HANNIS HARVILLE,

IN THE CIRCUIT COURT OF

PLAINTIFF.

BALDWIN COUNTY, ALABAMA

VS.

AT LAW

MOBILE PAINT COMPANY, whose legal identification is unknown to the plaintiff at this time, but will be added and/or more correctly described by an amendment when ascertained and NORMAN DEAN, individually, and as the Agent, Servant or Employee of Mobile Paint

CASE NO: 8979

Company,

DEFENDANT.

COMPLAINT

## COUNT ONE

The plaintiff claims of the defendants jointly and severally, the sum of FIVE THOUSAND and NO/100 (\$5,000.00) DOLLARS as damages for that heretofore on, to-wit, April 28th, 1969, the defendant, Norman Dean, while acting as an agent, servant or employee of defendant, Mobile Paint Company, and who was then and there acting in the line and scope of his authority as such, wantonly damaged the plaintiff by wantonly driving a motor vehicle in which plaintiff was riding as a passenger, into and against a tree, and plaintiff avers that at the time and place complained the motor vehicle operated by the defendant, Norman Dean, was being operated on the Old Daphne Road, a public road in the County of Baldwin, State of Alabama, at or near a point, to-wit, approximately four hundred (400) yards southwest of the intersection of Old Daphne Road with Byrne Street, a public road in said County and within the city limits of the town of Bay Minette, Alabama, and that the motor vehicle in which plaintiff was riding as a passenger was being operated on said Old Daphne Road. Plaintiff avers that as a proximate result of the wanton conduct of the defendants as aforesaid, plaintiff suffered profound shock;

he suffered a fracture of the jaw; his shoulders and chest were bruised and injured; his forehead and nose were lacerated; he was made sick, sore and nervous, and continues to suffer physical and mental pain; he incurred medical expenses for the treatment of his injuries and lost time from his employment, for all of which he claims damages as aforesaid, hence this suit.

## COUNT TWO

The plaintiff claims of the defendants, jointly and severally, the sum of FIVE THOUSAND and NO/100 (\$5,000.00) DOLLARS as damages for that heretofore on, to-wit, April 28th, 1969, the defendant, Mobile Paint Company, was the owner or lessee of a motor vehicle which it allowed Norman Dean, who was an agent, servant or employee of said defendant, at said time and place, acting within the line and scope of his authority to operate. The said Norman Dean on, to-wit, April 28th, 1969, was and long had been a careless, indifferent, heedless and reckless driver of said motor vehicle, so that said motor vehicle in his hands was a dangerous and deadly agency, of which facts the said defendant had been duly informed; yet, with the information of such facts, the said defendant negligently allowed the said Norman Dean to operate said motor vehicle on a public road in the State of Alabama at will, and entrusted its management and operation to him, and while, on April 28th, 1969, he was engaged in operating said motor vehicle on a public road, known as Old Daphne Road at a point, to-wit, approximately four hundred (400) yards southwest of the intersection of Old Daphne Road and Byrne Street, a public road within the city limits of the town of Bay Minette, Alabama, the said Norman Dean so wantonly conducted himself with respect to said motor vehicle in that while the plaintiff was a passenger in said motor vehicle the defendant, Norman Dean, wantonly drove the same into and against a tree at said time and place as aforesaid. Plaintiff avers that as a proximate result of the negligence of the defendant, Mobile Paint Company, as aforesaid, plaintiff suffered profound shock; he suffered a fracture of the jaw; his shoulders

and chest was bruised and injured; his forehead and nose was lacerated; he was made sick, sore and nervous and continues to suffer physical and mental pain; he incurred medical expenses for the treatment of his injuries and lost time from his employment.

Plaintiff avers that at the time of said injuries the said Norman Dean was operating said motor vehicle with the defendants consent and acquiesence and they having been informed of his dangerous proclivities in connection with the same as aforesaid, hence this suit.

Taylor Wilkins, Jr. Attorney for Plaintiff

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