

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Poole Truck Line, Inc., a corporation, and Lee Fred Odom, to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of James N. Cowart, as Father of Barbara Jean Cowart, a minor, deceased.

Witness my hand this 22 day of July, 1971.

Eunice B. Blackmon
Clerk

JAMES N. COWART, as Father X
of BARBARA JEAN COWART, a X
minor, Deceased, X

Plaintiff, X

vs. X

POOLE TRUCK LINE, INC., a X
corporation, and LEE FRED X
ODOM, X

Defendants. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

9944

COUNT ONE

The Plaintiff, as Father of Barbara Jean Cowart, a deceased minor, claims of the Defendants Four Hundred Thousand Dollars (\$400,000.00) as damages for that on heretofore, to-wit: the 21st day of June, 1971, at a point on U. S. Highway Number 90 approximately 2 miles South of Loxley in Baldwin County, Alabama, at its intersection with DuBose Road, the Defendant Lee Fred Odom,

the agent, servant or employee of the Defendant, Poole Truck Line, Inc., a corporation, while acting within the line and scope of his employment as such, so negligently operated a motor vehicle as to cause or allow the same to collide with an automobile being then and there operated by the Plaintiff's minor daughter, Barbara Jean Cowart and as a proximate consequence and result of the negligence of the Defendant Lee Fred Odom aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant Poole Truck Line, Inc., a corporation, the Plaintiff's said daughter received severe personal injuries which caused her death; wherefore, Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO

The Plaintiff, as Father of Barbara Jean Cowart, a deceased minor, claims of the Defendants Four Hundred Thousand Dollars (\$400,000.00) as damages for that on heretofore, to-wit: the 21st day of June, 1971, at a point on U. S. Highway Number 90 at its intersection with DuBose Road, the Defendant Lee Fred Odom, the agent, servant or employee of the Defendant Poole Truck Line, Inc., a corporation, while acting within the line and scope of his employment as such, willfully or wantonly injured the said Barbara Jean Cowart by then and there so willfully or wantonly operating a motor vehicle as to cause or allow the same to collide with an automobile being then and there operated by the Plaintiff's minor daughter, Barbara Jean Cowart, and as a proximate consequence and result of such willful or wanton misconduct of the Defendant Lee Fred Odom aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant Poole Truck Line, Inc., a corporation, the Plaintiff's said

daughter received severe personal injuries which caused her death; wherefore, Plaintiff brings this suit and asks judgment in the above amount.

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff

The Plaintiff respectfully
demands a trial of this
cause by a jury.

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff

Addresses for Service:

Poole Truck Line, Inc.
Evergreen, Alabama

Lee Fred Odom
Loxley, Alabama

FILED

JUL 22 1971

Received in office this the _____ day of _____, 19____
EUNICE B. BLACKMON CIRCUIT CLERK

I have executed the within by leaving a copy
thereof with Mr. Jim Price

Poole Truck Line
defendant named herein, on this the 23
day of July, 1971

JAMES M. BROCK, Sheriff
By W. H. Weaver Deputy

JUL 22 1971

TAYLOR WILKINS
SHERIFF

Sheriff claims _____ miles @
Ten Cents per mile Total \$ _____
TAYLOR WILKINS, Sheriff
BY _____
DEPUTY SHERIFF

Received _____ day of _____ 1971
and on _____ day of _____ 1971
I served a copy of the within _____
on _____
By service on _____
TAYLOR WILKINS, Sheriff
By _____
B. G. Moulton, Ala

JAMES N. COWART, as Father of
BARBARA JEAN COWART, a minor,
Deceased,

Plaintiff,

vs.

POOLE TRUCK LINE, INC., a
corporation, and LEE FRED ODOM,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

SUMMONS AND COMPLAINT

* * * * *

CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. BOX 120
BAY MINETTE, ALABAMA

JAMES N. COWART, as Father of
BARBARA JEAN COWART, a minor,
Deceased,

Plaintiff,

vs.

POOLE TRUCK LINE, INC., a
corporation, and LEE FRED
ODOM,

Defendants.

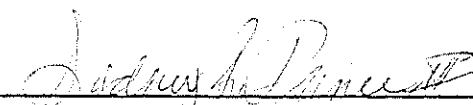
* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA
*
* AT LAW
*
*
* CASE NO. 9944

ANSWER

Come now the defendants in the above styled cause and for
answer to the plaintiff's complaint therein and to each count thereof,
separately and severally, make and file the following separate and
several pleas:

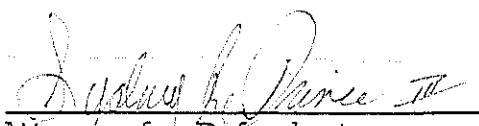
1. Not guilty.
2. Defendant denies the material allegations thereof.

INGE, TWITTY, DUFFY & PRINCE

By 
Sydney R. Prince, III

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
5th day of June, 1972.


Attorney for Defendants

FILED

JUN 6 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

JAMES N. COWART, as Father
of BARBARA JEAN COWART, a
minor, Deceased,

Plaintiff,

vs.

POOLE TRUCK LINE, INC., a
corporation, and LEE FRED
ODOM,

Defendants.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. 9944

DEMURRER

Comes now the defendants POOLE TRUCK LINE, INC. and LEE FRED ODOM in the above captioned cause, and demurs to the complaint of the plaintiff heretofore filed against him in said cause, and to each count thereof, separately and severally, and for grounds of demurrer sets down and assigns the following, separately and severally, to-wit:

1. That it does not state facts sufficient to constitute a cause of action.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence this defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty he may have owed to the plaintiff.
6. For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.
7. For that there does not appear sufficient causal connection between defendant's said breach of duty and plaintiff's injuries and damages.
8. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant.

9. It is not alleged with sufficient certainty where said accident occurred.

10. It is not alleged that the negligence complained of proximately caused the accident, the injuries and damages complained of.

11. The averments thereof are conflicting and repugnant.

12. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

13. For that it is not alleged that the willful or wanton conduct complained of proximately caused the accident, the injuries and damages complained of.

14. For that the facts averred in said complaint do not constitute willful or wanton negligence.

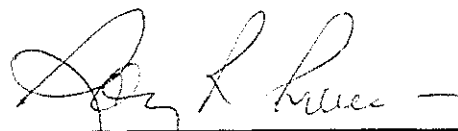
15. For aught that appears from said complaint, plaintiff's injuries and damages were not the direct and proximate result of any willful or wanton negligence on the part of this defendant.

16. For that it is not alleged that this defendant willfully or wantonly injured the plaintiff's daughter.

17. For that the willful or wanton conduct complained of is but the conclusion of the plaintiff with no facts alleged in support thereof.

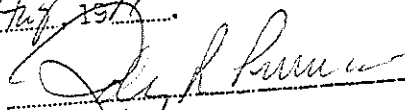
INGE, TWITTY, DUFFY & PRINCE

BY:


SYDNEY R. PRINCE, III

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 Aug. 1971.


Attorney for

FILED

AUG 26 1971

EUNICE B. BLACKMON CIRCUIT CLERK

JAMES N. COWART, as Father of
Barbara Jean Cowart, a minor,
deceased,

Plaintiff,

VS.

POOLE TRUCK LINE, INC., a
corporation, and LEE FRED ODOM,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 9944


NOTICE

TO: Chason, Stone & Chason
Attorneys of Record for the Plaintiff

Please take notice that the defendants will take the deposition, upon oral examination, for the purpose of discovery, or for use as evidence in this cause, or for both purposes, in accordance with the provisions of Act No. 375 of the 1955 Legislature of Alabama (Title 7, Section 474(1) et seq. of the 1940 Code, as amended), of the following named persons:

Robert T. Jerkins
James Ray Tyson
Eugene Thompson

Said depositions will be taken at the Law Library in the Courthouse in Bay Minette, Baldwin County, Alabama, on the 20th day of September, 1972, at 9:00 o'clock A. M., before a notary public or before some other person authorized by law to administer oaths, and to take depositions. Said examination will continue from day to day until completed.

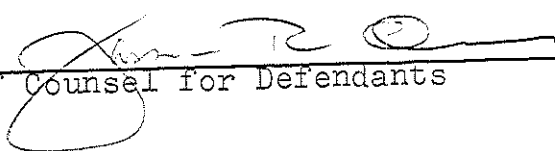

Attorney for Defendants

TO: Eunice Blackmon
Clerk of the Circuit Court of Baldwin County, Alabama

Please issue subpoena to James Ray Tyson, Route 1, Box 218, Atmore, Alabama, or C/o Merit Cleaners, Atmore, Alabama, and Eugene Thompson, Loxley, Alabama, two of the above named persons, whose depositions will be taken, summoning said persons to be and appear at the time and place appearing above, then and there to

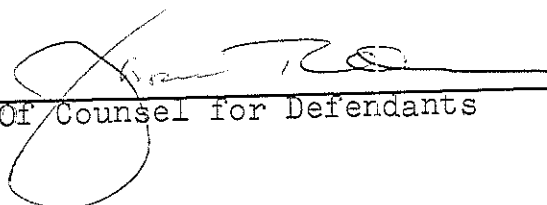
give testimony, upon oral examination, as provided by law.

This the 6th day of September, 1972.


Of Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing notice to Chason, Stone & Chason, Attorneys at Law, Bay Minette, Alabama, on this the 6th day of September, 1972.


Of Counsel for Defendants

FILED

SEP 6 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

STATE OF ALABAMA } No. 9944
 Baldwin County } BALDWIN COURT
 Term, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

It having been made known to the Court, by competent evidence, that heretofore, viz.: On the 26th day of September 19..72., a Subpoena issued out of this Court directed to

Eugene Thompson

commanding him to appear at the present term of this Court to give evidence in behalf of.....

James N. Cowart in a case pending in this Court, wherein

James N. Cowart Plaintiff....

and Poole Truck Lines, Inc. Defendant....

And it appearing to the Court by return of the Sheriff on said Subpoena endorsed that the said Eugene Thompson was duly summoned to appear at this term, and from term to term thereafter, according to law; and it further appearing that the said Eugene Thompson has willfully refused to appear, and testify as by said Subpoena he was required, and willfully and without good excuse, refused to appear in obedience to said Subpoena; You are therefore commanded to arrest the said Eugene Thompson and him safely keep, so that you have him before this Court on this 12th day of October 19..72

Herein fail not, and show by your return how you have executed this process.

Eugene B. Blackman Clerk

BOND

STATE OF ALABAMA }
 Baldwin County }

We, agree to pay the State of Alabama, Dollars, unless appears at the next term of Circuit Court of said County, and from day to day, and from term to term thereafter, until discharged by due course of law, to testify and give evidence in behalf of..... in a criminal prosecution wherein the State of Alabama is Plaintiff, and Defendant charged with the offense of.....

And we, and each of us, hereby waive all rights of claim of exemption we or either of us have now or may hereafter have, under the constitution and laws of the State of Alabama hereby certify that..... have property free from all incumbrance, to the full amount of the above bond.

Witness our hands and seals this.....day of..... 19.....

Taken and approved,

..... 19..... (L. S.)
 (L. S.)
 (L. S.)
 Sheriff (L. S.)

Brown

No. 9944 Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

Baldwin COURT

The State of Alabama,

vs.

~~EUGENE THOMPSON~~

Attachment Writ Against

EUGENE THOMPSON

Witness.

ATTACHMENT FOR WITNESS

Issued October 12, 1972

EUNICE B. BLACKMON

Clerk

Defendant lives at

Loxley, Alabama

clk 1.00
sher 14.00
fine 10.00
25.00

VOL 69 PAGE 843

Bail of the defendant... in this case
has been fixed by the presiding Judge, in
open court at.....

Dollars.

Clerk

SURETIES

Amount of Bond, \$

Received in office

19.....

Sheriff.

I have executed this writ,

this 10-13 1972

by arresting the within named Defendant.

and Placing in jail

Taylor Wilkins

Sheriff

HJB four

Deputy Sheriff

Yomi R.T.

Loxley

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36602

FRANCIS H. INGE (1902-1959)
THOS. E. TWITTY
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.
SYDNEY R. PRINCE, III
JOHN N. LEACH, JR.
GEORGE H. MCKEAN

MAILING ADDRESS:

P. O. BOX 1109
MOBILE, ALA.
36601

CABLE ADDRESS:

TWINING
TELEPHONE
433-5441

September 28, 1972

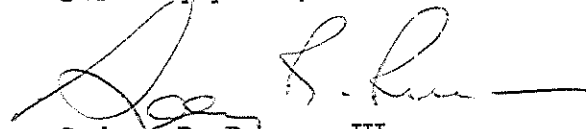
Mrs. Eunice B. Blackman, Clerk
Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: Cowart v. Poole Truck Line, Inc.
Case No. 9944

Dear Mrs. Blackman:

I am enclosing an amended answer in the case captioned above.
Please place this answer on file.

Cordially yours,


Sydney R. Prince, III
For the Firm

SRP, III:ls

Enclosure

cc: Mr. Jimmy Owen

STATE OF ALABAMA

Baldwin County

No.

9944

BALDWIN

COURT

Term, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

It having been made known to the Court, by competent evidence, that heretofore, viz.: On the
 26th day of September 19.72, a Subpoena issued out of this Court directed to

Eugene Thompson

commanding him to appear at the present term of this Court to give evidence in behalf of.....

James N. Cowart

in a case pending in this Court, wherein

James N. Cowart

Plaintiff....

Poole Truck Lines, Inc.

and Defendant....

And it appearing to the Court by return of the Sheriff on said Subpoena endorsed that the
 said Eugene Thompson was duly summoned

to appear at this term, and from term to term thereafter, according to law; and it further appearing

that the said Eugene Thompson has willfully refused to appear,

and testify as by said Subpoena he was required, and willfully and without good excuse, refused to

appear in obedience to said Subpoena; You are therefore commanded to arrest the said.....

Eugene Thompson

and him safely keep, so that you have him before this Court on this..... 12th

day of October 19.72

Herein fail not, and show by your return how you have executed this process.

Grimie B. Blackmon

Clerk

BOND

STATE OF ALABAMA

Baldwin County

We,

agree to pay the

State of Alabama, Dollars,

unless

appears at the next term of Circuit Court of said County, and from day to day, and from term to

term thereafter, until discharged by due course of law, to testify and give evidence in behalf of.....

..... in a criminal prosecution wherein the State of

Alabama is Plaintiff, and

..... Defendant

charged with the offense of.....

And we, and each of us, hereby waive all rights of claim of exemption we or either of us have
 now or may hereafter have, under the constitution and laws of the State of Alabama

hereby certify that.....have property free from all incumbrance, to the full amount of the
 above bond.

Witness our hands and seals this.....day of..... 19.....

Taken and approved,

19.....

Sheriff

(L. S.)

(L. S.)

(L. S.)

(L. S.)

THE STATE OF ALABAMA
BALDWIN COUNTY

Baldwin.....**COURT**

The State of Alabama,
vs.
~~EUGENE THOMPSON~~

Attachment Writ Against

EUGENE THOMPSON
Witness.

ATTACHMENT FOR WITNESS

Issued **October 12,** 19. **72**

EUNICE B. BLACKMON
Clerk

Defendant lives at

Loxley, Alabama

Bail of the defendant... in this case
has been fixed by the presiding Judge, in
open court at.....

..... Dollars.
..... Clerk

SURETIES

Amount of Bond, \$

Received in office

..... 19.....
..... Sheriff.

I have executed this writ,

this 19.....
by arresting the within named Defendant....
and

..... Sheriff

Deputy Sheriff

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

FRANCIS H. INGE (1902-1959)
THOS. E. TWITTY
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.
SYDNEY R. PRINCE, III
JOHN N. LEACH, JR.
GEORGE H. MCKEAN

MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA
36602

MAILING ADDRESS:
P. O. BOX 1109
MOBILE, ALA.
36601

CABLE ADDRESS:
TWINING
TELEPHONE
433-5441

May 5, 1972

Mrs. Eunice P. Blackman, Clerk
Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: Cowart v. Poole Truck Line, Inc.
Case No. 9944

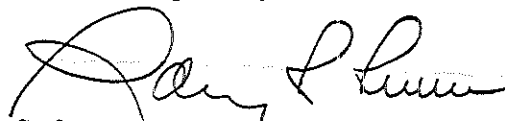
Jerkins v. Poole Truck Line, Inc.
Case No. 9945

Dear Mrs. Blackman:

I am enclosing at this time Answers to Interrogatories in cases
No. 9944 and No. 9945 referenced above.

Copies of these answers, duly executed, have been mailed,
First Class Mail, Postage Prepaid, to the plaintiffs' attorneys.

Sincerely yours,


Sydney R. Prince, III
For the Firm

SRP, III:ls

Enclosure

cc: Mr. John Chason
Mr. James Owen

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36602

FRANCIS H. INGE (1902-1959)
THOS. E. TWITTY
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.
SYDNEY R. PRINCE, III
JOHN N. LEACH, JR.
GEORGE H. MCKEAN

MAILING ADDRESS:

P. O. BOX 1109
MOBILE, ALA.
36601

CABLE ADDRESS:

TWINING
TELEPHONE
433-5441

June 5, 1972

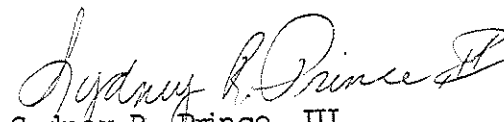
Mrs. Eunice P. Blackman, Clerk
Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: Cowart v. Poole Truck Line, Inc.
Case No. 9944
Jerkins v. Poole Truck Line, Inc.
Case No. 9945

Dear Mrs. Blackman:

I am enclosing at this time Answers in the cases referenced above. Please return a copy of those pleadings marked filed in the envelope enclosed for that purpose.

Cordially yours,


Sydney R. Prince, III
For the Firm

SRP, III:ls

Enclosures

- ~~1. Leger, Bernard K., Form Chevrolet Asphalt, 324 Belrose Av. Daphne,~~
2. Wilson, M. G., Plumber, 105 Mershon, Fairhope
3. Wright, J. Hamilton, Sls Eng J. H. Wright & Assoc., Bay Hill Dr. Daphne, Mobile
- ~~4. Jones, Milton, Opr International Paper, 327 Sowell Av. Bay Minette~~
- ~~5. Hollingsworth, Katherine Q., Housewife, 505 1st St. Bay Minette~~
- ~~6. Dunn, Alphonse K., Clk SGB Tele. 1801 Armstrong Av. Bay Minette, Mobile~~
- ~~7. Belum, Evelyn, Smstrs. Bay Slacks, 906 Pleasant, Av. Bay Minette~~
8. Tagerstrom, Sylvia M., Housewife, 1 Confederate Dr., Spanish Fort
9. Farrell, Louie L., Supvr. Scott Paper Co. 9 Lancer Lane, Spanish Fort, Mobile
- ~~10. Farrell, Gary P., DOR Gulf Serv. Sta. 1410 Hand Av. Bay Minette~~
- ~~11. Folmer, W. H., Accountant, 1907 Elaine Av. Bay Minette~~
- ~~12. Fecters, Joe, Variety Fair, P. O. Box Silverhill, Silverhill~~
13. Frakes, Harry L., Civil Service, Box 212, Foley, Pensacola, Fla.
- ~~14. Garner, Eavonne G., Typist, Bay Minette, Alabama~~
15. Jordan, James L., 601 E. 5th St. Bay Minette
- ~~16. Allegri, A. G., Jr., Super. Mobile Beverage, 1212 2nd St. Daphne~~
17. Altamirano, Norma J., Housewife, 600 Gayfer Av. Fairhope
- ~~18. Anderson, Warren D., Jr., Pipe Ftr. LOR RR. C Lee Circle Spanish Fort, Mobile~~
- ~~19. Averitt, Charles E., Mach. Opr. International Paper Co., 411 A.W. Magnolia St. Bay Minette~~
- ~~20. Bann, Judy B., Secretary Bell Ins. Agency, 1604 Armstrong Av. Bay Minette~~
- ~~21. Batty, Samuel F., Jr., Super. Mobile Beverage, 1011 Van Av. Daphne~~
- ~~22. Belaine, Mrs. Louise, Housewife, 901 W. 7th St. Bay Minette~~
- ~~23. Belfield Donald J., Salesman, 58 Fels Ave. Fairhope~~
24. Bemis, Margaret S. Collator Poser Printing, 124 Fig St. Fairhope
- ~~25. Bishop, David E., Clk G.M. & O RR, 404 Barkley Av. Fairhope, Mobile~~
- ~~26. Blackmon, Agness, Clk West Bros, Pine Grove Rd. Bay Minette~~
- ~~27. Bryars, Mae R., Bryars Cleaners, 905 McMillan Av. Bay Minette~~
- ~~28. Cabanis, Evelyn, Supv. Bay Slacks, Rt. 2 Bay Minette~~
29. Caldwell, Sam. Carpenter, 701 N. Cedar St. Foley
- ~~30. McKay, Alice Mae, Secretary 365 E. 12th Bay Minette~~
- ~~31. Mitchell, Annie, Presser Eastern Shore Lumber, P. O. Box 630 Fairhope~~
- ~~32. Moore, Anna, Maid Pensaw, Bay Minette~~
33. Poser, Richard, Printer, 604 Bellangee, Fairhope
- ~~34. Reeves, James G., Bus Mgr. Carpenters Local 89, 1416 Main St. Daphne~~
- ~~35. Smith, J. G., Eng. 1st Div. 1803 Bellforest Rd. Daphne~~
- ~~36. Smith, Mrs. Doris, Clk West Bros. Rt. 2 Box 90 Bay Minette~~
- ~~37. Holland, Louie D., Civil Service, Box 927, Foley~~
38. Kilgore, James B.; Electn. Scott Paper Co. 7 Spanish Main St. Spanish Fort
- ~~39. Bryant, Delores, 67 Brownwood Av. Bay Minette~~
40. Haddock, Mrs. Alton B.; Housewife, 1 Mershon, Fairhope
- ~~41. Goudy, Eric, Maid Hill Newport Pky. Bay Minette~~
42. Neese, Tarlton, W.; Ins. US. Agrl Dept. 6 Signal Hill Rd. Spanish Fort

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P MAXX MAXX V

D MAXX MAXX N

D

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