

1937

HENRY HESSE,
Plaintiff,
VS.
JIMMY R. WHATLEY,
Defendant.

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

C O U N T O N E :

Plaintiff claims of the defendant the sum of Twenty Five Thousand and no/100ths (25,000.00) Dollars for that heretofore on, to-wit, the 1st day of August, 1952, the defendant so negligently operated an automobile westwardly on Alabama Highway No. 89, a public highway in Baldwin County, Alabama, at a point about two miles west of Foley, Alabama, as to cause or allow said automobile to run into, upon and against the automobile belonging to and being driven by the plaintiff, which was then and there being driven in an eastwardly direction on said Alabama Highway 89 at said time and place, and as a direct and proximate result of said negligence as aforesaid, plaintiff's automobile was badly broken, bent, and damaged, and the plaintiff lost the use of his automobile, which was used in his business, for a long period of time; and the plaintiff was seriously and permanently injured and damaged, his body was bruised and lacerated, he suffered three cracked, broken, and fractured ribs, he suffered cuts and bruises in and about the face, head and ears, he suffered cuts and bruises all over his body, his eye glasses were broken, he suffered a bruised or pulled muscle in his left leg, his teeth were cracked, he was caused to suffer and will continue to suffer great physical pain and mental anguish, he was caused to incur medical expense in and about the care and treatment of his said injuries and will continue to incur medical expense in the future in caring for his said injuries; he was made sick and sore; he was caused to lose time from his work; he was and will be permanently scarred, disfigured, disabled, and injured; he was caused to have a knot form in his right leg; and he was caused to lose a contract of employment; all to the plaintiff's damage, hence this suit.

PLAINTIFF RESPECTFULLY
REQUESTS THAT THIS CAUSE
BE TRIED BY A JURY.

Julian H. Marshall
Attorney for Plaintiff.

Julian H. Marshall

FILED
2-6-53

no 1937

HENRY HESSE, **ORIGINAL**
Plaintiff,

VS.

JIMMY R. WHATLEY,
Defendant.

SUMMONS AND COMPLAINT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO.

FILED

3-6-53

ALICE L. DUCK, Clerk

Def is at Basin Field
Foley, Ala

TELFAIR J. MASHBURN, Jr.

LAWYER

Bay Minette, Alabama

Received in Sheriff's Office
this 2 day of *Mar* 1953
TAYLOR WILKINS, Sheriff

4/3/53

Executed by serving
a copy of the
within writ on
Jimmy R. Whatley
This 3rd day of March 1953
Taylor Wilkins Sheriff
By Monk Osborne
D. S.

HENRY HESSE,

Plaintiff,

vs.

JIMMY R. WHATLEY,

Defendant.

I
I
I
I
I

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

Comes now the Defendant, by his Attorneys, and for answer to
the Complaint filed in the above styled cause, says:

1. That he is not guilty of the matters alleged therein.

FILED
May 21, 1953
ALICE I. BUCK, Clerk

CHASON AND STONE

BY: M. L. Chason & O. S. Stone
Attorneys for Defendant.

1937

ANSWER

HENRY HESSE,

Plaintiff,

vs.

JIMMY R. WHATLEY,

Defendant.

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

FILED
MAY 2 1953
ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

HENRY HESSE,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
JIMMY R. WHATLEY,	I	AT LAW. NO. 1937
Defendant.	0	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW:

Comes now Jimmy R. Whatley, the Defendant in the above styled cause, and respectfully represents and shows unto your Honor and unto this Honorable Court as follows:

That this Defendant is now in the Military Service of the United States of America and that he was in such Service on the date of the accident complained of in this action and was at that time stationed at Barin Field in Foley, Baldwin County, Alabama. That since the date of said accident and the trial of this cause at the Fall term, 1953, of this Court, your Defendant has been ordered transferred from Barin Field and his present address is VF-21, c/o Fleet Post Office, New York, New York, and that because of the fact that he has been transferred his ability to make his defense to said cause of action has been and is materially impaired and effected by virtue of his said military service in that he would not be able to testify in his own behalf or to otherwise properly defend said cause of action.

WHEREFORE, this Defendant prays that further proceedings herein be stayed as provided in the Soldiers and Sailors Civil Relief Act of 1940, as amended.

Jimmy R. Whatley
Jimmy R. Whatley

Sworn to and subscribed
before me this 8 day
of February, 1954.

FILED

Feb. 15, 1954
ALICE A. BUCK, Clerk

John A. Williams LTJG USNR
A Commissioned Officer of the Armed
Forces of the United States of America

701937

Majority of people

FILED
FEB 15 1954
ALICE L. WICK, Clerk

STATE OF ALABAMA, 0
 0 TO ANY SHERIFF OF THE STATE OF ALABAMA:
COUNTY OF BALDWIN. 0

You are hereby commanded to summon JIMMY R. WHATLEY 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 same, then and there to answer the complaint of HENRY HESSE.

Witness my hand this 6th day of March, 1953.

FILED

2-6-53

ALICE J. DICK, Clerk

Alice J. Dick
Clerk of the Circuit Court