

CHARLES M. McGOWAN,

Plaintiff,

vs.

W. B. MURDOCK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1802

Comes the defendant in the above entitled cause and for answer to each count of the plaintiff's complaint says not guilty.

Johnston Call & Smiles
Attorneys for the Defendant

FILED
JUN 2 1952
ALICE A. DICK, Clerk

JOHNSTON, McCALL & JOHNSTON
LAWYERS
EIGHTH FLOOR FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

SAMUEL M. JOHNSTON
DAN T. McCALL, JR.
WILLIAM E. JOHNSTON
SAMUEL M. JOHNSTON, JR.
PERCY W. JOHNSTON, JR.

June 4, 1952

MAILING ADDRESS:
P. O. BOX 550
MOBILE 4, ALABAMA

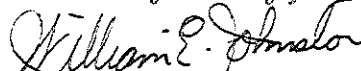
Mrs. Alice M. Duck
Clerk of the Circuit Court of Baldwin
County, Alabama
Bay Minette, Alabama

Re: Charles M. McGowan, plaintiff vs.
W. B. Murdock, defendant - No. 1802
Circuit Court of Baldwin County,
Alabama, At Law

Dear Mrs. Duck:

Enclosed herewith I hand you original and one (1)
copy of the answer of the defendant in the above entitled
cause with the request that you file the same and acknowledge
receipt thereof.

Yours very truly,


William E. Johnston

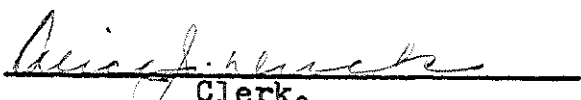
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encls.

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

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

You are hereby commanded to summon W. B. Murdock to appear in the Circuit Court of Baldwin County, Alabama, at Law, and plead, answer or demur, within thirty days from service hereof, to the complaint of Charles M. McGowan.

Witness my hand this the 13th day of May, 1952.


Clerk.

C O M P L A I N T

CHARLES M. MCGOWAN, vs. W. B. MURDOCK,
Plaintiff, Defendant.

The plaintiff claims of the defendant the sum of \$25,000.00 damages for that on, to-wit, September 17, 1951, plaintiff was traveling in an automobile on United States Highway No. 31 in Baldwin County, Alabama, which was a public highway, about three miles South of Bay Minette, going in a Southern direction, and on said occasion an agent, servant or employee of the defendant, whose name was Sambo Bullard, and who was then and there acting within the line or scope of his employment or agency, was operating an automobile truck that belonged to defendant on said highway and going in a Northern direction, and at said time and place the said agent, servant or employee of the defendant so negligently operated defendant's said automobile truck as to cause the same to run over, upon or against the automobile in which plaintiff was traveling and as the result of said collision plaintiff was seriously injured. Plaintiff avers that his injuries consisted of a multiple fracture of his left leg, his back was severely injured, several cuts on his face, head, hands and elbow which required several stitches, an injury to the nerve of his left

leg which prevents him from raising his foot voluntarily and also prevents him from walking without the aid of a specially designed shoe and brace. Plaintiff further avers that said injuries to his back and left leg are permanent. Plaintiff further avers that as the result of said injuries he was made sick and sore, has suffered and continues to suffer great physical pain and mental anguish, that his nervous system was severely shocked, that he will be disabled and incapacitated for the remainder of his life and that his health and physical stamina were permanently impaired. Plaintiff further avers that on account of said injuries it was necessary for him to become a patient in a hospital where he has remained almost continuously since said injuries were received and that he is still a patient in said hospital. Plaintiff further avers that at the time said injuries were received he was a member of the United States Air Force and was going to school for radio operators, from which school he would have graduated in December, 1951, except for said injuries; that on account of said injuries it has been necessary for him to be absent from said school and on account of said absence he could not graduate from said school in December, 1951.

Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligent operation of said truck by the said agent, servant or employee of the defendant, who was acting within the line or scope of his employment or agency, at said time and place, wherefore plaintiff sues.

COUNT TWO

The plaintiff claims of the defendant the sum of \$3,000.00 damages for that on, to-wit, September 17, 1951, plaintiff was traveling in his automobile on United States Highway No. 31 in Baldwin County, Alabama, which was a public highway, about three miles South of Bay Minette, going in a Southern direction, and on said occasion an agent, servant or employee of the defendant, whose

name was Sambo Bullard, and who was then and there acting within the line or scope of his employment or agency, was operating an automobile truck that belonged to defendant on said highway and going in a Northern direction, and at said time and place the said agent, servant or employee of the defendant so negligently operated defendant's said automobile truck as to cause the same to run over, upon or against the automobile of plaintiff and as the result of said collision plaintiff's said automobile was practically demolished and made worthless.

Plaintiff further avers that the injuries and damages to his said automobile were proximately caused by the negligent operation of said truck by the said agent, servant or employee of the defendant, who was acting within the line or scope of his employment or agency, at said time and place, wherefore plaintiff sues.

L. G. Farnum
H. A. Farnum
ATTORNEYS FOR PLAINTIFF.

The Plaintiff demands a trial by jury.

L. G. Farnum
H. A. Farnum
Attorney for Plaintiff

278 No. 1802-20

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

Received in Sheriff's Office
this 12 day of May 1952
TAYLOR WILKINS, Sheriff

CHARLES M. McGOWAN,
Plaintiff,

vs.

W. B. MURDOCK,
Defendant.

SUMMONS and COMPLAINT

Filed in office this the 13
day of May, 1952.

W. B. Murdock
Clerk.

Hubert M. Hall & L. A. Farmer
Attorneys for Plaintiff.

Received 15 Day of May 1952
and on 17 Day of May 1952
I served a copy of the within
W. B. Murdock

W. B. HOLCOMBE, Sheriff
W. B. Sanders

1802