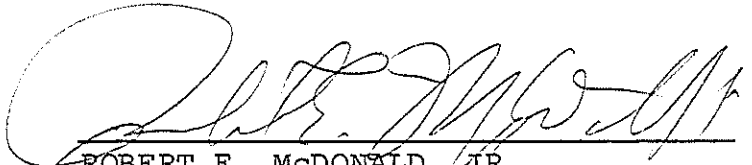


JERRY ROSE,) IN THE CIRCUIT COURT
Plaintiff,) OF BALDWIN COUNTY, ALABAMA
Vs.)
FRANKLIN LEVI BUZBEE, FRANK)
BUZBEE, PAUL S. MARTELL,)
et al,)
Defendants,) CASE NO. 9022

MOTION TO REINSTATE

Comes Robert E. McDonald, Jr., attorney for plaintiff, and shows unto this Honorable Court that when the aforesaid cause was set for trial in March he had an agreement with the Hon. John Chason, attorney for the plaintiff, that the above case would be continued as neither side was ready for trial and the pleadings were not settled. That the plaintiff's attorney has not been notified of any hearings on the pleadings or demurrers.

WHEREFORE, the premises considered, plaintiff asks that this Honorable Court reinstate this cause.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

CERTIFICATE OF SERVICE
I do hereby certify that I have on April 27 day of 1971 delivered a copy of the foregoing to the undersigned address, and first class postage prepaid by personal delivery.

FILED

APR 27 1971

EUNICE B. BLACKMON CIRCUIT CLERK

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 9022

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon FRANKLIN LEVI BUZBEE, FRANK BUZBEE & PAUL S. MARTELL

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.....FRANKLIN LEVI BUZBEE,

.....ET AL..... Defendant.....

by JERRY ROSE.....

..... Plaintiff.....

Witness my hand this.....3rd..... day of December..... 19 59

.....Alice J. [Signature] Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

JERRY ROSE,)	IN THE CIRCUIT COURT
)	
Plaintiff,)	OF BALDWIN COUNTY, ALABAMA
)	
Vs.)	
)	
FRANKLIN LEVI BUZBEE, FRANK)	
BUZBEE, and PAUL S. MARTELL,)	
and JOHN DOE, whose name is)	
otherwise unknown at this time)	
but will be added when ascer-)	
tained, and JAMES DOE, whose)	
name is otherwise unknown at)	
this time but will be substituted)	
when ascertained, and XYZ)	
COMPANY, whether or not in-)	
corporated, and its partners)	
if an unincorporated assoc-)	
iation whose name is otherwise)	
unknown at this time but will be)	
added when ascertained, and ABC,)	
Inc., a corporation, whose name)	
is otherwise unknown but will be)	
substituted when ascertained,)	
jointly and severally,)	
)	
Defendants.)	CASE NO. <u>9022</u>

COUNT ONE

Plaintiff claims of the defendants, jointly and severally, the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, Franklin Levi Buzbee, the agent, servant or employee of defendants, Frank Buzbee, John Doe and Paul S. Martell, while acting within the line and scope of his authority did so negligently operate a motor vehicle on Alabama Highway No. 59 at a point approximately 0.9 miles south of the aforesaid Alabama Highway 59's intersection with the U. S. Highway 31, the aforesaid Alabama Highway No. 59 being a public road in the County of Baldwin, State of Alabama, as to cause his said vehicle to run into, upon or against an automobile which was owned by the plaintiff and which contained the

plaintiff's minor son and which was located on the side of the road of the aforesaid Alabama Highway No. 59 and plaintiff alleges that as a direct and proximate result of the aforesaid negligence of the defendants, his minor son was badly bruised, contused and otherwise injured and plaintiff further alleges his minor son suffered injuries to his neck, back and body, and plaintiff was forced to incur hospital and medical expenses and plaintiff further alleges that his automobile was badly bent, broken and lost value and was otherwise damaged, hence plaintiff brings this suit and asks judgment in the above amount.

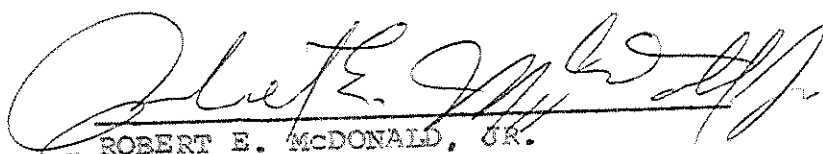
COUNT TWO

Plaintiff claims of the defendants, jointly and severally, the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, Franklin Levi Buzbee, the agent, servant or employee of the defendants, Frank Buzbee, John Doe, and Paul S. Martell, while acting within the line and scope of his authority did so wantonly or willfully injure the plaintiff's minor son and the plaintiff's automobile by causing an automobile to run upon or against the plaintiff's automobile which contained the plaintiff's minor son and which was parked on the edge of Alabama Highway No. 59, a public highway in the State of Alabama, County of Baldwin, at a point approximately 0.9 miles south of the aforesaid Alabama Highway No. 59's intersection with U. S. Highway No. 31, and as a proximate result, plaintiff was damaged as follows: His automobile was badly bent, broken and otherwise damaged and suffered a loss of value and his minor son suffered personal injuries and plaintiff was forced to incur medical expenses in the treatment of his minor son. Plaintiff also claims punitive damages. Hence plaintiff brings this suit and asks judgment in the above amount.


COUNT THREE

Plaintiff claims of the defendants, jointly and severally, the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for that heretofore on to-wit, December 5, 1968, the defendant, James Doe, whose name is otherwise unknown at this time but will be substituted when ascertained, the agent, servant or employee of Richard Roe, or XYZ Company, an unincorporated association of partners and their partners whose names are otherwise unknown at this time but will be substituted when ascertained, or ABC, Inc., a corporation whose name is otherwise unknown at this time but will be substituted when ascertained, while acting within the line and scope of his authority, was in the custody and control of a motor truck which had been disabled and was stopped on the roadway or shoulder of Alabama Highway No. 59, a public highway in the State of Alabama, County of Baldwin, at a point approximately 0.9 miles south of the aforesaid Alabama Highway No. 59's intersection with U. S. Highway No. 31, and at the aforesaid time and place the defendant did so negligently fail to exhibit warning devices so as to warn oncoming traffic of the disabled condition of his motor truck and then and there at that time the plaintiff was parked on the shoulder of the aforesaid Alabama Highway No. 59 when the defendant, Franklin Levi Buzbee, the agent, servant or employee of the defendants, Frank Buzbee, John Doe and Paul S. Martell, while acting within the line and scope of his authority did so negligently operate a motor vehicle on Alabama Highway No. 59 at the aforesaid time and place to cause his vehicle to run into, upon or against the vehicle in which the plaintiff's minor son was sitting and as a direct and proximate result of the aforesaid negligence of the defendants, including the negligence of the defendants, operators

and owners of the aforesaid motor truck in failing to warn traffic,
the plaintiff further alleges that his minor son suffered personal
injuries and plaintiff was forced to incur hospital and medical
expenses and that his automobile was badly bent, broken and suffered
a loss of value. Hence plaintiff brings this suit and asks judgment
in the above amount.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Plaintiff respectfully demands trial by jury.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Please serve the defendants as follows:

Franklin Levi Buzbee, a minor, by serving his father,
Frank Buzbee, at:
Route 1, Box 318
Daphne, Alabama

Frank Buzbee, at:
Route 1, Box 318
Daphne, Alabama

Paul S. Martell, at:
General Delivery
Robertsdale, Alabama

FILED

DEC 8 1959

FILED IN DECK 12-1

Handwritten signature/initials at top right.

and owners of the aforesaid motor truck in failing to warn traffic,
the plaintiff further alleges that his minor son suffered personal
injuries and plaintiff was forced in incur hospital and medical
expenses and that his automobile was badly bent, broken and suffered
a loss of value. Hence plaintiff brings this suit and asks judgment
in the above amount.

Signature of Robert E. McDonald, Jr.
ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Plaintiff respectfully demands trial by jury.

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Paul S. Martell, at:
General Delivery
Robertsdale, Alabama

FILED

DEC 1 1953

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JERRY ROSE,	X	
Plaintiff,	X	
Vs.	X	IN THE CIRCUIT COURT OF
FRANKLIN LEVI BUZBEE, FRANK	X	
BUZBEE, and PAUL S. MARTELL,		BALDWIN COUNTY, ALABAMA
and JOHN DOE, whose name is	X	
otherwise unknown at this time		
but will be added when ascer-	X	CASE NO. 9022
tained, and JAMES DOE, whose		
name is otherwise unknown at	X	
this time but will be substit-		
uted when ascertained, and XYZ	X	
COMPANY, whether or not in-		
corporated, and its partners	X	
if an unincorporated assoc-		
iation whose name is otherwise	X	
unknown at this time but will		
be added when ascertained, and	X	
ABC, INC., a corporation,		
whose name is otherwise un-	X	
known but will be substituted		
when ascertained, jointly and	X	
severally,		
	X	
Defendants.	X	

DE M U R R E R

Come now the Defendants in the above styled cause, separately and severally, by and through their attorneys of record, and demur to the Complaint heretofore filed against them in the above styled cause and to each and every count thereof, separately and severally, and show unto the Court the following separate and several grounds in support thereof:

1. The said Complaint does not state a cause of action.
2. That it does not state facts sufficient to constitute a cause of action against these defendants.
3. For that negligence is therein alleged merely as a conclusion of the pleader.
4. For that it is vague, indefinite and uncertain, in that it does not apprise these defendants with sufficient certainty against what act or acts of negligence defendants are called on to defend.

5. It is not alleged with sufficient certainty where said accident occurred.

6. It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.

7. For that said count is duplicitious.

8. For that each injury complained of in the alternative could not result from each alternative act allegedly causing such injury.

9. For that each alternative averment does not state facts sufficient to constitute a cause of action against these defendants.

10. It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and damages complained of.

11. There is no allegation of either a willful or wanton act committed by these defendants.

12. There is no allegation of either a willful or wanton injury committed by these defendants.

13. For that each count in the Complaint does not state a cause of action against each individual defendant named in the suit.

14. For the said Complaint does not sufficiently allege an agency relationship under the Doctrine of Respondent Superior between the defendants.

CHASON, STONE & CHASON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 16 day of January, 1970.

By: [Signature]
Attorneys for Defendants.

FILED

JAN 16 1970

ALICE J. DUCK CLERK
REGISTER

1 VOL 68 96

JERRY ROSE,)	IN THE CIRCUIT COURT
)	
Plaintiff,)	OF BALDWIN COUNTY, ALABAMA
)	
Vs.)	
)	
FRANKLIN LEVI BUZBEE, FRANK)	
BUZBEE, and PAUL S. MARTELL,)	
and JOHN DOE, whose name is)	
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added when ascertained, and ABC,)	
Inc., a corporation, whose name)	
is otherwise unknown but will be)	
substituted when ascertained,)	
jointly and severally,)	
)	
Defendants.)	CASE NO. <u>9122</u>

COUNT ONE

Plaintiff claims of the defendants, jointly and severally, the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, Franklin Levi Buzbee, the agent, servant or employee of defendants, Frank Buzbee, John Doe and Paul S. Martell, while acting within the line and scope of his authority did so negligently operate a motor vehicle on Alabama Highway No. 59 at a point approximately 0.9 miles south of the aforesaid Alabama Highway 59's intersection with the U. S. Highway 31, the aforesaid Alabama Highway No. 59 being a public road in the County of Baldwin, State of Alabama, as to cause his said vehicle to run into, upon or against an automobile which was owned by the plaintiff and which contained the

plaintiff's minor son and which was located on the side of the road of the aforesaid Alabama Highway No. 59 and plaintiff alleges that as a direct and proximate result of the aforesaid negligence of the defendants, his minor son was badly bruised, contused and otherwise injured and plaintiff further alleges his minor son suffered injuries to his neck, back and body, and plaintiff was forced to incur hospital and medical expenses and plaintiff further alleges that his automobile was badly bent, broken and lost value and was otherwise damaged, hence plaintiff brings this suit and asks judgment in the above amount.


COUNT TWO

Plaintiff claims of the defendants, jointly and severally, the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, Franklin Levi Buzbee, the agent, servant or employee of the defendants, Frank Buzbee, John Doe, and Paul S. Martell, while acting within the line and scope of his authority did so wantonly or willfully injure the plaintiff's minor son and the plaintiff's automobile by causing an automobile to run upon or against the plaintiff's automobile which contained the plaintiff's minor son and which was parked on the edge of Alabama Highway No. 59, a public highway in the State of Alabama, County of Baldwin, at a point approximately 0.9 miles south of the aforesaid Alabama Highway No. 59's intersection with U. S. Highway No. 31, and as a proximate result, plaintiff was damaged as follows: His automobile was badly bent, broken and otherwise damaged and suffered a loss of value and his minor son suffered personal injuries and plaintiff was forced to incur medical expenses in the treatment of his minor son. Plaintiff also claims punitive damages. Hence plaintiff brings this suit and asks judgment in the above amount.


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ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Plaintiff respectfully demands trial by jury.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

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Daphne, Alabama

Paul S. Martell, at:
General Delivery
Robertsdale, Alabama.

FILED

DEC 3 1964

RECEIVED J. DUCK

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 9022

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon FRANKLIN LEVI BUZBEE, FRANK BUZBEE & PAUL S. MARTELL

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.....FRANKLIN LEVI BUZBEE,

.....ET AL....., Defendant.....

by JERRY ROSE.....

....., Plaintiff.....

Witness my hand this.....3rd.....day of.....December.....19.....69

Alice J. Duck Clerk

No. 9022

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JERRY ROSE

Plaintiffs

vs.

FRANKLIN LEVI BUZBEE, FRANK BUZBEE,

& PAUL S. MARTELL et al Defendants

SUMMONS AND COMPLAINT

Filed ...December 3,..... 1969....

Alice J. Duck..... Clerk

Robert E. McDonald, Jr.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

12/4/69

Received In Office

19.....

Sheriff

I have executed this summons

this 5 Dec 1969

by leaving a copy with

(Franklin Levi Buzbee 12-569)
(Frank Buzbee 12-569)

Not returned to Paul S. Martell

88-8380
Sheriff claims

100 Cents per mile Total
TAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Sheriff

W. Grody Deputy Sheriff

VCL

68

PAGE

94

Spanish Fort Ala