

BEATRICE SCHEINER,

Plaintiff,

VS.

DAVID K. McLEMORE,

Defendant.

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)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 1428

MOTION TO DISMISS CAUSE

Now comes the defendant, by his attorneys, and shows unto the Court that he heretofore filed a motion in this cause to require the plaintiff, who is a non-resident, to deposit or secure court costs in this cause and that on September 25, 1951 an order was made in open court requiring the said plaintiff to deposit or secure court costs in the amount of \$50.00 in this cause within fifteen (15) days from the date of the said order. The said fifteen-day period expired on October 10, 1951 and the said plaintiff has not deposited or secured the said costs in this cause.

WHEREFORE, the defendant moves the Court to dismiss this cause.

J. B. Blackburn
L. J. Pipers

Attorneys for Defendant.

MOTION TO DISMISS CAUSE
BEATRICE SCHEINER,

Plaintiff,
VS.

DAVID K. McLEMORE,
Defendant.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1428

FILED
OCT 11 1951
ALICE J. DUCK, CLERK

Beatrice Scheiner, Plaintiff
vs
David K. McLemore, Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW NO. 1428

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Sibyl Pool, Secretary of State, hereby certify that on October 31, 1949, I sent by registered mail in an envelope addressed as follows:

"David K. McLemore
BTU-1Anaas
Whiting Field, Florida"

"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:

"David K. McLemore
BTU-1Anaas
Whiting Field, Florida

You will take notice that on October 31st, 1949 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled Beatrice Scheiner, Plaintiff vs David K. McLemore, Defendant in the Circuit court of Baldwin County, Alabama, a true copy of which 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 31st day of October 1949.

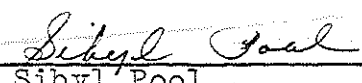
Signed) Sibyl Pool
Sibyl Pool
Secretary of State "

Enclosure - 1

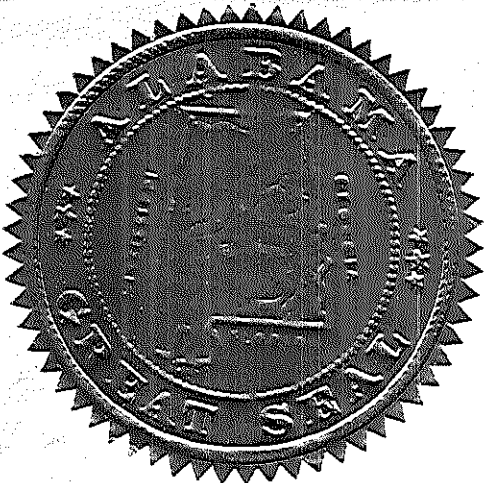
I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above styled cause, there being mailed in the envelope at the time shown the notice with copy of summons and complaint attached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

I further certify that on November 2, 1949 I received a return card showing receipt by the designated addressee of the said notice with attached summons and complaint as aforesaid which receipt I attach hereto. You will note defendant was served by registered mail at Milton, Florida (Whiting Field) on November 1, 1949, as shown by the return card enclosed.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 3rd day of November 1949.


Sibyl Pool
Secretary of State

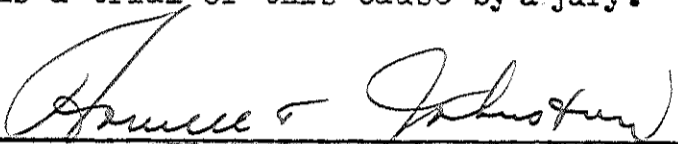
Enclosures - 2
(Return Receipt and copy
of Summons and complaint)



manently injured, he was caused to suffer great bodily pain and physical and mental anguish, she was made sick and sore, she was caused to spend great sums of money for hospital and doctors and nurses, hence this suit.


ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial of this cause by a jury.


ATTORNEYS FOR PLAINTIFF

Defendant's address:

David K. McLemore
BTU-1Anaas
Whiting Field, Florida

Serve defendant by serving the Secretary of State, Montgomery,
Alabama.

701426

RECORDED

FILED

OCT 28 1949

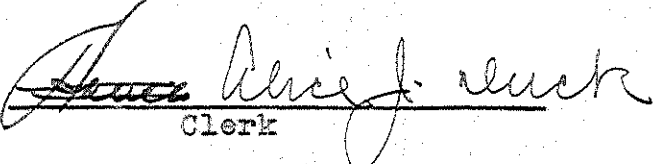
ALICE J. DUCK, Clerk

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P. O. BOX 1652
MOBILE 9, ALABAMA

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon D. K. McLemore to appear within thirty days from the service of this writ in the Circuit Court to be held in said county at said place for holding the same, then and there to answer the complaint of Beatrice Scheiner.


Clerk

BEATRICE SCHEINER, * IN THE CIRCUIT COURT OF
 Plaintiff, * BALDWIN COUNTY, ALABAMA,
 vs * AT LAW. NO. 1428
DAVID K. McLEMORE, *
 Defendant. *

COUNT ONE:

Plaintiff claims of the defendant the sum of Fifteen Thousand and no/100 (\$15,000.00) Dollars as damages, for that heretofore, on, to-wit, the 6th day of November, 1948, the defendant so negligently operated a motor vehicle he was driving on U. S. Highway 90, a public highway, at a point approximately 1.2 miles west of Loxley, Alabama, in Baldwin County as to cause or allow said motor vehicle to run into, upon or against the trailer which was attached to and being towed by the automobile in which the plaintiff was riding and which was then and there being driven in a westwardly direction on said highway at said time and place and as a direct and proximate result of said negligence, plaintiff was seriously and per-

manently injured, he was caused to suffer great bodily pain and physical and mental anguish, she was made sick and sore, she was caused to spend great sums of money for hospital and doctors and nurses, hence this suit.

Samuel Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial of this cause by a jury.

Samuel Johnston
ATTORNEYS FOR PLAINTIFF

Defendant's address:

David K. McLemore
BTU-lanaas
Whiting Field, Florida

Serve defendant by serving the Secretary of State, Montgomery,
Alabama.

this 28 day of Oct., 1949
TAYLOR WILKINS, Sheriff

3 copies

EXECUTED BY DELIVERING
3 copies of the within

To Sibyl Pool
Secretary of State

OF THE State of Ala
AND SAID Sibyl Pool

WAS SUCH WHEN SO SERVED

This the 10-31 1949

G. L. Mosley
Sheriff Montgomery County

By Goodwyn
Deputy Sheriff

FILED
OCT 28 1949
ALICE J. DUCK, Clerk

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P. O. BOX 1652
MOBILE 9, ALABAMA

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P. O. BOX 1652
MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
ROBERT E. HODNETTE, JR.
VERNOL R. JANSEN, JR.

October 25, 1949

Mrs. Alice J. Duck, Clerk
Circuit Court
Court House
Baldwin County
Bay Minette, Alabama

Re: Beatrice Scheiner
Vs: David K. McLemore

Re: David Robert Scheiner
Vs: David K. McLemore

Dear Mrs. Duck:

Enclosed is summons and complaint in each of the above cases together with \$6.00.

We wish service perfected upon the defendant by service on the Secretary of State.

Very truly yours,

HOWELL & JOHNSTON


Robert E. Hodnette, Jr.

REH:et

Encs.

W 1428

Beatrice Scheiner

vs.

David H. McLeMORE

Damages

Filed 10-28-49

FILED

Oct 28 1949

ALICE J. DICK, Clerk

Harrell & Johnson

CHATOM, ALA., 2/27, 1920

TO THE SHERIFF OF Baldwin COUNTY, ALABAMA

I ENCLOSE HERewith.

John W. Harrison, Curly
by the Sheriff's Department of
Mobile County, Minicott to the
Sheriff's office, Chatom, Alabama,
Washington
County.

Please serve and return as early as possible.

E. S. Brumfield
Sheriff, Washington County, Ala.

(If Not Found in Your County, Please Advise Promptly Giving Information as to Present Location, if Possible.)

BEATRICE SCEINER, PLAINTIFF)	IN THE CIRCUIT COURT OF
VS.)	WASHINGTON COUNTY, ALA.
DAVID K. McLEMORE, DEFENDANT)	AT LAW NO. 1428.

Comes the defendant in the above entitled cause and propounds the following interrogatories to the plaintiff pursuant to Article 3, Title 7 of the Code of Alabama of 1940:

1. Please give your residence address as of November 6, 1948.
2. At the time of the accident complained of in your complaint please give the names, ages and residence addresses of each of the occupants of the vehicle in which you were riding.
3. At the time and place complained of in your complaint, was anyone riding in the trailer which you allege was hit by the defendant's motor vehicle?
4. Were any of the occupants of the vehicle in which you were riding at the time and place complained of in your complaint, any relation to you? If so, please state what relation.
5. Were you on a trip at the time of the accident complained of?
6. What was the expected destination of said trip?
7. When did you leave your home when you started on said trip?
8. For whose benefit was said trip being made?
9. What was the expected duration of said trip?
10. What was the speed of the vehicle in which you were riding immediately prior to said accident?
11. What was the speed of the defendant's vehicle immediately prior to the said accident?
12. When did you first see defendant's motor vehicle immediately prior to the accident?
13. Assuming that you were travelling in a westwardly direction at the time of the said accident, please state on what side of the center line of the road the accident occurred?
14. Please set out in detail the injuries which you received.
15. Please list the names and addresses of each physician who treated you for the injuries you received in this accident.
16. Please give the name and address of each hospital in which you were a patient as a result of injuries received in this accident.

17. Please attach to your answers to these interrogatories copies of all hospital and doctors bills which you incurred as a result of injuries received in this accident.
18. Is it not a fact that the driver of the vehicle in which you were riding was attempting to pass a vehicle immediately ahead of you at the time the accident occurred?
19. Is it not a fact that the defendant's vehicle was attempting to pass the vehicle in which you were riding, to its left, at the time the driver of the vehicle in which you were riding suddenly pulled to the left into the right side of defendant's motor vehicle?
20. Was this accident investigated immediately thereafter by the Alabama Highway Patrol?
21. If you answer the above interrogatory in the affirmative, please state whether or not your vehicle had been moved from the place it came to rest after the accident before the Highway Patrol made said investigation.
22. Had defendant's vehicle been moved from the place where it came to rest immediately after the accident before the Highway Patrol made said investigation?

J. B. Blackburn
L. Thomas & Pipes
ATTORNEYS FOR THE DEFENDANT

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority, personally appeared Daniel H. Thomas, who being by me first duly sworn deposes and says that he is one of the attorneys of record for the defendant in the above entitled cause and that the answers to the above and foregoing interrogatories, if well and truly made, will be material evidence for the defendant at a trial of this cause.

Daniel H. Thomas
Daniel H. Thomas

Subscribed and sworn to before me this the 19th day of January, 1950.

Elvie Ernande
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

7

692
CD

1426 248

ALICE J. DUCK, Clerk

By Wm. H. Davis D.S.

Noted. E. B. Smith Jr. Esq.

BEATRICE SCHEINER,
Plaintiff,
VS.
DAVID K. McLEMORE,
Defendant.

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

DEMURRERS.

Now comes the Defendant, David K. McLemore, and demurs to the Complaint and assigns the following demurrers, each separately and severally:

1. It does not state a cause of action.
2. The facts alleged if true do not show that the Plaintiff is entitled to recover against the Defendant.
3. There is not shown a duty upon the Defendant not to negligently injure the Plaintiff.
4. It does not show howin the Plaintiff was injured.
5. It is not shown that the Plaintiff's injuries were the proximate result of the Defendant's negligence.
6. It is not shown that the Plaintiff suffered any damages as a result of the Defendant's negligence.
7. It is not shown howin the Defendant was negligent.

Lynn, Thomas & Pappas
J. B. Blaschke
Attorneys for Defendant.

1428
DEMURRERS

BEATRICE SCHEINER,

Plaintiff,
VS

DAVID K. MCLEMORE,

Defendant.

RECORDED

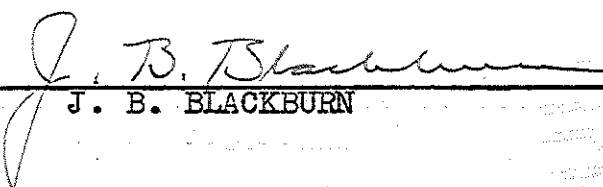
IN THE CIRCUIT COURT OF
BADDWIN COUNTY, ALABAMA
AT LAW.

FILED
NOV 25 1949
ALICE J. DUCK, CLERK

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

BEATRICE SCHEINER,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
vs)	AT LAW
)	
DAVID K. McLEMORE,)	
Defendant.)	NO. 1428

Comes now the defendant, David K. McLemore, and moves unto the court that it require the plaintiff to deposit security for court costs and as grounds for such motion says that the plaintiff is a non-resident of the State of Alabama.


J. B. BLACKBURN

LYONS & PIPES,
Attorneys for the Defendant.

By 
Walter M. Cook

Post Office Department
OFFICIAL BUSINESS

RECEIVED

NOV 2 1949

SECRETARY OF
STATE

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)

POSTMARK OF DELIV
OFFICE

Return to Sibyl Post, Secretary of State
(NAME OF SENDER)

Street and Number,
or Post Office Box,

Montgomery, Alabama

REGISTERED ARTICLE

No.

52699

INSURED PARCEL

MONTGOMERY,

ALABAMA.

No.

Beatrice Scheiner vs David K. McLemore

Form 3811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 David K. McLemore
(Signature or name of addressee)

2 DELIVER TO ADDRESSEE ONLY
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 1948, 1948

U. S. GOVERNMENT PRINTING OFFICE

16-12421