

FILED IN OFFICE

STATE OF ALABAMA) IN THE TENTH JUDICIAL CIRCUIT COURT

JEFFERSON COUNTY) OF JEFFERSON COUNTY, ALABAMA

JULIAN SWIFT

TO ANY SHERIFF OF THE STATE OF ALABAMA - Greetings:

You are hereby commanded to summon Ethel B. Miles; Clem Hicks; Defendants A and B, the owner and operator, respectively, of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation, respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown to plaintiff but will be added by amendment when ascertained, to appear before the Circuit Court of said county, at the place of holding same, within thirty days from service of this process, then and there to answer the complaint of BERTHA LOVETTO.

Witness my hand this 9 day of Jan, 1970.

Julian Swift
Clerk

COMPLAINT

BERTHA LOVETTO,

Plaintiff

vs.

ETHEL B. MILES; CLEM HICKS; Defendants A and B, the owner and operator, respectively, of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation, respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown to plaintiff but will be added by amendment when ascertained,

Defendants

COUNT ONE

Plaintiff claims of the defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on to-wit, October 10, 1969, plaintiff was riding in a motor vehicle on a public highway in Baldwin County, Alabama on to-wit, Alabama Highway No. 59 at or near its intersection with Baldwin County Highway No. 32, and at the same time and place, the defendants caused or allowed a motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence

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MAY 1 1970

ALICE J. BUCK

CLERK
REGISTER

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JAN 27 1970

2630
of said collision, the plaintiff was damaged and injured as follows:

She was knocked, shocked, bruised and contused; she was made sick and sore; her arms, head and legs were injured; she was injured in the various and separate parts of her body; her neck was strained and pulled; her chest and sides were injured; her right leg was punctured and she was internally injured and permanently injured, all to her detriment for which she claims.

Plaintiff avers that defendants negligently caused or negligently allowed the motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said negligence, the plaintiff was damaged and injured as hereinabove set forth.

COUNT TWO

Plaintiff refers to and adopts all the words and figures of Count One of her complaint down to and including the words "all to her detriment for which she claims" and adds thereto the following:

Plaintiff avers that defendants wantonly injured her by wantonly causing or wantonly allowing the motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said wanton conduct, plaintiff was damaged and injured as hereinabove set forth.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

Plaintiff demands a trial by a struck jury in the above styled cause.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

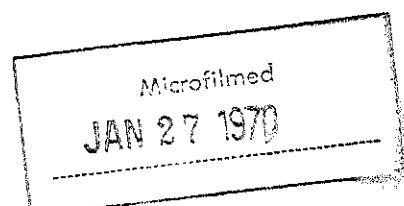
Plaintiff's address:

1231 Center Point Road
Birmingham, Alabama

Serve defendant Ethel B. Miles at: General Delivery, Robertsdale, Alabama

Serve defendant Clem Hicks through Secretary of State at: VI-2 N.A.S.,
Whiting Field, Milton, Florida 32570

TRIAL COUNSEL: James J. Thompson, Jr.
700 City Federal Building
Birmingham, Alabama 35203



26303

RECEIVED IN OFFICE
JAN 30 1970
M. S. BUTLER, Sheriff

C. H.

Executed by serving... 3 copies of
the within on W. L. C. C. C.
Secretary of State of the State of
Alabama.
This the 24 day of Jan, 1970

Sheriff of Montgomery County
M. S. Butler,
By W. L. C. C. C. D. S.

Microfilmed
2-6-70

M. S. Butler, Sheriff of Montgomery
County, Alabama, claim \$1.50 each for
serving 1 process and \$1.00
travel expense on each of 1
processes for a total of \$2.50

W. L. C. C. C. Deputy Sheriff

130

BERTHA LOVETTO,

PLAINTIFF,

V.

ETHEL B. MILES;
CLEM HICKS, et al,

DEFENDANTS.

No.
IN THE CIRCUIT COURT
28th
FOR THE JUDICIAL
CIRCUIT OF ALABAMA

NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION

TO: CHASON, STONE & CHASON
Attorneys for Defendants
P. O. Box 120
Bay Minette, Alabama 36507

Please take notice that at 1:00 o'clock, P. M., on the 20th day of May, 1970, 196x, at 5532 First Avenue, South, Birmingham, Alabama 35212 the plaintiff in the above styled cause will take the deposition of Dr. John B. Morris

whose address is 5532 First Avenue, South, Birmingham, Alabama 35212

upon oral examination, pursuant to Act No. 375 of the 1955 Legislature of Alabama (Title 7, 474 (1), et seq., of the Code of Alabama, Revised 1958), as amended, for the purpose of discovery or for use as evidence in the action, or for both purposes, before Paul Glass, a Notary Public, or before some other officer authorized by law to administer oaths. The oral examination will continue from time to time until completed. You are invited to attend and cross-examine.

This the 1st day of May, 1970. 196x

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By *James J. Thompson, Jr.*

I hereby certify that a copy of the above Notice has been served upon Chason, Stone & Chason,

attorneys of record for the defendant s, by U. S. Mail, postage prepaid.

This the 1st day of May, 1970.

xx196x

FILED

MAY 4 1970

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ALICE J. DUCK
CLERK
REGISTER

James J. Thompson, Jr.
Of Counsel

68-130

JAN 6 1970

26303

STATE OF ALABAMA) IN THE TENTH JUDICIAL CIRCUIT COURT
) JULIAN SWIFT
) CLERK
 JEFFERSON COUNTY) OF JEFFERSON COUNTY, ALABAMA

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Clerk Julian Swift

COMPLAINT

BERTHA LOVETTO,

Plaintiff

vs.

ETHEL B. MILES; CLEM HICKS; Defendants A and B, the owner and operator, respectively, of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation, respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown to plaintiff but will be added by amendment when ascertained,

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Microfilmed

JAN 27 1970

26303
of said collision, the plaintiff was damaged and injured as follows:

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HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

Plaintiff demands a trial by a struck jury in the above styled cause.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

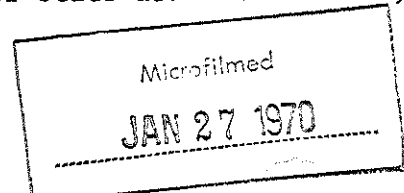
Plaintiff's address:

1231 Center Point Road
Birmingham, Alabama

Serve defendant Ethel B. Miles at: General Delivery, Robertsedale, Alabama

Serve defendant Clem Hicks through Secretary of State at: VI-2 N.A.S.,
Whiting Field, Milton, Florida 32570

TRIAL COUNSEL: James J. Thompson, Jr.
700 City Federal Building
Birmingham, Alabama 35203



2050
Received 30 day of January 19 70
and on 30 day of Jan. 19 70
I served a copy of the within SEA
on Chas. Wilson
By service on _____

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Brown
DEPUTY SHERIFF

W. J. ...

TAYLOR WILKINS, Sheriff
By H. Brown D. S.
50 miles R.T.
R. Dale

Microfilmed *EF*
2-10-70

FILED IN OFFICE

February 5, 1970

BERTEA LOVETTO, Plaintiff

FEB 9 1970

IN THE CIRCUIT COURT, TENTH
JUDICIAL CIRCUIT OF ALABAMA

VS

JULIAN SWIFT
CLERK

CLEM HICKS, et al, Defendants

CASE NO. 26303

TO THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA

I, Mabel Amos, Secretary of State, hereby certify that on January 30, 1970
I sent by certified mail in an envelope addressed as follows:

"Clem Hicks
VI-2 N. A. S.
Whiting Field, Milton, Florida 32570"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"Clem Hicks
VI-2 N.A.S.
Whiting Field, Milton, Florida 32570

You will take notice that on January 30, 1970 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: BERTEA LOVETTO, Plaintiff VS CLEM HICKS, et al, Defendants

in the CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA
Case No. 26303 a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 30th day of January, 1970

Enclosure (1)

(Signed) Mabel S. Amos
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on February 4, 1970 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Milton, Fl.
on Feb. 3, 1970

WITNESS MY HAND and the Great Seal of the State of Alabama this the 5th day of February, 1970

Mabel S. Amos
MABEL S. AMOS
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.
CC: Honorable James J. Thompson, Jr.
Hare, Wynn, Newell and Newton
700 City Federal Building
Birmingham, Alabama 35203

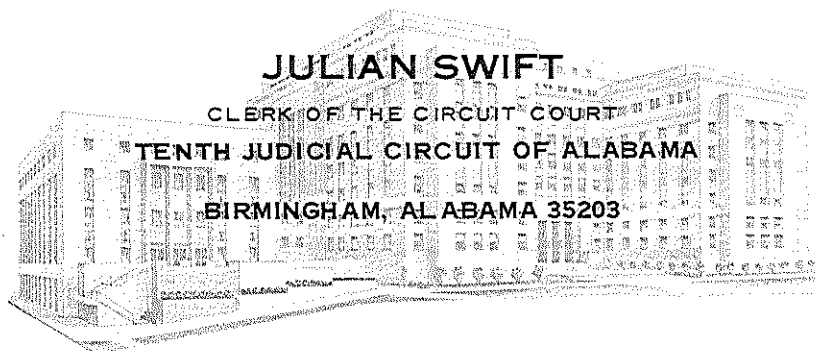
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FEB 18 1970

5

MRS. BEATRICE PORTER,
CHIEF CLERK



April 30, 1970

Honorable Alice J. Duck, Clerk:

MINUTE ENTRY

26303	Bertha Lovetto)	Present and Presiding,
	vs)	Whit Windham,
	Ethel B. Miles, et als)	Judge of Circuit Court.

On this the 3rd day of April, 1970, came the parties by their attorneys, and the court having sustained the defendants' plea in abatement, whereupon,

It is ordered and adjudged by the court that this cause be and the same is hereby transferred to the Circuit Court of Baldwin County, holding at Bay Minette, Alabama, pursuant to Title 7, Section 64 (1&2).

I do hereby certify, that the above is a true and correct copy of the Minute Entry found in Minute Book 308, on Page 31.

FILED

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ALICE J. DUCK

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Julian Swift, Clerk

BERTHA LOVETTO,

Plaintiff,

vs.

ETHEL B. MILES, CLEM
HICKS, et al.,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Come now the Defendants in the above styled cause and demur to the Complaint filed in said cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said Complaint does not allege any duty owing by the Defendants to the Plaintiff.
3. That said Complaint does not sufficiently set out the place where the accident occurred.
4. That said Complaint does not allege whether the Plaintiff was driving the vehicle in which she was riding.
5. That said Complaint does not allege which Defendant was driving the vehicle which collided with the car in which the Plaintiff was riding.
6. That said Complaint does not allege which Defendant was the owner and which Defendant was the operator of the vehicle that collided with the car in which the Plaintiff was riding.
7. That there is a misjoinder of parties Defendant in said cause.

Defendants demand a trial of this cause by a jury.

CHASON, STONE & CHASON

Attorneys for Defendants

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Attorneys for Defendants
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 21 day

1970

BERTHA LOVETTO,

Plaintiff,

vs.

ETHEL B. MILES, CLEM HICKS,
et al.,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

* * * * *

DEMURRER

* * * * *

BERTHA LOVETTO,)	
)	IN THE CIRCUIT COURT OF
PLAINTIFF,)	
-vs-)	BALDWIN COUNTY, ALABAMA
)	
ETHEL B. MILES, CLEM)	AT LAW
HICKS, et al,)	CASE NO. <u>9240</u>
)	
DEFENDANTS.)	

Comes now Cunningham, Bounds & Byrd and appear in the
above cause as additional attorneys on behalf of the Plaintiff.

CUNNINGHAM, BOUNDS & BYRD

BY: 
RICHARD BOUNDS

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 24
day of April 1970, served a copy of the
foregoing plaintiff's complaint and petition for writ of habeas corpus
by mailing the same by United States mail, properly enclosed,
and first class postage prepaid.



No. 26303STATE OF ALABAMA
Jefferson CountyCIRCUIT COURT
Tenth Judicial CircuitBertha Kovette

VS.

Ethel B. Miles; Clem
Hicks

CLERK'S FEES	RATE	AMOUNT
Filing suit for not over \$100	\$ 6.00	
Filing suit over \$100 & not over \$1,000	10.00	
Filing suit for not less than \$1,000	20.00	20 00
Transfers and appeals from Probate	20.00	
Filing detinue or ejectment	10.00	
Appeals from Civil Court of Jeff. Co.	15.00	
Appeals from courts of \$100 jurisdiet.	6.00	
Appeals from Dept. of State	10.00	
Filing Mandamus, Cert., etc.	15.00	
Filing Workmen's Comp. Settlement	10.00	
Filing ancillary proceeding	6.00	
Filing motion to sell real property	6.00	
Execution issued by State	3.00	
Application Habeas Corpus	6.00	
Filing any proceeding not otherwise provided for	10.00	
Certified copies		
Making Transcript for appeals		
Filing Bond on appeal	.75	
Transcript of evidence	10.00	
Filing papers on appeal	.10	
Issuing notices of appeals	.75	
Copies	.75	
Certificate of appeal		
THIS AMOUNT CARRIED FOR'D.		20 00

SHERIFF'S FEES	RATE	AMOUNT
Serving any summons or other process	\$2.50	
Serving subpoenas	.75	
Levying Attachment	6.00	
Entering and returning same	.25	
Impaneling jury	.75	
Collecting cost under execution	1.50	
Approving Bond	2.00	
Serving Attachment for contempt	1.50	
Making deed	2.50	
Writ of Restitution	5.00	
Seizing Personal Property	7.50	
½ Commission		
Recording Levy		
Notice of Levy	1.50	
Publication		
Drayage and Storage		
Mileage (O.C.)		
THIS AMOUNT CARRIED FOR'D.		

RECAPITULATION	AMOUNT
<u>4-3-70</u> Judgment <u>Transferred to Baldwin Co.</u>	
10% Damages	
Interest from	
Clerk (County)	20 00
Clerk's ½ Commission	
Sheriff (County)	
Witnesses	
Court of General Sessions	
Probate Court	
Civil Court of Jefferson County	
Pltff's. Secy. State Fee	5 00
Commissioner	
Publisher	
Hospital Record	
Sheriff other Counties	6 50
" " "	2 50
" " "	
" " "	
Garnishee	
State Trial Tax	3 00
Library Tax	1 00
TOTAL JUDGMENT AND FEES	38 00

SEE



FOR TOTAL

Make check for above amount payable to Julian Swift, Clerk Circuit Court, Birmingham, Alabama. Payable within thirty days.

PLAINTIFF'S WITNESS FEES

DEFENDANT'S WITNESS FEES

[illegible]

Plaintiff's Witness Fees \$ _____

Defendant's Witness Fees \$ _____

Total Witness Fees \$_____