

STATE OF ALABAMA ) IN THE CIRCUIT COURT OF BALDWIN COUNTY, TWENTY-  
BALDWIN COUNTY. ) EIGHTH JUDICIAL CIRCUIT OF ALABAMA.

NO. \_\_\_\_\_, TERM, \_\_\_\_\_ 194\_.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to summon D. H. Hodges, Hodges & Company, Sam Gardner and John Doe, whose name is otherwise unknown but will be supplied when ascertained, to appear before the Circuit Court to be held for said County at the place of holding the same, within thirty days from service of this process, then and there to answer the complaint of I.P.Olds.

Witness my hand this the 24<sup>th</sup> day of April 1949.

COMPLAINT. Price J. Alcock  
Clerk

I. P. OLDS  
Plaintiff.

VS

D. H. HODGES, HODGES  
& COMPANY, SAM GARDNER  
and JOHN DOE, whose  
name is unknown but  
will be supplied when  
ascertained.  
Defendants.

COUNT ONE.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, known as the Rosinton road in Baldwin County, Alabama, said road leaves U.S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road at or near the said church in said County and State, where he had a right to be, and on to -wit, said day and date, defendant's servant, agent or employee, while acting within the line and scope of his employment, negligently ran an automobile, truck or truck-trailer into or against the plaintiff, and as the proximate result and consequence thereof, plaintiff received severe personal injuries in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctors' bills; he suffered and continues to suffer great mental and physical pain and anguish, for all of which he claims damages in the sum aforesaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that the plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, known as the Rosinton road in Baldwin County, Alabama, said road leaves U. S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road at or near the said church in said County and State, where he had a right to be, and on to-wit, said day and date, defendant's servant, agent or employee, while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff, wilfully or wantonly ran an automobile, truck or truck-trailer into, upon or against the plaintiff, and thereby and as the proximate result and consequence thereof the plaintiff was severely injured in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctors' bills; he suffered and continues to suffer great mental and physical pain and he was permanently injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforsaid; and plaintiff hereby claims punitive damages.

COUNT THREE.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, known as the Rosinton road in Baldwin County, Alabama, said road leaves U. S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road, at or near the said church at said time in said County and State, while plaintiff was leading his cow along said highway, where defendant was operating its automobile, truck or truck-trailer, plaintiff was in a place of danger upon said highway leading a cow, and the defendant's servant, agent or employee, while acting within the line and scope of his employment in and about the operation of said automobile, truck or truck-trailer; and plaintiff avers that after the danger of his walking along said highway, was discovered by defendant's said servant, agent or employee, so operating said truck or truck-trailer, ~~the said agent, servant or employee~~

the said agent, servant or employee so negligently conducted himself in and about the conduct, control or operation of said truck or truck-trailer, that plaintiff was run into, upon or against by said truck or truck-trailer, and was severely injured in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctor's bills; he suffered and continues to suffer great mental and physical pain and he was permanently injured; he lost much time from his work; he was rendered permanently less able to work, and plaintiff avers that all of his said damage and injuries as aforesaid, was the proximate consequence and caused by the reason of the said negligence of the defendant's servant, agent or employee, after the peril of plaintiff was discovered, and within time to have prevented the said injuries to plaintiff.

  
Attorney for Plaintiff

Plaintiff hereby demands a jury trial in this cause.

  
Attorney for Plaintiff

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 10/10/00 BY 1043

RECEIVED  
FEB 10 1961

CONFIDENTIAL

RECEIVED  
FEB 10 1961  
U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C.

RECEIVED  
FEB 10 1961

100-10380

at present performance throughout of service to improve, things like and  
 consistent about to know like to improve to fortune, because and those like  
 consistent about to know like to service to know, only not see especially and  
 like about, because, because and so, that and at present service and like  
 and consistent to service and of the and and, and and of service and, error like  
 and consistent, because, because, because, because of service and service and  
 because, and so, know and not only about and so, because throughout and  
 because like and to the and especially and, know or else and throughout  
 and so because like consequence especially and so, because as service and  
 service to know, because especially and to throughout like and to know  
 because and of and about and, because and especially to know and so  
 and, especially of service and

STATE OF ALABAMA ) IN THE CIRCUIT COURT OF BALDWIN COUNTY, TWENTY-  
BALDWIN COUNTY. ) EIGHTH JUDICIAL CIRCUIT OF ALABAMA.

NO. \_\_\_\_\_, TERM, \_\_\_\_\_ 194\_\_.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to summon D. H. Hodges, Hodges & Company, Sam Gardner and John Doe, whose name is otherwise unknown but will be supplied when ascertained, to appear before the Circuit Court to be held for said County at the place of holding the same, within thirty days from service of this process, then and there to answer the complaint of I. P. Olds.

Witness my hand this the 2<sup>nd</sup> day of April 1949.

COMPLAINT.

Clerk.

I. P. OLDS

VS

Plaintiff.

D. H. HODGES, HODGES  
& COMPANY, SAM GARDNER  
and JOHN DOE, whose  
name is unknown but  
will be supplied when  
ascertained.  
Defendants.

COUNT ONE.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, know as the Rosinton road in Baldwin County, Alabama, said road leaves U.S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road at or near the said church in said County and State, where he had a right to be, and on to -wit, said day and date, defendant's servant, agent or employee, while acting within the line and scope of his employment, negligently ran an automobile, truck or truck-trailer into or against the plaintiff, and as the proximate result and consequence thereof, plaintiff received severe personal injuries in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctors' bills; he suffered and continues to suffer great mental and physical pain and anguish, for all of which he claims damages in the sum aforesaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that the plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, known as the Rosinton road in Baldwin County, Alabama, said road leaves U. S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road at or near the said church in said County and State, where he had a right to be, and on to-wit, said day and date, defendant's servant, agent or employee, while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff, willfully or wantonly ran an automobile, truck or truck-trailer into, upon or against the plaintiff, and thereby and as the proximate result and consequence thereof the plaintiff was severely injured in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctors' bills; he suffered and continues to suffer great mental and physical pain and he was permanently injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid; and plaintiff hereby claims punitive damages.

COUNT THREE.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, known as the Rosinton road in Baldwin County, Alabama, said road leaves U. S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road, at or near the said church at said time in said County and State, while plaintiff was leading his cow along said highway, where defendant was operating its automobile, truck or truck-trailer, plaintiff was in a place of danger upon said highway leading a cow, and the defendant's servant, agent or employee, while acting within the line and scope of his employment in and about the operation of said automobile, truck or truck-trailer; and plaintiff avers that after the danger of his walking along said highway, was discovered by defendant's said servant, agent or employee, so operating said truck or truck-trailer, the said agent, servant or employee

the said agent, servant or employee so negligently conducted himself in and about the conduct, control or operation of said truck or truck-trailer, that plaintiff was run into, upon or against by said truck or truck-trailer, and was severely injured in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctor's bills; he suffered and continues to suffer great mental and physical pain and he was permanently injured; he lost much time from his work; he was rendered permanently less able to work, and plaintiff avers that all of his said damage and injuries as aforesaid, was the proximate consequence and caused by the reason of the said negligence of the defendant's servant, agent or employee, after the peril of plaintiff was discovered, and within time to have prevented the said injuries to plaintiff.

Graydon Neuman  
Attorney for Plaintiff

Plaintiff hereby demands a jury trial in this cause.

Graydon Neuman  
Attorney for Plaintiff

Plaintiff  
J. P. O'Neil

as,

Defendants:  
accused herein  
will be admitted when  
name is unknown put  
and John Doe, whose  
Company, San Francisco,  
D. H. Hodges, Hodges &

Cobb of Company  
Reports, A. J.  
Defendants of

FILED  
JAN 1 1907  
U.S. COURT  
DISTRICT OF CALIF.

1000 1000 1000

no 1323

I. P. Olds  
Plaintiff

vs,

D. H. Hodges, Hodges &  
Company, Sam Gardner,  
and John Doe, whose  
name is unknown but  
will be supplied when  
ascertained.

Defendants.

Copy of Complaint

Defendants at  
Elberta, Ala.

FILED  
APR 2 1949  
MACE J. BUCK, Clerk

STATE OF ALABAMA )  
BALDWIN COUNTY. ) IN THE CIRCUIT COURT OF BALDWIN COUNTY, TWENTY-  
EIGHTH JUDICIAL CIRCUIT OF ALABAMA.

NO. \_\_\_\_\_, TERM, \_\_\_\_\_ 194\_.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to summon D. H. Hodges, Hodges & Company, Sam Gardner and John Doe, whose name is otherwise unknown but will be supplied when ascertained, to appear before the Circuit Court to be held for said County at the place of holding the same, within thirty days from service of this process, then and there to answer the complaint of I.P.Olds.

Witness my hand this the 2<sup>nd</sup> day of March 1949.

COMPLAINT.

Deice J. Welch  
Clerk

I. P. OLDS  
Plaintiff.

VS

D. H. HODGES, HODGES  
& COMPANY, SAM GARDNER  
and JOHN DOE, whose  
name is unknown but  
will be supplied when  
ascertained.  
Defendants.

COUNT ONE.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, know as the Rosinton road in Baldwin County, Alabama, said road leaves U.S. Highway 90 South of Robertsdales and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road at or near the said church in said County and State, where he had a right to be, and on to -wit, said day and date, defendant's servant, agent or employee, while acting within the line and scope of his employment, negligently ran an automobile, truck or truck-trailer into or against the plaintiff, and as the proximate result and consequence thereof, plaintiff received severe personal injuries in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctors' bills; he suffered and continues to suffer great mental and physical pain and anguish, for all of which he claims damages in the sum aforesaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that the plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, known as the Rosinton road in Baldwin County, Alabama, said road leaves U. S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road at or near the said church in said County and State, where he had a right to be, and on to-wit, said day and date, defendant's servant, agent or employee, while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff, wilfully or wantonly ran an automobile, truck or truck-trailer into, upon or against the plaintiff, and thereby and as the proximate result and consequence thereof the plaintiff was severely injured in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctors' bills; he suffered and continues to suffer great mental and physical pain and he was permanently injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid; and plaintiff hereby claims punitive damages.

COUNT THREE.

Plaintiff claims of the defendants the sum of \$10,000.00 as damages, for that plaintiff avers that on, to-wit, the 8th day of April, 1948, plaintiff was a pedestrian, leading his cow on a public road, known as the Rosinton road in Baldwin County, Alabama, said road leaves U. S. Highway 90 South of Robertsdale and goes by the Rosinton Methodist Church to Rosinton, Viz: on said road, at or near the said church at said time in said County and State, while plaintiff was leading his cow along said highway, where defendant was operating its automobile, truck or truck-trailer, plaintiff was in a place of danger upon said highway leading a cow, and the defendant's servant, agent or employee, while acting within the line and scope of his employment in and about the operation of said automobile, truck or truck-trailer; and plaintiff avers that after the danger of his walking along said highway, was discovered by defendant's said servant, agent or employee, so operating said truck or truck-trailer, the said agent, servant or employee

the said agent, servant or employee so negligently conducted himself in and about the conduct, control or operation of said truck or truck-trailer, that plaintiff was run into, upon or against by said truck or truck-trailer, and was severely injured in this to-wit: He was bruised, shocked, made sick and sore, was confined to his bed, he was put to the expense of doctor's bills; he suffered and continues to suffer great mental and physical pain and he was permanently injured; he lost much time from his work; he was rendered permanently less able to work, and plaintiff avers that all of his said damage and injuries as aforesaid, was the proximate consequence and caused by the reason of the said negligence of the defendant's servant, agent or employee, after the peril of plaintiff was discovered, and within time to have prevented the said injuries to plaintiff.

Harold K. Krum  
Attorney for Plaintiff

Plaintiff hereby demands a jury trial in this cause.

Harold K. Krum  
Attorney for Plaintiff

Defendants, Afs.  
Defendants up  
Cobb of Combsburg

Defendants.  
separated.  
will be subjoined when  
name is known put  
my John Doe, Apocae  
Combsburg, Sam Garquer,  
D. H. Hodges, Hodges &

as,

Plaintiff.  
I. P. Oja

1330



I. P. OLDS, Plaintiff  
vs.  
SAM GARDNER, ET AL,  
DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

NO. 1330

Comes the defendant Sam Gardner in the above entitled cause and demurs to Count One of plaintiff's complaint, and as grounds therefor sets out the following separate and several grounds of demurrer:

1. Said complaint is vague, uncertain and indifferent.
2. Said count does not fully apprise this defendant of what he is called upon to defend.
3. It is impossible to tell from said count whether this defendant is sued as a principal or as an agent.
4. From aught that appears in said count, all four of the defendants named in the caption of said cause, are sued as principals.
5. From aught that appears in said count plaintiff was a trespasser at the time and place complained of.
6. From aught that appears in said count, the defendant's servant, agent or employee, who is alleged to have caused the damage complained of, was not acting within the line and scope of his employment as a servant, agent or employee of this defendant or any of the defendants.
7. Said count does not definitely set out the time nor the place where the alleged accident occurred.
8. Said count does not allege that the accident occurred on a public thoroughfare in the County of Baldwin.

Comes the defendant Sam Gardner and demurs to Count Two of said complaint, and as grounds therefor sets out separately and severally the same grounds heretofore set out to Count One of plaintiff's complaint, and in addition thereto the following:

9. Said count does not sufficiently charge this defendant with willful and wanton conduct.

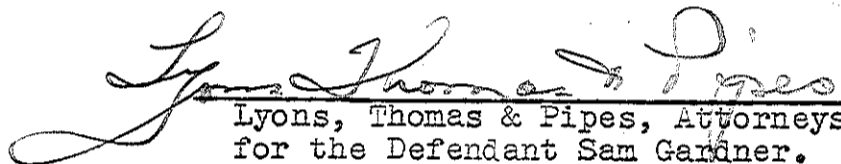
10. Said count does not set out that the damages complained of were the proximate result of any willful or wanton conduct of this defendant.

Comes the defendant Sam Gardner and demurs to Dount Three of said complaint, and as grounds therefor sets out separately and severally the same grounds heretofore set out to Count One of plaintiff's complaint, and in addition thereto the following:

9. Said count does not set out sufficient facts to charge this defendant with subsequent negligence.

10. Said count shows on its face that the plaintiff was <sup>not</sup> in a place of danger at the time and place complained of.

11. From aught that appears in said Count, the plaintiff was not in a place of danger at the time he was discovered by this defendant.

  
Lyons, Thomas & Pipes, Attorneys  
for the Defendant Sam Gardner.

1332

FILED

MAY 7 1949

ALICE J. DUCK, Clerk