

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD
L. WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1676.

AMENDED COMPLAINT

Now comes the Plaintiff, by its attorneys, and amends the Complaint heretofore filed in this cause so that the same shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Fifteen Thousand and no/100 Dollars (\$15,000.00) as damages for that on heretofore, to-wit, March 2, 1951, the Defendant, Edward L. Wasner, servant, agent or employee of the Defendant Toni Napoli, while acting within the line and scope of his employment as such servant, agent or employee, so negligently operated a motor vehicle at a point approximately 12 miles East of Robertsedale, Baldwin County, Alabama, on and upon U. S. Highway number 90, a public highway in said county in said state, as to cause or allow the same to come into collision with a truck and trailer, the property of the Plaintiff, which was then and there also being operated on and upon said public highway by the Plaintiff, at said time and place, and as a proximate result of the Defendants' negligence as aforesaid, the Plaintiff's truck was badly bent, mashed, broken and was otherwise demolished; the trailer was badly bent, mashed, broken and otherwise damaged and the contents therein consisting of produce and groceries were damaged, scattered and otherwise rendered unfit for consumption all to the Plaintiff's damage as aforesaid, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendants the sum of Fifteen Thousand and no/100 Dollars (\$15,000.00) as damages for that on heretofore, to-wit, March 2, 1951, the Plaintiff was operating one of its trucks with a trailer thereto attached, Eastwardly on and

upon U. S. Highway number 90, a public highway in the County of Baldwin, State of Alabama, at a point approximately 12 miles East of Robertsedale in said County in said State, and at said time and place, the Defendant, Toni Napoli, acting then and there by and through his servant, agent or employee, Edward L. Wasner, who was then and there acting within the line and scope of his employment, as such, wantonly damaged the Plaintiff's truck and trailer by wantonly causing or allowing a motor vehicle, the property of the said Toni Napoli, which the said Edward L. Wasner was then and there operating Westwardly on and upon said highway at said time and place, to run upon and against the truck and trailer of the Plaintiff and as a proximate result of the aforesaid wantonness, the Plaintiff's truck was badly bent, mashed, broken and was otherwise demolished; the trailer was badly bent, mashed, broken and otherwise damaged and the contents therein, consisting of produce and groceries were damaged, scattered and rendered unfit for consumption, all to the Plaintiff's damage as aforesaid, hence this suit.

S. H. Hand, Randall & Baskin

and

CHASON & STONE

By: Melvin P. Stone
Attorneys for Plaintiff.

RECORDED

AMENDED COMPLAINT

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD
L. WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1676. ✓

FILED

MAR 14 1952

ALICE J. DUCK, Clerk

LAW OFFICES

HYBART, CHASON & STONE

BAY MINETTE, ALABAMA

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD
WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 1676.

MOTION FOR JUDGMENT NIL DICT

Comes now the Plaintiff, by its attorneys, and moves the Court to enter a judgment nil dict against the Defendants, Toni Napoli and Edward Wasner, and in favor of the Plaintiff, and as grounds for said motion assigns separately and severally, the following:

1. That the Defendants, by their attorney, have withdrawn all of the pleadings heretofore filed by them in this cause and dismissed the plea of recoupement heretofore filed and have withdrawn the demand for a jury trial.

2. That service was had upon the Defendants Toni Napoli and Edward Wasner, under the provisions of Title 7, Section 199 of the Code of Alabama of 1940, and that said Defendants appeared by their attorney and filed certain pleas which are now of record and subsequent thereto the said Defendants did withdraw all of the pleadings filed by them or in their behalf and also dismissed their plea of recoupment and withdrawn their demand for a jury trial, to which the Plaintiff has consented.

WHEREFORE, the Plaintiff respectfully prays that this motion be granted and a judgment nil dict be entered by this Honorable Court against Toni Napoli and Edward Wasner, and in favor of the Plaintiff in said cause.

Respectfully submitted,

SMITH, HAND, ARENDALL & BEDSOLE

By: Am. B. Hand

and

CHASON & STONE

By: Marlowe D. Stone

Attorneys for Plaintiff.

RECORDED

MOTION FOR JUDGMENT NIL DICT

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 1676.

Filed: March 26, 1952.

*Jeffrey J. Maslowski Jr.
Judge*

LAW OFFICES

HYBART, CHASON & STONE

BAY MINETTE, ALABAMA

DELCHAMPS, INC., a corporation,

Plaintiff

vs

TONI NAPOLI and EDWARD L. WASNER,

Defendant

IN THE CIRCUIT COURT

of

BALDWIN COUNTY,

ALABAMA

NO. 1676

TO THE CIRCUIT COURT OF BALDWIN COUNTY:

I, Agnes Baggett, Secretary of State, hereby certify that on June 18, 1951, I sent by registered mail in an envelope addressed as follows:

" Edward L. Wasner
1115 Liberty Street
Jacksonville, 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:

" Edward L. Wasner
1115 Liberty Street
Jacksonville, Florida

You will take notice that on June 18, 1951 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled **DELCHAMPS, INC., a corporation, vs TONI NAPOLI and EDWARD L. WASNER,**

Defendants in the **Circuit Court of Baldwin County,**
~~Summons~~ Alabama, Case No. 1676, 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 18th day of June, 1951.

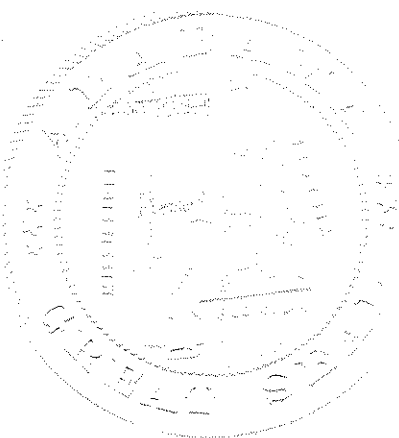
Signed) Agnes Baggett
Mrs. Agnes Baggett
Secretary of State "

Enclosures - 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.

I further certify that on June 21, 1951, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at Jacksonville, Florida on June 20, 1951.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 22nd day of June, 1951.



Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Enclosures - (Return card
and copy of summons and
complaint)

RETURN RECEIPT

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

1

(Signature or name of addressee)

2

(Signature of addressee or agent—Agent should enter address and name on line ONE above)

Date of delivery

6/20/56

Post Office Department

PERMIT FOR RETURNABLE TO VOID PAYMENT OF POSTAGE (10)

OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE

Return to _____ Secretary of State
(NAME OF BENEFITARY)

Street and Number
or Post Office Box

REGISTERED ARTICLE

No. _____
INSURED PARCEL

No. _____

MONTGOMERY,
ALABAMA.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1074

RECEIVED

TERM, 19

JUN 18 1951

SECRETARY OF
STATE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Toni Napoli and Edward L. Warner

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Toni Napoli
and Edward L. Warner, Defendant
Polchamps, Inc., A Corp.

by _____, Plaintiff.....

Witness my hand this 11th day of June 1951

Archie Warner, Clerk

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed, 19.....

....., Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

....., 19.....

....., Sheriff

I have executed this summons

this, 19.....

by leaving a copy with

..... Sheriff

..... Deputy Sheriff

DELCHAMPS INC., a corpora-
tion,

Plaintiff,

VS.

TONI NAPOLI AND EDWARD L.
WASNER,

Defendants.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

) AT LAW

) NO. _____

C O M P L A I N T

COUNT ONE

Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND AND 00/100 (\$15.000) DOLLARS as damages for that here- before on, to-wit, March 2, 1981, the Defendant, Edward L. Wasner, servant, agent, or employee of Defendant, Toni Napoli, while acting within the line and scope of his employment as such so negligently operated a motor vehicle at a point approx- imately twelve miles east of Robertsdale, Baldwin County, Alabama, on and upon U.S. Highway 90, a public highway in said county and said state, as to cause or allow the same to come into collision with a truck and trailer, the property of the Plaintiff, being then and there also operated on and upon said public highway at said time and place, and as a proximate result of the Defendants' negligence as aforesaid, the Plaintiff's truck and trailer were badly bent, mashed, broken and otherwise demolished, the contents therein damaged, scattered, and other- wise destroyed, and the Plaintiff was deprived of the use and benefit of said truck and trailer, all to the Plaintiff's damage as aforesaid, hence this suit.

COUNT TWO

Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND AND 00/100 (\$15,000) DOLLARS as damages for that here- before on, to-wit, March 2, 1981, the Plaintiff was operating one of its trucks with trailer thereto attached eastwardly on

23
10
7
0

and upon U. S. Highway 90, a public highway in the County of Baldwin, State of Alabama, at a point approximately twelve miles east of Robertsdale in said county and said state, and at said time and place the Defendant, Toni Napoli, acting then and there by and through his servant, agent or employee, Edward L. Wasner, wantonly damaged the Plaintiff's truck and trailer by wantonly causing or allowing a motor vehicle, the property of the said Toni Napoli, which the said Edward L. Wasner was then and there operating westwardly on and upon said highway at said time and place, to run upon and against the truck and trailer of the Plaintiff, and as a proximate result of the aforesaid wantonness the Plaintiff's truck was badly bent, mashed, broken and otherwise demolished, the contents therein damaged, scattered, and otherwise destroyed, and the Plaintiff was deprived of the use and benefit of said truck and trailer, all to the Plaintiff's damage as aforesaid, hence this suit.

Smith Hand Arendall & Bedwell
Attorneys for Plaintiff

Addresses of Defendants:

Toni Napoli
Jacksonville, Florida

Edward L. Wasner
1115 Liberty Street
Jacksonville, Florida

Defendant, George
 J. Roberts, Jr.
 Defendant, George
 J. Roberts, Jr.
 Defendant, George
 J. Roberts, Jr.

Received for
 filing
 June 14, 1951

MS 1676

all to the defendant's damage as shown by the evidence
 was received at the time and place of said work and further,
 damaged, scattered, and otherwise destroyed, and the defendant
 intended, broken and otherwise demolished, the contents thereof
 otherwise mentioned the defendant's work was paid for by the
 father of the plaintiff, and as a proximate result of the
 at said time and place, so now upon and against the father
 then and there operating voluntarily or any other said plaintiff
 of the said work hereby, which the said George J. Roberts and
 of defendant's damage as shown by the evidence, the property
 of the father, defendant's damage the plaintiff's work and further,
 and there on the defendant's work and further, the
 at said time and place the defendant's work and further, the
 after work of Robert's work as said work and said work and
 further, work of Robert's work as said work and said work and
 and upon the said highway as a result thereof in the county of

FILED
 JUN 14 1951
 ALICE J. DUCK, Clerk

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD
WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 1676.

This day came the parties, by their attorneys, and the Defendants having withdrawn all of the pleadings heretofore filed in their behalf and the plea of recoupement heretofore filed by Toni Napoli having been dismissed on motion of his attorney, and the Defendants having withdrawn their demand for a trial by jury, to which withdrawal the Plaintiff has consented, and the Defendants saying nothing in bar or preclusion to the demand of the Plaintiff; and it appearing to the satisfaction of the court that the Defendants, Toni Napoli and Edward Wasner are properly before this court and that service was had upon them as non-residents of the State of Alabama in all respects as required by Title 7, Section 199 of the Code of Alabama of 1940;

It is therefore considered by the Court that the Plaintiff have and recover of the Defendants the demand in the Complaint as last amended, but the said demand being uncertain, the Court now proceeds to hear the evidence in this cause and to assess the damages; and the court having heard and considered the evidence is of the opinion that the Plaintiff should have and recover of the Defendants the sum of Eight Thousand, Six Hundred Forty-seven and no/100 Dollars (\$8,647.00), it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, Delchamps, Inc., a corporation, have and recover of the Defendants, Toni Napoli and Edward Wasner, the sum of Eight Thousand, Six Hundred Forty-seven Dollars (\$8,647.00) together with the costs in this behalf expended, for all of which let execution issue.

Dated this 26th day of March, 1952, at Bay Minette, Baldwin County, Alabama.

Telfair J. Mashburn, Jr.
Telfair J. Mashburn, Jr., Circuit
Judge, 28th Judicial Circuit of the
State of Alabama.

JUDGMENT

~~DEGREE~~

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD
WASNER,

Defendants.

RECORDED

FILED

MAR 26 1952

ALICE J. DUCK, Clerk

LAW OFFICES

HYBART, CHASON & STONE

BAY MINETTE, ALABAMA

DELCHAMPS INC., a corpora-)	IN THE CIRCUIT COURT OF
tion,)	BALDWIN COUNTY, ALABAMA
Plaintiff,)	
VS.)	AT LAW
TONI NAPOLI AND EDWARD L.)	
WASNER,)	
Defendants.)	NO. _____

C O M P L A I N T

COUNT ONE

Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND AND 00/100 (\$15.000) DOLLARS as damages for that heretofore on, to-wit, March 2, 1951, the Defendant, Edward L. Wasner, servant, agent, or employee of Defendant, Toni Napoli, while acting within the line and scope of his employment as such so negligently operated a motor vehicle at a point approximately twelve miles east of Robertsdale, Baldwin County, Alabama, on and upon U.S. Highway 90, a public highway in said county and said state, as to cause or allow the same to come into collision with a truck and trailer, the property of the Plaintiff, being then and there also operated on and upon said public highway at said time and place, and as a proximate result of the Defendants' negligence as aforesaid, the Plaintiff's truck and trailer were badly bent, mashed, broken and otherwise demolished, the contents therein damaged, scattered, and otherwise destroyed, and the Plaintiff was deprived of the use and benefit of said truck and trailer, all to the Plaintiff's damage as aforesaid, hence this suit.

COUNT TWO

Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND AND 00/100 (\$15,000) DOLLARS as damages for that heretofore on, to-wit, March 2, 1951, the Plaintiff was operating one of its trucks with trailer thereto attached eastwardly on

and upon U. S. Highway 90, a public highway in the County of Baldwin, State of Alabama, at a point approximately twelve miles east of Robertsedale in said county and said state, and at said time and place the Defendant, Toni Napoli, acting then and there by and through his servant, agent or employee, Edward L. Wasner, wantonly damaged the Plaintiff's truck and trailer by wantonly causing or allowing a motor vehicle, the property of the said Toni Napoli, which the said Edward L. Wasner was then and there operating westwardly on and upon said highway at said time and place, to run upon and against the truck and trailer of the Plaintiff, and as a proximate result of the aforesaid wantonness the Plaintiff's truck was badly bent, mashed, broken and otherwise demolished, the contents therein damaged, scattered, and otherwise destroyed, and the Plaintiff was deprived of the use and benefit of said truck and trailer, all to the Plaintiff's damage as aforesaid, hence this suit.

Smith Hand Arnold M. & Bedale
Attorneys for Plaintiff

Addresses of Defendants:

Toni Napoli
Jacksonville, Florida

Edward L. Wasner
1115 Liberty Street
Jacksonville, Florida

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1676

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Toni Napoli and Edward L. Wasner

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Toni Napoli
and Edward L. Wasner, Defendant

by Delchamps, Inc, A Corp.

Plaintiff.....

Witness my hand this 11th day of June 1951

W. J. H. H. H., Clerk

No. 1676

Page

RECORDED

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

DELCHAMPS, A CORP. inc

Plaintiffs

vs.

TONI NAPOLI AND EDWARD L. WASNER

Defendants

SUMMONS and COMPLAINT

Filed 6-14-51, 19

Alvin J. Leuck Clerk

Plaintiff's Attorney

Defendant's Attorney

498

Defendant lives at

JUN 16 1951

RECEIVED IN OFFICE

G. A. Mosley Sheriff
June 14, 1951

Taylor Wilkins Sheriff

I have executed this summons

this 6 - 18, 1951

by leaving 3 copy with

Arms Bazzit
Secretary of State
of the State of Ala.

G. A. Mosley

Sheriff

Goodwyn

Deputy Sheriff

PHONES: OFFICE . . . 5-0393
JAIL 5-0111

OFFICE: 108 COURT H
House

JACKSONVILLE, FLORIDA

September 15th

194 51

M

Mrs Agnes Baggett
Secretary of State.
Montgomery, Alabama

TO REX SWEAT DR.
SHERIFF OF DUVAL COUNTY, FLORIDA

IN CASE OF Delchamps, Inc a corporation VS. Tony Napoli and Edward L. Wasner

16

For Service of Summons and Complaint upon Tony Napoli
Less cash sent with Letter

Balance

\$ 5.60

2.00

\$ 3.60

*To be paid by
Smith & Son
Mobile, Ala*

DELCHAMPS INC., a corporation,

Plaintiff,

VS.

TONI NAPOLI AND EDWARD L.
WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

COMPLAINT

COUNT ONE

Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND AND 00/100 (\$15,000) DOLLARS as damages for that heretofore on, to-wit, March 8, 1951, the Defendant, Edward L. Wasner, servant, agent, or employee of Defendant, Toni Napoli, while acting within the line and scope of his employment as such so negligently operated a motor vehicle at a point approximately twelve miles east of Robertsdale, Baldwin County, Alabama, on and upon U.S. Highway 90, a public highway in said county and said state, as to cause or allow the same to come into collision with a truck and trailer, the property of the Plaintiff, being then and there also operated on and upon said public highway at said time and place, and as a proximate result of the Defendants' negligence as aforesaid, the Plaintiff's truck and trailer were badly bent, mashed, broken and otherwise demolished, the contents therein damaged, scattered, and otherwise destroyed, and the Plaintiff was deprived of the use and benefit of said truck and trailer, all to the Plaintiff's damage as aforesaid, hence this suit.

COUNT TWO

Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND AND 00/100 (\$15,000) DOLLARS as damages for that heretofore on, to-wit, March 8, 1951, the Plaintiff was operating one of its trucks with trailer thereto attached eastwardly on

and upon U. S. Highway 90, a public highway in the County of Baldwin, State of Alabama, at a point approximately twelve miles east of Robertsdale in said county and said state, and at said time and place the Defendant, Toni Napoli, acting then and there by and through his servant, agent or employee, Edward L. Warner, wantonly damaged the Plaintiff's truck and trailer by wantonly causing or allowing a motor vehicle, the property of the said Toni Napoli, which the said Edward L. Warner was then and there operating westwardly on and upon said highway at said time and place, to run upon and against the truck and trailer of the Plaintiff, and as a proximate result of the aforesaid wantonness the Plaintiff's truck was badly bent, mashed, broken and otherwise demolished, the contents therein damaged, scattered, and otherwise destroyed, and the Plaintiff was deprived of the use and benefit of said truck and trailer, all to the Plaintiff's damage as aforesaid, hence this suit.

Smith Hand Russell & Bedole
Attorneys for Plaintiff

Addresses of Defendants:

Toni Napoli
Jacksonville, Florida

Edward L. Warner
1115 Liberty Street
Jacksonville, Florida

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1474

JUN 18 1951 TERM, 19

SECRETARY OF
STATE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Toni Napoli and Edward L. Wason

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Toni Napoli
and Edward L. Wason, Defendant
Delchamps, Inc., A Corp.

by _____, Plaintiff.....

Witness my hand this 14th day of June 19 51

Archie Wason Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

vs. Plaintiffs

Defendants

SUMMONS and COMPLAINT

Filed, 19.....

....., Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

August 28th 1951

RECEIVED IN OFFICE

August 28th, 1951.....

....., Sheriff

I have executed this summons
this 14th September, 1951....
by leaving a copy with

Tony Napoli at 5:00 P.M. at
4849 Delta Street, Jacksonville,
Florida

REX SWEAT
SHERIFF OF DUVAL COUNTY, FLORIDA

M. D. France Deputy Sheriff

DEPUTY SHERIFF



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

MRS. AGNES BAGGETT
SECRETARY OF STATE

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

Toni Napoli
4849 Delta Avenue
Jacksonville, Alabama

You will take notice that on June 18, 1951, the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, summons and
complaint in a case entitled DELCHAMPS, INC., a corporation

_____, Plaintiff vs TONI NAPOLI and EDWARD L.
WASNER,

_____, Defendants in the Circuit Court of Baldwin
County, Alabama, Case No. 1676, 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 28th day
of August, 1951.

Mrs. Agnes Baggett
MRS. AGNES BAGGETT
Secretary of State

encl. 1 copy summons and complaint



MRS. AGNES BAGGETT
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

September 17, 1951

Hon. Alice J. Duck
Circuit Clerk
Baldwin County
Bay Minette, Alabama

Re: Delchamps, Inc., a corporation, vs.
Toni Napoli and Edward L. Wasner

Dear Mrs. Duck:

Enclosed herewith is a copy of the notice and summons and complaint in the above-styled cause showing service on the defendant, Toni Napoli, by the Sheriff of Duval County, Florida, on the reverse side of the summons. Also enclosed is a copy of the cost bill which I am sending to Hon. Wm. Brevard Hand with the request that it be paid directly to the Sheriff in Jacksonville.

As you will note from our previous correspondence with Sheriff Sweat, copies of which correspondence have been forwarded to you, we requested him to make his return to you and not to this office. We are sorry this delay occurred.

If we can be of service to you at any time, please do not hesitate to call upon us.

Yours very truly,

Mrs. Agnes Baggett
MRS. AGNES BAGGETT
Secretary of State

encls. 3

cc: Hon. Wm. Brevard Hand
Smith, Hand, Arendall & Bedsole
P. O. Box 123
Mobile, Alabama

SMITH, HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HARRY H. SMITH
COUNSELOR
CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE

THOMAS G. GREAVES, JR.
WM. BREVARD HAND

CABLE ADDRESS: HAB

June 13, 1951

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

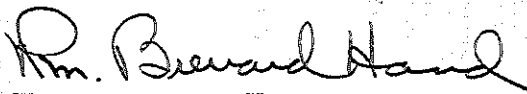
Dear Mrs. Duck:

I enclose herewith the original and six copies of a complaint with the request that same be filed in the Circuit Court. Service must be obtained upon the defendants named therein by serving the requisite number of copies on the Secretary of State, the defendants being non-residents.

I also enclose our check payable to the Secretary of State in the amount of \$6.00 as is provided by Section 199, Title 7 of the Code of Alabama, 1940 and request that if these particulars be not in order that you be so kind as to advise in order that I may make the necessary corrections.

Thanking you for your courtesies in this matter,
I am

Yours very truly,


Wm. Brevard Hand

WBH/ta
Encl.

no 1676

allchamps, a corp.
inc.

vs.

Joni Napak and
Edward L. Wasner

claimages
Filed 12-14-67

1. original
6. copies
see state

Smith, Harold, Arnold, & Bedell



SIBYL POOL
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

July 27, 1951

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Hon. Rex Sweat
Sheriff, Duval County
Jacksonville, Florida

Re: Belchamps, Inc., a corporation, vs. Toni Napoli

Dear Sheriff Sweat:

There is enclosed herewith notice and copy of summons and complaint, in duplicate, in a suit against Toni Napoli, pending in the Circuit Court of Baldwin County, Alabama, at Law.

Title 7, Section 199, Code of Alabama, 1940, provides among other things, that service of this process may be made by a sheriff, deputy sheriff, or any duly constituted public officer qualified to serve like process in the state of the jurisdiction where such nonresident defendant is found. This statute also provides a fee of two dollars for such service. I am, therefore, enclosing two dollars in cash to cover the fee in this case. If there is an additional charge by you, please advise me.

Under other provisions of law in this State, service upon a defendant must be made on him personally. Please hand to the defendant the copy of the summons and complaint with the notice bearing the gold seal attached thereto.

Service of process was attempted by registered mail, return receipt requested, deliver to addressee only, addressed to Toni Napoli, 4849 Delta Avenue, Jacksonville, Florida, but the registered letter was returned to this office undelivered. We hope this defendant may be located at the address given.

We shall appreciate your serving these papers as outlined and as soon as service is effected, please make your return on the duplicate copy enclosed, to Hon. Alice J. Duck, Circuit Clerk, Baldwin County, Bay Minette, Alabama.

Yours very truly,

Agnes Baggett
MRS. AGNES BAGGETT
Secretary of State

encls. 5 (including \$2.00 in cash)

cc: Hon. Wm. Brevard Hand, P. O. Box 123, Mobile, Alabama

Hon. Alice J. Duck, Circuit Clerk, Baldwin County, Bay Minette, Alabama



SECRETARY OF STATE
SIBYL POOL

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

July 27, 1961

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Hon. Rex Brown
Sheriff, Inverly County
Jacksonville, Florida

Re: *Goldman, Inc., a corporation, vs. Toni Rapelli*

Dear Sheriff Brown:

There is enclosed herewith notice and copy of summons and complaint, in duplicate, in a suit against Toni Rapelli, pending in the Circuit Court of Baldwin County, Alabama, as law.

Title V, Section 199, Code of Alabama, 1960, provides among other things, that service of this process may be made by a sheriff, deputy sheriff, or any duly constituted public official authorized to serve like process in the state of the jurisdiction where such nonresident defendant is found. This statute also provides a fee of two dollars for such service. I am, therefore, enclosing two dollars in cash to cover the fee in this case. If there is an additional charge by you, please advise me.

Under other provisions of law in this state, service upon a defendant must be made on him personally. There is no need to the defendant the copy of the summons and complaint with the notice pending the said sealed attached documents.

Service of process was attempted by registered mail, return receipt requested, delivery to addressee only, addressed to Toni Rapelli, 1843 Belfair Avenue, Jacksonville, Florida, but the registered letter was returned to this office undelivered. We have no further information as to the whereabouts of the defendant.

We shall appreciate your serving these papers as outlined and as soon as service is effected, please return on one duplicate copy enclosed, to Hon. Alice J. Cook, Circuit Clerk, Baldwin County, Jay Minors, Alabama.

Yours very truly,

[Signature]
Hon. Alice J. Cook
Circuit Clerk

encs. 5 (including \$2.00 in cash)

cc: Hon. Wm. Howard Hand, P. O. Box 193, Mobile, Alabama
Hon. Alice J. Cook, Circuit Clerk, Baldwin County, Jay Minors, Alabama

FILED
JUL 30 1961
JUL 1 1961
JUL 1 1961

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD
L. WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

LAW SIDE.

NO. 1676.

DEMURRER:

Now comes the Plaintiff by its attorneys and demurs to Plea numbered "2" and assigns the following separate and several grounds in support thereof:

1. That said Plea "2" does not constitute a defense to this action.

2. That said plea does not constitute a defense to this action which is not available from the Plea numbered "1".

Now comes the Plaintiff and demurs to Plea numbered "3" and assigns the following separate and several grounds in support thereof:

1. That there is no duty alleged owing from the Plaintiff to the Defendants.

2. For aught that appears from said plea there was no duty owing from the Plaintiff to the Defendants.

Now comes the Plaintiff and demurs to Plea numbered "4" and assigns the following separate and several grounds in support thereof:

1. That said plea "4" does not state a cause of action.

2. That said plea does not meet the requisites of an original complaint in negligence.

3. That said plea would not support a judgment in the amount claimed therein.

4. That no facts are alleged showing a duty owing from the Plaintiff to the Defendant, Toni Napoli.

5. For aught that appears from the said plea there was no duty owing at said time and place from the Plaintiff to the Defendants.

CHASON & STONE

By: _____
Attorneys for Plaintiff.

DEMURRER

DELCHAMPS, INC.,
A Corporation,

Plaintiff,

vs.

TONI NAPOLI and EDWARD L.
WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

No. 1676.

*Filed 3.22.52
Miss.ench
clerk.*

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

DELCHAMPS, INC.,)	
A Corporation,)	
)	IN THE CIRCUIT COURT OF
VS. Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	AT LAW. NO. 1676
TONI NAPOLI and EDWARD L.)	
WASNER,)	
Defendants.)	

DEMURRER TO AMENDED COMPLAINT

Now come the defendants, each separately and severally, and demur to Count 1 of the amended complaint and as ground for such demurrer assign, separately and severally, the following:

1. The said count does not state a cause of action.
2. The allegations of the said count are vague, indefinite and uncertain.
3. The allegations of the said count are vague, indefinite and uncertain in that it does not appear whether the plaintiff's said truck was damaged or demolished in the accident.
4. No facts are alleged to show that the defendants are liable to the plaintiff for damages for the loss of use of the plaintiff's said truck.
5. The allegations of the said count are vague, indefinite and uncertain in that it does not allege the contents of the plaintiff's said truck or the manner in which they were damaged.
6. The allegations of the said count are conclusions of the pleader and are not supported by any necessary allegations of fact.
7. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the damages to the plaintiff's said truck.
8. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the damages to the plaintiff's said trailer.
9. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the contents of the plaintiff's said truck and trailer and the damage done thereto.

10. The allegations of the said count are conclusions of the pleader in that it does not allege how the contents of the said truck and trailer were damaged, scattered and otherwise rendered unfit for consumption.

Now come the defendants, each separately and severally, and demur to Count 2 of the amended complaint and as grounds therefor assign, separately and severally, the following:


1. The said count does not state a cause of action.
2. The allegations of the said count are vague, indefinite and uncertain.
3. The allegations of the said count are vague, indefinite and uncertain in that it does not appear whether the plaintiff's said truck was damaged or demolished in the accident.
4. No facts are alleged to show that the defendants are liable to the plaintiff for damages for the loss of use of the plaintiff's said truck.
5. The allegations of the said count are vague, indefinite and uncertain in that it does not allege the contents of the plaintiff's said truck or the manner in which they were damaged.
6. The allegations of the said count are conclusions of the pleader and are not supported by any necessary allegations of fact.
7. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the damages to the plaintiff's said truck.
8. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the damages to the plaintiff's said trailer.
9. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the contents of the plaintiff's said truck and trailer and the damage done thereto.
10. The allegations of the said count are conclusions of the pleader in that it does not allege how the contents of the said truck and trailer were damaged, scattered and otherwise rendered unfit for consumption.

11. No facts are alleged to show that the defendant, Edward L. Wasner, as agent, servant or employee of the defendant, Toni Napoli, was acting within the line and scope of his authority at the time of the said accident.

12. No facts are alleged to show that the defendant, Toni Napoli, authorized the defendant, Edward L. Wasner, to wantonly damage the plaintiff's said truck and trailer.

13. No facts are alleged to show that the defendant, Toni Napoli, wantonly damaged the plaintiff's said truck and trailer.

14. The allegations that the defendant, Toni Napoli, wantonly damaged the plaintiff's truck and trailer are conclusions of the pleader.



Attorney for Defendants.

DELCHAMPS, INC.,
a Corporation,

RECORDED

VS. Plaintiff,

TONI NAPOLI and EDWARD L. WASNER,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1676.

Filed: March 21, 1952.

*Jeffrey J. Moulburn, Jr.
Judge.*

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

DELCHAMPS, INC.,)
A Corporation,)
)
Plaintiff,)
VS.)
)
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
)
TONI NAPOLI and EDWARD L.)
WASNER,)
)
Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1676

AT LAW. NO. 1676

AT LAW. NO. 1676

PLEAS

Now come the defendants, each separately and severally, and for plea to the amended complaint and to each and every count thereof, separately and severally, say:

1. Not guilty.
2. The allegations of the complaint are untrue.

3. The driver of the plaintiff's motor vehicle at the time of the accident described in the plaintiff's complaint, who was then and there the agent, servant or employee of the plaintiff and acting within the line and scope of his employment, was himself guilty of negligence which proximately contributed to the plaintiff's said injuries and damages as alleged in the complaint.

4. The defendant, Toni Napoli, claims of the plaintiff Fifteen Thousand Dollars (\$15,000.00) as damages for that at the time of the accident complained of in the amended complaint a truck of the defendant, Toni Napoli, was being driven along the public highway in Baldwin County, Alabama, which is described in the said amended complaint, and on the date and at the time and place alleged in the said amended complaint one of plaintiff's trucks with a trailer thereto attached was being driven by its agent, servant or employee, who was then and there acting within the line and scope of his authority, in an opposite direction along the said highway and at the said time and place plaintiff's said agent, servant or employee drove the plaintiff's said truck and trailer into, on or against the truck of the defendant, Toni Napoli, and as a proximate result of the negligence of the plaintiff's said agent, servant or employee, the truck of the defendant, Toni Napoli, was badly bent.

mashed, broken and otherwise demolished, because of all of which, the said defendant, Toni Napoli, claims judgment in recoupment against the said plaintiff for the said sum of Fifteen Thousand Dollars (\$15,000.00) damages so done to his said truck.

J. B. Blackburn
Attorney for Defendants.

RECORDED

PLEAS

DELCHAMPS, INC., a Corporation,
Plaintiff,

VS.

TONI NAPOLI and EDWARD L. WASNER,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1676

Filed: March 21, 1952.

*Walter J. Maslbury, Jr.
Judge.*

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

DELCHAMPS, INC.,
a Corporation,

Plaintiff,

VS.

TONI NAPOLI and EDWARD L.
WASNER,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1676

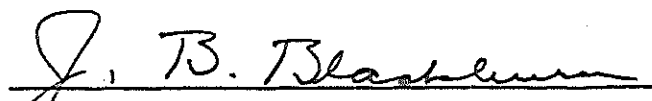
DEMURRERS TO COMPLAINT

Now come the defendants, each separately and severally,
and demur to the Count 1 of the complaint and as ground for such
demurrer, assign separately and severally the following:


1. The said count does not state a cause of action.
2. The allegations of the said count are vague, indefinite and uncertain.
3. The allegations of the said count are vague, indefinite and uncertain in that it does not appear whether the plaintiff's said truck was damaged or demolished in the accident.
4. No facts are alleged to show that the defendants are liable to the plaintiff for damages for the loss of use of the plaintiff's said truck.
5. The allegations of the said count are vague, indefinite and uncertain in that it does not allege the contents of the plaintiff's said truck or the manner in which they were damaged.
6. The allegations of the said count are conclusions of the pleader and are not supported by any necessary allegations of fact.
7. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the damages to the plaintiff's said truck.

Now come the defendants, each separately and severally,
and demur to Count 2 of the complaint and as grounds therefor, assign separately and severally the following:

1. The said count does not state a cause of action.
2. The allegations of the said count are vague, indefinite and uncertain.
3. The allegations of the said count are vague, indefinite and uncertain in that it does not appear whether the plaintiff's said truck was damaged or demolished in the accident.
4. No facts are alleged to show that the defendants are liable to the plaintiff for damages for the loss of use of the plaintiff's said truck.
5. The allegations of the said count are vague, indefinite and uncertain in that it does not allege the contents of the plaintiff's said truck or the manner in which they were damaged.
6. The allegations of the said count are conclusions of the pleader and are not supported by any necessary allegations of fact.
7. The allegations of the said count are vague, indefinite and uncertain in that they do not describe the damages to the plaintiff's said truck.
8. No facts are alleged to show that the defendant, Edward L. Wasner, as agent, servant or employee of the defendant, Toni Napoli, was acting within the line and scope of his authority at the time of the said accident.
9. No facts are alleged to show that the defendant, Toni Napoli, authorized the defendant, Edward L. Wasner, to wantonly damage the plaintiff's truck and trailer.
10. No facts are alleged to show that the defendant, Toni Napoli, wantonly damaged the plaintiff's truck and trailer.
11. The allegations that the defendant, Toni Napoli, wantonly damaged the plaintiff's truck and trailer are conclusions of the pleader.


Attorney for defendants.

Defendants demand a trial of said cause by jury.


Attorney for defendants.

RECORDED

DEMURRERS TO COMPLAINT
DELCHAMPS, INC., a Corporation,
Plaintiff,
VS.

TONI NAPOLI and EDWARD L. WASNER,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1676

FILED

OCT 11 1951

ALICE J. DUCK, Clerk

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

and upon U. S. Highway 90, a public highway in the County of
 Baldwin, about 10 miles, at a point approximately twelve
 miles east of Hialeah, in the County of Dade, and
 at said time and place the Defendant, Toni Napoli, acting then
 and there by and through his servant, agent or employee, Edward
 J. Sasser, wrongfully damaged the Plaintiff's truck and trailer
 by recklessly causing or allowing a motor vehicle, the property
 of the said Toni Napoli, which was also owned by Sasser, to
 then and there operating recklessly on and upon said highway
 at said time and place, to run upon and against the truck and
 trailer of the Plaintiff, and as a result thereof the
 aforesaid Defendant's truck and trailer were badly damaged,
 wrecked and otherwise mutilated, the contents therein
 damaged, scattered, and otherwise destroyed, and the Plaintiff
 is deprived of the use and benefit of said truck and trailer,
 all to the Plaintiff's damage as aforesaid, hence this suit.

FILED
 JUN 14 1951
 ALICE L. DICK, Clerk

7201676

[Signature]
 Attorney for Plaintiff

Address of Defendant:

Toni Napoli
 Jacksonville, Florida

Edward J. Sasser
 1115 G Street
 Jacksonville, Florida