

Our File No. 70-173

Your File No.

Law Offices

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

Code 205
Telephone: 928-9836

Mailing Address
P.O. Box 471

18 September, 1970

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

INRE: J.V. Graham vs. City of Fairhope, et al:
Case No. 9482:

Dear Mrs. Duck:

Enclosed please find Demurrer and Interrogatories. Please
file and oblige.

Yours very truly,



EGR/jmp
10-16-70

CC: Mr. John D. Richardson III, Esquire:

ENCL:

J.V. GRAHAM,

Plaintiff,

Vs

CITY OF FAIRHOPE,

Defendant.

(X)

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 9482

DEMURRER

Comes the City of Fairhope, by its Attorney, E.G. Rickarby, and offers the following separately and severally demurrer to the Plaintiff's complaint, and each and every count thereof:

1. Because said complaint fails to show the duty on the part of the Defendant to maintain a supply of electricity to the Plaintiff's home.

2. Because said complaint fails to show that the Plaintiff paid the Defendant to have fully use of the electricity, alleged to be furnished by the Plaintiff to the Defendant.



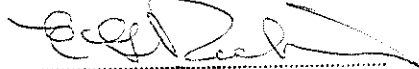
Attorney for the Defendant:

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 an envelope with adequate postage prepaid thereon and properly addressed.

This 18 day of Sept, 1970

E. G. RICKARBY



Attorney for Def
P. O. Box 471, Fairhope, Ala. 36532

J. V. GRAHAM,

Plaintiff,

Vs.

CITY OF FAIRHOPE,

A municipal corporation, A.B.C.
Corporation, A.C.C., the legal
entity who maintained, supplied,
supervised, the electrical fa-
cilities supplying electricity
to the house of J. V. Graham on,
to-wit: June 6, 1969 who are unknown
at the present time but will be
added by amendment when ascertained,
jointly and individually,
Defendants.

X

IN THE CIRCUIT COURT OF

X

BALDWIN COUNTY, ALABAMA

X

CASE NO. 9487.

X

X

INTERROGATORIES ABETEMENT BY THE PLAINTIFF TO THE DEFENDANT,

THE CITY OF FAIRHOPE, a party to the above styled cause, avers
to take the testimony of the Plaintiff, in the above styled cause,
and herewith files with the clerk Interrogatories Propounded to
the said Plaintiff, J. V. GRAHAM.

1. Please state where your home was, in which your elect-
rical appliances were damaged.
 2. What electrical appliances were damaged?
 3. How many lights were burned out?
 4. Were the electrical appliances, which were damaged, re-
paired, and if so, by whom?
 5. Was the wiring repaired, and if so, by whom?
- Please attach to your answers all bills for repair work you
had done from the damage you claim was due to the negligence of
the Defendant.
6. What amount was paid, to correct the damages, by the
Defendant?
 7. Were you an electric customer of the City of Fairhope,
if so, in what name was the account carried?


Attorney for Defendants:

STATE OF ALABAMA,

COUNTY OF BALDWIN.

BEFORE ME, the undersigned Notary Public, personally appeared
E. G. RICKARBY, who being first duly sworn, deposes and says that
he is the Attorney for the City of Fairhope, a party to this cause,
and that the answers to the foregoing Interrogatories are well and
truly made will be material testimony for the City in said cause.


E.G. RICKARBY
VOL 68 PAGE 268

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

Frank Wood
Notary Public,
Baldwin County, Alabama.

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 an
envelope with adequate postage prepaid the encl and properly
addressed.

This 18 day of Sept, 1970.

E. G. RICKARBY

E. G. Rickarby
Attorney for W. J. G. G. G.
P. O. Box 471, Fairhope, Ala. 36532

BROWN, HUDGENS, FULFORD, SINTZ & RICHARDSON
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA

36602

AREA CODE 205
432-2792

ALTON R. BROWN, JR.
A. NEIL HUDGENS
JAMES E. FULFORD
PETER V. SINTZ
JOHN D. RICHARDSON, III
J. GEORGE WHITFIELD, JR.
CLAUDE D. HARRELL

March 5, 1973


Honorable Judge Telfair Mashburn
Baldwin County Courthouse
Bay Minette, Alabama

RE: Graham versus City of Fairhope
Case Number 9482
Our File 6039

Dear Judge Mashburn:

Enclosed please find copy of Motion in regard to the above
referenced matter.

Yours very truly,



J. GEORGE WHITFIELD, JR.
For the Firm

JGWj:rm
Enclosure

March 5, 1973

Honorable Judge Telfair Mashburn
Baldwin County Courthouse
Bay Minette, Alabama

RE: Graham versus City of Fairhope
Case Number 9482
Our File 6039

Dear Judge Mashburn:

Enclosed please find copy of Motion in regard to the above
referenced matter.

Yours very truly,

J. GEORGE WHITFIELD, JR.
For the Firm

JGWj:rm
Enclosure

J. V. GRAHAM, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY
versus : ALABAMA
CITY OF FAIRHOPE, :
Defendant : CASE NUMBER 9482

MOTION

Comes now the Plaintiff, J.V. Graham, in the above styled cause and moves this honorable court to reinstate the above styled cause on the court's docket on the following separate and several grounds:

1. Suit had originally been filed and it was subsequently non suited at the request of the Plaintiff because it was the intentions of the parties that this matter be arbitrated.

2. The parties are unable to arbitrate this matter since the facts do not meet certain requirements.

3. The Defendant will not be prejudiced if this matter is reinstated on the court's docket.

4. Injustice will prevail upon the Plaintiff if this matter is not reinstated on the court's docket.

BROWN, HUDGENS, FULFORD,
SINTZ AND RICHARDSON
Attorneys for Plaintiff

BY 

J. GEORGE WHITFIELD, JR.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 5th
day of Mar, 1977 served a copy of the
forgoing pleading on counsel for all parties
to this proceeding by mailing same by United
States mail, properly addressed, and first
class postage prepaid.

FILED

MAR 8 1973


EUNICE B. BLACKMON CIRCUIT CLERK

BROWN, HUDGENS, FULFORD, SINTZ & RICHARDSON
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA

36602

AREA CODE 205
432-2792

ALTON R. BROWN, JR.
A. NEIL HUDGENS
JAMES E. FULFORD
PETER V. SINTZ
JOHN D. RICHARDSON, III
J. GEORGE WHITFIELD, JR.
CLAUDE D. HARRELL

February 20, 1973

Honorable Judge Telfair Mashburn
Baldwin County Courthouse
Bay Minette, Alabama


RE: Graham versus City of Fairhope
Case Number 9482
Our File 6039

Dear Judge Mashburn:

We respectfully request that the above referenced matter
be non-suited.

Thank you for your attention to this matter.

Yours very truly,


J. GEORGE WHITFIELD, JR.
For the Firm

JGWj/rm

J. V. GRAHAM, : IN THE CIRCUIT COURT OF
PLAINTIFF : BALDWIN COUNTY
VERSUS : ALABAMA
CITY OF FAIRHOPE, :
DEFENDANT : CASE NUMBER 9482

O R D E R

The above styled cause having come before the Court on the 11th day of December, 1972 and for good cause shown,

IT IS ORDERED, ADJUDGED AND DECREED, by this Court that this matter be continued for trial and is to be reset on the next docket setting.

Done this 11th day of December, 1972.

Julian A. Middleberry
J U D G E

FILED

JAN 10 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

J. V. GRAHAM, :
PLAINTIFF :
VERSUS :
CITY OF FAIRHOPE, :
DEFENDANT :
: CASE NUMBER 9482
IN THE CIRCUIT COURT OF :
BALDWIN COUNTY :
ALABAMA :
:

ORDER

The above styled cause having come before the Court on the
11th day of December, 1972 and for good cause shown,

IT IS ORDERED, ADJUDGED AND DECREED, by this Court that this
matter be continued for trial and is to be reset on the next docket

setting.

Done this _____ day of _____, 1973.

J U D G E

J. V. GRAHAM,
Plaintiff,

VS

CITY OF FAIRHOPE, a municipal corporation, A, B, C, Corporation, A, C, C, the legal entity who maintained, supplied, supervised, the electrical facilities supplying electricity to the house of J. V. Graham on to-wit, June 6, 1969 who are unknown at the present time but will be added by amendment when ascertained, jointly and individually,

Defendants.

* IN THE COURT OF GENERAL
* SESSIONS OF MOBILE
* COUNTY, ALABAMA

*
*
*
*
*
*
*
*

CASE NO. _____

Comes now the Plaintiff in the above styled cause and amends his Complaint heretofore filed to read as follows:

COUNT ONE

Plaintiff claims of the Defendants SEVEN HUNDRED FIFTY AND NO/100 (\$750.00) DOLLARS, as damages for that heretofore and on to-wit, the 5th day of June, 1969 the Defendants for hire or reward did undertake to supply electricity to the home of the Plaintiffs and the Plaintiffs aversthat on the aforesaid day the Defendants did so negligently maintain, or supply or regulate the electrical current flowing into the Plaintiff's home and as a direct and proximate result of the negligence of the Plaintiff as aforesaid, the electrical appliances belonging to the Plaintiff and situated in his home were caused to burn their motors out, the lights in Plaintiff's home were burned out, the wiring in Plaintiff's home was damaged all for which Plaintiff sues.

COUNT TWO

Plaintiff claims of the Defendants SEVEN HUNDRED FIFTY AND NO/100 (\$750.00) DOLLARS, as damages for that heretofore and on to-wit, the 6th day of June, 1969 the Defendants for hire or reward did undertake to supply electricity to the home of the Plaintiff and the Plaintiff avers that on the aforesaid day the Defendants so negligently failed to maintain the machinery or equipment which control the flow of electrical current into the Plaintiff's home, that an oversupply of electrical current was caused to be transmitted into the electrical appliances situated

in Plaintiff's home at the aforesaid time and place and as a direct and proximate result of the aforesaid negligence of the Plaintiff at the aforesaid time and place, the electrical appliances were negligently damaged in that the motors in the appliances were caused to burn out, the lights in Plaintiff's home were burned or blown out, the wiring in Plaintiff's home was damaged all for which he sues.

FOREMAN, BROWN & HUDGENS
Attorneys for Plaintiff

By John D. Richardson, III
John D. Richardson, III
Trial Counsel

Serve the Defendants at
City Hall, Fairhope, Alabama.

J. V. Graham
vs. P.L.

In Court of

General

Sessions

Case No

88149

Aug 18, 1970

City of Fairhope, a
municipal corporation,
A.B.C. Corporation,
A.B.C. the legal entity
who maintained, supplied,
supervised, the electrical
facilities supplying
electricity to the home of
J. V. Graham on to wit
June 6, 1969. who are
unknown at the present
time but will be added
by amendment when
ascertained, jointly &
individually.

Defendant Count I

The plaintiff claims of the defendants, 750.00 as damages for that heretofore and on to wit: the 6th day of June, 1969 the defendants for hire or reward supplied electricity to the home of the plaintiff and the plaintiff avers that on the aforesaid day the defendants negligently maintained, supplied or regulated the electrical current flowing into the plaintiffs home and as a direct and proximate result of the aforesaid negligence of the plaintiffs the electrical appliances were caused to burn their motors out lights were blown out and various other forms of damage hence this suit.


John D. Richardson III

Serve defendants at City Hall
Fairhope, Ala.

COURT OF GENERAL
SESSION

JUN 5 4 47 PM '70

J. V. GRAHAM,	*	IN THE COURT OF GENERAL
Plaintiff,	*	SESSIONS OF MOBILE
VS	*	COUNTY, ALABAMA
CITY OF FAIRHOPE, a municipal	*	
corporation, A, B, C, Corpora-	*	
tion, A, C, C, the legal entity	*	
who maintained, supplied,	*	
supervised, the electrical	*	
facilities supplying electricity	*	
to the house of J. V. Graham on	*	
to-wit, June 6, 1969 who are un-	*	
known at the present time but will	*	
be added by amendment when	*	
ascertained, jointly and individ-	*	
ually,	*	
Defendants.		CASE NO. _____

Comes now the Plaintiff in the above styled cause and amends his Complaint heretofore filed to read as follows:

COUNT ONE

Plaintiff claims of the Defendants SEVEN HUNDRED FIFTY AND NO/100 (\$750.00) DOLLARS, as damages for that heretofore and on to-wit, the 6th day of June, 1969 the Defendants for hire or reward did undertake to supply electricity to the home of the Plaintiffs and the Plaintiffs avers that on the aforesaid day the Defendants did so negligently maintain, or supply or regulate the electrical current flowing into the Plaintiff's home and as a direct and proximate result of the negligence of the Plaintiff as aforesaid, the electrical appliances belonging to the Plaintiff and situated in his home were caused to burn their motors out, the lights in Plaintiff's home were burned out, the wiring in Plaintiff's home was damaged all for which Plaintiff sues.

COUNT TWO

Plaintiff claims of the Defendants SEVEN HUNDRED FIFTY AND NO/100 (\$750.00) DOLLARS, as damages for that heretofore and on to-wit, the 6th day of June, 1969 the Defendants for hire or reward did undertake to supply electricity to the home of the Plaintiff and the Plaintiff avers that on the aforesaid day the Defendants so negligently failed to maintain the machinery or equipment which control the flow of electrical current into the Plaintiff's home, that an oversupply of electrical current was caused to be transmitted into the electrical appliances situated

in Plaintiff's home at the aforesaid time and place and as a direct and proximate result of the aforesaid negligence of the Plaintiff at the aforesaid time and place, the electrical appliances were negligently damaged in that the motors in the appliances were caused to burn out, the lights in Plaintiff's home were burned or blown out, the wiring in Plaintiff's home was damaged all for which he sues.

FOREMAN, BROWN & HUDGENS
Attorneys for Plaintiff

By John D. Richardson, III
John D. Richardson, III
Trial Counsel

Serve the Defendants at
City Hall, Fairhope, Alabama.

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOORThe State of Alabama,
MOBILE COUNTY

} TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

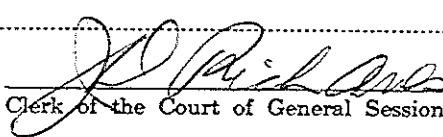
You are hereby commanded to summon City of Fairhope, a municipal Corp., A, B, C
Corp., etc., et al

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile
 County, on the 18 day of August, 19 70 at the hour of 9:00 A.M.,
 then and there to answer a complaint of J. V. Graham

of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this 8 day of July, 19 70


 Clerk of the Court of General Sessions of Mobile County.

Cause of Action

COMPLAINT AND SUMMONS

Atty. for Plaintiff: Foreman, Brown & Hudgens - Richardson

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 88149

Ret. August 18, 1970

J. V. Graham

VS.
City of Fairhope, a municipal corporation, A,B,C Corp., A,C,C the legal entity who maintained, supplied, supervised, the electrical facilities supplying electricity to the house of J.V. Graham on to-wit: June 6, 1969 who are unknown at the present time but will be added by amendment when ascertained, Continued To City Hall, Fairhope, Ala. jointly and Individually

AMENDED COMPLAINT ATTACHED TO ORIGINAL

Executed by Service on

Defendant

This day, 19.....

Sheriff of Mobile County

By
Deputy Sheriff

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOOR

The State of Alabama,
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon City of Fairhope, a municipal Corp., A,B,C
Corp., etc., et al

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 18 day of August, 19 70 at the hour of 9:00 A.M., then and there to answer a complaint of J. V. Graham

of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this 8 day of July, 19 70

Clerk of the Court of General Sessions of Mobile County.

Cause of Action

COMPLAINT AND SUMMONS

Atty. for Plaintiff: Foreman, Brown & Hudgens - Richardson

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 88149

Ret. August 18, 1970

J. V. Graham

VS.

City of Fairhope, a municipal corporation, A.B.C Corp., A.C.C the legal entity who maintained, supplied, supervised, the electrical facilities supplying electricity to the house of J.V. Graham on to-wit: June 6, 1969 who are unknown at the present time but will be added by amendment when ascertained,
Continued To City Hall, Fairhope, Ala. jointly and Individually

AMENDED COMPLAINT ATTACHED TO ORIGINAL

RECEIVED

JUL 14 1970

TAYLOR WILKINS

Executed by Sheriff on

City of Fairhope

Defendant

This 14 day July, 1970

Sheriff of Mobile County

By

Deputy Sheriff

Sheriff claims 72 miles at

Ten Cents per mile Total \$ 7.20

TAYLOR WILKINS, Sheriff

BY

Cook
DEPUTY SHERIFF

JUL 23 1970

CLERK OF COURT DEPT
MOBILE COUNTY, ALA.

Our File No. R70-173

Your File No.

Law Offices

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

Code 205
Telephone: 928-9836

Mailing Address
P.O. Box 471

July 29, 1970

Honorable J. D. Richardson
Clerk of the Court of General Sessions
Mobile County Courthouse
Mobile, Alabama

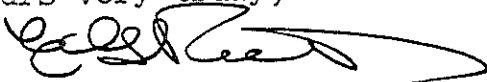
Dear Sir:

Inre: J. V. Graham vs. City of Fairhope, et al.
Case No. 88149

Enclosed find Plea in abatement in the above mentioned case.

I am sending a copy of this Plea to the opposing counsel,
Mr. John D. Richardson, III.

Yours very truly,



EGR/jc

Encl.

cc: Mr. John D. Richardson, III
cc: City of Fairhope
8-18-70

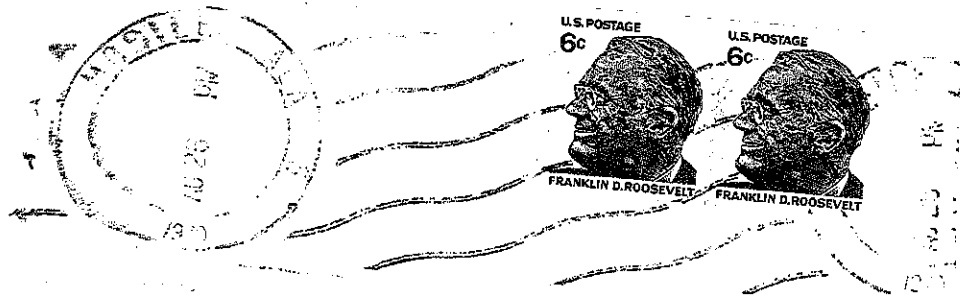
COURT OF GENERAL
SESSION

AUG 4 11 37 AM '70

THE COURT OF GENERAL SESSIONS

MOBILE COUNTY COURT HOUSE

MOBILE, ALABAMA 36602



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

The enclosed papers numbered from 1 to 6, include all the original papers in the case of J. V. Graham VS City of Fairhope et al Case No. 88149.

CLERK OF THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY, ALABAMA