

LEONARD ROSS,	)	
	)	
Plaintiff,	)	
	)	IN THE CIRCUIT COURT OF
VS.	)	
	)	BALDWIN COUNTY, ALABAMA
CARL W. GASH, whose name is	)	
otherwise unknown but will be	)	AT LAW
corrected by amendment when	)	NO. 9399
ascertained,	)	
	)	
Defendant.	)	

AMENDED COMPLAINT

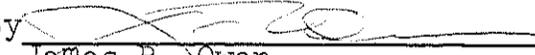
Plaintiff claims of the defendant the sum of Thirty Thousand Dollars (\$30,000.00) as damages for that heretofore on to-wit, the 27th day of August, 1969, while the plaintiff was operating an automobile in a, to-wit, Westerly direction on U. S. Highway 98 at or near, to-wit, H. E. Kennedy's driveway, said U. S. Highway 98 being a public highway in the County of Baldwin, Alabama, the defendant at said time and place did so negligently operate an automobile vehicle in a, to-wit, Easterly direction on said Highway 98 as to cause the said automotive vehicle to run into, over, upon and against the plaintiff's automobile and as a direct and proximate result of the negligence of the defendant, as aforesaid, plaintiff was injured and damaged as follows:

Plaintiff sustained an injury to his neck and back; plaintiff's whole body was contused and bruised; plaintiff has been caused to suffer much physical pain and mental anguish, headaches and will continue to so suffer; plaintiff has been caused to incur numerous expenses in and about the care and treatment of his injuries; plaintiff has been caused to lose much time from his employment; plaintiff's automobile was badly bent, dented and damaged; the sliding door on the passenger side of his automobile vehicle was damaged; the side panels were damaged and the right rear of his automotive vehicle was bent, broken and damaged; and as a direct and proximate result of the negligence of the defendant as aforesaid, wherefore, plaintiff sues and seeks to recover in the amount of Thirty Thousand Dollars (\$30,000.00).

M. A. MARSAL, JAMES E. ATCHISON  
and JAMES R. OWEN,  
Attorneys for Plaintiff

Plaintiff demands trial by jury.

M. A. MARSAL, JAMES E. ATCHISON  
and JAMES R. OWEN,  
Attorneys for Plaintiff

By   
James R. Owen

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 9th day  
of Nov, 19 70.

  
Alice J. Duck

**FILED**

NOV 9 1970

**ALICE J. DUCK** CLERK  
REGISTER

LEONARD ROSS,	X	
		IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
CARL W. GASH,	X	
		LAW SIDE
Defendant.	X	
	X	NO. 9399

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That the place where the accident occurred is not sufficiently set out.
3. That said Complaint does not allege that the Plaintiff was employed at the time the accident occurred.
4. That said Complaint does not allege any duty owing by the Defendant to the Plaintiff.
5. That said Complaint fails to allege in what manner and to what extent the automobile owned by the Plaintiff was damaged.
6. The allegation that Plaintiff's automobile was badly bent, dented and damaged is but a conclusion of the pleader and does not allege the extent of such damages.

*Dana Stone & Gason*  
Attorneys for Defendant

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 25 day of August 1970.

*J. L. Gason*

**FILED**

AUG 25 1970

**ALICE J. DUCK** CLERK REGISTER

LEONARD ROSS,

Plaintiff,

vs.

CARL W. GASH,

Defendant.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE NO. 9399

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

SEALE, MARSAL, SEALE & DUKE

LAWYERS

2410 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

HARRY SEALE  
M. A. MARSAL  
A. J. SEALE  
LEON G. DUKE  
JAMES E. ATCHISON

MAILING ADDRESS  
POST OFFICE BOX 1746  
432-6686

July 27, 1970

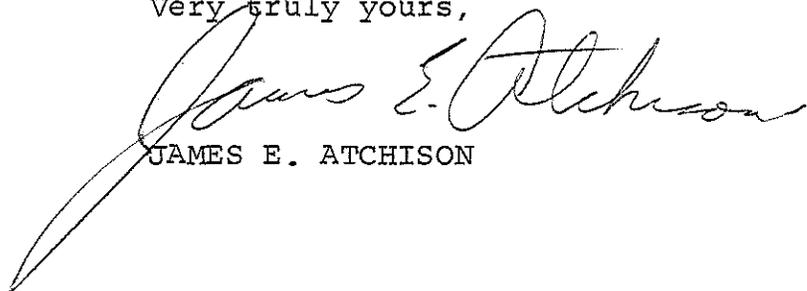
9399

Mrs. Alice Duck  
Clerk, Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed please find copies of a law suit which we wish for you to file in your court immediately. Please file the same and acknowledge that the case has been filed so that my records will so reflect. Thanking you for your continued cooperation, I am

Very truly yours,

  
JAMES E. ATCHISON

JEA:mam

Enc.

LEONARD ROSS,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
<del>VS</del>	I	OF MOBILE COUNTY,
CARL W. GASH, whose	I	ALABAMA
name is otherwise	I	
unknown but will be	I	
corrected by amendment	I	AT LAW
when ascertained,	I	
Defendant.	I	CASE NO. <u>9399</u>

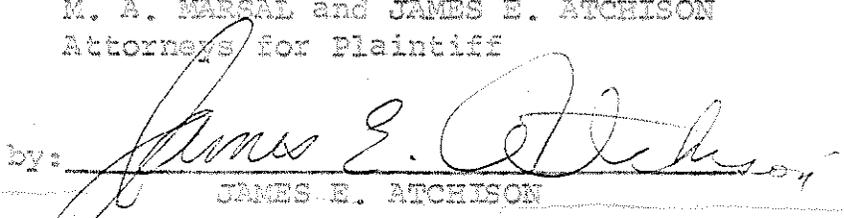
Plaintiff claims of the defendant the sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 27th day of August, 1969, while the plaintiff was operating an automobile in a, to-wit, westerly direction on U. S. Highway 98 at or near, to-wit, H. E. Kennedy's driveway, said U. S. Highway 98 being a public highway in the County of Baldwin, Alabama, the defendant at said time and place did so negligently operate an automotive vehicle in a, to-wit, easterly direction on said Highway 98, as to cause said automotive vehicle to run into, over, upon and against the plaintiff's automobile and as a direct and proximate result of the negligence of the defendant as aforesaid, plaintiff was injured and damaged as follows:

Plaintiff sustained an injury to his neck and back; plaintiff's whole body was contused and bruised, plaintiff has been caused to suffer much physical pain and mental anguish, headaches and will continue to so suffer; plaintiff has been caused to incur numerous expenses in and about the care and treatment of his injuries; plaintiff has been caused to lose much time from his employment; plaintiff's automobile was badly bent, dented and damaged; and as a direct and proximate result of the negligence

of the defendant as aforesaid, wherefore plaintiff sues and seeks to recover in the amount of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS.

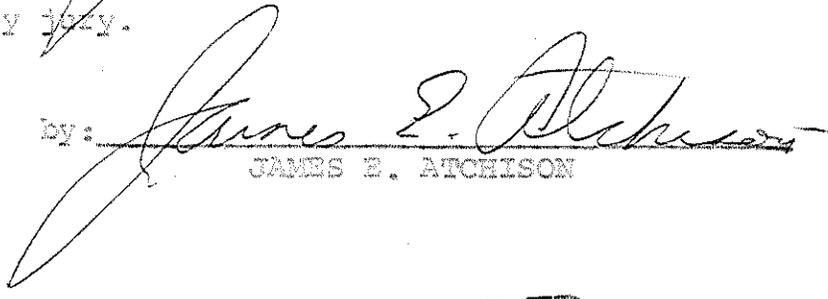
M. A. MARSAL and JAMES E. ATCHISON  
Attorneys for Plaintiff

by:

  
JAMES E. ATCHISON

Plaintiff demands trial by jury.

by:

  
JAMES E. ATCHISON

Defendant may be served:  
P. O. Box 911  
Foley, Alabama

**FILED**

JUL 28 1970

**ALICE J. DUCK** CLERK  
REGISTER

LEONARD ROSS,	Y	IN THE CIRCUIT COURT
Plaintiff,	Y	
VS	Y	OF MOBILE COUNTY,
CARL W. GASH, whose	Y	ALABAMA
name is otherwise	Y	
unknown but will be	Y	
corrected by amendment	Y	AT LAW
when ascertained,	Y	
Defendant.	Y	CASE NO. <u>9399</u>

Plaintiff claims of the defendant the sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 27th day of August, 1969, while the plaintiff was operating an automobile in a, to-wit, westerly direction on U. S. Highway 98 at or near, to-wit, H. E. Kennedy's driveway, said U. S. Highway 98 being a public highway in the County of Baldwin, Alabama, the defendant at said time and place did so negligently operate an automotive vehicle in a, to-wit, easterly direction on said Highway 98, as to cause said automotive vehicle to run into, over, upon and against the plaintiff's automobile and as a direct and proximate result of the negligence of the defendant as aforesaid, plaintiff was injured and damaged as follows:

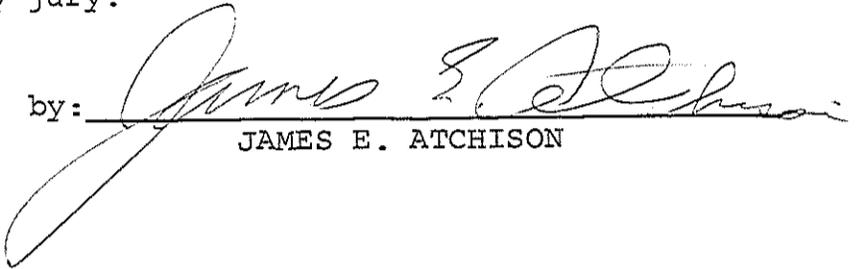
Plaintiff sustained an injury to his neck and back; plaintiff's whole body was contused and bruised, plaintiff has been caused to suffer much physical pain and mental anguish, headaches and will continue to so suffer; plaintiff has been caused to incur numerous expenses in and about the care and treatment of his injuries; plaintiff has been caused to lose much time from his employment; plaintiff's automobile was badly bent, dented and damaged; all as a direct and proximate result of the negligence

of the defendant as aforesaid, wherefore plaintiff sues and seeks to recover in the amount of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS.

M. A. MARSAL and JAMES E. ATCHISON  
Attorneys for Plaintiff

by:   
JAMES E. ATCHISON

Plaintiff demands trial by jury.

by:   
JAMES E. ATCHISON

Defendant may be served:  
P. O. Box 911  
Foley, Alabama

**FILED**

JUL 28 1970

ALICE J. BROWN CLERK  
REGISTER

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9399

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon CARL W. GASH

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 CARL W. GASH, whose  
name is otherwise unknown but will be corrected by amendment when ascertained, Defendant.....

by LEONARD ROSS..... Plaintiff.....

Witness my hand this..... @ 28th day of July 19<sup>70</sup>

Alice J. Luck Clerk

**THE STATE OF ALABAMA**

**BALDWIN COUNTY**

**CIRCUIT COURT**

LEONARD ROSS,

Plaintiffs

vs.

CARL W. GASH, whose name is otherwise  
unknown but will be corrected by  
amendment when ascertained Defendants

**SUMMONS AND COMPLAINT**

Filed July 28..... 1970

Alice J. Duck Clerk

Seale, Marsal, Seale & Duke  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

July 29..... 1970

Taylor Wilkins Sheriff

I have executed this summons

this 8-19..... 1970

by leaving a copy with

Carl W. Gash

Sheriff claims 77 miles at

Ten Cents per mile Total \$ 7.70

TAYLOR WILKINS, Sheriff

BY [Signature] DEPUTY SHERIFF

[Signature] Sheriff

[Signature] Deputy Sheriff

LEONARD ROSS,	X	IN THE CIRCUIT COURT
Plaintiff,	X	OF MOBILE COUNTY,
VS	X	ALABAMA
CARL W. GASH, whose	X	AT LAW
name is otherwise	X	
unknown but will be	X	
corrected by amendment	X	
when ascertained,	X	
Defendant.	X	CASE NO. 9399

AMENDMENT TO COMPLAINT

Comes now the plaintiff in the above styled cause and amends the caption of his complaint to correct the county in which said suit is filed from Mobile County to Baldwin County and hereafter the caption of the plaintiff's complaint will read as follows:

LEONARD ROSS,	§	IN THE CIRCUIT COURT
Plaintiff,	I	OF BALDWIN COUNTY,
VS	X	
CARL W. GASH, whose	X	ALABAMA
name is otherwise	X	
unknown but will be	X	
corrected by amendment	X	AT LAW
when ascertained,	X	
Defendant.	X	CASE NO. 9399

M. A. MARSAL and JAMES E. ATCHISON  
Attorneys for Plaintiff

by: *James E. Atchison*  
JAMES E. ATCHISON

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

T: 19 day of Oct, 1970  
*James E. Atchison*  
Attorney for

**FILED**  
OCT 22 1970  
ALICE J. DUCK  
CLERK  
REGISTER

LEONARD ROSS,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
CARL W. GASH, whose	X	AT LAW NO. 9399
name is otherwise	X	
unknown but will be	X	
corrected by amendment	X	
when ascertained,	X	
Defendant.	X	

Comes the Defendant in the above styled cause and for plea to the Amended Complaint filed in said cause, says:

1. Not guilty.

2. That at the time and place complained of in the Amended Complaint, the Plaintiff himself was guilty of negligence which was the proximate cause of his injuries and damages in that he negligently drove his automobile into or against the automobile which was then and there being driven by the Defendant, hence he should not recover in this action.

*Grady Stone Ross*  
Attorneys for Defendant

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 28 day of Jan, 1971

*Grady Stone Ross*

**FILED**

JAN 28 1971

EUNICE B. BLACKMON CIRCUIT CLERK

LEONARD ROSS,

Plaintiff,

vs.

CARL W. GASH, whose name  
is otherwise unknown but  
will be corrected by amend-  
ment when ascertained,

Defendant.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW           NO. 9399

\* \* \* \* \*

PLEAS

\* \* \* \* \*

RECEIVED  
COURT CLERK  
BALDWIN COUNTY, ALABAMA  
MAY 19 1964