

THOMAS WASHBURN, a minor,
Suing by next friend,
MRS. IRA WASHBURN CURTIS,

Plaintiff,

vs.

SITE OIL COMPANY, a
corporation, et al

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW. CASE NO.

1856.

Come now the defendants in the above entitled cause
and file the following separate and several pleas;

(1) Not guilty.

(2) The allegations of the complaint are untrue.

Percy Johnston & John Chesson
Attorneys for the defendants

1856

FILED
SEP 14 1953
MAICE J. DUCK, Clerk

THOMAS WASHBURN, a minor suing
by next friend, Mrs. Ira Wash-
burn Curtis,

Plaintiff,

vs.

SITE OIL COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

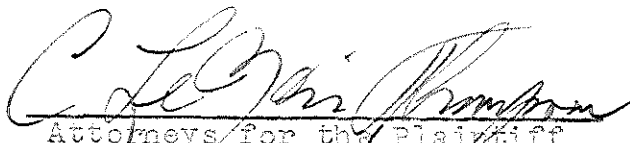
AT LAW

NO. _____

Comes now the plaintiff in the above entitled cause and
amends his complaint by adding Hurricane Oil Company, a cor-
poration, as a party-defendant, and by adding the following
additional counts:

COUNT TWO

The plaintiff claims of the defendants ONE THOUSAND
and no/100 (\$1,000.00) DOLLARS, due from them by account
on, to-wit, the 1st day of January, 1953, which sum of
money with the interest thereon, is still unpaid.


Attorneys for the Plaintiff

Filed 9-14-53
Revised clerk
clerk

THOMAS WASHBURN, a minor,
Suing by next friend,
MRS. IRA WASHBURN CURTIS,

Plaintiff,

vs.

SITE OIL COMPANY, a
corporation.

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. CASE NO. _____.

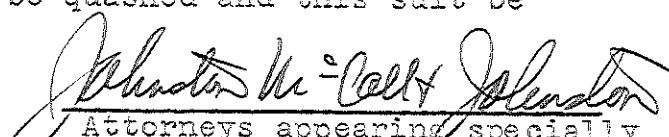
Comes the defendant in the above styled cause, appearing specially only for the purpose of filing this plea in abatement and without submitting itself to the general jurisdiction of this court, and says:

(1) The plaintiff cannot maintain his suit in this court for that the defendant, at the time of the filing of said suit, was and is a foreign corporation organized under the laws of the State of Missouri, and it was not doing business in the State of Alabama, when the cause of action sued on arose, and had no authorized agent or agents in the State of Alabama at said time.

WHEREFORE the defendant prays that this suit be abated and that it be discharged with its reasonable costs in this behalf expended.

(2) The plaintiff cannot maintain his suit in this court for that the summons and complaint in said case was served by the Sheriff of Baldwin County, Alabama upon one E. E. Gates; that the said E. E. Gates was and is not an agent or employee of the defendant; and the defendant, at the time of the filing of said suit, was and is a foreign corporation, ~~organized under the laws of the State of Missouri, and it was not doing business by agent in the State of Missouri;~~ and it was not doing business by agent in the State of Alabama when this suit was filed on, to-wit, September 2, 1952 and is not now doing business in the State of Alabama.

WHEREFORE the defendant prays that the purported service of process upon the defendant be quashed and this suit be abated.


Attorneys appearing specially
for Defendant, Site Oil Co.

STATE OF MISSOURI §

CITY OF ST. LOUIS §

Before me, the undersigned Notary Public in and for
said CITY in said State, personally appeared Phil. L. Steman,
who being by me first duly sworn, deposes and says that he
is President of Site Oil Company, a corpora-
tion, and cognizant of the facts hereinabove stated, and au-
thorized to make this affidavit, and that the facts stated
in the foregoing plea in abatement are true.

Phil L Steman
Affiant

Subscribed and sworn to before me
this 2nd day of October, 1952.

Das Jacoby
NOTARY PUBLIC, St. Louis COUNTY, MISSOURI

My commission expires June 27, 1956

1057

FILED

OCT 7 1952

ALICE L. DUCK, Clerk

SUMMONS AND COMPLAINT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon SITE OIL COMPANY, a corporation, 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 THOMAS WASHBURN, a minor, suing by next friend, MRS. IRA WASHBURN CURTIS.

Witness my hand, this 2nd day of Sept, 1952.

Bessie J. Newman
CLERK.

THOMAS WASHBURN, a minor,
suing by next friend,
MRS. IRA WASHBURN CURTIS.

PLAINTIFF

VS

SITE OIL COMPANY, a
corporation

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. _____

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED EIGHTY EIGHT (\$488.00) DOLLARS unpaid minimum wages, unpaid overtime compensation, liquidate damages, and reasonable attorney's fee for legal services of attorney for the Plaintiff in the prosecution of this cause pursuant to the Fair Labor Standards Act of 1938 (as amended) 29 USCA paragraph 216 B (as amended) and hereinafter referred to as "the Act". The Plaintiff avers that jurisdiction is conferred on this Court by the provisions of Section 16 b of the Act.

The Plaintiff alleges that the Defendant was and is now engaged in buying and selling of oil and oil products, said business being located on the Mobile Bay Causeway on U. S. Highway 31, near the Mobile County Line, in Baldwin County, Alabama; said business being engaged in buying and selling of oil and oil products, and said Defendant employed and is now employing more than 12 employees in and about the said business.

The Plaintiff further alleges that a large part of the oil and oil products bought and sold by the Defendant were and are sold by him to be used in States other than the State of Alabama, and sold in Interstate Commerce other

than in the State of Alabama and the Defendant is therefore engaged in Interstate Commerce. The Plaintiff also alleges that while working for said Defendant he was engaged as a filling station attendant, and as such he sold oil and oil products. The Plaintiff further alleges that the products sold by the Defendant from its place of business competes with products of similar oil and oil products, corporation and companies operating in other States.

The Plaintiff avers that under the provisions of the Act the Defendant was engaged in Interstate Commerce as provided for by the Fair Labor Standards Act of 1938 (as amended) and was bound to pay

"each of the employees who is engaged in Commerce or in the production of goods for Commerce wages at the following rates:

(a)

(1) not less than 75 cents an hour"; Title 29 paragraph 206 (a) USCA (as amended),
and pay such employees at the rate of not less than one and one-half times the regular rate for all hours over 40 hours each workweek, Title 20 paragraph 207 (a) USCA (as amended).

The Defendant violated the provisions of said Act in that the Plaintiff was so employed by the Defendant in his place of business, during the month of June, 1952, and was not paid in accordance with the Act to which he and the Defendant were subject.

The Plaintiff avers that during the work-week beginning on to-wit: June 2, 1952, down to and including each consecutive week to, to-wit: June 28, 1952, he worked to-wit: 72 hours in each workweek and was paid the sum of to-wit: THIRTY SIX & 25/100 (\$36.25) DOLLARS per week. For such unpaid minimum wage due, overtime, liquidated damages, and attorneys' fees, as provided for by the Act, the Defendant is indebted to the Plaintiff.

The Plaintiff claims for said indebtedness at the rate of 75 cents per hour for the first 40 hours worked in any week and ONE DOLLAR AND TWELVE AND ONE-HALF CENTS (\$1.12 $\frac{1}{2}$) per hour for each hour worked over 40 hours per week as provided by the Act and the Plaintiff further claims an additional equal amount as liquidated damages for said unpaid wage and overtime and the Plaintiff avers that he has employed an attorney to prosecute this suit and the sum of TWO HUNDRED FIFTY (\$250.00) DOLLARS is a reasonable fee for such legal services, and the Plaintiff claims therefore the sum of TWO HUNDRED FIFTY (\$250.00) DOLLARS as provided for by the Act; wherefore the Plaintiff prays judgment in the sum of FOUR HUNDRED EIGHTY EIGHT (\$488.00) DOLLARS together

with interest thereon and cost of this suit.

C. LeNoir Thompson

Tolbert M. Brantley
Attorneys for Plaintiff

BY: *C. LeNoir Thompson*

The Plaintiff demands trial by jury.

C. LeNoir Thompson

Tolbert M. Brantley
Attorneys for Plaintiff

BY: *C. LeNoir Thompson*

Received in Sheriff's Office
this 3 day of Sept, 1952
TAYLOR WILKINS, Sheriff

1856

Served Sept 12th 1952
by serving copy of within Summons and
Complaint on

Site Oil Company, Inc.
By Service on E. E. Hatz
As manager

Taylor Wilkins Sheriff
by _____ Deputy Sheriff

THOMAS WASHBURN, a minor
Suing by next friend,
MRS. IRA WASHBURN CURTIS

PLAINTIFF

VS

SITE OIL COMPANY, a
corporation.

DEFENDANT

Summons and Complaint

FILED
SEP 2 1952
ALICE J. DUCK, Clerk

From the Law Offices of
C. LeNoir Thompson
Tolbert M. Brantley

1856