,	50			Total Sheriff's Fees,		
25	Certificate of Judgment,	50					
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	25			RECAPITULATION		
27	Issuing Commission to take depositions, or copy thereof,	75		1	Clerk's Fees,		6 95
28	Making copy of interrogatories accompanying commission,	50		2	Clerk's Fees,		
29	Or for each 100 words,	15		3	Sheriff's Fees,		9 20
30	Filing packages of depositions, (each)	10		4	Sheriff's Fees,		
31	Indorsing package of deposition, opened (each),	10		5	Witness Fees in Circuit Court,		
32	Issuing writ of ad quod damnum or writ in the nature thereof,	75		6	Justice of the Peace Fees,		
33	Recording the return and inquest thereon,	50		7	Witness Fees, in Justice of the Peace Court		
34	Or for each 100 words,	15		8	Commissioner's Fees,		
35	Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof,	75		9	Commissioner's Residence,		
36	Filing the same and entering return,	15		10	Constable's Fees		
37	Making a complete record of a cause or copy thereof, for each 100 words,	15	2 20	11	Garnishee's Fees,		
38	Making copy of any paper not herein provided for, for each 100 words,	15		12	Printer's Fees,		
39	Making each certificate requiring the seal of office, and affixing seal,	50		13	Stenographer's Fees,		
40	Taking any bond not otherwise provided for,	75		14	Trial Tax,		3 20
41	Making necessary certificates not otherwise provided for, (each witness),	25					
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00					
43	Record for Supreme Court, for each 100 words	15					
44	Each additional copy thereof, each 100 words	05					
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on executions,		6 95				9 18 95
					Total Fees,		
				15	Judgment,		
				16	Date,		
				17	Interest,		
				18	Damages,		
					Total Judgment,		
					Interest and Damages,		
					Grand Total.		
	Total Clerk's Fees.						

This cause having been by agreement set for trial on this day, came the parties by their attorneys, and an issue being joined by the parties, and trial by jury having been withdrawn by the plaintiff, this cause is tried by the court without the intervention of a jury, and the court after hearing the evidence rendered judgment for the plaintiff and against the defendant for the sum of \$725.00.

It is, therefore, ORDERED, ADJUDGED by the Court that the plaintiffs do and have recovered of the defendant the sum of \$725.00, the amount of damages as so assessed by the Court besides all other costs in this cause created, for the recovery of which, let execution issue.

S U M M O N S

STATE OF ALABAMA )  
                              )  
BALDWIN COUNTY     )

TO Any Sheriff of the State of Alabama:

You are hereby commanded to summon Louis Bertolla, John Bertolla, Rudolph Bertolla, Alex Bertolla and Angelo Bertolla, individually, and as members of the co-partnership, A. Bertolla & Sons, to appear within thirty (30) 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 Connie R. Phillips, a minor, suing by her father and next friend Jack Phillips.

WITNESS my hand this the 22 day of December, 1938.

R. E. Dush  
Clerk.

Ry. Willie Thompson, Deputy

\*\*\*\*\*

COMPLAINT

Connie R. Phillips, a minor,  
by her father and next friend,  
Jack Phillips,

Plaintiff

-vs-

Louis Bertolla, John Bertolla,  
Rudolph Bertolla, Alex Bertolla,  
and Angelo Bertolla, individually,  
and as members of the co-partner-  
ship of A. Bertolla & Sons,

Defendants.

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

COUNT ONE: The Plaintiff, Connie R. Phillips, a minor, suing by her father and next friend, Jack Phillips, claims of the Defendants Ten Thousand (\$10,000.00) Dollars as damages for that on, to-wit, the fifth (5th) day of October, 1938, the Plaintiff was crossing highway U. S. 90, a public highway in the county of Baldwin, State of Alabama, at or near a point about one-fourth mile north of the Green Lantern Night Club which is situated on U. S. 90 and then and there the Agent, servant or employee of the Defendants, while acting within the line and scope of his employment, negligently drove an automobile or truck, into, over or against the Plaintiff, and by reason thereof as a proximate result and consequence thereof the Plaintiff received severe personal injuries in this, to-wit: her skull was fractured at the base of the skull; several bruises at the base of the nose and the upper lip, she suffered internal head injuries which caused bleeding from the right ear; her left eye was seriously injured; her hearing was injured, she was made sick, sore, and lame; she was bruised and lacerated; she was cut and scarred over her eyes; her eyes were injured; she was internally injured; she was permanently injured; she remained unconscious for a period of approximately 32 hours; and she suffered and continues to suffer great mental anguish and physical

pain, for all of which she claims damages as aforesaid; hence this suit.

COUNT TWO: The Plaintiff, Connie R. Phillips, a minor, suing by her father and next friend, Jack Phillips, claims of the Defendants, Ten Thousand (\$10,000.00) Dollars as damages for that on, to-wit: the fifth (5th) day of October, 1938, the Plaintiff was crossing west U. S. 90, a public highway in the County of Baldwin, State of Alabama, at or near a point approximately one-fourth mile north of the Green Lantern Night Club and then and there the Agent, servant or employee of the Defendants, while acting within the line or scope of his employment, wilfully or wantonly drove an automobile or truck into, upon, over or against the Plaintiff, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff received severe personal injuries in this, to-wit: her skull was fractured at the base of the skull; several bruises at the base of the nose and the upper lip, she suffered internal head injuries which caused bleeding from the right ear; her left eye was seriously injured; her hearing was injured, she was made sick, sore, and lame; she was bruised and lacerated; she was cut and scarred over her eyes; her eyes were injured; she was internally injured; she was permanently injured; she remained unconscious for a period of approximately 32 hours; and she suffered and continues to suffer great mental anguish and physical pain, for all of which she claims damages as aforesaid; hence this suit.

COUNT THREE: The Plaintiff avers that while she was walking upon or across, along or over said public highway U. S. 90 about one-fourth mile north of the Green Lantern Night Club, she became in danger of being run into or against by the automobile or truck, then so as aforesaid, driven by the said Etheridge Powell. Plaintiff avers that the Defendant, Etheridge Powell, while so engaged in operating said automobile or truck within the line and scope of his employment by the said Defendants, A. Bertolla & Sons, became aware of the Plaintiff's danger of being run into or against by the truck which he was driving, and thereafter negligently caused said automobile or truck to run into, upon or against said Plaintiff and as a proximate result of said negligence, said Plaintiff was struck by the automobile or truck and suffered the damages, to-wit: her skull was fractured at the base of the skull; several bruises at the base of the nose and the upper lip, she suffered internal head injuries which caused bleeding from the right ear; her left eye was seriously injured; her hearing was injured, she was made sick, sore, and lame; she was bruised and lacerated; she was cut and scarred over her eyes; her eyes were injured; she was internally injured; she was permanently injured; she remained unconscious for a period of approximately 32 hours; and she suffered and continues to suffer great mental anguish and physical pain, for all of which she claims damages as aforesaid; hence this suit.

Plaintiff's Attorney.

Plaintiff demands a trial by jury.

Plaintiff's Attorney.







