

IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT  
OF ALABAMA

SANDRA A. WHITTINGTON, a  
minor, Pro Ami Roy Whittington,  
her father,

Plaintiff,

vs.

RICKY DARNELL PAUL, a  
minor, 17 years of age, and  
HAROLD G. JORDAN,

Defendants.

AT LAW NO. 9391

COMPLAINT

Count One. Plaintiff, a minor, less than one year of age, by her next friend and father, ROY WHITTINGTON, claims of RICKY DARNELL PAUL, a minor, 17 years of age, and HAROLD G. JORDAN, the Defendants, the sum of, to-wit, \$100,000.00 as damages, for that on, to-wit, the 15th day of March, 1970, while she was riding as a passenger in a motor vehicle over which she had no charge, direction or control, which motor vehicle was traveling northwardly on County Road No. 47 in Baldwin County, Alabama, a public highway, at a point about 3.5 miles north of Bay Minette city limits, and 1.5 miles north of Jack Springs Road, and just before reaching the intersection of said County Road with Interstate Highway 65,

(a) The Defendant Paul while operating a motor vehicle southwardly on said County Road at said time and place, so operated said motor vehicle as to cause it to crash head-on into the vehicle in which she was a passenger, and as a proximate consequence thereof, Plaintiff was injured and damaged as hereinafter set out;

(b) The Defendant Jordan while operating a motor vehicle on said County Road at said time and place, backed the motor vehicle operated by him from a private driveway onto said County Highway as to cause the motor vehicle operated by Defendant Paul to crash head-on into the vehicle in which

she was a passenger, and as a proximate consequence thereof, Plaintiff was injured and damaged as hereinafter set out.

(c) And Plaintiff avers that said injury and damages to Plaintiff were the proximate result of the combined and concurring negligence of the Defendants in and about the operations of the respective motor vehicles at said time and place, and Plaintiff was caused to and did sustain injuries and damages, as follows:

(d) She was cut, bruised, lacerated, scarred and injured; her muscles, tendons, ligaments and nerves were bruised, wrenched, sprained, torn and injured; her bones were broken, including her left arm. Her skull was fractured and she sustained a massive brain concussion, from which she has not and probably will never recover. She was repeatedly operated on to remove blood clots and other damage to her brain; she remained in intensive care in hospitals for weeks and weeks with little hope of recovery; she was made sick, sore and lame and caused to suffer great physical pain and mental anguish; her nervous system was greatly shocked and impaired; she was compelled to spend many days in the hospital and she is still under the care of physicians, surgeons and nurses; she was placed in an immobile cast which remained for many weeks and months; she was permanently disabled. All to her hurt and damage, as aforesaid.

Count Two. Plaintiff adopts all of the words and figures of Count One as and for the words and figures of this County, except that part marked "(c)", and in place thereof, Plaintiff avers:

(c) And Plaintiff avers that the Defendants wantonly injured and damaged Plaintiff at said time and place by the combined and concurring wantonness of the Defendant Paul causing the motor vehicle operated by him to crash

head-on into the vehicle in which she was a passenger, and the wantonness of the Defendant Jordan in backing the motor vehicle operated by him from the private driveway into said public highway, and as a proximate consequence of said combined and concurring wantonness of Defendants, Plaintiff was caused to sustain the injuries and damages set forth in Count One hereof.

*Thornton McGowan*

*John Earle Chason*

Attorneys for Plaintiff

The Plaintiff demands a jury trial of the issues in this cause.

*John Earle Chason*

Serve on:

Ricky Darnell Paul  
Star Route  
Bay Minette, Alabama

Harold G. Jordan

Frisco City, Alabama  
(Monroe County, Alabama)

**FILED**

JUL 21 1970

**ALICE J. DUCK**

CLERK  
REGISTER

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9391

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon RICKY DARNELL PAUL, a minor 17 years of age and  
HAROLD G. JORDAN

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 Ricky Darnell Paul,  
a minor 17 years of age and HAROLD G. JORDAN Defendant

by SANDRA A. WHITTINGTON, a minor Pro. Ami Roy Whittington, her father, Plaintiff

Witness my hand this 21st day of July 1970

Alice J. Luck Clerk

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

SANDRA A. WHITTINGTON, a minor  
Pro Ami Roy Whittington, her father

Plaintiffs

VS.

RICKY DARNELL PAUL, a minor 17 years  
of age & HAROLD G. JORDAN Defendants

## SUMMONS AND COMPLAINT

Filed July 21 1970

Alice J. Duck ..... Clerk

Sheriff claims 22 miles at

Ten Cents per mile Total \$ 2

TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

Thornton & McGowan

Chason; Stone & Plaintiff's Attorney

Chason

Defendant's Attorney

Serve: Defendant lives at

1. Ricky Darnell Paul
2. His father, mother Or Guardian
3. HAROLD G. JORDAN

**Recieved In Office**

..... 19...28

.....*Taylor Simpson*..... Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

Pickens, Darnell Paul  
7-532-1970

Deemed Harold B. Jordan,  
Frisco City, Ala. (20 miles)  
E. C. Watson, Sheriff  
Monroe County.

*Leah Welles* Sheriff

W. A. Zoller Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

Radius 22 mi

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

August 13, 1970

Clerk, Circuit Court  
Baldwin County  
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Please file the enclosed Demurrers in Cases  
Numbered 9391, 9392, 9393.

With kind regards, I am

Yours very truly,

  
Wilson Hayes

WH/ms  
Encs.

SANDRA A. WHITTINGTON, a  
Minor, Pro Ami Roy  
Whittington, her father,

Plaintiff,

Vs.

RICKY DARNELL PAUL, a Minor  
17 years of age, and HAROLD  
G. JORDAN,

Defendants.

IN THE CIRCUIT COURT

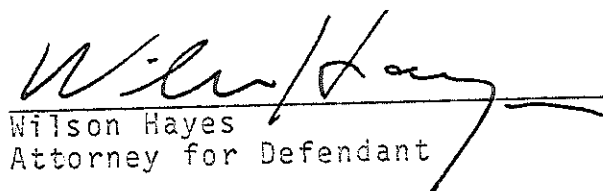
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 9391

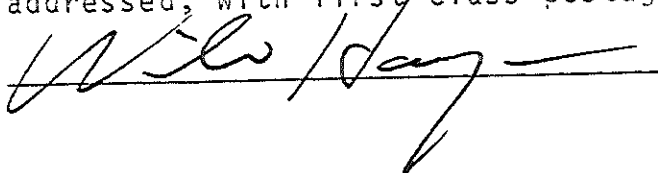
Comes now Defendant, Ricky Darnell Paul by his Attorney,  
and demurs to the Plaintiff's complaint and to the counts therein,  
separately and severly, assigns the following separate and several  
demurrers:

1. The complaint states no cause of action.
2. The complaint effects a misjoinder of actions.
3. The Plaintiff attempts to join the action of trespass  
and trespass on the case in the same counts.

  
Wilson Hayes  
Attorney for Defendant

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this  
13th day of August, 1970, served a copy  
of the foregoing pleading on counsel for  
all parties to this proceeding by mailing  
the same by United States Mail, properly  
addressed, with first class postage prepaid.



**FILED**

AUG 14 1970

**ALICE J. DUCK**

CLERK  
REGISTER

SANDRA A. WHITTINGTON, a )  
minor, Pro Ami Roy Whittington )  
her father, )

Plaintiff, )

VS )

RICKY DARNELL PAUL, a minor )  
17 years of age, and HAROLD )  
G. JORDAN, )

Defendants. )

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA

TWENTY-EIGHTH JUDICIAL  
CIRCUIT

AT LAW

CASE NO. 9391

MOTION TO STRIKE

Comes now the defendant, Harold G. Jordan, in the above styled cause, and files this, his Motion to Strike those portions of the plaintiff's complaint, separately and severally, as set out in the body of his motion:

The defendant moves to strike that portion of the plaintiff's complaint designated Count One (d) wherein the plaintiff alleges the following:

~~"from which she has not and probably will never~~  
recover..."

and for grounds of his motion, the defendant assigns, the following separate and several grounds:

1. For that the said allegation is unnecessarily prolix.
2. For that the said allegation is irrelevant.
3. For that the said allegation is an allegation of evidential matters and is not a proper factual allegation.
4. For that the said allegation is prejudicial.
5. For that the said allegation is merely a reiteration of the later allegation in the said count wherein the plaintiff alleges she was permanently disabled.



6. For that the allegation of a "probability" is not a proper allegation of the plaintiff's cause of action.

The defendant moves to strike that portion of the plaintiff's complaint designated Count One (d) in which the plaintiff alleges as follows:

"She was repeatedly operated on"

and for grounds of his motion, the defendant assigns, the following separate and several grounds:

1. For that the said allegation is unnecessarily prolix.
2. For that the said allegation is irrelevant.
3. For that the said allegation is an allegation of evidential matters and is not a proper factual allegation.
4. For that the said allegation is prejudicial.
5. For that the said allegation is merely a reiteration of the later allegation in the said count wherein the plaintiff alleges she was permanently injured.

The defendant moves to strike that portion of the plaintiff's complaint designated Count One (d) wherein the plaintiff alleges the following:

"she remained in intensive care in hospitals for weeks and weeks"

and for grounds of his motion, the defendant assigns, the following separate and several grounds:

1. For that the said allegation is unnecessarily prolix.
2. For that the said allegation is irrelevant.
3. For that the said allegation is an allegation of evidential matters and is not a proper factual allegation.
4. For that the said allegation is prejudicial.
5. For that the said allegation is merely a reiteration of the later allegation in the said count wherein the plaintiff alleges she was permanently injured.


The defendant moves to strike that portion of the plaintiff's complaint designated Count One (d) wherein the plaintiff alleges the following:

"with little hope of recovery"

and for grounds of his motion, the defendant assigns, the following separate and several grounds:

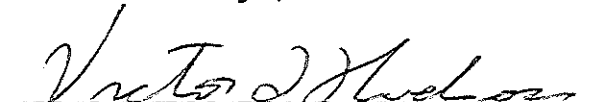
1. For that the said allegation is unnecessarily prolix.
2. For that the said allegation is irrelevant.
3. For that the said allegation is an allegation of evidential matters and is not a proper factual allegation.
4. For that the said allegation is prejudicial.
5. For that the said allegation is merely a reiteration of the later allegation in the said count wherein the plaintiff alleges she was permanently injured.

  
Richard W. Vollmer, Jr.

  
Victor T. Hudson  
Attorneys for Defendant, Harold G. Jordan  
P. O. Box 2245  
Mobile, Alabama, 36601

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, the undersigned Notary Public, personally appeared Victor T. Hudson, who being first duly sworn, deposes and says that he has read the allegations set forth in the foregoing motion to strike, that he is informed of the contents of said motion and they are true and correct to the best of his knowledge, information and belief.


  
Victor T. Hudson

Subscribed and sworn to before me on this 18 day of Aug, 1970.

  
Notary Public, Mobile County, Alabama

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon and mailed by air parcel to this present day to the same to each by First Class United States mail, properly addressed and postage paid on this 18 day of August, 1970

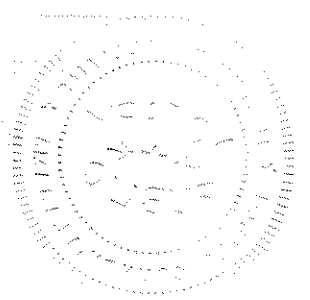


**FILED**

AUG 19 1970

**ALICE J. DUCK** CLERK  
REGISTER

William, Reams, Taggart, Wood & Roberts, Attys  
P.O. Box 2245 - Mobile



Wm. H. H. H.

SANDRA A. WHITTINGTON, a  
minor, Pro Ami Roy Whittington,  
her father,

VS.

RICKY DARNELL PAUL, a  
minor, 18 years of age,

Comes now the Plaintiff in the above styled cause by and through her attorneys of record and amends the Complaint heretofore filed in said cause so that as amended said Complaint shall read as follows:

(a) The Defendant while operating a motor vehicle southwardly on said County Road at said time and place, so operated said motor vehicle as to cause it to crash head-on into the vehicle in which she was a passenger, and as a proximate consequence thereof, Plaintiff was injured and damaged as hereinafter set out;

(b) And Plaintiff avers that said injury and damages to Plaintiff was the proximate result of the negligence of the Defendant in and about the operation of the motor vehicle at said time and place, and Plaintiff was caused to and did sustain injuries and damages, as follows:

(c) She was cut, bruised, lacerated, scarred and injured; her muscles, tendons, ligaments and nerves were bruised, wrenched, sprained, torn and injured; her bones were broken, including her left arm. Her skull was fractured and she sustained a massive brain concussion, from which she has not and probably will never recover. She was repeatedly operated on to remove blood clots and other damage to her brain; she remained in intensive care in hospitals for weeks and weeks with little hope of recovery; she was made sick, sore and lame and caused to suffer great physical pain and mental anguish; her nervous system was greatly shocked and impaired; she was compelled to spend many days in the hospital and she is still under the care of physicians, surgeons and nurses; she was placed in an immobile case which remained for many weeks and months; she was permanently disabled. All to her hurt and damage, as aforesaid.

Count Two. Plaintiff adopts all of the words and figures of Count One as and for the words and figures of this Count, except that part marked "(b)", and in place thereof, Plaintiff avers:

(b) And Plaintiff avers that the Defendant wantonly injured and damaged Plaintiff at said time and place by wantonly causing the motor vehicle operated by him to crash head-on into the vehicle in which she was a passenger, and as a proximate consequence of said wantonness of Defendant, Plaintiff was caused to sustain the injuries and damages set forth in Count One hereof.

John E. Chason  
Attorneys for Plaintiff

Copy handed to  
Defendant's attorney  
Personally 6/7/72 JEC

CLERK J  
CIRCUIT  
B. BLACKMON

JUN 7 1972

FILED

SANDRA A. WHITTINGTON, X  
a minor, Pro Ami Roy X  
Whittington, her father, X IN THE CIRCUIT COURT OF  
  
Plaintiff, X  
  
X BALDWIN COUNTY, ALABAMA  
vs. X  
X  
RICKY DARNELL PAUL, a X AT LAW  
minor, 17 years of age, X  
and HAROLD G. JORDAN, X  
  
Defendants. X


NOTICE OF TAKING OF DEPOSITION  
UPON ORAL EXAMINATION

TO: HONORABLE RICHARD W. VOLLMER, JR.  
Pillans, Reams, Tappan, Wood & Roberts  
Attorneys at Law  
Van Antwerp Building  
Mobile, Alabama

HONORABLE WILSON HAYES  
Attorney at Law  
Bay Minette, Alabama

PLEASE TAKE NOTICE that the Plaintiff in the above styled  
cause will take the deposition of Ricky Darnell Paul and the de-  
position of Harold G. Jordan upon oral examination pursuant to  
Title 7, Section 474(1) of the Code of Alabama of 1940, as amended,  
beginning at 1:30 P.M., on Monday, April 26, 1971, at the County  
Law Library in Bay Minette, Alabama. The examination will con-  
tinue from day to day until completed.

WITNESS my hand this 31<sup>st</sup> day of March, 1971, at  
Bay Minette, Baldwin County, Alabama.

  
John E. Chason  
Attorney at Law

OF COUNSEL:

CHASON, STONE & CHASON  
Attorneys at Law  
Bay Minette, Alabama

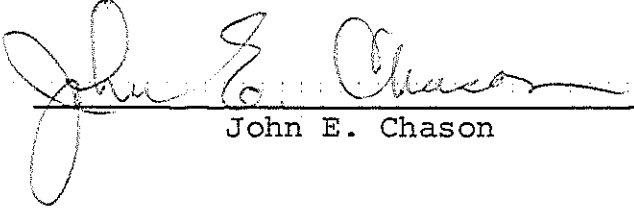
and

THORNTON & MCGOWIN  
Attorneys at Law  
Merchants National Bank Building  
Mobile, Alabama

CERTIFICATE

I, the undersigned JOHN E. CHASON, one of the Attorneys for the Plaintiff in the above styled cause, do hereby certify that I have this day served a copy of the foregoing Notice of Taking of Deposition Upon Oral Examination on Honorable Richard W. Vollmer, Jr. and Honorable Wilson Hayes by mailing to them a copy of said Notice by United States Mail, postage prepaid and properly addressed to them at their offices.

WITNESS my hand this 31<sup>st</sup> day of March 1971.

  
John E. Chason

**FILED**

MAR 31 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

SANDRA A. WHITTINGTON,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
RICKY DARNELL PAUL,	X	AT LAW	NO. 9391
et al.,	X		
Defendants.	X		
	X		
CAROLYN E. WHITTINGTON,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
RICKY DARNELL PAUL, et al.,	X	AT LAW	NO. 9392
Defendants.	X		
	X		
ROY WHITTINGTON,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
RICKY DARNELL PAUL, et al.,	X	AT LAW	NO. 9393
Defendants.	X		

ORDER

This day came the attorneys of record for the parties in the above styled cases and it appearing to the Court that since the filing of the above styled cases, the same have been continued at each term that they were set for trial at the request of the Defendant, Ricky Darnell Paul, by reason of his being in military service and out of this State; and it appearing to the Court that the Defendant has had sufficient time in which to arrange his affairs so as to be present for trial and that the cases should be tried at the next available term of court and in consideration of the above; it is, therefore,



ORDERED, ADJUDGED and DECREED that the above styled cases will stand for trial on the first day of the next regularly scheduled term at which a civil jury shall be empaneled and that a copy of this Order be furnished the attorney for the Defendant in order that he may have his client present and in the event that the Defendant shall fail to appear and be ready for trial, the Plaintiff will be permitted to go to trial in each case without the presence of the Defendant.

Done this 10th day of April, 1972.

John A. Madlauer  
Circuit Judge

FILED

APR 10 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

SANDRA A. WHITTINGTON,  
a minor

Plaintiff,

Vs.

RICKY DARNELL PAUL, a minor

Defendant.

§

IN THE CIRCUIT COURT OF

§

BALDWIN COUNTY, ALABAMA

§

AT LAW

§

§

NUMBER: 9391

Comes now Defendant in the above styled cause and shows to the Court that the Defendant is a member of the Armed Forces and is presently on active duty with the United States Air Force and is unable to attend the setting of the cause.

Defendant does claim his exemption from trial under the Soldiers and Sailors Civil Relief Act.

W L Hayes  
Attorney for Defendant  
Wilson Hayes

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, Mary C. Stiers McGuff, a Notary Public in and for said County in said State, this day personally appeared Wilson Hayes, who is known to me and who being by me first duly sworn to speak the truth, deposes and says he has read the foregoing instrument and knows the fact therein stated are true to the best of his information and belief.

W L Hayes  
Wilson Hayes

Sworn to and subscribed before me this the 6<sup>th</sup> day of October, 1971.

Mary C. Stiers McGuff  
Mary C. Stiers McGuff, Notary Public  
Baldwin County, Alabama

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 6<sup>th</sup> day of Dec, 1971, served a copy of the foregoing pleading on counsel for all Parties to this proceeding by mailing the same by United States Mail, properly addressed, with first class postage prepaid.

W L Hayes

FILED

OCT 7 1971

EUNICE B. BLACKMON CIRCUIT CLERK