

HUGH MICHAEL LOW,

Plaintiff

-VS-

GEORGE THOMPSON and JOHN DOE,  
RICHARD ROE, ABC CORPORATION  
and XYZ CORPORATION, whose  
names are otherwise unknown to  
Plaintiff at present, jointly  
and individually, separately and  
severally, but whose names will  
be corrected by amendment when  
ascertained,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,009

DEMURRER

Comes now the Defendant George Thompson and demurs to the complaint heretofore filed in this cause and assigns as grounds therefor the following, separately and severally, to each and every count thereof, to wit:

1. The complaint is vague.
2. The complaint is uncertain.
3. The complaint fails to state a legal cause of action.
4. The complaint fails to allege who was operating

Plaintiff's automobile at the time of the accident.

  
ATTORNEY FOR DEFENDANT GEORGE THOMPSON

Defendant demands a trial  
by jury in this cause.

  
ATTORNEY FOR DEFENDANT GEORGE THOMPSON

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing Demurrer to Honorable J. George Whitfield, Jr., Suite 210, Van Antwerp Building, Mobile, Alabama 36602, by depositing a copy of same in the United States Mail, postage prepaid, at Bay Minette, Alabama on this 28<sup>th</sup> day of September, 1971.

FILED

SEP 28 1971

  
ATTORNEY FOR DEFENDANT GEORGE THOMPSON

EUNICE B. BLACKMON CIRCUIT  
CLERK

HUGH MICHAEL LOW,	*	IN THE CIRCUIT COURT
Plaintiff,	*	
VS		OF BALDWIN COUNTY,
GEORGE THOMPSON, and	*	
JOHN DOE and RICHARD ROE,		ALABAMA
and ABC CORPORATION, and	*	
XYZ CORPORATION, whose		
names are otherwise unknown	*	AT LAW
to Plaintiff at present,		
jointly and individually,	*	
separately and severally,		
but whose names will be	*	
corrected by amendment		
when ascertained,		
Defendant.	*	CASE NO. <u>11,009</u>

COUNT ONE

The plaintiff claims of the defendants the sum of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS, as damages for that heretofore and on, to-wit: October 16, 1970, the plaintiff's automobile was being operated on or along U. S. Highway 31 at or near its intersection with Hurricane Road, both streets being public roads in Baldwin County, Alabama, and the defendants did then and there so negligently operate a motor vehicle as to cause the same to run into, upon and against the automobile of the plaintiff and as a proximate consequence of the negligence of the defendants, as aforesaid, plaintiff's automobile as bent, smashed, broken and damaged, and the market value thereof was greatly depreciated, hence this suit.

COUNT TWO

The plaintiff claims of the defendants the sum of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS, as damages for that heretofore and on, to-wit: October 16, 1970, the plaintiff's automobile was being operated on U. S. Highway 31 at or near its intersection with Hurricane Road, both streets being public roads in Baldwin County, Alabama, and the defendants did then and there

willfully or wantonly injure or damage the automobile of the plaintiff by willfully or wantonly driving a motor vehicle into, upon and against plaintiff's said automobile, and as a proximate consequence of the willful or wanton misconduct of the defendants, as aforesaid, plaintiff's said automobile was bent, smashed, broken and damaged, and the market value thereof was greatly depreciated, hence this suit.

BROWN, HUDGENS, FULFORD,  
SINTZ & RICHARDSON


By   
J. GEORGE WHITFIELD, JR.

Serve Defendant:

George Thompson  
508 Anderson, Apt. B  
Bay Minette, Alabama

(Serve defendant after 5:30 P.M.)

Plaintiff demands trial by jury.

By   
J. GEORGE WHITFIELD, JR.

FILED

AUG 27 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. ....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon George Thompson,

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.....~~for~~ George

Thompson and John Doe and Richard Roe, and ABC Corp. .... Defendant.....

by Hugh Michael Lowe

..... Plaintiff.....

Witness my hand this.....27th.....day of.....August.....19.71.

Ernie B. Blackmon Clerk

No. 10,109

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

HUGH MICHAEL LOW

Plaintiffs

vs.

GEORGE THOMPSON & JOHN DOE &  
RICHARD ROE & A.B.C. CO. Defendants

SUMMONS AND COMPLAINT

Filed .....8/27/..... 19..71..

.....Eunice B. Blackmon..... Clerk

AUG 27 1971

TAYLOR WILKINS  
SHERIFF

Brown, Hudgens, Fulford  
Sintz & Richardson  
210 Van Antwerp Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Bay Minette

Received In Office

AUG 27 1971

19.....

TAYLOR WILKINS  
SHERIFF

Sheriff

I have executed this summons

this Sept 1 1971

by leaving a copy with

George Thompson  
508 Anderson  
apt B

Sheriff claims 4 miles at

Ten Cents per mile Total \$ .40

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff

W A Zellner Deputy Sheriff

D. V. Hill

HUGH MICHAEL LOW,

Plaintiff

-VS-

GEORGE THOMPSON and JOHN DOE,  
RICHARD ROE, ABC CORPORATION  
and XYZ CORPORATION, whose  
names are otherwise unknown to  
Plaintiff at present, jointly  
and individually, separately and  
severally, but whose names will  
be corrected by amendment when  
ascertained,

Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

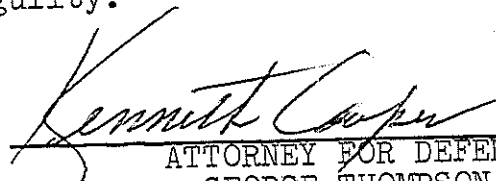
AT LAW

CASE NO. 10,009

ANSWER


Comes now the defendant George Thompson and for answer to  
the complaint filed in this cause saith:

Not guilty.

  
ATTORNEY FOR DEFENDANT  
GEORGE THOMPSON

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing answer  
to Honorable J. George Whitfield, Jr., Suite 210, Van Antwerp  
Building, Mobile, Alabama 36602, by depositing the same in the  
United States mail, postage prepaid, at Bay Minette, Alabama, on  
this the fourteenth day of July, 1972.

  
ATTORNEY FOR DEFENDANT  
GEORGE THOMPSON

FILED

JUL 14 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

BROWN, HUDGENS, FULFORD, SINTZ & RICHARDSON

ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA

36602

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

AREA CODE 205  
432-2792

April 12, 1973

Hon. Telfair J. Mashburn  
Judge of Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

RE: Hugh Michael Low vs. George Thompson, et al  
Case No.: 10,009  
Our File No.: 71-6626 JGW

*Copies  
Sent to*

Dear Judge Mashburn:

The above referenced case came up before your Honor on the Monday trial docket of April 9, 1973. Through a clerical error within this law office, I failed to receive notice that this case was set for trial and, therefore, did not appear when it was called. The Court dismissed this case for want of prosecution.

I have discussed this matter with Mr. Kenneth Cooper and he has advised me that he does not wish to oppose a motion to reinstate this case back on your Honor's docket. In addition, Mr. Sintz, of our firm, has discussed this matter with you wherein you advised him for us to file a motion to reinstate this case.

Enclosed please find a Motion to Reinstate the above referenced case and also a proposed draft of an order to reinstate the case.

Your time and consideration is greatly appreciated. If we may answer any questions that you may have, please call upon us.

Yours very truly,

*JGW*  
J. George Whitfield, Jr.  
For the Firm

JGWj/bm

Enclosures (2)

cc: Kenneth Cooper, Esq.  
Attorney at Law

*And*

HUGH MICHAEL LOW,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	BALDWIN COUNTY, ALABAMA
vs.	*	AT LAW
GEORGE THOMPSON and JOHN DOE,	*	
RICHARD ROE, ABC CORPORATION	*	
and XYZ CORPORATION, whose	*	
names are otherwise unknown to	*	
Plaintiff at present, jointly	*	
and individually, separately and	*	
severally, but whose names will	*	
be corrected by amendment when	*	
ascertained,	*	
Defendants.	*	CASE NO. 10,009

MOTION TO REINSTATE

Comes now the Plaintiff, by and through his Attorney, and moves this Honorable Court to reinstate the above styled cause on the Court's trial docket, which said cause was dismissed by the Court on Monday, April 9, 1973 for want of prosecution, on the following separate and several grounds:

1. That there is merit in the claim which the Plaintiff has against the Defendant.
2. That the Plaintiff will be unjustly penalized if he is not permitted to have his cause tried on the merits.
3. That injustice will prevail against the Plaintiff unless this case is reinstated to the trial docket and this Honorable Court adjudicates Plaintiff's claim because the Statute of Limitations has run to bar the refiling of a new law suit.
4. That the failure to appear was not due to any impertinence, lack of concern and lack of obligation to the Court but resulted solely by accident, mistake out of a clerical error within the law office of the Attorney of record.



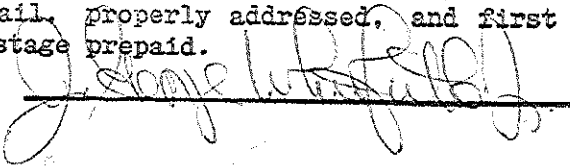
WHEREFORE movant respectfully prays this Honorable Court that an order dismissing this cause for want of prosecution be set aside and that said cause be reinstated to the trial docket and be allowed to proceed to trial on the merits.

BROWN, HUDGENS, FULFORD  
SINTZ & RICHARDSON  
Attorneys for Plaintiff

By   
J. George Whitfield, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12  
day of Apr, 1973 served a copy of the  
foregoing pleading on counsel for all parties  
to this proceeding by mailing same by United  
States mail, properly addressed, and first  
class postage prepaid.



**FILED**  
APR 13 1973  
EUNICE B. BLACKMON CIRCUIT  
CLERK

HUGH MICHAEL LOW,  
Plaintiff,

vs.

GEORGE THOMPSON and JOHN DOE,  
RICHARD ROE, ABC CORPORATION  
and XYZ CORPORATION, whose  
names are otherwise unknown to  
Plaintiff at present, jointly  
and individually, separately and  
severally, but whose names will  
be corrected by amendment when  
ascertained,

Defendants.

\* IN THE CIRCUIT COURT OF  
\* BALDWIN COUNTY, ALABAMA  
\* AT LAW

\*  
\*  
\*  
\*  
\*  
\*

\* CASE NO. 10,009

This Motion comes before the Court on Motion to Reinstate  
filed by and through the Plaintiff's Attorney. Now after con-  
sideration thereof and for good cause shown,

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the  
Motion to Reinstate should be and is hereby GRANTED, and,

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED~~ by this Court  
that the Clerk of this Court be directed to reinstate this cause  
of action back on the Jury Trial Docket of this Court to be tried.

Done this 13<sup>th</sup> day of April, 1973.

**FILED**

APR 13 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

Telfair J. Mashburn  
Telfair J. Mashburn, Judge