

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

CAROLYN E. WHITTINGTON, \*

Plaintiff, \*

vs. \*

AT LAW NO. 9392

RICKY DARNELL PAUL, a minor, \*

17 years of age, and HAROLD G. \*

JORDAN, \*

Defendants. \*

COMPLAINT

Count One. Plaintiff claims of RICKY DARNELL PAUL, a minor, 17 years of age, and HAROLD G. JORDAN, Defendants, the sum of, to-wit, \$50,000.00, as damages, for that, on, to-wit, the 15th day of March, 1970, while she was operating a motor vehicle 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 operated by Plaintiff, 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 operated by Plaintiff, and as a proximate consequence thereof, Plaintiff was injured and damages 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 leg which suffered a compound fracture, and her knee cap was broken and crushed; 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 under the care of physicians, surgeons and nurses; she was compelled to spend many days convalescing and away from her home, under the care of physicians; she was placed in an immobile cast which remained on her for many weeks and months; she was permanently disabled; she was prevented from caring for her family and maintaining her home; 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 "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 operated by Plaintiff, 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.

Thomton 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. 9392

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 CAROLYN E. WHITTINGTON

Plaintiff.....

Witness my hand this 21st day of July 19 70

Alice J. Luck Clerk

E47-22-70

**THE STATE OF ALABAMA****BALDWIN COUNTY****CIRCUIT COURT**

CAROLYN E. WHITTINGTON

Plaintiffs

vs.

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

Defendants

**SUMMONS AND COMPLAINT**

Filed July 21 1970

Alice J. Duck Clerk

Sheriff claims 22 miles at

Ten dollars per mile Total \$ 2.20

TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

Thornton & McGowan  
Chason Stone & Chason

Plaintiff's Attorney

Defendant's Attorney

Serve: Defendant lives at

1. Ricky Darnell Paul
  2. His father, mother or guardian
  3. HAROLD G. JORDAN
- Addresses on page 4  
Received In Office

July 22 1970

Taylor Wilkins Sheriff

I have executed this summons

this 19

by leaving a copy with

Ricky D. Paul  
7-22-1970Served Harold G. Jordan,  
Frisco City, Ala. 7-27-70  
(20 miles)E. C. Watson Sheriff  
Moore County, Ala.Taylor Wilkins Sheriff  
W. A. Zalkert Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

Rabun

**THE STATE OF ALABAMA****BALDWIN COUNTY****CIRCUIT COURT**

CAROLYN E. WHITTINGTON

Plaintiffs

vs.

RICKY DARNELL PAUL, a minor 17 years  
of age and HAROLD G. JORDAN  
Defendants**SUMMONS AND COMPLAINT**

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W. A. Zolbert Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

R. Allen

WILSON HAYES  
LAWYER  
P. O. BOX 300  
BAY MINETTE, ALABAMA  
36507

TELEPHONE 937-5506

May 2, 1973

Mrs. Eunice Blackmon, Clerk  
Circuit Court, Baldwin County  
Bay Minette, Alabama 36507

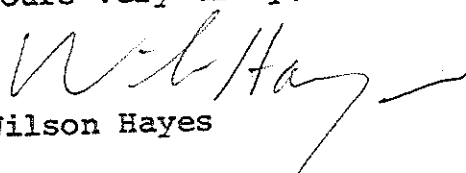
Re: Whittington v Paul  
Cases #9392 & 9393

Dear Mrs. Blackmon:

I have two cost bills, one in Case Number 9393 and another in Case Number 9392 which indicates that there was a judgment entered in the amount of \$1,000 in each. I believe that this is in error and would be obliged if you would call them to the attention of Judge Mashburn. There should be a judgment in the amount of \$1,000 in one of the cases and the costs taxed against the Defendant in the other.

With kind regards, I am

Yours very truly,

  
Wilson Hayes

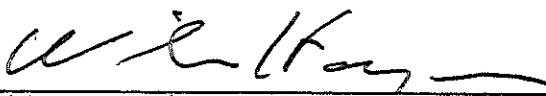
WH/mm

cc: Hon. Telfair J. Mashburn  
cc: Mr. John Earl Chason

CAROLYN E. WHITTINGTON,           §     IN THE CIRCUIT COURT OF  
Plaintiff,                           §     BALDWIN COUNTY, ALABAMA  
Vs.                                   §     AT LAW  
RICKY DARNELL PAUL, a minor     §  
Defendant.                         §     NUMBER: 9392

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.

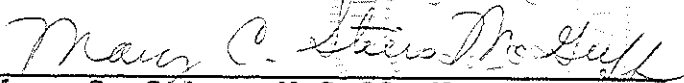
  
\_\_\_\_\_  
Attorney for Defendant  
Wilson Hayes

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 facts therein stated are true to the best of his information and belief.

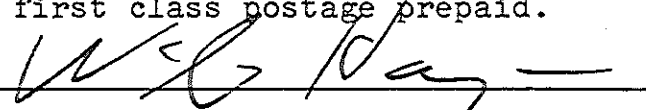
  
\_\_\_\_\_  
Wilson Hayes

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

  
\_\_\_\_\_  
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 Oct, 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. B. Blackmon

FILED

OCT 7 1971

EUNICE B. BLACKMON   CIRCUIT  
CLERK



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

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

ROY WHITTINGTON, X  
 Plaintiff, X IN THE CIRCUIT COURT OF  
 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.

/s/ Telfair D. Mashburn  
Circuit Judge

FILED

APR 10 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

CAROLYN E. WHITTINGTON,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS	)	TWENTY-EIGHTH JUDICIAL
	)	CIRCUIT
RICKY DARNELL PAUL, a minor	)	
17 years of age, and HAROLD	)	AT LAW
G. JORDAN,	)	
Defendant.	)	CASE NO. 9392

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) in which the plaintiff alleges as follows:

"She was prevented from caring for her family and maintaining her home;..."

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

1. For that the said allegation is irrelevant.
2. For that the said allegation is irrelevant in that the plaintiff has no legal claim under the law of the State of Alabama for the recovery of damages under such allegation of claim.
3. For that the alleged loss of the plaintiff's services in caring for her family and maintaining her home are in her husband who has made claim for these same loss of services in that lawsuit styled Roy Whittington, Plaintiff vs Ricky Darnell Paul, a minor 17 years of age, and Harold G. Jordan, which is filed and presently pending in the Circuit Court for the Twenty-Eighth Judicial Circuit of Alabama, At Law Being case No. 9393.

4. The defendant avers that the said plaintiff in the instant case, Carolyn E. Whittington, is the wife of Roy Whittington, and was married to the said Roy Whittington at the time and place alleged in the plaintiff's complaint; and the defendant further avers that the said Roy Whittington is claiming damages in a lawsuit filed by him, in this Honorable Court, being designated Case No. 9393, wherein the said Roy Whittington claims damages for the loss of services and consortium of the said plaintiff in the instant action, Carolyn E. Whittington; and the defendant further avers that the plaintiff, Carolyn E. Whittington, is not entitled to a recovery of the damages alleged by her herein, wherein she claims damages for being prevented from caring for her family and maintaining her home.

Richard W. Vollmer, Jr.  
Richard W. Vollmer, Jr.

Victor T. Hudson  
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  
Victor T. Hudson

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

Judith P. Williams  
Notary Public, Mobile County, Alabama

**FILED**

AUG 19 1970

ALICE J. DUCK CLERK  
REGISTER

VOL 70 PAGE 161

CERTIFICATE OF CLERK  
I certify that a copy of the foregoing pleading has been filed for recording in the public records of Mobile County, Alabama, and that the same is indexed and properly addressed and postage prepaid on this 18 day of Aug, 1970

Victor T. Hudson

CAROLYN E. WHITTINGTON,

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

¶

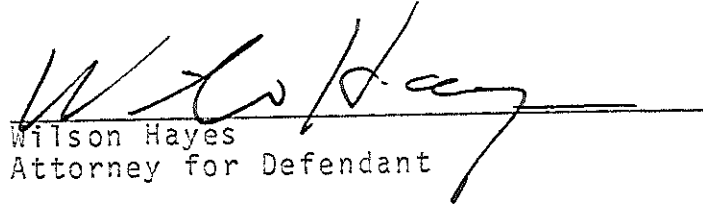
NUMBER: 9392

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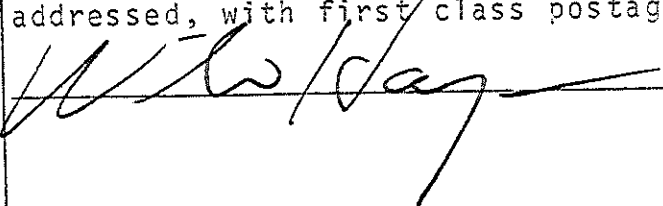
Comes now Defendant, Ricky Darnell Paul by his Attorney,  
and demurs to the Plaintiff's complaint and to the counts therein,  
separately and severly, assigns the following separate and several  
demurrers:

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. BUCK

CLERK  
REGISTER