

FOREMAN, BROWN & HUDGENS
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA
36602

ALEXANDER FOREMAN, JR. (1914-1966)
ALTON R. BROWN, JR.
A. NEIL HUDGENS
PETER V. SINTZ
JOHN D. RICHARDSON, III
CLAUDE D. HARRELL
J. GEORGE WHITFIELD, JR.

AREA CODE 205
432-2792

May
11th
1971

Hon. John Chason
Chason, Stone & Chason
Attorneys at Law
P. O. Box 120
Bay Minette, Alabama 36507

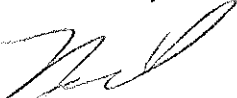
Re: Phillips vs. Saia
Baldwin County Circuit Court Case Number 9037
Our File Number - 70-6058-NH

Dear Johnny:

I received the executed releases in the above referenced case from Attorney Melton; however, I have not been advised that the case has been dismissed nor have I received the cost bill in this case. I would appreciate you checking to see that this case is dismissed in order that I might close this matter out.

Sincerely,

FOREMAN, BROWN AND HUDGENS


A. Neil Hudgens

A
N
H
/
cb

CC: Mr. Hugh L. Whitman
The Home Insurance Company

BURTON PHILLIPS,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
CLAUDE V. SAIA,	X	AT LAW
Defendant.	X	NO: 9037

DEMURRER

Comes now the Defendant in the above styled cause, by and through his attorneys of record, and demurs to the Complaint heretofore filed against him and to each and every ground thereof, separately and severally, and shows unto the Court the following separate and several grounds, viz:

1. Said Complaint fails to state a cause of action.
2. Said Complaint fails to sufficiently allege the damages suffered by the Plaintiff.
3. That it affirmatively appears from said Complaint that the cause of action is barred by the statute of limitations of one year.

CHASON, STONE & CHASON

By: John E. 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 22nd day of December, 1969.

John E. Chason

FILED

DEC 23 1969

ALICE J. DUCK CLERK
REGISTER

9037

FILED

DEC 26 1969

ALICE J. DECK CLERK
REGISTER

TIPLER, FULLER & MELTON
ATTORNEYS AT LAW
RUTLAND-PRICE BUILDING
EVERGREEN, ALABAMA, 36401
578-2423

FRANK J. TIPLER, JR.
W. SIDNEY FULLER
WILLIAM D. MELTON

December 5, 1969

ANDALUSIA OFFICE
TIPLER BUILDING
222-4148

Certified Mail - Return Receipt

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

70-9039

Re: Phillips vs. Saia

Dear Mrs. Duck:

I enclose herewith Summons & Complaint in the above case which I will thank you to file. The address that I have for the Defendant is 282 Conray Drive, Auburn, Alabama.

With many thanks, I am

Very truly yours,

William D. Melton
WILLIAM D. MELTON

WDM:kj

SUMMONS

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA --- GREETINGS:

You are hereby commanded to summon Claude V. Saia to appear in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, and plead, answer or demur within thirty days from service hereof to the complaint of Burton Phillips.

Witness my hand this 9 day of Dec 1969.

Alfred A. Duck
Clerk

COMPLAINT

BURTON PHILLIPS,
PLAINTIFF

VS.

CLAUDE V. SAIA,
DEFENDANT

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

COUNT ONE

Plaintiff claims of the Defendant the sum of Ten Thousand (\$10,000.00) Dollars as damages for that heretofore on, to-wit, December 11, 1967, the Plaintiff was operating an automobile, the property of Plaintiff, on a public highway, to-wit, U. S. Highway 90 at a point approximately fourteen miles East of Mobile, Alabama, in Baldwin County, Alabama, where he had a right to be, and the Defendant, Claude V. Saia, at said time and place and on said public highway was operating a motor vehicle and on said occasion the Defendant negligently caused or allowed the motor vehicle he was operating to run into, on or against the motor vehicle being operated by the Plaintiff as aforesaid, and as a proximate consequence thereof, the Plaintiff received severe and permanent personal injuries in this, to-wit: he was bruised and contused all over his body; he was made sick and sore; he suffered shock to his central nervous system; he suffered, continues to suffer and will in the future suffer great physical pain and mental anguish; he was put to great

trouble and inconvenience; he was caused to incur medical bills in and about the treatment of his said injuries; he was caused to lose time from his work and his wages and profits therefrom; his 1967 Ford automobile was bent, battered and rendered beyond repair; all to his injury and damage for which he claims.

And Plaintiff avers that on said occasion the Defendant negligently injured and damaged the Plaintiff by negligently causing or allowing the motor vehicle he was operating to run into, on or against the automobile of the Plaintiff, which the Plaintiff was operating on said occasion, and as a proximate consequence of said negligence of the Defendant, Plaintiff suffered said injuries and damage, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Ten Thousand (\$10,000.00) Dollars as damages for that heretofore on, to-wit, December 11, 1967, the Plaintiff was operating an automobile, the property of Plaintiff, on a public highway, to-wit, U. S. Highway 90 at a point approximately fourteen miles East of Mobile in Baldwin County, Alabama, where he had a right to be, and the Defendant, Claude V. Saia, at said time and place and on said public highway was operating a motor vehicle, and on said occasion the said Defendant wantonly injured and damaged the Plaintiff by wantonly causing or allowing the motor vehicle he was operating to run into, on or against the motor vehicle of the Plaintiff, and as a proximate consequence thereof, the Plaintiff received severe and permanent personal injuries in this, to-wit: he was bruised and contused all over his body; he was made sick and sore; he suffered shock to his central nervous system; he suffered, continues to suffer and will in the future suffer great physical pain and mental anguish; he was put to great trouble and inconvenience; he was caused to incur medical bills in and about the treatment of his said injuries; he was caused to lose time from his work and his wages and profits therefrom; his 1967 Ford automobile was bent, battered and rendered beyond repair; all to his injury and damage for which he claims.

And Plaintiff avers that on said occasion the Defendant wantonly injured and damaged the Plaintiff by wantonly causing or allowing the motor vehicle he was operating to run into, on or against the automobile being operated by the Plaintiff, and as a proximate consequence of the wanton conduct of the Defendant, Plaintiff suffered said injuries and damage, hence this suit.

TIPLER, FULLER & MELTON
ATTORNEYS FOR PLAINTIFF

BY: Mr. D. Melton

The Plaintiff demands a trial by jury.

2/ 12-11-69 VOL 66 PAGE 692
Mr. D. Melton
Of Counsel

94/12-11-69

BURTON PHILLIPS,
PLAINTIFF

VS.

CLAUDE V. SAIA,
DEFENDANT

)

)

IN THE CIRCUIT COURT OF

)

BALDWIN COUNTY, ALABAMA,

)

AT LAW.

)

CASE NO. _____

)

INTERROGATORIES PROPOUNDED TO THE DEFENDANT

Comes now the Plaintiff in the above styled cause and desiring testimony of the Defendant propounds the following interrogatories, viz.:

1. (a). Are you correctly named in the Bill of Complaint in this case as Claude V. Saia?

(b). In the event that your answer to Interrogatory 1. (a). is anywise in the negative, please state your correct name.

2. Please state the place of your residence at the time of the filing of the complaint in this case.

3. Please state whether or not you were operating a motor vehicle on December 11, 1967, at or near the place described in the Bill of Complaint in this case, which collided with a motor vehicle being operated by the Plaintiff.

4. If your answer to Interrogatory 3. above is anywise in the negative, please state who was driving said automobile.

5. Please state who owned the automobile which you were operating at the time of the accident made the basis of this suit.

6. Give the names and addresses of any witnesses or other persons having knowledge of the event of which you have any knowledge whatsoever.

TIPLER, FULLER & MELTON

BY:

Wm D Melton

Of Counsel

STATE OF ALABAMA)

CONECUH COUNTY)

Before me, Katherine J. Johnson, a Notary Public in and for said State and County, personally appeared William D. Melton, who being known to me and who being first duly sworn on oath doth depose and say that he is attorney for Plaintiff in this cause and as such he is authorized to make this affidavit; that the answers to these interrogatories when well and truly made will be material evidence on the trial of this cause.

FILED

Sworn to and subscribed before me this 5th day of December, 1969.

DEC 9 1969

ALICE J. DUCK

CLERK
REGISTER

Katherine J. Johnson
Notary Public

I have executed the within writ by
leaving copy of same with

Claude V. Savaia

this the 11 day of Dec. 1969

James C. Pearson
Sheriff

By Estes

Sheriff claims 14 miles at
Ten cents per mile. Total \$ 1.40
JAMES C. PEARSON, Sheriff
By Estes Deputy Sheriff

1.50
each process for total of \$1.50
JAMES C. PEARSON, Sheriff, Lee Co., Ala.
By Estes Deputy Sheriff

no. 9037

Burton Phillips

vs.

Claude V. Savaia

1. Sum. & Comp.
2. Interrogatories

FILED

DEC 9 1969

ALICE J. DICK CLERK
REGISTERED
Tipler, Fuller & Melton
Evergreen, Ala.