

567

R. L. JENSEN, Sr.,

Plaintiff,

VS.

EDWARD AWAD,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER 567.

MOTION

Now comes the Defendant in the above entitled cause and shows unto the Court that the Plaintiff in said cause is a non-resident of the State of Alabama and that the deposit for costs heretofore made by the Plaintiff is insufficient to cover the costs of Court which will accrue upon further proceedings in said cause, and no sufficient security for said costs has been given as required by Section 59 of Title 11 of the Alabama Code of 1940:

WHEREFORE, Defendant moves the Court to dismiss the said suit.

J. B. Blasburn  
Mr. C. Lee Lead Furber + Rogers  
Attorneys for Defendant.

RECORDED

MOTION

R. L. JENSEN, SR.,

Plaintiff,

VS.

EDWARD AWAD,

Defendant.

"

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER 567.

*Filed Sept. 30, 1941  
R.S. Smith, Clerk*

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

SUMMONS

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT  
LAW SIDE  
Jury Docket, No. 567

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

You are hereby commanded to summon EDWARD 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 R. L. JENSEN, SR.

Witness my hand this 8 day of February, 1940.

R. S. D.  
Clerk of the Circuit Court.

by Southwell Thompson  
as Deputy Clerk.

COMPLAINT

R. L. JENSEN, SR.,  
Plaintiff,

EDWARD vs.  
AWAD,

Defendant,  
(~~of whose true name the~~  
~~Plaintiff is ignorant,~~  
~~but who is the reputed~~  
~~owner of the automobile~~  
~~designated as having~~  
~~caused the damages herein~~  
~~claimed).~~

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

Count One

The Plaintiff claims of the Defendant the sum of FIVE THOUSAND DOLLARS (\$5,000.00), 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, acting by and through one LOUIS WEISSBERG as his agent, servant, or employee, who was then and there acting within the line and scope of his employment, so negligently operated an automobile on ~~or along~~ the Montgomery-Mobile public 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 ran into or against an automobile in which the Plaintiff was riding along or upon said Highway, and as a proximate result of said negligence, the Plaintiff was seriously injured as follows, to-wit:

He was cut on the back of the head; he received a cut over his right eye; his glasses

were broken; he suffered bruises and abrasions on both his legs; and he was otherwise bruised and cut; that he was made sick, sore, lame, and nervous and suffered much physical pain, discomfort, disability, and was required to incur expense as a result of said injuries;

and the Plaintiff avers that his said injuries were proximately caused by the negligence of the said Defendant, who was acting by and through his agent, servant, or employee, the said Louis Weissberg, who was then and there acting within the line and scope of his employment in so operating said automobile along said highway at said point;

WHEREFORE, the Plaintiff sues.

Count Two

The Plaintiff claims of the Defendant the sum of FIVE THOUSAND DOLLARS (\$5,000.00), 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 intrusted his automobile to one LOUIS WEISSBERG; that the said Louis Weissberg was a careless, indifferent, heedless, and reckless driver; that the said Louis Weissberg was incompetent to drive an automobile; that the said Defendant knew at the time that he intrusted his said automobile to the said Louis Weissberg that the latter was incompetent as a driver of automobiles; that the said Louis Weissberg was then and there driving the automobile of the Defendant on or along the Montgomery-Mobile public Highway, at a point in Baldwin County, Alabama, on the Cochrane Bridge Causeway, approximately one-half miles East of the Tensas River Drawbridge and Tensas River; that at such time and place the said Louis Weissberg so operated said automobile of the Defendant that the said automobile of the Defendant ran into or against an automobile in which the Plaintiff was then and there riding along or upon said Highway, and as a proximate result thereof, the Plaintiff was seriously injured as follows, to-wit:

He was cut on the back of the head; he received a cut over his right eye; his glasses were broken; he suffered bruises and abrasions on both his legs; and he was otherwise bruised and cut; that he was made sick, sore, lame, and nervous and suffered much physical pain, and discomfort, disability, and was required to incur expense as a result of such injuries;

and the Plaintiff avers that his said injuries were proximately

caused by the action of the Defendant as aforesaid in permitting the said incompetent driver to operate the said Defendant's automobile as aforesaid at such time and place;

WHEREFORE, the Plaintiff sues.

Count Three

The Plaintiff claims of the Defendant the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), 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, acting by and through one LOUIS WEISSBERG as his agent, servant, or employee, who was then and there acting within the line and scope of his employment, so negligently operated an automobile on ~~the~~ the Montgomery-Mobile Highway, at a point in Baldwin County, Alabama, approximately one-half mile East of the Tensas River Drawbridge and Tensas River, on the Cochrane Bridge Causeway, that said automobile ran into or against an automobile belonging to the Plaintiff, which automobile of the Plaintiff was being driven along or upon said Highway, and as a proximate result of said negligence, the automobile of the Plaintiff was damaged and demolished; all to the damage of the Plaintiff in the amount sued for; and the Plaintiff avers that his said damage was proximately caused by the negligence of the said Defendant, who was acting by and through his agent, servant, or employee, the said Louis Weissberg, who was then and there acting within the line and scope of his employment in so operating said automobile along said highway at said point;

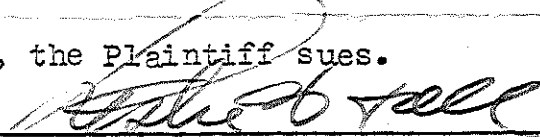
WHEREFORE, the Plaintiff sues.

Count Four

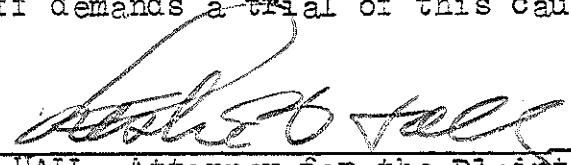
The Plaintiff claims of the Defendant the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), as damages, for that, whereas, heretofore on, to-wit: the 4th day of February, 1940, at about & 7:00 o'clock, P. M., the said Defendant intrusted his automobile to one LOUIS WEISSBERG; that the said LOUIS WEISSBERG was a careless, indifferent, heedless, and reckless driver; that the said Louis Weissberg was incompetent to drive an automobile; that the said Defendant knew at the time that he intrusted his said automobile to the said Louis Weissberg that the latter

was an incompetent driver; that the said Louis Weissberg was then and there driving the automobile of the Defendant 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 at such time and place the said Louis Weissberg so operated said automobile of the Defendant that the said automobile of the Defendant ran into or against the automobile of the Plaintiff, which automobile of the Plaintiff was being driven along or upon said Highway, and as a proximate result thereof, the automobile of the Plaintiff was damaged and demolished; all to the damage of the Plaintiff in the amount sued for; and the Plaintiff avers that his said damage was proximately caused by the action of the Defendant as aforesaid in permitting the said incompetent driver to operate the said Defendant's automobile as aforesaid at such time and place;

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.

189  
Feb 8. 1940  
W.R. Stuart Sheriff

156  
No. 1140, NO. 1  
Jury

Received 9 Day of February 1940  
and on 9 Day of February 1940  
I served a Copy of the within summons and complaint  
on [unclear]  
by service on [unclear]

W. H. HOLCOMBE, Sheriff  
BY [unclear] D.S.

74  
213

R. L. JENSEN, Sr.,  
Plaintiff,  
vs.  
E. AWAD, JR.,  
Defendant.

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed in office this  
8 day of February, 1940.

R.S. Dicks  
Clerk of Circuit Court  
by Leslie Hall  
as Deputy Clerk.

To Be served on  
Secretary of State  
at Montgomery

LESLIE HALL  
ATTORNEY AT LAW

Executed this the 9th. day of March,  
1940. on defendant E. Awad, by leaving  
three copies of the within summons  
and complaint with John Brandon, Sec.  
of State of Ala. the true and lawful agent  
or attorney of said defendant  
E. Awad.

G. A. Mosley. Sheriff  
by Clements. D.S.

Executed this the 18th day of  
July, 1940, on defendant Edward  
Awad of 9405 Shore Road., by  
leaving ~~three~~ one copy of the  
within summons and complaint  
with Edward Awad at his place of  
business 1333 Broadway., N. Y.  
by exhibiting to him the original  
and leaving the copy thereof.

Arthur J. Jaeger  
U. S. Marshal  
By [unclear]  
Deputy Marshal

R. L. Jenson,  
Plaintiff,

vs.

Edward Awad,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. No. 566.

Comes the Plaintiff in the above styled cause and demurs to every plea of defendant's answer, separately and severally, upon the following separate and several grounds:

1. Because the allegations of the said plea do not show any duty on the part of the plaintiff toward defendant.
2. Because there are no allegations in said plea which show that the alleged negligence of Rosalee Jenson can legally be imputed to the plaintiff.
3. Because the said plea does not offer to set-off defendant's alleged claim against the claim of the plaintiff.
4. Because the said plea fails to show defendant's alleged injuries except through conclusions of the pleader.
5. Because the said plea fails to show the nature of defendant's alleged injuries.
6. Because said plea fails to set out the nature and extent of the alleged injuries to defendant's car.
7. Because the said plea fails to set out the nature and extent of the alleged injuries to the defendant on which his claim is based.

J. A. Marshall, Jr.  
Attorney for Plaintiff.



662  
Demurrer

Filed Sept 30 1941  
R. S. Dieck  
Clk

-----  
R. L. Jensen, Sr., Plaintiff :  
                                  vs. :  
Edward Awad, Defendant :  
----- :

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA  
AT LAW - NO. 567

Comes the defendant in the above styled cause and demurs to each and every count of plaintiff's complaint, separately and severally, upon the following separate and several grounds:

1. Because the allegations of the said count do not show any duty on the part of defendant toward plaintiff.

2. Because it is not alleged in said count that the automobile in which it is alleged plaintiff was riding was on a public highway.

3. Because it is only averred in the alternative that the automobile in which it is alleged plaintiff was riding was upon the said highway.

4. Because there are no allegations in said count which show that the alleged negligence of Louis Weissberg can legally be imputed to defendant.

And for further and additional grounds for demurrer to count 2 and count 4 of plaintiff's complaint, separately and severally, defendant assigns the following additional separate and several grounds:

5. Because it is not alleged in said count that Edward Awad was the owner of the automobile which it is alleged he intrusted to the said Louis Weissberg.

6. Because it does not appear from the allegations of said count that Edward Awad had legal control of the automobile which it is alleged he intrusted to said Louis Weissberg.

7. Because it does not appear from the allegations of said count that defendant had any legal control of said Louis Weissberg at the time and place alleged in said count.

8. Because it is not alleged in said count that the said Louis Weissberg was then and there acting as an

662

Demurrer

Feb. Sept 30 1941  
Resnick  
Club

agent or servant of defendant within the line and scope of his authority as such.

9. Because it does not appear from the allegations of the said count that the alleged collision was a proximate result of the alleged fact that said Louis Weissberg was a careless, indifferent, heedless, and reckless driver.

10. Because it does not appear from the allegations of the said count that the alleged collision was a proximate result of the alleged fact that defendant intrusted his said automobile to said Louis Weissberg.

11. Because the allegation in said count that the said injuries were proximately caused by the action of defendant in permitting the alleged incompetent driver to operate defendant's automobile is a mere conclusion of the pleader.

And for further and additional grounds for demurrer to count 3 and count 4 of plaintiff's complaint, separately and severally, defendant assigns the following separate and several grounds:

12. Because the nature and extent of the alleged damages to plaintiff's automobile are not alleged in said count.

13. Because the allegations in said count as to damages to plaintiff's automobile are not certain and specific.

J. T. Blackburn  
Mr. Cowy & Mr. J. T. Blackburn  
Attorneys for Defendant.

NO. 307 22 AT LAW  
CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

R. L. JENSEN, SR.  
PLAINTIFF

VS.

EDWARD AWAD,  
DEFENDANT

DEMURRER

*Filed September 30, 1940  
R. S. Duck, Clerk*

MCORVEY, MCLEOD, TURNER & ROGERS  
ATTORNEYS AT LAW  
NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING  
MOBILE, ALABAMA

-----  
R. L. Jensen, Sr.,

Plaintiff,

Vs.

Edward Awad,

Defendant.  
-----

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.       NUMBER 567.

Now comes the defendant in the above styled cause and for answer to the plaintiff's complaint and to each and every count thereof, separately and severally, says:

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

2. That the allegations of the said complaint are untrue.

3. That he denies each and every allegation of the said complaint.

4. And for further answer to the said complaint and to each and every count thereof separately and severally defendant says that plaintiff was himself guilty of negligence which proximately contributed to cause the injuries and damages complained of in this that at the time and place complained of the plaintiff negligently drove the automobile which he was then operating over to the left side of the center line of the said highway causing it to collide with the automobile of the defendant, and defendant avers that the alleged injuries and damages of the plaintiff were the proximate result of the said negligent act of the plaintiff.

5. And for further answer to the said complaint and to each and every count thereof separately and severally defendant says that Rosalee Jensen, an agent or servant of the plaintiff, who was then and there acting within the line and scope of her employment was guilty of negligence which proximately contributed to cause the injuries and damages complained of in this that at the time and place complained of the said agent or servant of the plaintiff then and there acting within the line and scope of her employment negligently drove the automobile which she was then operating over to the left side of the center line of the

said highway causing it to collide with the automobile of the defendant, and defendant avers that the alleged injuries and damages of the plaintiff were the proximate result of the said negligent act of the said agent or servant of the plaintiff.

6. For further answer to the said complaint and to each and every count thereof separately and severally defendant pleads specially by way of recoupment and avers that at the time of the commencement of this suit the plaintiff was indebted to him in the sum of to-wit, \$10,000.00 as damages for that at the time and place alleged in the complaint the plaintiff negligently drove the automobile which he was then operating over to the left side of the center line of the said highway causing it to collide with the automobile of the defendant, and that as a proximate result of said negligence defendant was severely bruised, hurt and made sick and sore, suffered great pain and mental anguish, and was caused to incur expense for medical treatment, and defendant's automobile was badly crushed, bent and broken all to defendant's damage as aforesaid.

7. For further answer to the said complaint and to each and every count thereof separately and severally defendant pleads specially by way of recoupment and avers that at the time of the commencement of this suit the plaintiff was indebted to him in the sum of, to-wit, \$10,000.00 as damages for that at the time and place alleged in the complaint Rosalee Jensen, an agent or servant of the plaintiff then and there acting within the line and scope of her employment negligently drove the automobile which she was then operating over to the left side of the center line of the said highway causing it to collide with the automobile of the defendant, and that as a proximate result of said negligence defendant was severely bruised, hurt and made sick and sore, suffered great pain and mental anguish and was caused to incur expense for medical treatment, and defendant's automobile was badly crushed, bent and broken all to defendant's damage as aforesaid.

*J. T. Blackburn*  
*McCormick, Lee, Linder & Rogers*  
Attorneys for Defendant.

Circuit Court, Baldwin County, Ala.  
No. 567

R. L. Jensen, Jr.,  
Plaintiff,

Vs.  
Edward Awad,  
Defendant.

RECORDED

DEFENDANT'S PLEAS

Filed Sept 30 1948  
R. L. Jensen  
Edward Awad



R. L. JENSEN, SR.,

Plaintiff,

VS.

EDWARD AWAD,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 567.

MOTION TO DISMISS.

Now comes the Defendant in the above entitled cause, by his attorneys, and shows unto the Court that the Plaintiff in this cause is a non-resident of the State of Alabama and that the said Plaintiff has not given security for costs in this cause or made a deposit for costs as provided by Section 7249 of the 1923 Code of Alabama:

WHEREFORE, Petitioner prays that this said suit be dismissed.

J. B. Blackburn

W. C. Conroy, M. S. Lord, Turner & Rodgers

Attorneys for Defendant.

RECORDED

MOTION TO DISMISS.

R. L. JENSEN, SR.,

Plaintiff,

VS.

EDWARD AWAD,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.          NUMBER 567.

*Filed September 30, 1940*  
*R.S. Dush, Clerk*

R. L. JENSEN, SR.,

Plaintiff,

vs.

EDWARD AWAD,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

At Law, No. 567

Affidavit of Non-Residence of Defendant

STATE OF ALABAMA

BALDWIN COUNTY

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

"That he is Attorney for the Plaintiff in the  
above styled cause, and competent in every way to  
make this affidavit;

"That this is a cause of action arising out of  
the operation of a motor vehicle on the public high-  
ways in this State, which said automobile was, at  
the time of accrual of said cause of action, owned  
by the Defendant, Edward Awad; that the said Defen-  
dant, Edward Awad is a non-resident of the State of  
Alabama, and that his address is 9405 Shore Road,  
Brooklyn, New York; that said automobile was in-  
volved in an accident or collision while being  
operated on a public highway within the State of  
Alabama; that said accident or collision is the  
basis of this cause of action."

Cornelia Hall  
Attorney for the Plaintiff.

Sworn to and subscribed before me this  
8 day of March, 1940.

Cornelia Hall  
Notary Public, Baldwin County, Alabama.

**RECORDS**

R. L. JENSEN, SR.,  
Plaintiff,  
vs.  
EDWARD AWAD,  
Defendant.

# Affidavit

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed in office this

8th day of March, 1940.

by RS Duck  
Clerk,  
DE Smith  
Deputy Clerk.

TO THE DIRECTOR, FBI  
FROM THE DIRECTOR, FBI  
SUBJECT: [REDACTED]  
RE: [REDACTED]

1000

[illegible]

23

WESTERN

*[Handwritten signature]*

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*Journal of Management Studies*, 19(1), 67-80.

to the 100th anniversary of the founding of the city of St. Petersburg.

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*Journal of Interpersonal Violence* 26(1) 7-19  
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333

*[Handwritten musical notation]*

[illegible][illegible]

BALDWIN COUNTY

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

CIRCUIT COURT, OCTOBER TERM 19.....

R. L. Jensen, Sr.,

Plaintiff,

vs.

Bay Minette, Alabama,

~~XXXXXX~~

March 9, 1940

E. Awad, Defendant, (of whose true name the plaintiff is ignorant, but who is the reputed owner of the automobile designated as having caused the damages herein claimed.)

J. B. Blackburn & Leo Berman appear for

Victor Awad

~~Defendant~~

upon whom process was served

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

*Leo Berman*  
*J. B. Blackburn*  
Attorneys for  
VICTOR AWAD

RECORDED

No. ....

## APPEARANCE

vs.

Filed in Office

March 9, 1946

R. S. Dush

Clerk

R. L. JENSEN, SR.,

Plaintiff,

-vs-

E. AWAD,

Defendant,

(of whose true name the  
Plaintiff is ignorant, but  
who is the reputed owner  
of the automobile designated  
as having caused the damages  
herein claimed.)

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes Victor Awad, the party upon whom the  
summons and complaint was served in the above entitled  
cause, in his own proper person for himself, moves this  
Honorable Court for an order requiring plaintiff, a non-  
resident of the State of Alabama, to deposit security for  
costs in this cause, failing in which, this cause be dis-  
missed.

J. B. Blakburn  
Victor Bernau  
Attorneys for Victor Awad.

RECORDED

Filed March 9 1940  
R. S. Duane  
Clerk



I hereby certify, That on the 18 day  
of July, 1940 at the city of  
Brooklyn, in my district, I personally served  
the within summons & complaint  
upon the within-named Edward Alwood  
9405 Shore Road M

by exhibiting to Edward Alwood  
at his place of business  
1333 Broadway N Y  
the within original and at the same time leaving  
with him  
a copy thereof Arthur J. Jager

United States Marshal,  
Eastern District of New York.  
Per Michael Chern, Deputy.  
Dated 7/18/40, 1940

