

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT . . . LAW SIDE .

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon RUFFLES BUTANE CO., INC., a corporation, to appear before the Circuit Court of Baldwin County, Alabama, at the place of holding same and plead, answer or demur, within thirty days from service hereof to the complaint of BENNIE ADAMS.

WITNESS my hand this 19 day of August, 1971.

Eunice B. Blackmon
Clerk

BENNIE ADAMS,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
	(
vs.)	BALDWIN COUNTY, ALABAMA
	(
RUFFLES BUTANE CO., INC.,)	AT LAW
a corporation,	(
)	CASE NO. <u>9994</u>
Defendant.	(

COUNT I

The Plaintiff claims of the Defendant, RUFFLES BUTANE CO., INC., a corporation, Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on, to-wit: the 24th day of October, 1970, the Plaintiff was driving his pickup truck on Cemetery Road, a public road in Baldwin County, Alabama, approximately ²³⁰~~528~~ feet north of its intersection with County Road No. 24, about five and one-half miles west of Foley, Alabama, and at the same time and place, ANDREW JAMES, who was then and there an employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, and while acting within the line and scope of his employment as such employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, did then and there so negligently drive or operate a motor vehicle along and upon said Cemetery Road as to cause said motor vehicle to collide with Plaintiff's pickup truck which the Plaintiff was then and there driving, and as a proximate consequence of the said negligence of ANDREW JAMES, the employee of the Defendant,

RUFFLES BUTANE CO., INC., a corporation, and while acting within the line and scope of his said employment as aforesaid, the Plaintiff was injured and damaged as follows, to-wit: Plaintiff sustained a sprain of his cervical spine causing severe headaches and agonizing pain in his neck and cervical spine area, which required the attention, care and treatment of a physician, and as principal treatment, the Plaintiff's neck was placed in a brace and medication was prescribed to help relieve the Plaintiff's pain and said injury sustained in ~~said accident aggravated a pre-existing arthritic condition of Plaintiff's neck and shoulders,~~ causing the Plaintiff to suffer permanent injury, all as a proximate consequence of injury negligently inflicted upon the Plaintiff by the Defendant's employee as aforesaid, for all of which the Plaintiff demands damages.

COUNT II

The Plaintiff claims of the Defendant, RUFFLES BUTANE CO., INC., a corporation, ~~Seven Hundred Eighty three and 80/100 Dollars~~ ^{\$1,500} ~~(483.80)~~ ^{\$1,500.00} as damages for that heretofore on, to-wit: the 24th day of October, 1970, the Plaintiff was driving his pickup truck on Cemetery Road, a public road in Baldwin County, Alabama, approximately ²³⁰ ~~528~~ feet north of its intersection with County Road No. 24, about five and one-half miles west of Foley, Alabama, and at the same time and place, ANDREW JAMES, who was then and there an employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, and while acting within the line and scope of his employment as such employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, did then and there so negligently drive or operate a motor vehicle along and upon said Cemetery Road as to cause said motor vehicle to run into, over, upon or against the pickup truck which belonged to the Plaintiff and which the Plaintiff was operating, and by reason thereof, and as a proximate result and consequence thereof, the Plaintiff's said pickup truck was badly bent, smashed, broken and damaged about its rearend and right side and the market value thereof was greatly and permanently depreciated, as a proximate result and consequence of the negligence

of the Defendant's employee, ANDREW JAMES, who was then and there, as aforesaid, the agent, servant or employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, for all of which the Plaintiff demands damages.

COUNT III

The Plaintiff claims of the Defendant, RUFFLES BUTANE CO., INC., a corporation, ~~Twenty five Thousand, Seven Hundred Eighty three and 80/100 Dollars (\$25,783.00)~~ ^{#26,500} ~~(26,500)~~ as damages for that heretofore on, to-wit: the 24th day of October, 1970, the Plaintiff was driving his pickup truck on Cemetery Road, a public road in Baldwin County, Alabama, approximately ~~520~~ ²³⁰ feet north of its intersection with County Road No. 24, about five and one-half miles west of Foley, Alabama, and at the same time and place, ANDREW JAMES, who was then and there an employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, and while acting within the line and scope of his employment as such employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, did then and there so negligently drive or operate a motor vehicle to collide with, run into, over, upon or against the Plaintiff's pickup truck which the Plaintiff was driving, and as a proximate consequence of said negligence of ANDREW JAMES, the employee of the Defendant, RUFFLES BUTANE CO., INC., a corporation, while acting within the line and scope of his said employment as aforesaid, the Plaintiff was injured and damaged as follows, to-wit: Plaintiff sustained a sprain of his cervical spine causing severe headaches and agonizing pain in his neck and cervical spine area, which required the attention, care and treatment of a physician, and as principal treatment, the Plaintiff's neck was placed in a brace and medication was prescribed to help relieve the Plaintiff's pain and ~~said injury sustained in said accident aggravated a pre-existing arthritic condition of Plaintiff's neck and shoulders,~~ causing the Plaintiff to suffer permanent injury, and Plaintiff's pickup truck was badly smashed, bent, broken and damaged about its rear end and right side and the market value thereof was greatly and permanently depreciated, all as a proximate consequence of the

of the Defendant's employee, ANDREW JAMES, as aforesaid, for all of which the Plaintiff demands damages.

Plaintiff demands trial by Jury.

Thomas W. Anderson Jr.
Attorney for Plaintiff

Defendant may be served:

Fairhope, Alabama

FILED

AUG 19 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

C & U

- 4 -

Ex-8-19-71

VOL

70

PAGE 188

9994

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

BENNIE ADAMS,
Plaintiff

vs.

RUFFLES BUTANE CO., INC.,
Defendant

SUMMONS AND COMPLAINT

AUG 19 1971

TAYLOR WILKINS
SHERIFF

WE FIND IN FAVOR
OF PLAINTIFF

VEHICLE 1200.00
MEDICAL AND OTHER
EXPENSES 700.00

TOTAL 1,900.00

A.R. Wilson

Received 19 day of Aug 19 71
and on 21st day of Aug 19 71

I served a copy of the within Summons and Complaint
on Ruffles Butane Co.

By service on Ruffles Butane Co. - ch. l.

TAYLOR WILKINS, Sheriff

BY Paul Wilkins D.S.

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

S T I P U L A T I O N:

It is stipulated and agreed between the Plaintiff and the Defendant, acting by and through their Attorneys of Record that the oral deposition of Dr. Marvin H. Taylor, a witness for the Plaintiff, be taken pursuant to the provisions of Title 7, Section 474 of the Code of 1940, on March 27, 1973, before Virginia Dodd, a Notary Public in and for said State of Alabama, at Large, and that all requirements of said Statute relative to the sufficiency of the notice, the issuance of subpoena to said witness, the filing of said deposition and notice of the filing of said deposition, is hereby waived. The signature of each of the witness to his or her deposition is also waived.

It is further stipulated and agreed between the parties named that all objections to questions and the evidence sought to be elicited thereby are reserved.

*Filed
4-4-73
Ernie B. Blackman
Circuit Clerk*

BENNIE ADAMS,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
vs.)	AT LAW
)	
RUFFLES BUTANE CO., INC.,)	
a corporation,)	
)	
Defendant.)	CASE NO. 9994

MARCH 27, 1973, OFFICE OF DR. MARVIN H. TAYLOR

DR. MARVIN H. TAYLOR, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by C. G. Chason:

Q. Are you Dr. Marvin H. Taylor?

A. I am.

Q. Dr. Taylor, would you outline for us your educational background?

MR. JAMES OWEN: We waive his qualifications as a Medical Doctor.

Q. Dr. Taylor, do you know Bennie Adams?

A. I do.

Q. Did you see Bennie Adams in 1970 in connection with an automobile accident?

A. I did.

Q. When did you first see Mr. Adams?

A. I first saw Mr. Adams on 10-24-70

Q. What was Mr. Adams's condition at the time you saw him?

A. He was complaining of pain as a result of an injury he had received in an automobile accident.

Q. Where did you see Mr. Adams?

A. Hospital, the South Baldwin Hospital.

Q. Would you describe your diagnosis of the injury which Mr. Adams had at that time?

A. Strain. My tentative diagnosis on first seeing Mr. Adams was that he had a cervical strain, and this was based on the nature of his injury which he stated that he was hit from the rear and his neck popped. Was he hit from the rear? I don't know, but I think that is what he told me. I don't have the emergency room records, but anyway states that he was hit---was involved in an automobile wreck in which his neck popped---And on the--at that time I didn't think it was necessary to x-ray Mr. Adams because tentatively I thought it was just a strain--but after seeing him three days later and the pain was worse I ordered x-rays at the hospital. A report of these x-rays--which was read by Dr. B. D. Ray--x-rays of the cervical spine--history of recent injury noted. The overall contours normal. The individual bodies are normal in contour with no evidence of fracture or dislocation visualized. The interspaces are well maintained and no significant arthritic changes are present although there is a trace of spurring posterolaterally that encroaches on the neuroforamina to a

very slight extent bilaterally at C4-5.

Q. Exactly what does that mean, that he had no broken bones?

A. No broken bones, and that I assumed from that that all of his injury was ligamentous--stretch or tear.

Q. Was Mr. Adams in pain?

A. He was in pain.

Q. Did you prescribe any medication or treatment of any kind?

A. Yes, he was given, at onset, he was given muscle relaxers and a cervical collar to prevent him from moving his neck.

Q. When did you again see Mr. Adams?

A. 11-17-70, still having pain and was started on cortisone at that time. The purpose of cortisone was to treat any inflammation that may have developed. He was again seen on 1-29-71. He had worn his collar until about two weeks prior to that time, but he was still having some pain on flexion and extension of the neck. He was having mild daily headaches.

Q. In your opinion, Doctor, did he actually have pain?

A. Pain is a subjective symptom. I assume he had pain because he said he was having pain. As I would manipulate the neck and carry it through its motion, he did experience pain.

Q. Now, were you still treating him in January of 1971?

A. I saw Mr. Adams again on 3-22-71, and at that time I re-ordered his x-rays because the pain was still persistent in the back of his neck, and he was having constant headaches at that time. A reading of the x-rays made on 3-23-71 cervical spine. History of injury last October. Multiple views demonstrate no fracture or dislocation. Curvature and alignment are normal. No degenerative or hypertrophic change is present. Anterior soft tissue thickness is normal. Impression: No evidence of fracture. Normal spine radiographically. No change compared to the previous study of 10-27-70.

Q. Was Mr. Adams still having pain at this time.

A. That he was.

Q. All right sir, when did you next see him?

A. That is the last record that I have of seeing Mr. Adams, 3-22-71.

Q. Did you see Mr. Adams again in May of 1971?

A. I do not have a record of it. I don't know what might have happened to it. The last one I have here is 3-22, Cecil.

Q. Doctor, did Mr. Adams see you about some knots in his neck or shoulder?

A. I have no record of it.

Q. When did you again see Mr. Adams after March of 1971?

A. I saw Mr. Adams on 5-4-71. At the time he came in complaining of adenopathy, swollen glands in the neck. He also had a swollen gland in the region of the right elbow. I ordered a chest x-ray on him at that time which was normal. There was no connection between the adenopathy and this man's injury.

Q. Was he still having pain at that time from his injury?

A. I have no record of it.

Q. Do you know Mr. Adams's age?

A. Yes, he was 50 in 70, so he would be 53.

Q. Have you treated other patients with this same type injury of approximate age of Mr. Adams?

A. Yes.

Q. Is continuing pain for long periods of time connected or not with this type injury?

A. It can be.

Q. If Mr. Adams told you that he was still suffering pain and sleeplessness from this as a result of this injury would you think he is probably telling the truth?

A. He could be, yes, he could be still experiencing pain.

Q. Doctor, do you have the charges and amounts which he would owe you for this treatment?

A. No, but it can be obtained up at the desk. Probably somewhere around \$25.00 for everything.

Q. He was not hospitalized?

A. No, he was not.

Q. Has medication been continuous from the time you first treated him through the last time you saw him?

A. Yes, he was still taking medicine through March of '71.

CROSS EXAMINATION BY JAMES OWEN:

Q. Dr. Taylor, had you ever treated Mr. Adams before this? October, 1971?

A. No, that is the first thing that I have.

Q. Did he complain to you of any arthritic condition that he had?

A. No.

Q. Did you find that he had such arthritic condition upon your examination?

A. I have no record of it.

Q. Do you know of any other doctor that he consulted as a result of this accident?

A. I do not.

Q. Other than you?

A. I do not.

Q. Do you know his occupation?

A. I do.

Q. Do you know if he missed any work as a result of this accident?

A. I do not.

Q. You don't know about that at all?

A. No.

Q. And you do not know about him visiting or consulting any other Medical Doctor?

A. No, I don't.

Q. Do you have an opinion as to what his condition is at this time? Do you think he has recovered from this accident, or do you think he recovered in May of 1971?

A. I do not know.

Q. You do not know. You don't have an opinion as to that?

A. No, I do not. I don't know if he was still hurting or not.

Q. You do not have an opinion as to whether or not he would need any further medical treatment as a result of this accident?

A. No, he should not. I don't know anything else that could be done.

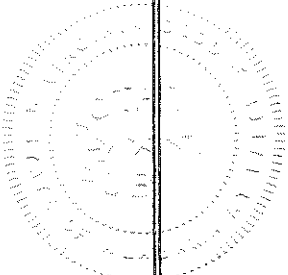
CERTIFICATE:

I, Virginia Dodd, a Notary Public in and for the State of Alabama, at Large, duly qualified and commissioned, hereby certify that the within named witness, Dr. Marvin H. Taylor, who was made known to me, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the said cause; that the testimony then given by him was recorded in the presence of said witness, and was by me transcribed; and that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid.

I further certify that this deposition was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I further certify that I am not a relative, counsel or Attorney for either party, or otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal in Foley, Alabama, on this the 30th day of March, 1973.


Virginia Dodd
Notary Public, State of Alabama
at Large

BENNIE ADAMS,

Plaintiff,

VS.

RUFFLES BUTANE COMPANY, INC.,
a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

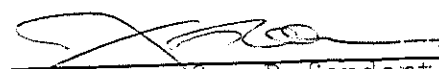
AT LAW

CASE NO. 9994

DEMURRER

Now comes the defendant in the above styled cause and demurs to the complaint heretofore filed in said cause and to each count thereof, separately and severally, and as grounds for said demurrer assign the following separately and severally:

1. There is a nonjoinder of parties defendant.


Attorney for Defendant

FILED

SEP 8 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

1. The first part of the report

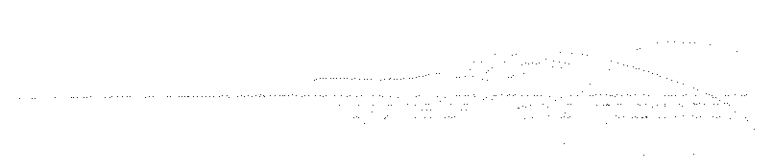
2. The second part of the report

3. The third part of the report

4. The fourth part of the report

5. The fifth part of the report

6. The sixth part of the report



7. The seventh part of the report

9994

BENNIE ADAMS,

Plaintiff,

VS.

RUFFLES BUTANE COMPANY, INC.,
a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

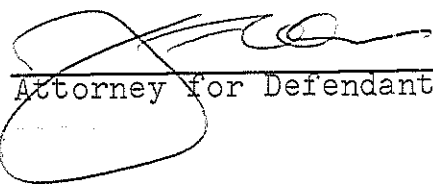
NO. 9994

PLEA

Now comes the defendant in the above styled cause and for plea to the complaint heretofore filed in said cause says:

1. Not guilty.

2. The defendant alleges that at the time and place complained of in the complaint, the plaintiff himself was guilty of negligence which proximately contributed to his injuries and damages.


Attorney for Defendant

Filed

4-9-73

Ernie B. Blackman
Clerk

THE UNITED STATES OF AMERICA

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THE UNITED STATES OF AMERICA

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DOE, JOHN DOE

THE UNITED STATES OF AMERICA

BENNIE ADAMS,
Plaintiff,

VS.

RUFFLES BUTANE COMPANY, INC.,
a corporation,
Defendant.

)
) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
) AT LAW NO. 9994
)
)
)
)

REPLICATION

Now comes the Plaintiff in the above styled cause and
joins issue on the plea of the Defendant.

Chason & Underwood

By: *[Signature]*
Attorneys for Plaintiff

Filed

4-9-73

Ernie B. Blackman
Circuit Clerk

- 9994 *Bennie Adams* JURY LIST APRIL CIVIL TERM - APRIL 9, 1973 *vs Ruffles Butane Co*
1. ~~Sims, Joel A., Farmer, Rabon, Alabama~~ P1
 2. ~~Slaughter, Wm. E., V-Pres Bacon McMillan, Pensaw, Star Rt. A Stockton~~ P7
 3. ~~Leigh, Calvin D., Agt. Life of Georgia Ins., 361 Gaston Av. Fairhope~~ D2
 4. ~~Kant, Wm. A., Supvr. Eastwood Nealy, 5 Ranger Rd. Spanish Fort, Bay Minette~~
 5. ~~Chandler, Al., Jr., Slmn. Baldwin Times, Silverhill, Bay Minette~~ D6
 6. ~~Burt, Joyce, Housewife, Rt. 2 Box 20, Bay Minette~~
 7. ~~Gilbert, B. B., County Garage Mechanic, 104 W. Magnolia St. Bay Minette~~ D8
 8. ~~Bell, Bennie, Farmer, Rt. 1 Perdido, Alabama~~ P7
 9. ~~Bates, Charles L., Jr., Acct. Bittner Ind., 33 Caisson Trace, Spanish Fort~~ D7
 10. ~~Hartley, Dewey L, Kaiser Almn. 1900 McMillan, Bay Minette~~
 11. ~~Munnerlyn, Elmer, Laborer, Star Rt. A Stockton, Alabama~~
 12. ~~Robinson, Harold C., Electn. Scott Paper Co. 100 Berglin St. Fairhope, Mobile~~ D5
 13. ~~Poser Walter L., Mgr. Poser Printing Co. 451 Boone La. Fairhope~~ P2
 14. ~~Quinley, Nora G., Smstrs. Bay Slacks 206 N. White Av. Bay Minette~~ D1
 15. ~~Ponder, Jack, Plumbing Contr. Box 96, Fairhope~~ P3
 16. ~~Bryars, Ewing E., Mobile Reserve Fleet, 207 Clay St. Bay Minette~~ P4
 17. ~~Burden, Douglas, Survey Tech F Hope Title & Survey, Montrose, Fairhope~~ D4
 18. ~~Bryant, Prentis, Laborer Newport Ind., 807 Daphne Rd. Bay Minette~~
 19. ~~Corbett, Howard Dan Leigh Kisser Plant, 403 Moran St. Bay Minette~~
 20. ~~Simmons, Kenneth J., Exec. Pilot Cont Mtrs. 125 Confederate Dr. Spanish Fort, Mobile~~
 21. ~~Webb, Elroy, Eng. Ala. St. Dock, 203 Spanish Main St. Spanish Fort, Mobile~~
 22. ~~White, Harold A., Hales M.F. G. Co. Box 137 Foley,~~ D3
 23. ~~Payne, Maxwell W., Housewife, 1601 Armstrong Av. Bay Minette~~
 24. ~~Brabner, Martin J., Jr., South Central Bell, Rt. 2 Bay Minette, Mobile~~
 25. ~~Sanks, Sarah, Clk. Tax Assoc. 607 Moog Av. Bay Minette~~ P5
 26. ~~Luther, Francis, Jr., Kaiser Almn., 1104 N. White Av. Bay Minette~~
 27. ~~Wilson, A. Robert, Wilson's Pure Station, W lson Dr. Spanish Fort,~~ P6
 28. ~~Morse, Byrd III, Engineer, 151 Blue Island Ave, Fairhope, Ala~~

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XXXXXX XXX

- P. XXXXX XXX

CECIL G. CHASON

Attorney at Law

THOMAS W. UNDERWOOD, JR.
ASSOCIATE

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

August 18, 1971

Mrs. Eunice B. Blackmon
Clerk of Court
Bay Minette, Alabama

Re: Bennie Adams vs.
Ruffles Butane Co., Inc.,
a corporation

#9994

Dear Mrs. Blackmon:

Enclosed are summons and complaint in the above
styled case. Please deliver to the Sheriff for service.

Sincerely yours,



Thomas W. Underwood, Jr.

TWU, Jr/jc
Encl.