

ROSALIE JENSEN,  
Plaintiff,

vs.

LOUIS WEISSBERG,  
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 563

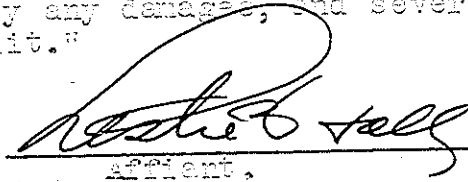
STATE OF ALABAMA     COUNTER-AFFIDAVIT ON HEARING OF MOTION  
BALDWIN COUNTY     TO SET ASIDE JUDGMENT NIL DICIT

Before me, Cornelia Hall, a Notary Public  
in and for said County in said State, personally appeared Leslie  
Hall, known to me, who, being by me first duly and legally sworn  
to tell the truth and nothing but the truth, deposes and says:

"My name is Leslie Hall. I am 28 years of age, a  
resident of Bay Minette, Baldwin County, Alabama, and am the At-  
torney for Mrs. Rosalee Jensen, Plaintiff in the above-styled cause.  
After filing this suit, I went to Mobile, Alabama, on Friday,  
February 9, 1940, to represent Mr. R. L. Jensen, Sr., in a case  
growing out of the accident in which the Plaintiff was injured,  
which case was to be tried in the Inferior Criminal Court of Mobile  
County, Alabama, Judge Fisdale J. Tucart presiding. The defendant,  
Louis Weissberg was also required to appear before the same court  
on a charge of reckless driving, growing out of the same accident.  
Two days before, on February 7, 1940, the summons and complaint  
in this case and in the cases filed against the same Defendant by  
R. L. Jensen, Sr., and Mrs. Esther O'Gwynn, were forwarded to  
Sheriff Holcombe, of Mobile County, Alabama, for service on the  
Defendant. On the day of the hearing in the Inferior Criminal  
Court of Mobile County, these summonses and complaints were in the  
hands of Mr. Mose Bernstein, a Deputy Sheriff of Mobile County,  
Alabama, for service on the Defendant, Louis Weissberg. When  
Louis Weissberg and a man calling himself Victor Awad appeared,  
I asked which man was which. Thereupon, Mr. Bernstein served the  
summons and complaint in each case, by showing to the man who said  
he was Louis Weissberg the original in each case and handing him  
a copy of the summons and complaint in each case. Mr. Leo Berman,  
an attorney of Mobile, was present, representing Mr. Weissberg.  
Mr. Weissberg read the summons and part of the complaint in each  
case. He read them out loud. When he got down to the part of  
the complaint which alleged the amount of damages claimed, he  
laughed and said he would just sue the Plaintiff for twice that  
much. He did this in regard to each case. Then he asked the  
Deputy what he should do with the papers, and the Deputy told him  
to turn them over to his lawyer, that they did not have anything  
to do with this hearing before the Inferior Criminal Court, and  
that they were civil suits for damages, commenced in Baldwin  
County, Alabama. He asked when they would be heard, and I told  
him myself that he had thirty days in which to answer. He informed  
me that I was wasting my time, as he was a non-resident of the  
State of Alabama, and that I couldn't get anything out of him.  
The next day, Mr. Berman called me and said that they had just  
learned that their car had been attached in the suit of Mrs.  
Esther O'Gwynn vs. Louis Weissberg; that they wanted to get it  
fixed and take it back; and inquired on what terms I would release  
the attachment. I agreed to release the attachment in return for  
a general, unqualified appearance by Louis Weissberg, in that case.  
(This was agreed to and done.

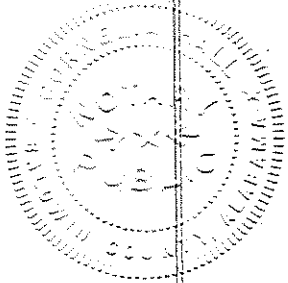


"Weissberg was well-dressed when I saw him. He had a good command of the English language, and read well. His appearance was neat and well-groomed. When informed of the fact that he had been sued, he discussed with Mr. Bernstein and me the matter of his inability to pay any damages, and several times mentioned filing a counter-suit."

  
Affiant.

Sworn to and subscribed before me this 21st day of September, 1940.

  
Notary Public, Baldwin County, Ala.





Jury, No. 563 **RECORDED**

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ROSALEE JENSEN,  
Plaintiff,

vs.

LOUIS WEISSBERG,  
Defendant.

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COUNTERAFFIDAVIT

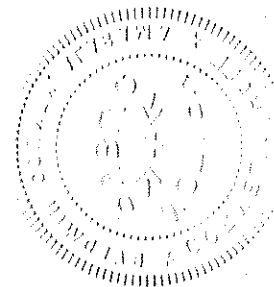
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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

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Filed in office this 21st day  
of September, 1940.

R. S. Duce  
Clerk.





CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred  
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_  
Case No. 563

CIRCUIT COURT  
Fall, 1940 Term, 193\_\_\_\_\_

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON H. Dewey Chambliss, (State Prison Farm-

Atmore, Ala) Amelia O'Gwynn (Flomaton, Ala); ~~J. S. Silliman, R. L. Jensen~~

Sgt.

if to be found in your County, at the instance of the plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 27 day of September, 1940 193\_\_\_\_, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Rosalee Jensen Plaintiff

and Louis Weissberg Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 23 day of September, 1940, 193\_\_\_\_\_

R. S. Dush

CLERK.



Received in office this 26 day of

Sept  
1934

W.B. Stuart  
SHERIFF

I have executed this writ

9/26/40

per return in full

W.B. Stuart  
SHERIFF

By M.B.H.

Escambia County

ORIGINAL

No. 563

Page     

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

Rosalæe Jenson

Plaintiff

VS.

Louis Weissberg

Defendant

CIVIL SUBPOENA

Issued this      day of

     193    

Clerk.



The State of Alabama, }  
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Term, 194 4

No. 5103 vs.

## BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of..... .25	25	Clerk's Fees .....	6.50
Issuing Summ. and Complt., each.....1.25	1.25	Ex-Clerk's Fees .....	1.50
Issuing Alias or Branch Summons & Complaint, each 1.25		Sheriff's Fees .....	
Making Copies Thereof, Minimum, each ..... .30	.30	Ex-Sheriff's Fees .....	
Making Copies Thereof, over 200 Words, per 100 words .15	.15	Witness Fees .....	
Entering Sheriff's Returns, each ..... .20	.20	Commissioner's Fees .....	
Entering Appearances, each ..... .20		Garnishee's Fees .....	
Certifying Affidavits, each ..... .25		Publisher's Fees .....	
Issuing Attachments with Bond, each .....1.00		Court Reporter's Fees, Per Day or fraction thereof .50	
Orders of Publication, each ..... .50		Trial Tax .....3.00	3.00
Copy of Same, each ..... .50			
Issuing Summ. to Garnishee, each ..... .50			
Copy of Same, Per 100 Words ..... .15			
Swearing Garnishee, Etc., Per 100 words, .15, Minimum ..... .50			
Release of Garnishee, each ..... .25			
Issuing Scire Facias or Similar Notice, each ..... .75			
Copies of Same, Per 100 Words..... .15			
Making Copy of Interrogatories, Per 100 Words, .15; Minimum ..... .50			
Commission to Take Depositions, each ..... .75			
Filing Depositions, Each Pkg., ..... .10			
Endorsing Each Package of Depositions Opened .... .10			
Issuing Subpoenas, Each ..... .30			
Issuing Witness Certificates, each ..... .25			
Entering Continuances, each ..... .10			
Filing Papers, each ..... .10			
Other Orders of Court, each ..... .30			
Trial and Incidents ..... .75			
Entering Judgment, each ..... .30			
Complete Record, Per 100 Words ..... .15			
Taking Bonds, each ..... .75			
Certificate of Appeal ..... .25			
Transcript to Supreme Court, Per 100 Words ..... .15			
Additional Copies of Same, Per 100 Words ..... .05			
Issuing Executions or Copy Thereof, each ..... .50			
Entering Sheriff's Return, Per 100 Words, .15; Minimum ..... .20			
Total Clerk's Fees ..... 6.55	6.55		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each .....1.50	1.50		
Levying Attachment, each .....3.00			
Entering and Returning Same, each ..... .25			
Seizing Personal Property Under Writ of Detinue ..3.00			
Taking and Approving Bonds, each.....1.00			
Summoning Garnishee and Return, each .....1.50			
Serving and Returning Sci. Fa. or Notice, Each ....1.50			
Serving and Returning Subpoenas, each ..... .65			
Serving Contempt Attachment, each .....1.50			
Impaneling Jury......75			
Collecting Execution for Costs Only, each.....1.50			
Coms. for Collecting Money on Executions .....5.00			
Executing Writs of Possession, each.....5.00			
Making Deed to Real Estate Sold, each. ....2.50			
Total Sheriff's Fees ..... 9.00	9.00		



I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: \_\_\_\_\_  
Clerk Circuit Court, Baldwin County, Ala.

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk Circuit Court, Baldwin County, Ala.

No. <u>563</u>	Page _____
The State of Alabama,	
BALDWIN COUNTY	
CIRCUIT COURT	
vs.	Plaintiff _____
Defendant _____	
CIVIL COST BILL	
Term, 19 _____	
Fee Book _____	, Page _____
Plaintiff's Attorney.	
Defendant's Attorney.	



**SUMMONS**

STATE OF ALABAMA     :     IN THE CIRCUIT COURT  
                              :     LAW SIDE  
BALDWIN COUNTY         :     Jury Docket, No. \_\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:-

You are hereby commanded to summon LOUIS WEISSBERG to appear within thirty days from the service of this Writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer to the Complaint of ROSALEE JENSEN.

Witness my hand this 7 day of February, 1940.

R. S. Deuch  
Clerk of the Circuit Court.

COMPLAINT

ROSALEE JENSEN,  
Plaintiff,

vs.

LOUIS WEISSBERG,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW.

Count One

The Plaintiff claims of the Defendant the sum of TEN THOUSAND DOLLARS (\$10,000.00) as damages for that, whereas, heretofore on, to-wit: the 4th day of February, 1940, at about 7:00 o'clock, P. M., the said Defendant so negligently operated an automobile which he was then and there driving on or along the Montgomery-Mobile Highway, at a point in Baldwin County, Alabama, on the Cochrane Bridge Causeway, approximately one-half mile East of the Tensas River Drawbridge and Tensas River, that said automobile was caused to run into or against an automobile which the Plaintiff was then and there driving along or upon said Highway, and as a proximate result of said negligence on the part of the said Defendant, the Plaintiff was seriously injured as follows, to-wit:

Her rib was fractured; she suffered internal injuries of a permanent nature; she suffered an abrasion of her left knee and leg, large bruises on both legs and arms, and over her entire body; she was cut over the left eye; her glasses were broken; that she was otherwise cut and bruised; that she was made sick, sore, lame, nervous, and rendered in a shocked condition and suffered much physical pain and mental anguish, discomforture, and loss of sleep; and she was required to incur doctor, X-Ray, and hospital bills, and other expenses;

all as a proximate result of such negligence as aforesaid:

WHEREFORE, the Plaintiff sues.



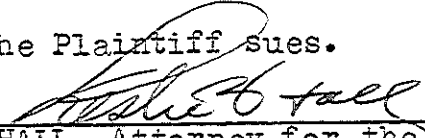
Count Two

The Plaintiff claims of the Defendant the sum of TEN THOUSAND DOLLARS (\$10,000.00) as damages for that, whereas, heretofore on, to-wit: the 4th day of February, 1940, at about 7:00 o'clock, P. M., the said Defendant so wilfully, wantonly, or intentionally operated an automobile which he was then and there driving on or along the Montgomery-Mobile Highway, at a point in Baldwin County, Alabama, on the Cochrane Bridge Causeway, approximately one-half mile East of the Tensas River Drawbridge and Tensas River, that the said Defendant wilfully, wantonly, or intentionally caused said automobile to run into or against an automobile which the Plaintiff was then and there driving along or upon said Highway, and that the said Defendant thus wilfully, wantonly, or intentionally caused the Plaintiff to suffer the following injuries, to-wit:

Her rib was fractured; she suffered internal injuries of a permanent nature; she suffered an abrasion of her left knee and leg, large bruises on both legs and arms, and over her entire body; she was cut over the left eye; her glasses were broken; that she was otherwise cut and bruised; that she was made sick, sore, lame, nervous, and rendered in a shocked condition and suffered much physical pain and mental anguish, discomfort, and loss of sleep; and she was required to incur doctor, X-Ray, and hospital bills, and other expenses;


all as a proximate result of such conduct as aforesaid;

WHEREFORE, the Plaintiff sues.

  
LESLIE HALL, Attorney for the Plaintiff.

The Plaintiff demands a trial of this cause by a

Jury.

  
LESLIE HALL, Attorney for the Plaintiff.



Recorder's office  
Feb 9-1940 W.R. Stuard Sheriff

Received 7 Day of February 1940  
and on 9 Day of February 1940  
I served a Copy of the within Summons and Complaint  
on Louis Weissberg

by service on  
W. H. HOLCOMBE, Sheriff  
By W. H. Holcombe P.S.

Jury No. 563

135  
47/40  
✓  
**RECORDED**  
ROSALIE JENSEN,  
Plaintiff,  
vs.

LOUIS WEISSBERG,  
Defendant.

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed in office this  
7 day of February, 1940.

R. S. Dorch  
Clerk of the Circuit Court.

By Handlin Thompson  
Deputy

March 1940 paid  
for the Plaintiff's  
loss of the damages  
at \$150.00  
John Ed Smith  
Foreman



Rosalee Jensen  
vs.  
Louis Weissberg

} In the Circuit  
Court of Baldwin  
County,  
Ga. & Term

Comes the defendant in the  
above styled case and for  
answer to plaintiff's complaint  
and to each count thereof <sup>separately & severally</sup>, the  
defendant says:

1. That he is not guilty of  
the matters and things alleged  
in said complaint.

And for further answer to  
Count 1 of plaintiff's complaint  
defendant says:

2. The plaintiff herself was  
guilty of negligence which  
proximately contributed to  
cause her alleged injuries in  
this that at the time and  
place alleged in the complaint  
the plaintiff was driving the  
automobile in which she was  
riding to the left of the



Center line of the <sup>said</sup> highway  
and while so doing caused  
the said automobile which  
she was driving to collide  
with the automobile of the  
defendant.

J. F. Blackburn,  
~~and~~ Conway, the Lead Turner & Rogers  
Attorneys for defendant.



BALDWIN COUNTY

~~State of Alabama---Mobile County~~

CIRCUIT COURT, OCTOBER TERM 19.....

Rosalee Jensen,

Plaintiff,

VS.

Louis Weissberg.

Defendant.

Bay Minette, Alabama,

~~Mobile Ala~~,..... March 9,..... 1940.....

J. B. Blackburn & Leo Berman appear for

Louis Weissberg Defendant

in the above entitled cause and reserve the right to demur or plead specially.

*Leo Bernau*  
*J. B. Blackburn*  
Attorneys for  
LOUIS WEISSBERG

Attorneys for  
LOUIS WEISSBERG



RECORDED

No. ....

## APPEARANCE

vs.

Filed in Office

March 9, 1940

R S Duck

Clerk



ROSALEE JENSEN,

Plaintiff

vs

LOUIS WEISSBERG,

Defendant

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

Comes the defendant Louis Weissberg, in the above entitled cause and moves this Honorable Court for an order requiring the Plaintiff herein, who is a non-resident of the State of Alabama, to deposit security for costs in this cause, failing in which, this cause be dismissed.

J. T. Blackburn  
W. E. Bernice

ATTORNEYS FOR DEFENDANT



Ex D 20

-----  
Rosalee Jensen,  
Plaintiff

-vs-

Louis Weissberg,  
Defendant  
-----

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA  
AT LAW

Comes the defendant in the above styled cause and moves the Court to set aside the judgment by default entered therein on to-wit the ~~21st~~ day of August, 1940, on the following separate and several grounds, in support of which is filed herewith an affidavit of defendant:

1. The defendant had a meritorious defense to the action which he was prevented from making through mistake.

2. The defendant had a meritorious defense to the action which he was prevented from making through ~~mistake~~ accident.

3. The defendant had a meritorious defense to the action which he was prevented from making by reason of the fact that he is a non-resident of the State of Alabama and was absent from the State.

J. T. B. Blackburn  
McCovey McLeod Turner & Rogers  
Attorneys for Defendant

The foregoing motion is ordered  
continued to Friday, Sept. 27th 1940.  
A. W. Lane  
Judge



STATE OF NEW YORK     )  
                              ) SS:  
COUNTY OF NEW YORK    )

Before me, ANNE BETTINGER, a Notary Public in and for the aforesaid State and County, personally appeared LOUIS WEISSBERG, known to me, who being by me first duly sworn, deposes and says:

I am a resident of the City of New York, State of New York. On to-wit, the 4th day of February, 1940, at about seven o'clock P.M., I was driving an automobile along a public highway along a causeway of Cochrane Bridge near the Tensaw River. I was driving the said automobile upon the right half and well to the right of the center line of the said highway and was otherwise driving the said automobile without negligence. While I was so driving the said automobile, another automobile owned, operated and controlled by one, R. E. JENSEN, Sr., traveling in the opposite direction and approaching the automobile which I was driving, swerved over to its left side of the center line of the said highway and collided with the automobile which I was driving, even though I pulled as far as possible to my right hand side of the said highway to avoid the said collision. At the time of the said collision, Edward Awad, Mrs. Rose Awad, and her infant daughter, Joan Awad, a child of six years of age, were riding in the automobile driven by me. The manner in which said Jensen's car was being operated at the time of and immediately prior to the collision, the actions of the said Jensen immediately thereafter, as well as the pronounced smell of liquor about the person of Mr. Jensen, clearly indicated that he, the driver of the other car, had been drinking hard liquor, and was obviously under its influence.



Officers of the State Highway Patrol who investigated the said collision, took me and said Mr. Jensen, the driver of the other automobile, to Mobile, Alabama, and both the other driver and I were directed to appear in the Inferior Criminal Court, of Mobile County, Alabama, on a subsequent day shortly thereafter, which we did.

At the time of my appearance in said Court, I was represented by Mr. Leo Berman, an attorney-at-law, of Mobile. Certain legal papers were served upon me at that time and it was my understanding that all of these papers were in connection with my appearance before the Inferior Criminal Court, of Mobile County, and I left these papers with my said attorney, Mr. Berman. On several occasions, subsequent to that time, Mr. Berman wrote letters addressed jointly to Mr. Victor Awad and to me, with reference to legal proceedings. I am ignorant of legal matters and did not understand that said letters had reference to civil suits against me but thought reference was merely being made to the previous criminal proceedings in the Inferior Criminal Court, of Mobile County. I am and have been employed as a traveling salesman and the duties of my employment keep me away from my home for several weeks at a time, and I did not have the opportunity to reply to Mr. Berman's letters. I have not returned to the State of Alabama since February, 1940.

Mr. Jay A. Gilman, an attorney-at-law, of #450 - 7th Avenue, City of New York, New York, who was recently employed by Edward Awad, in connection with pending suits arising from the aforesaid collision, advised me only a few days ago that judgments by default had been taken against me on August 22nd, 1940, in three suits pending against me in the



Circuit Court, of Baldwin County, of Alabama, brought by  
R. L. Jensen, Sr., Rosalie Jensen, and Esther O'Gwynn,  
respectively.

Because of my mistake as to the effect of  
the papers served upon me and as to the meaning of the letters  
which I received, with reference to them, I have been prevented  
from making defense to the said suits.

I have a good, valid and substantial  
defense on the merits to the actions instituted against me, as  
I have been advised by counsel, and which I verily believe to  
be the fact, and I intend in good faith defending the actions  
instituted against me, arising out of the collision referred  
to.

Subscribed and sworn to before me by  
Louis Weissberg, on this the 10th

day of September, 1940, as witness my  
hand and official notarial seal.

Notary Public, Kings County,  
Certificate filed in New York County,  
Reg. #23534, N. Y. Co. Clerk's #462,  
State of New York.  
Commission Expires March 30, 1942.



RECORDED

*Motion Docket  
page 98*

*Motion*

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

ROSALEE JENSEN,  
PLAINTIFF,

-VS-

LOUIS WEISSBERG,  
DEFENDANT

*Service accepted  
and further notice  
waived this 16<sup>th</sup>  
day of September,  
1949.  
Attest & sell,  
as Attorney for  
Rosalie Jensen,  
Plaintiff*

*Filed September 16, 1949  
R.S. Dorch, Clerk*



10. The Court charges the jury that if you believe that any witness has wilfully testified falsely as to any material fact you may disregard the entire testimony of that witness.

Respectfully  
J. W. Hare  
Judge



213 P-1

-----  
Esther O'Gwynn, :  
Plaintiff :  
-vs- :  
Louis Weissberg, :  
Defendant :  
-----

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA  
AT LAW

Comes the defendant in the above styled cause and moves the Court to set aside the judgment by default entered therein on to-wit the ~~21st~~ day of August, 1940, on the following separate and several grounds, in support of which is filed herewith an affidavit of defendant:

1. The defendant had a meritorious defense to the action which he was prevented from making through mistake.

2. The defendant had a meritorious defense to the action which he was prevented from making through ~~mistake.~~ accident.

3. The defendant had a meritorious defense to the action which he was prevented from making by reason of the fact that he is a non-resident of the State of Alabama and was absent from the State.

J. T. B. Blashum  
McCorvey McLeod Turner & Rogers  
Attorneys for Defendant

The foregoing motion is ordered  
continued to Friday, Sept. 27th 1940.  
This Sept. 21st 1940  
J. W. Hare  
Judge



STATE OF NEW YORK    )  
                              ) SS:  
COUNTY OF NEW YORK    )

Before me, ANNE BETTINGER, a Notary Public in and for the aforesaid State and County, personally appeared LOUIS WEISSBERG, known to me, who being by me first duly sworn, deposes and says:

I am a resident of the City of New York, State of New York. On to-wit, the 4th day of February, 1940, at about seven o'clock P.M., I was driving an automobile along a public highway along a causeway of Cochrane Bridge near the Tensaw River. I was driving the said automobile upon the right half and well to the right of the center line of the said highway and was otherwise driving the said automobile without negligence. While I was so driving the said automobile, another automobile owned, operated and controlled by one, R. E. JENSEN, Sr., traveling in the opposite direction and approaching the automobile which I was driving, swerved over to its left side of the center line of the said highway and collided with the automobile which I was driving, even though I pulled as far as possible to my right hand side of the said highway to avoid the said collision. At the time of the said collision, Edward Awad, Mrs. Rose Awad, and her infant daughter, Joan Awad, a child of six years of age, were riding in the automobile driven by me. The manner in which said Jensen's car was being operated at the time of and immediately prior to the collision, the actions of the said Jensen immediately thereafter, as well as the pronounced smell of liquor about the person of Mr. Jensen, clearly indicated that he, the driver of the other car, had been drinking hard liquor, and was obviously under its influence.



Officers of the State Highway Patrol who investigated the said collision, took me and said Mr. Jensen, the driver of the other automobile, to Mobile, Alabama, and both the other driver and I were directed to appear in the Inferior Criminal Court, of Mobile County, Alabama, on a subsequent day shortly thereafter, which we did.

At the time of my appearance in said Court, I was represented by Mr. Leo Berman, an attorney-at-law, of Mobile. Certain legal papers were served upon me at that time and it was my understanding that all of these papers were in connection with my appearance before the Inferior Criminal Court, of Mobile County, and I left these papers with my said attorney, Mr. Berman. On several occasions, subsequent to that time, Mr. Berman wrote letters addressed jointly to Mr. Victor Awad and to me, with reference to legal proceedings. I am ignorant of legal matters and did not understand that said letters had reference to civil suits against me but thought reference was merely being made to the previous criminal proceedings in the Inferior Criminal Court, of Mobile County. I am and have been employed as a traveling salesman and the duties of my employment keep me away from my home for several weeks at a time, and I did not have the opportunity to reply to Mr. Berman's letters. I have not returned to the State of Alabama since February, 1940.

Mr. Jay A. Gilman, an attorney-at-law, of #450 - 7th Avenue, City of New York, New York, who was recently employed by Edward Awad, in connection with pending suits arising from the aforesaid collision, advised me only a few days ago that judgments by default had been taken against me on August 22nd, 1940, in three suits pending against me in the



Circuit Court, of Baldwin County, of Alabama, brought by R. L. Jensen, Sr., Rosalie Jensen, and Esther O'Gwynn, respectively.

Because of my mistake as to the effect of the papers served upon me and as to the meaning of the letters which I received, with reference to them, I have been prevented from making defense to the said suits.

I have a good, valid and substantial defense on the merits to the actions instituted against me, as I have been advised by counsel, and which I verily believe to be the fact, and I intend in good faith defending the actions instituted against me, arising out of the collision referred to.

Louis Weissberg

Subscribed and sworn to before me by  
Louis Weissberg, on this the 10th  
day of September, 1940, as witness my  
hand and official notarial seal.

Anna Selinger  
Notary Public, Kings County,  
Certificate filed in New York County,  
Reg. #2B334, N. Y. Co. Clerk's #462,  
State of New York.  
Commission Expires March 30, 1942.



*Motion*

*Motion & set  
page 97*

**RECORDED**

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

ESTHER O'GWYNN,  
PLAINTIFF,

-VS-

LOUIS WEISSBERG,  
DEFENDANT.

*Service accepted  
and further notice  
waived this 16<sup>th</sup>  
day of September, 1940.  
Noted & set, as  
attorney for  
Esther O'Gwynn,  
attorney for Plaintiff.*

*Filed September 16, 1940  
R.S. Dunch, Clerk*



CIRCUIT COURT. (LAW)

Fall Term, 1940

No. 563 vs.

Louis Weisner

CLERK'S FEES:		AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT		AMOUNT
<b>Fees in Circuit Court—</b>			<b>Fees and Costs in Circuit Court:</b>		
Docketing Cause, One Fee only of.....	.25	25	Clerk's Fees .....		6 55
Issuing Summ. and Complt., each.....	1.25	1 25	Ex-Clerk's Fees .....		
Issuing Alias or Branch Summons & Complaint, each	1.25		Sheriff's Fees .....		1 50
Making Copies Thereof, Minimum, each .....	.30	30	Ex-Sheriff's Fees .....		
Making Copies Thereof, over 200 Words, per 100 words	.15		Witness Fees .....		
Entering Sheriff's Returns, each .....	.20	20	Commissioner's Fees .....		
Entering Appearances, each .....	.20		.....		
Certifying Affidavits, each .....	.25		Garnishee's Fees .....		
Issuing Attachments with Bond, each .....	1.00		Publisher's Fees .....		
Orders of Publication, each .....	.50		.....		
Copy of Same, each .....	.50		Court Reporter's Fees, Per Day or fraction thereof	.50	3 00
Issuing Summ. to Garnishee, each .....	.50		Trial Tax .....	3.00	
Copy of Same, Per 100 Words .....	.15		.....		
Swearing Garnishee, Etc., Per 100 words, .15, Minimum	.50		.....		
Release of Garnishee, each .....	.25		.....		
Issuing Scire Facias or Similar Notice, each .....	.75		.....		
Copies of Same, Per 100 Words.....	.15		.....		
Making Copy of Interrogatories, Per 100 Words, .15; Minimum	.50		<b>Fees and Costs in Inferior Court:</b>		
Commission to Take Depositions, each .....	.75		Clerk of Inferior Court Fees .....		
Filing Depositions, Each Pkg., .....	.10		Sheriff's Fees .....		
Endorsing Each Package of Depositions Opened .....	.10		Justice of Peace Fees .....		
Issuing Subpoenas, Each .....	.30		Constable's Fees .....		
Issuing Witness Certificates, each.....	.25		.....		
Entering Continuances, each .....	.10		.....		
Filing Papers, each .....	.10	50	<b>Fees and Costs in Inferior Court</b> .....		
Other Orders of Court, each .....	.30	75	Total Fees and Costs .....		11 05
Trial and Incidents .....	.75	30	Judgment .....		
Entering Judgment, each .....	.30	3 00	10 Per Cent Damages .....		
Complete Record, Per 100 Words .....	.15		Interest .....		
Taking Bonds, each .....	.75		.....		
Certificate of Appeal .....	.25		<b>Total Judgment</b> .....		
Transcript to Supreme Court, Per 100 Words .....	.15		<b>Total Fees, Costs and Judgment</b> .....		
Additional Copies of Same, Per 100 Words .....	.05		.....		
Issuing Executions or Copy Thereof, each .....	.50		.....		
Entering Sheriff's Return, Per 100 Words, .15; Minimum	.20		.....		
.....			.....		
.....			<b>Total</b> .....		
<b>Total Clerk's Fees</b> .....		6 55			
<b>SHERIFF'S FEES:</b>					
Serving and Returning Summons or Writ, each .....	1.50	150			
Levying Attachment, each .....	3.00				
Entering and Returning Same, each .....	.25				
Seizing Personal Property Under Writ of Detinue ..	3.00				
Taking and Approving Bonds, each.....	1.00				
Summoning Garnishee and Return, each .....	1.50				
Serving and Returning Sci. Fa. or Notice, Each ...	1.50				
Serving and Returning Subpoenas, each .....	.65				
Serving Contempt Attachment, each .....	1.50				
Impaneling Jury.....	.75				
Collecting Execution for Costs Only, each.....	1.50				
Coms. for Collecting Money on Executions .....					
Executing Writs of Possession, each.....	5.00				
Making Deed to Real Estate Sold, each. ....	2.50				
.....					
<b>Total Sheriff's Fees</b> .....		150			



I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: \_\_\_\_\_  
Clerk Circuit Court, Baldwin County, Ala.

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk Circuit Court, Baldwin County, Ala.

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT

vs.

Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

CIVIL COST BILL

Term, 19\_\_\_\_\_

Fee Book \_\_\_\_\_, Page \_\_\_\_\_

Plaintiff's Attorney.

Defendant's Attorney.