

SAM C. BRANNAN, as  
administrator of the  
estate of BETTY J.  
BRANNAN, deceased,

Plaintiff,

vs.

E. MENARD and JACK CASTILLE,

Defendants.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

AT LAW NO.

1201

This cause coming on to be heard upon the petition of the Defendants herein for an order removing the same to the District Court of the United States for the Southern District of Alabama, Southern Division, in which district and division the county in which said suit is pending is embraced, and it appearing to the Court that the Defendants have filed their petition for such removal in due form and according to law, and that the Defendants have filed their bond duly conditioned and with good and sufficient surety, as provided by law, and it further appearing to the Court that this is a proper cause for removal to said District Court of the United States for the Southern District of Alabama, Southern Division, and that written notice of said petition and bond was duly given to the Plaintiff, in accordance with the law in said case, prior to the filing of the same, and said bond is accepted and approved;

IT IS THEREFORE ORDERED AND ADJUDGED by the Court that this cause be, and the same hereby is, removed to the District Court of the United States for the Southern District of Alabama, Southern Division, in which said county is embraced, and the Clerk of this Court is hereby ordered and directed to make up and certify the entire record in said cause for transmission to said District Court of the United States for the Southern District of Alabama, Southern Division.

Dated this 26<sup>th</sup> day of August, 1948.

F. M. Hare  
Circuit Judge

Sam C. Brannan, as administrator  
of the estate of Betty J. Brannan,  
deceased, Plaintiff,  
vs.  
E. Menard and Jack Castille, De-  
fendants.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

TO THE CIRCUIT COURT, OF BALDWIN COUNTY, ALABAMA:

I, Sibyl Pool, Secretary of State, hereby certify that on  
August 4th, 1948 I sent by registered mail in an envelope addressed as  
follows:

"Mr. E. Menard  
Sunset, Louisiana"

"Registered mail  
Return receipt requested  
Deliver to addressee only"

bearing sufficient and proper prepaid postage, a notice bearing my signa-  
ture and the Great Seal of the State of Alabama in words and figures as  
follows:

"Mr. E. Menard  
Sunset, Louisiana

You will take notice that on August 4th, 1948 there was served  
upon me, in my official capacity, summons and complaint in a case entitled  
Sam C. Brannan, as administrator of the estate of Betty J. Brannan, de-  
ceased, Plaintiff, vs. E. Menard and Jack Castille, Defendants, in the  
Circuit Court of Baldwin County, Alabama, a true copy of which summons  
and complaint is attached hereto, and the said summons and complaint is  
attached hereto, and the said service upon me, as Secretary of State of  
the State of Alabama, has the force and effect of personal service upon  
you.

WITNESS MY HAND and the Great Seal of the State of Alabama,  
this the 4th day of August 1948.

Enclosure - 1

Signed) Sibyl Pool  
Sibyl Pool, Secretary of State"

I further certify that the notice above set out which was so  
mailed in the envelope addressed as above set forth had attached to it  
a true copy of the summons and complaint in the above styled cause, there  
being mailed in the envelope at the time shown the notice with copy of  
summons and complaint attached thereto.

I further certify that the attached receipt was received by me  
on August 11th, 1948 showing the receipt by the designated addressee of  
said notice with the attached summons and complaint aforesaid, which re-  
ceipt I attach hereto.

WITNESS MY HAND and the Great Seal of the State of Alabama, this  
the 11th day of August, 1948.

*Sibyl Pool*  
Sibyl Pool  
Secretary of State

Enclosure - 1



Sam C. Brannan, as Administrator  
of the estate of Betty J. Brannan,  
deceased, Plaintiff  
vs  
E. Menard and Jack Castille, Defendants

\* IN THE CIRCUIT COURT  
\*  
\* OF  
\* BALDWIN COUNTY, ALABAMA  
\* AT LAW  
\*

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW:

I, Sibyl Pool, Secretary of State, hereby certify that on August 4, 1948 I sent by registered mail in an envelope addressed as follows:

"Mr. Jack Castille  
Sunset, Louisiana"

"Registered mail  
Return receipt requested  
Deliver to Addressee only"

bearing sufficient and proper prepaid postage a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"Mr. Jack Castille  
Sunset, Louisiana"

You will take notice that on August 4, 1948 there was served upon me, in my official capacity, summons and complaint in a case entitled Sam C. Brannan, as Administrator of the estate of Betty J. Brannan, deceased, Plaintiff vs E. Menard and Jack Castille, Defendants in the Circuit Court of Baldwin County, Alabama, At Law, a true copy of which summons and complaint is hereto attached and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 4th day of August 1948.

Signed) Sibyl Pool  
Sibyl Pool  
Secretary of State "

Enclosure - 1

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above styled cause, there being mailed in the envelope at the time shown the notice with copy of summons and complaint attached thereto.

I further certify that the attached receipt was received by me on August 9, 1948 showing the receipt by the designated addressee, on August 9, 1948, of said notice with the attached summons and complaint aforesaid, which receipt I attach hereto.

WITNESS MY HAND and the Great Seal of the State of Alabama, this the 9th, day of August 1948.

*Sibyl Pool*  
Sibyl Pool  
Secretary of State

Enclosure - 1



SAM C. BRANNAN, as  
administrator of the  
estate of BETTY J.  
BRANNAN, deceased,

Plaintiff,

vs.

E. MENARD and JACK CASTILLE,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. \_\_\_\_\_

TO MR. HUBERT HALL, ATTORNEY OF RECORD FOR THE PLAINTIFF:

Please take notice that the Defendants in the above styled cause will, on the 25<sup>th</sup> day of August, 1948, file in said cause and Court a petition for removal of said cause to the District Court of the United States for the Southern District of Alabama, Southern Division, a true copy of which petition is hereto attached and made a part of this notice, and that said Defendants will at the same time file a bond as required by law in such cases, copy of which bond is hereto attached, and will ask for an order accepting and approving said bond as good and sufficient and for the acceptance and allowance of the said petition and for the removal of said cause as therein prayed.

Dated this 25<sup>th</sup> day of August, 1948.

E. MENARD and JACK CASTILLE, Defendants

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By: \_\_\_\_\_

Their Attorneys

I hereby accept service of a copy of the above and foregoing notice, together with a copy of the petition and of the bond referred to therein, and waive further notice of said petition and bond and of Defendants' intention to file same and of the filing of said petition and bond and consent that said petition for the removal of the said cause be heard by the Judge of the Circuit Court of Baldwin County, Alabama, without further notice to me.

Dated this 24 day of Aug, 1948.

Hubert Hall  
Attorney for Plaintiff

# Notice of Removal

[illegible]

100

Filed 8-25-48  
Alice J. Luck  
clerk

SAM C. BRANNAN, as  
administrator of the  
estate of BETTY J.  
BRANNAN, deceased,

Plaintiff,

vs.

E. MENARD and JACK CASTILLE,  
Defendants.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.  
AT LAW NO. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS that we. E. Menard and Jack Castille, as principals, and Hartford Accident & Indemnity Company, as surety are held and firmly bound unto Sam C. Brannan, as administrator of the estate of Betty J. Brannan, deceased, the Plaintiff in the above-entitled cause, and his successors and assigns, in the penal sum of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we and each of us bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

The conditions of this obligation are that whereas the said E. Menard and the said Jack Castille have applied by petition to the Circuit Court of the County of Baldwin, and State of Alabama, for the removal of the above-entitled cause, from the said Circuit Court to the District Court of the United States for the Southern District of Alabama, Southern Division;

Now if the said E. Menard and Jack Castille shall enter into the said District Court of the United States for the Southern District of Alabama, Southern Division, within thirty days from the date of filing of the petition of such removal, a certified copy of the record in said suit, and shall well and truly pay all the costs that may be awarded by said District Court if it shall hold that said suit was wrongfully or improperly removed thereto, then this obligation to be void, otherwise to remain

in full force and effect.

IN WITNESS WHEREOF the said E. Menard and Jack Castille have caused this instrument to be executed in their behalf and in their names by McCorvey, Turner, Rogers, Johnstone & Adams, their duly authorized attorneys, and the said Hartford Accident & Indemnity Company, a corporation, has caused this instrument to be executed in its behalf and its name by F. M. Backes, Jr. , its attorney-in fact, on the 25<sup>th</sup> day of August, 1948.

E. MENARD and  
JACK CASTILLE, Principals

By: MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
as their attorneys.

By: [Signature]  
Of Counsel

HARTFORD ACCIDENT & INDEMNITY COMPANY (SEAL)  
as surety.

By: [Signature]  
As its attorney-in fact

Taken and approved this 26<sup>th</sup> day of August,  
1948.

[Signature]  
Circuit Judge

Taken and approved this 25<sup>th</sup> day of August,  
1948.

[Signature]  
Circuit Clerk.

SAM C. BRANNAN, as  
administrator of the  
estate of BETTY J.  
BRANNAN, deceased,

Plaintiff,

vs.

E. MENARD and JACK CASTILLE,

Defendants.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

AT LAW NO. \_\_\_\_\_

TO THE HONORABLE JUDGE OF SAID COURT:

Your Petitioners, E. Menard and Jack Castille, Defendants in the above styled cause, appearing specially for the purpose of filing this their petition to remove this action to the United States District Court for the Southern Division, of the Southern District of Alabama, and not otherwise, respectfully show unto this Honorable Court:

(1.) That the Plaintiff, Sam C. Brannan, was at the time of the commencement of the said suit and ever since has been and is now, a citizen and resident of the State of Alabama, and letters of administration on the Estate of Betty J. Brannan, deceased, were issued to him by the Probate Court of Mobile County, Alabama, and that the Defendants. E. Menard and Jack Castille, were at the time of the commencement of this suit and still are, citizens and residents of the State of Louisiana; that the said suit was at the time of filing thereof, and still is, between citizens of different states.

(2.) That this is a suit for damages and personal injuries which the Plaintiff alleges the Defendant Jack Castille, the agent, servant or employee of the Defendant E. Menard, while acting within the line and scope of his authority, inflicted upon the Plaintiff's intestate.

(3.) That the amount sued for and involved in the controversy is Fifty Thousand and No/100 (\$50,000.00) Dollars and that the amount in dispute in this action exceeds the sum of \$3,000.00, exclusive of interest and costs; that your Petitioners, the



Defendants, have filed no pleading in said cause and that the time within which these Defendants are required by state law or rule of the Court to answer or plead to Plaintiff's complaint has not expired; and that the Defendants have a good defense to the said cause.

(4.) That written notice of the intention of the Petitioners to file this petition for removal and removal bond has been given prior to the filing of this petition, to Mr. Hubert Hall, attorney of record for the Plaintiff in this action, and that at the time of giving such notice of petition and removal bond filed herewith, a copy of this petition and the removal bond was handed to said attorney of record for the Plaintiff.

(5.) Petitioners desire to remove this action into the District Court of the United States for the Southern Division of the Southern District of Alabama, in pursuance to the Acts of Congress in that behalf made and provided. Your Petitioners therefore file and offer herewith a bond with good and sufficient surety in the penal sum of \$500.00, conditioned as required by law for entry in the said District Court of the United States in the manner and at the time provided for by law of a copy of the record in this matter and to pay all costs that may be awarded in said District Court of the United States aforesaid if said Court should hold that this action was wrongfully or improperly removed thereto.

Your Petitioners, therefore, pray that the said bond may be accepted as good and sufficient and that this Court will make and enter an order for the removal of this action into the said District Court of the United States, to be held in and for the Southern District of Alabama, in which District this action is pending, and will cause the record herein to be removed to the said District Court of the United States, and that no further or other proceedings may be had with respect to this matter in

the Circuit Court of Baldwin County, Alabama pending the final decision of this controversy in the United States Court.

And your Petitioners will every pray, etc.

Dated this 25<sup>th</sup> day of August, 1948.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
Attorneys of Record for Defendants

Gessner T. McCorvey  
Of Counsel

VERIFICATION

State of Alabama,  
County of Mobile.

Gessner T. McCorvey, being first duly sworn deposes and says that he is a member of the firm of attorneys of record for the Defendants in the above styled cause and is authorized to execute this affidavit in behalf of the said Defendants; that he has read the foregoing petition and knows the contents thereof and that the facts stated therein are true.

Gessner T. McCorvey

Sworn to and subscribed to  
before me, this the 25<sup>th</sup> day of  
August, 1948.

James T. May Jr.  
Notary Public for the State of Alabama at Large

RECORDED  
Petition

(4)

THE COURT OF COMMONS OF THE CITY OF NEW YORK

IN SENATE CHAMBERS

DOES HEREBY

ORDER

THAT

BE

THE PETITION OF

THE CITY OF NEW YORK

DOES HEREBY

ORDER

THAT THE PETITION OF THE CITY OF NEW YORK

DOES HEREBY

ORDER

Filed 8-25-48  
Wm. J. Clark  
Clerk

STATE OF ALABAMA    §  
BALDWIN COUNTY       §

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon E. MENARD and JACK CASTILLE 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 the same, then and there to answer the complaint of SAM C. BRANNAN, as administrator of the estate of BETTY J. BRANNAN, deceased.

WITNESS my hand this the 28 day of June 1948.

Alfred J. Smith  
CLERK

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SAM C. BRANNAN, as  
administrator of the  
estate of BETTY J.  
BRANNAN, deceased,

PLAINTIFF

VS

E. MENARD and JACK CASTILLE

DEFENDANTS

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

1.

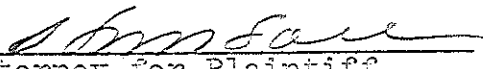
The plaintiff, SAM C. BRANNAN, as administrator of the estate BETTY J. BRANNAN, deceased, claims of the defendants, E. MENARD and JACK CASTILLE, FIFTY-THOUSAND DOLLARS, as damages for that on to-wit, February 8, 1948, the plaintiff's said intestate was riding in an automobile along highway no. 90, a public highway in Baldwin County, Alabama, at a point approximately on-half mile West of Spanish Fort, and on the bridge across Blakely River in Baldwin County, Alabama. The defendant JACK CASTILLE, the agent, servant or employee of the defendant, E. MENARD, in charge or control of an automobile truck, while acting within the line and scope of his employment, negligently drove an automobile truck into, over, or against the automobile in which the Plaintiff's said intestate was riding and by reason thereof, and as a proximate result and consequence thereof, the Plaintiff's said intestate received personal injuries from which she died, hence this suit.

The Plaintiff, SAM C. BRANNAN, as administrator of the estate of BETTY J. BRANNAN, deceased, claims of the defendants, E. MENARD and JACK CASTILLE, FIFTY-THOUSAND DOLLARS, as damages for that on to-wit, February 8, 1948 the plaintiff's said intestate was riding in an automobile along highway no. 90, a public highway in Baldwin County, Alabama, at a point approximately one-half mile West of Soanish Fort, and on the bridge across Blakely River in Baldwin County, Alabama, and that then and there the defendant JACK CASTILLE, the agent, servant or employee of the defendant, E. MENARD, in charge or control of an automobile truck, while acting within the line and scope of his employment, negligently ran said automobile truck into, upon, or against the automobile in which the plaintiff's said intesate was riding and thereby and a proximate result and a consequence thereof, plaintiff's said intestate received personal injuries from which she died, hence this suit.

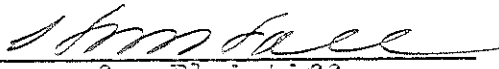
3.

The plaintiff, SAM C. BRANNAN, as administrator of the estate of BETTY J. BRANNAN, deceased, claims of the defendants E. MENARD and JACK CASTILLE FIFTY-THOUSAND DOLLARS, as damages for that on, to-wit, February 8, 1948, the plaintiff's said intestate was riding in an automobile along highway no. 90, a public highway in Baldwin County, Alabama, at a point approximately one-half mile west of Spanish Fort, and on the bridge across Blakely River in Baldwin County, the defendant JACK CASTILLE, the agent, servant or employee of the defendant, E. MENARD, in charge or control of an automobile truck, while acting within the line and scope of his employment, willfully or wantonly, injured the plaintiff's said estate by running said automobile truck into, upon, or against the automobile in which the plaintiff's said estate was riding, whereby and as a proximate result and consequence thereof, the plaintiff's said intestate received personal injuries from which she died, hence this suit.

The plaintiff SAM C. BRANNAN, as administrator of the estate of BETTY J. BRANNAN, deceased, claims of the defendants E. MENARD and JACK CASTILLE the sum of TWO-THOUSAND DOLLARS damages, for that on February 8, 1948 an automobile the property of the plaintiff's said intestate was being driven along highway no. 90 at a point approximately one-half mile West of Spanish Fort, and on the bridge across Blakely River, in Baldwin County, Alabama, and then and there, the Defendant JACK CASTILLE the agent, servant or employee of the defendant, E. MENARD, in charge or control of an automobile truck, while acting within line and scope of his employment, negligently ran said automobile truck upon or against the automobile belonging to the plaintiff's said intestate and as a proximate result of said negligence the said automobile was damaged, and caught on fire and wholly destroyed together with many clothes, wearing apparel and other personal items, and equipment belonging to plaintiff's said intestate, hence this suit.

  
Attorney for Plaintiff

Plaintiff demands as trial by jury

  
Attorney for Plaintiff

Received in front of  
the day of June 1948  
TAYLOR WILKINS, Sheriff

RECORDED

RECORDED 701701

Sam. C. Braunau etc

is

E. Menard et al

EXECUTED BY DELIVERING  
begin a copy of the within  
7-4-48  
Sibyl Pool  
Secretary of State  
OF THE State of Ala  
and said Sibyl Pool  
WAS ALSO WITH SO DELIVERED  
G. L. Mosley  
Goodrich  
County Sheriff

Amos Campbell

Filed June 28, 1948  
Alice J. Luck  
HUBERT M. HALL  
LAWYER  
BAY MINETTE, ALABAMA

SAM C. BRANNAN as  
administrator of the  
estate of BETTY J.  
BRANNAN, deceased,

PLAINTIFF

VS

E. MENARD and JACK  
CASTILLE

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Interrogatories propounded by the plaintiff to Defendants  
E. MENARD and JACK CASTILLE, separately and severally, in accord-  
ance with article 8, title 7 of the 1940 Code of Alabama.

1.

Please state your name and address.

2.

Please state whether or not you, or either of you was op-  
erating an automobile truck along highway no. 90, about on-half  
mile West of Spanish Fort, and over the bridge across Blakely  
River, in Baldwin County, Alabama on February 8, 1945 at about  
9:00 or 9:30 o'clock in the morning.

3.

Please state whether or not an automobile truck owned and or  
being operated by you, or wither of you, was involved in a collisions  
on February 8, 1948, at a point on highway no. 90, approximately  
one-half mile of Spanish Fort.

Please state the name and address of the owner of said truck;  
who was driving said truck, and if not the owner whether or not  
he was operating the truck for the owner.

4.

Please state whether or not the defendant JACK CASTILLE was  
operating the truck at the time of the collision.

Please state whether or not the defendant JACK CASTILLE was  
a servant, agent or an employee of the defendant E. MENARD.

5.

It the defendant JACK CASTILLE was not the agent, servant,  
or employee of the defendant E. MENARD, then for whom was he



driving the said truck, at the time of the collision.

John Face  
Attorney for the Plaintiff

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me, the undersigned authority, in and for said County, in said state personally appeared, H. M. Hall, who is known to me, and who having been by me first duly sworn, deposes and says that he is attorney for the plaintiff in the above cause; that true answers to the above interrogatories will be material testimony for the plaintiff in the above cause.

John Face

Sworn to and subscribed before me on this the 28 day  
of June 1948.

\_\_\_\_\_  
Notary Public, Baldwin  
County, Alabama

1021

Sam C. Bowman Etc  
13

C. Menard Etc

Interagency

Filed June 28 1908  
Recd. Such  
Closed

HUBERT M. HALL  
LAWYER  
BAY MINETTE, ALABAMA