

RAYMOND GATES, a minor suing
by next friend, MRS. AGNES
GATES,

Plaintiff,

vs.

SITE OIL COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

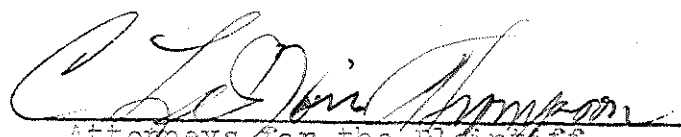
AT LAW

NO. 1857

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

1857

Filed 9-14-53
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cent

RAYMOND GATES, a minor,
Suing by next friend,
MRS. AGNES GATES.

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 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.

Robert M. McCall
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. Siteman, who being by me first duly sworn, deposes and says that he is President of Site Oil Company, a corporation, and cognizant of the facts hereinabove stated, and authorized to make this affidavit, and that the facts stated in the foregoing plea in abatement are true.

Phil L. Siteman
Affiant

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

Eva Jacob
NOTARY PUBLIC,

St. Louis County, MISSOURI

My commission expires June 27, 1956.

1857

RECORDED

[Faint handwritten notes, possibly "1857" and "1858"]

FILED

OCT 7 1952

ALICE J. DUCK, Clerk

RAYMOND GATES, a minor,
Suing by next friend,
MRS. AGNES GATES.

Plaintiff,

vs.

SITE OIL COMPANY, a
corporation, et al

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. CASE NO. _____.

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 Chason
Attorneys for the defendants

FILED
SEP 14 1953
ALICE J. RUCK, Clerk

SUMMONS AND COMPLAINT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons 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 RAYMOND GATES, a minor, suing by next friend, Mrs. Agnes Gates.

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

Reinhold J. Smith
CLERK.

RAYMOND GATES, a minor,
Suing by next friend,
MRS. AGNES GATES.

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 ONE THOUSAND ONE HUNDRED SIXTY FOUR AND NO/100 (\$1164.00) DOLLARS unpaid minimum wages, unpaid overtime compensation, liquidated 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 provision of Section 16 (b) of the Act.

The Plaintiff alleges that the Defendant is a Corporation doing business in the State of Alabama, being a foreign corporation, and at all times hereinafter mentioned was engaged on the Mobile Bay Causeway, on U. S. Highway 31, near the Mobile County line in Baldwin County, Alabama, in the buying and selling of oil and oil products and said Defendant employed and is now employing more than twelve employees in and about said business.

The Plaintiff further alleges that a large part of the oil and oil products sold by the Defendant were and are sold by it to be used in States other than the State of Alabama and were and are sold in interstate commerce other than

in the State of Alabama and the Defendant is therefore engaged in interstate commerce. Plaintiff also alleges that while he worked for said Defendant he was engaged as a filling station attendant and as such he sold oil and oil products, and he performed various other duties as a filling station attendant in and about the Defendant's business. The Plaintiff further alleges that the products sold by the Defendant from its place of business competes with the products of similiar corporations and sellers of oil and oil products 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) (1) 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 29 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 its place of business on the Mobile Bay Causeway, on U. S. Highway 31, near the Mobile County in Baldwin County, Alabama, during the monts of February, 1952, down to and including June, 1952, and was not paid in accordance with the Act to which he and the Defendant were subject.

Plaintiff avers that during the period from February 19, 1952, to May 31, 1952, Defendant employed Plaintiff in its said place of business as aforesaid, for 72 hours during each week and paid wages to the Plaintiff at the rate of FIFTY (\$50.00) DOLLARS per week. During that period from February 19, 1952, to May 31, 1952, Plaintiff should have been paid wages at a rate of not less than 75 cents per hour for the first forty hours in each such workweek as required by Section 6 of said Act; and should have been paid overtime compensation for each hour in excess of forty in such workweek at a rate not less than ONE DOLLAR AND TWELVE AND ONE-HALF CENTS (\$1.12 $\frac{1}{2}$) per hour as required by Section 7 of said Act. Plaintiff was accordingly unpaid a sum of SIXTEEN (\$16.00) DOLLARS during each such workweek or TWO HUNDRED AND FORTY (\$240.00) DOLLARS for the said period.

Plaintiff avers that during the period from June 2, 1952, to June 28, 1952, Defendant employed Plaintiff in its said place of business as aforesaid, for

72 hours during each week and paid wages to the Plaintiff at the rate of TWENTY NINE (\$29.00) DOLLARS per week, During that period from June 2, 1952, to June 28, 1952, Plaintiff should have been paid wages at a rate of not less than 75 cents per hour for the first forty hours in each such workweek as required by Section 6 of said Act; and should have been paid overtime compensation for each hour in excess of forty in such workweek at a rate not less than ONE DOLLAR AND TWELVE AND ONE-HALF (\$1.12 $\frac{1}{2}$) per hour as required by Section 7 of said Act.

Plaintiff was accordingly unpaid a sum of THIRTY SEVEN (\$37.00) DOLLARS during each such workweek or ONE HUNDRED AND FORTY EIGHT (\$148.00) DOLLARS for the said period.

Plaintiff was accordingly unpaid the sum of THREE HUNDRED EIGHTY EIGHT (\$388.00) DOLLARS. Plaintiff claims of the Defendant the sum of THREE HUNDRED EIGHTY EIGHT (\$388.00) DOLLARS for unpaid minimum wage and unpaid overtime wage due him under said Act. Plaintiff further claims an additional THREE HUNDRED EIGHTY EIGHT (\$388.00) DOLLARS as liquidated damages for said unpaid wage and Plaintiff avers that he has employed an attorney to prosecute this suit and a sum of THREE HUNDRED EIGHTY EIGHT (\$388.00) DOLLARS is a reasonable fee for such legal services and the Plaintiff therefore claims the sum of THREE HUNDRED EIGHTY EIGHT (\$388.00) DOLLARS as provided by the Act.

Wherefore, the Plaintiff prays judgment in the sum of ONE THOUSAND ONE HUNDRED SIXTY FOUR (\$1164.00) DOLLARS, together with interest thereon and the cost of this suit.

C. LeNoir Thompson

Tolbert M. Brantley
Attorneys for Plaintiff

BY: *C. LeNoir Thompson*

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

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

Site Oil Company, Inc.
By service on E.E. Hatcher
as Manager

Taylor Wilkins Sheriff
By Deputy Sheriff

CS81

1457
RECORDED

RAYMOND GATES, a minor,
Suing by next friend,
MRS. AGNES GATES

PLAINTIFF

VS

SITE OIL COMPANY, A
corporation.

DEFENDANT

Summons and Complaint

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

FILED

SEP 2 1952

ALICE J. DUCK, Clerk