

KENNETH COOPER  
ATTORNEY AT LAW  
109 EAST 121 STREET  
P. O. BOX 1000  
BAY MINETTE, ALABAMA 36507  
TELEPHONE (205) 937-7412

May 22, 1975

Mrs. Eunice Blackmon  
Clerk, Circuit Court  
Bay Minette, Alabama 36507

RE: Stewart vs. Thomas  
Case No. 8863

Dear Mrs. Blackmon:

The above case is set for trial on the court calendar for Monday, June 9, 1975, at 9:00 a.m. Will you please send today a copy of the calendar to the defendant, at the following address, by certified mail, return receipt requested.

Sgt. George H. Thomas, Jr.  
11th Company, 1st Battalion  
School Brigade  
U. S. Infantry School  
Fort Benning, Georgia 31905

Very truly yours,

*Kenneth Cooper*  
Kenneth Cooper

KC/jlr

*Mailed 6-22-75*

*C.M. # 5 99100*

*Bill K. Cooper*

## The State of Alabama, Baldwin County

## CIRCUIT COURT

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded that of the goods and chattels, lands and tenements of \_\_\_\_\_

\_\_\_\_\_ Bobby Lee Stewart, suing by and through his next friend  
Leander Stewart, his father \_\_\_\_\_, Plaintiff, you cause to be made the sum of  
\$49.70 \_\_\_\_\_ Dollars,

costs of suit, for that, whereas, on the 31st day of October, 1975 the said  
Bobby Lee Stewart, suing by and through his next friend Leander Stewart,  
his father \_\_\_\_\_ Plaintiff, recovered by judgment in the

Circuit Court of Baldwin County, of George H. Thomas, Jr. \_\_\_\_\_ Defendant, on

sum of \$50,000.00 \_\_\_\_\_ Dollars, upon  
which judgment an execution has been issued, and returned by the Sheriff "No property found." And have you that  
money ready to render to Eunice B. Blackmon, Circuit Clerk of said Court, and make return of this writ and the execu-  
tion thereof according to law.

Witness my hand, this 7th day of May, 1976  
Eunice B. Blackmon, Clerk.

Code 1940, Tit. 7, Sec. 518

CLERK'S FEES	@	Amount	SHERIFF'S FEES	@	Amount
1. Suits for \$100.00 or less.....	\$ 6.00		23. Serving summons and complaint.....	\$ 1.50	
2. Suits for over \$100.00 but less than \$1,000.00.....	10.00		24. Levying attachment and return.....	6.25	
3. Suits for \$1,000.00 and over.....	20.00		25. Seizing personal property—Detinue.....	6.00	
4. Suits Detinue, ejectment, etc.....	10.00		26. Approving bond, each.....	2.00	
5. Suits not otherwise provided for.....	10.00		27. Serving Garnishee—Writ.....	1.50	
6. Appeal from Justice of Peace, etc.....	6.00		28. Serving Sci. Fa. or notice.....	1.50	
7. Garnishment on Judgment, etc.....	6.00		29. Serving subpoenas, each.....	.75	
8. Workmen's Compensation—Petition Settlement.....	10.00		30. Impanelling Jury.....	.75	
9. Appeals from State Dept. of Pub. Safety, etc.....	10.00		31. Serving Contempt Attachment.....	1.50	
10. Motion to sell real estate—J. P. levy.....	6.00		32. Collecting Execution for cost only.....	1.50	
11. Mandamus, writ of prohibition, etc.....	15.00		33. Commissions on Execution.....	5.00	
12. Recording Executions—State Agencies.....	3.00		34. Executing Writ of Possession, each.....	2.50	
13. Copy of Record—per 100 words.....	.15		35. Making Deed to Real Estate sold, each.....	.10	
14. Certifying Abstract in transcript.....	5.00		36. Mileage, each.....		
15. Record for Supreme—Appeals Ct. per 100 words.....	.15		37. ....		
16. Additional copies Record—Appeals for 100 words.....	.05		38. ....		
17. Taking Appeal Bond.....	.75		Total Sheriff's Fees.....		
18. Reporter's Transcript on Appeal.....	10.00		SUMMARY OF FEES, COSTS, AND JUDGMENT—		
19. Appeals Courts Concurrent Jurisdiction.....	15.00		1. Clerk's Fees.....		20.00
20. Application—Habeas Corpus.....	6.00		2. Ex-Clerk's Fees.....		8.50
21. ....			3. Sheriff's Fees.....		4.50
22. ....			4. Ex-Sheriff's Fees.....		
Total Clerk's Fees.....			5. Trial Tax.....		
			6. Court Reporter's Fee, per day \$.....		
			7. Witness Fees.....		
			8. Commissioner's Fees.....		10.00
			9. Garnishee's Fees.....		
			10. Publisher's Fees.....		
			11. Fair Trial Tax.....		2.00
			12. Sec. of State.....		5.00
			13. Clerk's Fees in Inferior Court.....		1.70
			14. Sheriff's Fees in Inferior Court.....		
			15. Witness Fees in Inferior Court.....		
			16. ....		
			17. Justice of Peace Fees.....		
			18. Constable's Fees.....		
			19. ....		
			20. Cost in Appealed Cases Docketed (Total).....		\$ 49.70
			Total Fees and Cost.....		
			21. ....		
			22. Judgment.....		
			23. 10% Damages.....		
			24. Interest.....		
			Total Judgment.....		
			Total Fees, Cost and Judgment.....		

The State of Alabama,

BALDWIN COUNTY

CIRCUIT COURT

BOBBY LEE STEWART, SUING BY AND THROUGH  
HIS NEXT FRIEND LEANDER STEWART,  
HIS FATHER

ST RT Box 436  
vs. Plaintiff

GEORGE H. THOMAS, JR.

Defendant.

FI. FA. FOR COSTS

Filed this day of

, 19

EUNICE B. BLACKMON, Clerk

Fee Book, page

Execution Docket, Page

KENNETH COOPER

Plaintiff's Attorney.

Defendant's Attorney.

2- to pty. 5-21-76

RECEIVED

Received in office

MAY 7 1976

19

Sheriff.

THOMAS H. BENTON

Sheriff's Execution Docket Page

By virtue of the within Execution I have, at

o'clock M., this

day of, 19, levied

on the following:

10-25-82

Returned Unable to  
locate. "NO Prop.  
found on vehicle to  
bring.

PLAINTIFF'S WITNESSES

AMOUNT

DEFENDANT'S WITNESSES

Total

KENNETH COOPER  
ATTORNEY AT LAW  
109 EAST 1ST STREET  
BAY MINETTE, ALABAMA 36507  
TELEPHONE 937-7412

12 August, 1970

Mrs. Alice J. Duck  
Clerk, Circuit Court  
Bay Minette, Alabama 36507

Re: Bobby Lee Stewart  
vs  
George H. Thomas, Jr.  
civil case number 8862

Dear Mrs. Duck:

When above case was filed you were advised that Defendant's address was: 531 South Holt Street, Montgomery, Alabama. In recent days it has been learned that Defendant's address is:

821 Sutter Street  
Montgomery, Alabama

I realize that a note in your file shows Defendant to be in United States Army in Germany, and is due to return two years from September, 1969. However it would be appreciated if you would return the papers to the Sheriff's office for seeing if service can be had at 821 Sutter Street.

Sincerely,

  
Kenneth Cooper

KC/ap

KENNETH COOPER  
ATTORNEY AT LAW  
109 EAST 121 STREET  
P. O. BOX 1000  
BAY MINETTE, ALABAMA 36507  
TELEPHONE (205) 937-7412

April 30, 1973

Mrs. Eunice Blackmon  
Register, Equity Division  
Baldwin County Circuit Court  
Bay Minette, Alabama 36507

RE: Bobby Lee Stewart vs. *2862*  
George H. Thomas, Jr.

Dear Mrs. Blackmon:

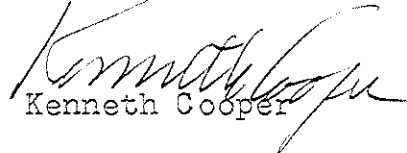
At long last, Thursday I found the mailing address  
for above-named George H. Thomas, Jr. It is:

31st U. S. Infantry  
1st Bn. (Mech.)  
APO San Francisco, California 96224

Request that you mail the defendant's copy of the  
complaint to him at above address, via certified or registered  
mail, return address requested. May I suggest the letter be  
sent by air-mail.

Please advise as soon as the receipt for the letter has been  
received by you.

Sincerely,

  
Kenneth Cooper

KC/jlr

cc: Bobby Lee Stewart  
Daphne, Alabama

Honorable Telfair J. Mashburn

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Your are hereby commanded to summon George H. Thomas, Jr., owner and operator of the motor vehicle which collided with the motor vehicle of the plaintiff, as described in the complaint, to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at Bay Minette, Alabama, to be held for said count at the place of holding the same, then and there to answer the complaint of Bobby Lee Stewart, suing by and thru his next of friend, Leander Stewart, his father.

WITNESS my hand this 11<sup>th</sup> day of May, 1973.

  
CLERK

Address of the defendant:  
31st United States Infantry  
1st Battalion (mechanized)  
APO San Francisco, California 96224

STATE OF ALABAMA  
BALDWIN COUNTY

TERM, 1969

You are hereby commanded to summon George H. Thomas, Jr., 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 George H. Thomas, Jr., Defendant, by Bobby Lee Stewart, Suing by and Thru his next of Friend, Leander Stewart, his father, Plaintiff.

7 day of August, 1969.  
Alice G. Cook CLERK.

BOBBY LEE STEWART,  
Suing by and Thru his  
next of Friend, Leander  
Stewart, his father,

Y

 $\chi$  $\gamma$ 

Y

Vs.

Y

1

Plaintiff claims of the Defendant Fifty Thousand (\$50,000.00) Dollars as damages for that heretofore on, to-wit, the 7<sup>th</sup> day of September, 1968, while Plaintiff's automobile was being operated along and upon a public road in Baldwin County, Alabama, at the approximate intersection of Interstate Highway No. 65 and the Rabun Road, approximately seven miles northeast of Bay Minette, Alabama, where he had a right to be, and while his said automobile was being operated and driven along said road, an automobile which was being driven by the Defendant ran upon, over or against the automobile operated by the Plaintiff causing great damages to Plaintiff's automobile, causing the fenders, body, frame, doors and lights to be bent, dented and smashed, the windshields and glass on the doors was broken, all to the damage

of Plaintiff. And the Plaintiff suffered broken bones, lacerations and bruises upon the body, internal injuries, bleeding, great pains and suffering, said injuries being permanent and temporary in nature, and Plaintiff was caused to suffer great doctor, medical and hospital bills. Plaintiff alleges that said damages to his automobile, and injuries to himself were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the Plaintiff and the automobile of the Plaintiff, and as a proximate consequence thereof, Plaintiff's automobile was damaged and Plaintiff injured as aforesaid, hence this suit in the amount prayed for.

*Kenneth Cooper*  
ATTORNEY FOR PLAINTIFF

**FILED**

AUG 29 1969

**ALICE J. DUCK** CLERK  
REGISTER

821  
RECEIVED IN OFFICE  
OF THE CLERK  
SEP 4 1969  
M. S. BUTLER, Sheriff  
of MONTGOMERY COUNTY

County, Alabama, Claim \$1.50 each for  
serving 1 process(es) and \$1.00  
travel expense on each of 250  
process(es), or a total of 250

Returned not found  
M. S. Butler, Sheriff  
M. S. Butler, Deputy Sheriff

Returned not found  
Not found in my County  
after diligent search and  
inquiry.  
M. S. Butler, Sheriff  
M. S. Butler, Deputy Sheriff

Received 2 day of Sept 1969  
on 2 day of Sept 1969  
served a copy of the within sec  
George H. Thomas, Jr.  
by service on TAYLOR WILKINS, Sheriff  
By D. S.

CASE NO. 8862

BOBBY LEE STEWART,  
Suing by and thru his  
next of Friend, Leander  
Stewart, his father,

PLAINTIFF,

VS.

GEORGE H. THOMAS, JR.,  
821 Butler Street  
Montgomery  
DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW  
MAY 14 1970

ATTORNEY FOR PLAINTIFF:

KENNETH COOPER

DEFENDANT'S ADDRESS:  
821 Butler Street  
531 South Holt Street  
Montgomery, Alabama

FILED  
AUG 17 1970  
TAYLOR WILKINS  
SHERIFF

AUG 29 1969

ALICE J. DUCK  
CLERK  
REGISTER

Executed by serving 2 copies of  
the within on M. S. Butler  
Secretary of State of The State of  
Alabama  
This the 18 day of May 1970  
Sheriff of Montgomery County  
M. S. Butler,  
By M. S. Butler  
D. S.



MABEL S. AMOS  
SECRETARY OF STATE

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY, ALABAMA 36104  
269-6185  
AREA CODE 205

June 21, 1973

Honorable Eunice B. Blackmon, Clerk  
Circuit Court of Baldwin County  
Court House  
Bay Minette, Alabama 36507

Re: Bobby Lee Stewart, by His Father, Leander  
Stewart VS George H. Thomas, Jr., Defendant,  
-Circuit Court of Baldwin County, Case  
Number 8862

Dear Mrs. Blackmon:

Enclosed herewith is a letter received from Legal  
Assistance Officer in behalf of the above named defendant.  
No return receipt card has been received, therefore, no  
return has been made from this office.

With best wishes, I am

Yours truly,

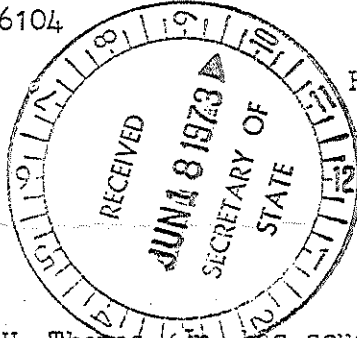
Mabel S. Amos  
Secretary of State

fc  
Enclosure

CC: Honorable Kenneth Cooper  
109 East First Street  
Bay Minette, Alabama 36507

DEPARTMENT OF THE ARMY  
Headquarters, 3rd Brigade, 2d Infantry Division  
APO San Francisco 96251  
OFFICE OF THE STAFF JUDGE ADVOCATE

Clerk  
Circuit Court of Baldwin County, Alabama  
c/o Secretary of State  
Montgomery, Alabama 36104



Re: Bobby Lee Stewart  
v.  
George H. Thomas, Jr.  
case No. 8862  
(Filed 29 Aug 1969)

Dear Mr. Clerk:

Staff Sergeant George H. Thomas, Jr. has sought my advice with respect to the summons and complaint in the above styled case which was sent to him by the Secretary of State. I am an attorney serving with the U.S. Army whose duties include assisting soldiers such as Sergeant Thomas. Of course, I represent Sergeant Thomas, not the Army.

In behalf of Sergeant Thomas, I would like to request that your court stay these proceedings under the provisions of Section 201, Soldiers' and Sailors' Civil Relief Act (50 U.S.C. App 521). Sergeant Thomas is currently assigned on military orders to the Republic of Korea. His expected date of return from overseas is November 1973. It would seem that his ability to defend this action is materially effected by his required presence here in Korea.

Please see that this request is transmitted to the proper judge of your court. Nothing herein should be construed to be an appearance (special or general) by Sergeant Thomas.

Thank you for your assistance,

Very truly yours,

A handwritten signature in cursive script that reads "Anstruther Davidson".

ANSTRUTHER DAVIDSON  
CPT, JAGC  
Legal Assistance Officer

cc: Kenneth Cooper  
109 East First Street  
Bay Minette, Alabama 36507

cc: SSG George H. Thomas Jr. 423-48-5686  
Co A, 1st Bn (M) 17th Inf, 2d Inf Div.  
APO San Francisco 96251

FILED

JUN 25 1973

EUNICE B. BLACKMON  
CIRCUIT CLERK

MOTION FOR JUDGMENT BY DEFAULT

STATE OF ALABAMA

IN THE CIRCUIT COURT

BALDWIN COUNTY

CASE NO. 8,862

BOBBY LEE STEWART ----- PLAINTIFF

VS.

GEORGE H. THOMAS, JR. ----- DEFENDANT

Comes now the plaintiff in the above styled cause and moves the court to enter a default judgment against the defendant upon writ of inquiry, and assigns the following grounds:

1. Summons and complaint were personally served upon the defendant on the 18th day of June, 1973.

2. The defendant has failed to appear, demur, plead, or answer the said summons and complaint and has wholly defaulted.

3. More than thirty days has lapsed since said service.

Kenneth Cooper (JLE)  
ATTORNEY

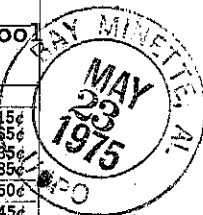
AMOUNT OF JUDGMENT . . .	\$ <u>50,000.00</u>
ATTORNEY'S FEE . . . . .	\$ <u>                    </u>
INTEREST . . . . .	\$ <u>3,000.00</u>
TOTAL . . . . .	\$ <u>                    </u>

No. 549100

Case #8862

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Sgt. George H. Thomas, Jr.		POSTMARK OR DATE
STREET AND NO. 11th Company, 1st Battalion School Brigade		
P.O., STATE AND ZIP CODE U. S. Infantry School Fort Benning, Georgia 31905		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered .....	15¢
	With delivery to addressee only .....	65¢
	2. Shows to whom, date and where delivered ..	35¢
	With delivery to addressee only .....	85¢
DELIVER TO ADDRESSEE ONLY .....		50¢
SPECIAL DELIVERY (2 pounds or less) .....		45¢



POD Form 3800  
July 1969

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See other side)

★ GPO : 1969 O—358-312

**STICK POSTAGE STAMPS TO ARTICLE TO COVER POSTAGE (first class or airmail),  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED.
4. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card if that service is requested.
5. Save this receipt and present it if you make inquiry.

#8862

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address  
☒ More delivered☒ Deliver ONLY  
to addressee

## RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

549100

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

6/10/75

11 - Co 15th TSB. Ft. Benning GA

U.S. POSTAL SERVICE  
OFFICIAL BUSINESS

#8862

U.S. POSTAL SERVICE  
PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE \$300



DEFEAT  
MUSCULAR DYSTROPHY  
SUPPORT MDA

Postmark of Delivering Office

**SENDER INSTRUCTIONS**

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moistan gummed ends and attach to back of article.

FILED RETURN

Mrs. Eunice B. Blackmon

Clerk, Circuit Court

P. O. Box 239

Bay Minette, Ala. 36507

JUN 12 1975

EUNICE B. BLACKMON

CIRCUIT  
CLERK

3311  
JUN 1975

Bay Minette, Ala., 9/2 1969

To the Sheriff of Montgomery County, Montgomery, Alabama

I enclose herewith a Ltr for George H. Thomas, Jr.,  
531 South Holt Street, Montgomery, Ala.

Please serve and return as early as possible.

Taylor Wilkins  
Sheriff, Baldwin County, Alabama

(If not found in your county, please advise promptly giving information as to present location if possible)

1  
U.S. ARMY

Germany

Back in two  
years

Judge Wilters,

Mr. Cooper is asking that this case be continued from the 9th until the 12th, since on the 9th there was no notice that service had been received by George Thomas. Mrs. Blackmon notified yesterday that service was had on June 10. Since Mr. Cooper and Bobby Stewart were in Court on the 9th he wanted a continuance so that a judgment could be obtained.

Thank you,

J. Rushing

7/0.00

IN THE CIRCUIT COURT OF BALDWIN COUNTY

ALABAMA

BOBBY LEE STEWART, suing by  
and through his next friend,  
LEANDER STEWART, his father,

Plaintiff,

vs.

CIVIL ACTION NO. 8862

GEORGE H. THOMAS, JR.

Defendant

BEFORE THE HONORABLE HARRY J. WILTERS, JR., CIRCUIT JUDGE,  
OCTOBER 31, 1975

FILED

OCT 31 1975

EUNICE B. BLACKMON CIRCUIT  
CLERK J

A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. KENNETH COOPER  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA 36507

FOR THE DEFENDANT:

DEFENDANT APPEARED NOT IN PERSON  
OR BY COUNSEL

P R O C E E D I N G S

BOBBY LEE STEWART, THE WITNESS, HAVING BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

EXAMINATION BY MR. COOPER:

Q Are you Bobby Lee Stewart?

A Yes, sir.

Q What is your age, Bobby Lee, now?

A Twenty-five.

Q At the time of the filing of this suit in 1968, how old were you?

A Sixteen.

Q Now, when the suit was originally filed, Leander Stewart filed it on your behalf, right?

A Yes, sir.

Q And who is Leander Stewart?

A My father.

Q Bobby, directing your attention to the 7th day of September, 1968, were you involved in an automobile accident?

A Yes, sir.

Q Tell the Court where this accident occurred?

A Rabon Road, about where it intersects Interstate 65.

Q Where the Rabon Road intersects I-65. Is that a public road in Baldwin County, Alabama?

A Yes, sir.

Q Is that approximately seven or eight miles northeast of Bay Minette?

A Yes, sir.

Q           What direction-- Were you traveling on the Rabon Road?

A           Yes, sir.

Q           What direction were you traveling in?

A           East.

Q           You were going up the Rabon Road from Bay Minette?

A           Yes, sir.

Q           Just where about on that road did the accident occur?

A           Right on the south side of the bridge where it goes over. . .

Q           On the south side of the bridge. Now, you're talking about the Rabon road that crosses Interstate Sixty-five there?

A           Yes, sir.

Q           Was the driver of the other automobile and the owner George H. Thomas, Jr.?

A           Yes, sir.

Q           Tell the Court in your own words, to the best of your recollection, just how the accident occurred.

A           I was just going home about four o'clock in the morning I was going-- My father lives about two miles on the other side of me-- I was just going home and we just had the wreck, but I didn't-- I don't know what happened. They just told me-- People have told me. . .

Q           Do you remember seeing the other car coming toward you?

A           No, sir.

Q           You don't know how many people then were in the other car other than what you have learned since then, right?

A           Yes, sir.

Q Was it four people in the other car?

A Three.

Q Three?

A Yes, sir.

Q Now, was your automobile damaged?

A Yes, sir.

Q What kind of automobile were you driving?

A '68 Plymouth.

Q And was that your automobile?

A Yes, sir.

Q How long had you had it?

A About four months.

Q Was it a new car?

A Yes, sir.

Q What did you pay for the car?

A Forty-five hundred dollars.

Q Now, in your opinion, was forty-five hundred dollars a fair and reasonable value for that automobile immediately before you had the accident?

A Yes, sir.

Q Now, do you have an opinion as to what that automobile was worth immediately after the accident?

A Nothing.

Q It was worth nothing; it was a total loss, right?

A Yes, sir.

Q Have you been paid anything for the loss of that automobile by George H. Thomas, Jr., or any insurance company on his behalf?

A No, sir.

Q Now, were you injured in the accident?

A Yes, sir.

Q Tell the Court what kind of injuries that you suffered.

A I had two broken legs. It knocked my teeth out. I was cut all over.

Q Now, you say it knocked your teeth out. Now, how many of your teeth did it knock out?

A My four front ones-- Top front ones.

Q Were you bruised about your body?

A Yes, sir.

Q Did you have to have hospitalization?

A Yes, sir.

Q How many times have you been in the hospital for surgery or attention since you had this accident as a direct result of this accident?

A Right after the accident I stayed in for five months a week. I got out in February of the next year after I had it. I've been back in for twelve operations since then, I think. I don't know just how many. I've been in every year except this one. If I make it through this year it will be the first year I haven't been in.

Q Now, Bobby, did you suffer any permanent injuries to your body?

A Yes, sir.

Q Tell the Court what kind of permanent injuries you suffered as a direct result of this accident.

A I have got a fused right ankle. And my left leg-- He just took the pins out of it and he told me he didn't know about it yet.

Q You mean they just took some pins out recently?

A Well, it's been-- It was a year this past August they took the last pins out of my left leg. My right fused ankle, it

will always be fused.

Q Do you suffer pain still as a result of the operation that you have had on your leg and the fushion on your ankle?

A Yes, sir. Just when I stand up. I can't have a job standing up. I just have to have a desk job.

Q You have to work at a desk job. Now, prior to this accident were you able to work at any kind of a job standing up or sitting down. And have you been advised by your physician and surgeons that you will always be this way?

A Yes, sir.

Q And you are claiming in this suit here the sum of fifty thousand dollars, is that correct?

A Yes, sir.

Q Going back to your hospital and doctor bills; will you tell the Court how much that you have been out in hospital and doctor fees since this occurred?

A I would say about twenty thousand dollars.

Q Twenty thousand dollars. Now, I have here, Bobby, a statement from Mobile General Hospital to you, Bobby Stewart, showing you was admitted 9/7/68, discharged 2/14/69. That's the five month period that you were first in there, right?

A Yes, sir.

Q And at that time they rendered a statement to you for eighty six hundred, nineteen dollars and fifty cents. Is that your statement for services that they rendered to you during that first period?

A That's possible.

Q And since then you are telling the Court that there has been approximately eleven thousand dollars additional expenses incurred by hospital and doctor fees, is that right?

A Yes, sir.

MR. COOPER:

Judge, we would like to offer for something in the record to show the statements from Mobile General Hospital to him as being identified as statement for his first admission on the first five months period. Mark this Exhibit "A".

Judge, do you have any questions you wish to ask him?

THE COURT:

No.


MR. COOPER

That's all. Thank you, Judge.

C E R T I F I C A T E

I hereby certify that the foregoing, consisting of pages 1 to 9 both inclusive, correctly set forth a true and correct transcript of the testimony of Bobby Lee Stewart taken before me in the case of Bobby Lee Stewart, et al, vs. George H. Thomas, Jr., on the 31st day of October, 1975.

Given under my hand this the 31st day of October, 1975.

  
Amelia G. Perkins, Notary Public,

# MOBILE GENERAL HOSPITAL

MOBILE, ALABAMA 36617

CASE NO. 76847

STAR RT.BOX 436,BAY MINETTE, ALA.

937-8523  
PHONE

STEWART

BOBBY

(FIRST)

(MIDDLE)

PATIENT'S NAME (23-36) LAST

HOME ADDRESS

NONE

EMPLOYER

NONE

ADDRESS

M  
SEX

W  
RACE

19  
AGE

1/8/50

DATE OF BIRTH (37-41)

S.  
S W M D

INSURED BY

CONTRACT OR POLICY NO. (2-10)

TYPE

INS. ASSIGNED

TYPE  
OF  
CASE (1) MED. (2) SURG. (3) O. B. (4) ACCID

ADDRESS

PHONE

OCCUPATION

SUBSCRIBER OR RESPONSIBLE PARTY (12-14)

DATE ADMITTED (15-18)

HOUR

DATE OF DISC. (19-22)

HOUR

ADMIT. OFFICER

PRIOR ADM.

ATTENDING  
PHYSICIAN(S)  
AND  
ADDRESS

FINAL DIAGNOSIS  
AND  
SURGICAL PROCEDURE

DATE

ROOM

P-SP-W

RATE

DAYS

IF ACCIDENT OR INJURY PLEASE COMPLETE THE FOLLOWING:

DATE OF ACCIDENT

PLACE OF ACCIDENT: ON JOB ☐ HOME ☐ OTHER ☐

EVENT CAUSING ACCIDENT

1. OP. RM. 4. RADIO TAP.  
2. DEL. RM. 5. EM. RM.  
3. ANESTHESIA

6. MEDICAL-SURGICAL  
7. OXYGEN

9. X-RAY  
10. CATH. LAB.

11. LAB  
12. TRANSFUSIONS  
13. EKG, EEG, BMR

DRUGS

15. ROOM & BOARD  
16. NURSERY

MISCELLANEOUS

PAYMENTS

ALLOW

DATE

BALANCE

VERIFICATION  
FACTOR

AMOUNT CODE

AMOUNT CODE

AMOUNT CODE

AMOUNT CODE

AMOUNT CODE

AMOUNT CODE

AMOUNT CODE

AMOUNT CODE

JUL 7 69

68.00

76,915.00

5.00

6

20.00

9

4.00

11

4.00

33.00

15

.15

17

JUL 10 69

143.30

76,990.30

1.00

7

2.00

.25

33.00

15

15.00

JUL 20 69

128.55

76,975.55

16.70

Autonomous Ins paid

128.55

198226

23.00

20.00

13.00

6.25

66.00

.30

TOTAL CHARGES

128.55

# MOBILE GENERAL HOSPITAL

2451 Fillingim St.

MOBILE, ALABAMA 36617

Patient Stewart, Bobby Dr. Dr. L. Russell

Admitted.....9-7-68.....Discharged.....2-14-69.....

To.....

Date	Item	Charge	Balance
	Room <input type="checkbox"/> Ward            days at \$.....day	\$	\$
	and <input type="checkbox"/> Semi-Private " " \$.....day		
	Board <input type="checkbox"/> Private 153 " " \$ 31.00 day	4743.00	
	Intensive Care 7        35.00	245.00	
	Laboratory.....		
	Laboratory—Special.....	582.50	
	Pharmacy—(Medicines).....	1115.10	
	X-Ray.....	505.00	
	Dressings..... EKG	45.00	
	Surgical Supplies.....	992.20	
	Oxygen..... Resp. Therapy	77.30	
	Operating Room.....	245.00	
	Anesthesia.....		
	Emer. Room	5.00	
	Telephone	6.40	
	Cots	58.00	
	Emergency Room Fee.....		
	5-2-69 B/C Pd. 3803.70	8619.50	
	5-7-69 Aetna pd.4,048.77		
	Total Bill 1-6-70 Auto Owner pd 72.95		\$
	Credits                          Bal Due                          694.08		
	Balance Outstanding		\$

M T W T F S Su

NAME *Stewart, Bobby* ADDRESS *3rd St* 76847  
DATE PERSON RESPONSIBLE

STA.	ROOM WARD	RATE	DOCTOR	MEMO.	DATE	EXPLANATION	CHARGES	CREDITS	BAL. DUE	PICK UP	NUMBER
				13 day C33.2	MAY 23 69					*712.90	
	2			72 429.00	MAY 23 69	PHICNY	* 2.40				
	3			M 25 49.80	MAY 23 69	PHICNY	* 0.25				
	4			Xr 3.50	MAY 23 69	PHICNY	* 15.00				
	5			John 27.00	MAY 23 69	HAS	* 6.00				
	6			ph 186.70	MAY 23 69	LAB	* 4.00		* 740.55	*740.55	
	7			OR 70.00	MAY 23 69	PHICNY	* 33.00		* 773.55	*773.55	
	8			oly 1.00	MAY 24 69	PHICNY	G 0.15				
	9				MAY 24 69	PHICNY	* 0.25				
	10				MAY 24 69	PHICNY	* 1.00				
	11				MAY 24 69	X-RAY	* 10.00				
	12			798.50	MAY 24 69	PHICNY	* 5.00		* 789.95	*789.95	
	13				MAY 25 69	PHICNY	* 5.00		* 794.95	*794.95	
	14				MAY 28 69	PHICNY	* 0.25				
	15				MAY 28 69	GRAT		* 6.70	* 788.50	*788.50	
	16				MAY 29 69	HSCHG	* 10.00		* 798.50		
	17										
	18										
	19										
	20										
	21										
	22										
	23										
	24										

NCR B-93-E2TT

REMARKS

*Filed for 21 5.29.69 am 524*

10:20

120

NAME <b>STEWART, ROBERT</b>		DATE ADMITTED <b>5-11-69</b>	AGE <b>39</b>	SEX <b>M</b>	RACE <b>W</b>	ROOM NO. <b>7004</b>	
PRESENT ADDRESS <b>Room 32, Box 436</b>		CITY <b>Mobile</b>	STATE <b>ALA</b>	ROOM NO. <b>623</b>	PHONE <b>937 8523</b>	RATE <b>33.00</b>	COUNTY <b>Mobile</b>
PERSON RESPONSIBLE FOR PAYMENT <b>Robert Stewart</b>		ADDRESS <b>Room 32, Box 436</b>			PHONE <b>937 8523</b>	RELATIONSHIP <b>Owner</b>	
EMPLOYED BY <b>Executive Fleet</b>		EMPLOYER'S ADDRESS <b>Mobile Ala 77</b>			PHONE <b>937 8523</b>	RELATIONSHIP <b>Owner</b>	
PUBLICITY YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<b>Mobile General Hospital 12174501</b> <b>FOR: ADMINISTRATION D/C MR. DR. 642123 E.C.</b>				AMT. DEPOSIT <b>33.00</b>	ORIGIN <b>Mobile</b>

1	MAY 12-69	NRS	*	2.00			
2	MAY 12-69	PRVCH	*	33.00	*	35.00	* 35.00
3	MAY 12-69	PRVCH	*	33.00	*	68.00	* 68.00
4	MAY 13-69	X-RAY	*	15.00			
5	MAY 13-69	LAB	*	10.00			
6	MAY 13-69	LAB	*	4.00			
7	MAY 13-69	LAB	*	6.00			
8	MAY 13-69	LAB	*	3.00	*	106.00	* 106.00
9	MAY 13-69	PRVCH	*	33.00	*	139.00	* 139.00
10	MAY 14-69	PRVCH	*	33.00	*	172.00	* 172.00
11	MAY 15-69	PHNRY	*	15.00			
12	MAY 15-69	G.D.RH	*	70.00			
13	MAY 15-69	PHNRY	*	30.00			
14	MAY 15-69	NRS	*	25.00			
15	MAY 15-69	NRS	*	5.00			
16	MAY 15-69	NRS	*	1.50			
17	MAY 15-69	LAB	*	10.00			
18	MAY 15-69	PHNRY	*	17.00			
19	MAY 15-69	MS.CHG	G*	0.15			
20	MAY 15-69	PHNRY	*	14.50			
21	MAY 15-69	OXYGEN	*	1.00			
22	MAY 15-69	PHNRY	*	4.00			
23	MAY 15-69	PHNRY	*	6.00	*	371.15	* 371.15
24	MAY 15-69	PRVCH	*	33.00	*	404.15	<i>Sub</i>
					DATE DISCHARGED	A.M. P.M.	
					DATE DECEASED	A.M. P.M.	

NAME <i>Stewart, Bobby</i>	DATE ADMITTED	A.M. P.M.	AGE	SEX	RACE	76847	
PRESENT ADDRESS	CITY	STATE	ROOM NO.	PHONE	RATE	COUNTY	
PERSON RESPONSIBLE FOR PAYMENT	ADDRESS				PHONE	RELATIONSHIP	
EMPLOYED BY	EMPLOYER'S ADDRESS				PHONE	OCCUPATION	
PUBLICITY YES <input type="checkbox"/> NO <input type="checkbox"/>					AMT. DEPOSIT	ORIGIN	

1	MAY 16-69	PRVDRH	0000	★ 33.00	★ 437.15	*404.15	
2	MAY 18-69	PRVDRH	0000	★ 8.25		*437.15	
3	MAY 17-69	PRVDRH	0000	★ 2.70			
4	MAY 17-69	PRVDRH	0000	★ 5.25			
5	MAY 17-69	PRVDRH	0000	★ 7.20	★ 460.55	*460.55	
6	MAY 17-69	PRVDRH	0000	★ 33.00	★ 493.55	*493.55	
7	MAY 18-69	PRVDRH	0000	★ 5.00			
8	MAY 18-69	PRVDRH	0000	★ 9.15	★ 507.70	*507.70	
9	MAY 18-69	PRVDRH	0000	★ 33.00	★ 540.70	*540.70	
10	MAY 19-69	PRVDRH	0000	★ 33.00	★ 573.70	*573.70	
11	MAY 20-69	PRVDRH	0000	★ 0.25			
12	MAY 20-69	PRVDRH	0000	★ 5.00			
13	MAY 20-69	PRVDRH	0000	★ 5.25	★ 584.20	*584.20	
14	MAY 20-69	PRVDRH	0000	★ 33.00	★ 617.20	*617.20	
15	MAY 21-69	PRVDRH	0000	★ 0.25			
16	MAY 21-69	PRVDRH	0000	★ 1.20			
17	MAY 21-69	PRVDRH	0000	★ 15.00	★ 633.65	*633.65	
18	MAY 22-69	PRVDRH	0000	★ 33.00	★ 666.65	*666.65	
19	MAY 22-69	PRVDRH	0000	★ 0.25			
20	MAY 22-69	PRVDRH	0000	★ 8.00			
21	MAY 22-69	PRVDRH	0000	★ 5.00	★ 679.90	*679.90	
22	MAY 22-69	PRVDRH	0000	★ 33.00	★ 712.90		
23	MAY 22-69	PRVDRH	0000				
24							

DATE DISCHARGED	A.M. P.M.
DATE DECEASED	A.M. P.M.

STATEMENT - PLEASE REMIT TO.

MOBILE

General HOSPITAL

2451 FILLINGIM STREET, MOBILE, ALABAMA 36617

PATIENT: STEWART BOBBY

ADMIN. NO.

0768477

ROOM NO.

0616

ADMITTED

2-08-70

DISCHARGED

2-11-70

PAGE

1

BILLING DATE

2-14-70

MAIL TO:

STEWART BOBBY  
509 LIBERTY ST  
MOBILE ALA

INSURANCE COMPANY

POLICY NO.

GROUP

DATE	CHARGE DESCRIPTION	TOTAL CHARGES	ESTIMATED INSURANCE			PATIENT AMOUNT
			1st COMPANY	2nd COMPANY	3rd COMPANY	
2-09-70	MEDICAL & SURGICAL	3.00	.00	.00	.00	3.00
2-09-70	PRIVATE ROOM	36.00	.00	.00	.00	36.00
2-09-70	MEDICAL & SURGICAL	1.00	.00	.00	.00	1.00
2-09-70	MEDICAL & SURGICAL	1.00	.00	.00	.00	1.00
2-09-70	MEDICAL & SURGICAL	1.50	.00	.00	.00	1.50
2-09-70	PRIVATE ROOM	36.00	.00	.00	.00	36.00
2-09-70	LAB-CBC	6.00	.00	.00	.00	6.00
2-09-70	LAB-URINALYSIS ROUT	3.00	.00	.00	.00	3.00
2-09-70	LAB-GLUCOSE/BUN	8.00	.00	.00	.00	8.00
2-09-70	PAYMENT ON ACCOUNT	42.00	.00	.00	.00	42.00
2-09-70	CHEST EPA/LAT X-RAY	15.00	.00	.00	.00	15.00
2-09-70	X-RAY ANKLE	10.00	.00	.00	.00	10.00
2-10-70	PRIVATE ROOM	36.00	.00	.00	.00	36.00
2-10-70	LAB-VDRL QUAL	4.00	.00	.00	.00	4.00
2-11-70	TELEPHONE	.15	.00	.00	.00	.15
2-12-70	DRUGS	15.25	.00	.00	.00	15.25
2-12-70	DRUGS	8.75	.00	.00	.00	8.75
2-12-70	OXYGEN	1.00	.00	.00	.00	1.00
2-12-70	MEDICAL & SURGICAL	9.00	.00	.00	.00	9.00
2-12-70	MEDICAL & SURGICAL	1.50	.00	.00	.00	1.50
2-13-70	OPERATING ROOM	55.00	.00	.00	.00	55.00
2-13-70	DRUGS-SOLUTIONS	30.00	.00	.00	.00	30.00

PAY THIS AMOUNT

**General HOSPITAL**

2451 FILLINGIM STREET, MOBILE. ALABAMA 36617

A02

PATIENT: STEWART BOBBY

ADMIN. NO.  
0768477ROOM NO.  
0616ADMITTED  
2-08-70DISCHARGED  
2-11-70PAGE  
2BILLING DATE  
2-14-70

MAIL TO:

STEWART BOBBY  
509 LIBERTY ST  
MOBILE ALA

INSURANCE COMPANY

POLICY NO.

GROUP

Blue cross

DATE	CHARGE DESCRIPTION	TOTAL CHARGES	ESTIMATED INSURANCE			PATIENT AMOUNT
			1st COMPANY	2nd COMPANY	3rd COMPANY	
2-13-70	MEDICAL & SURGICAL	1.00	.00	.00	.00	1.00
2-13-70	X-RAY ANKLE	10.00	.00	.00	.00	10.00
2-13-70	X-RAY	5.00	.00	.00	.00	5.00
5.6.70		140.02			115.13	
59		176		115.13		
3x62.23 = 186.69						
7590 = 140.02						
B 3-17.70 186.69						
255.15			.00	.00	.00	255.15

PAY THIS AMOUNT