

ELTON O. TANNER, JR.,

Plaintiff

vs.

VIVIAN L. THERRELL,

Defendant

* IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

*

ALABAMA

* AT LAW

Case No. 10,066

*

COUNT ONE

Plaintiff claims of the Defendant the sum of Ten Thousand (\$10,000.00) Dollars as damages, for that heretofore and on, to-wit, October 26, 1970, the Defendant so negligently drove or operated an automobile on, along and over U.S. Highway No. 31, at or near its intersection with the Driveway to Spanish Fort Lodge, which intersection is about two (2) miles north of Spanish Fort, in Baldwin County, Alabama, U.S. Highway No. 31 being then and there a public highway in the County of Baldwin, State of Alabama, as to cause or allow said automobile to run into, against, upon or collide with an automobile being driven on U.S. Highway No. 31 at said time and place by Betty Jane Tanner, the Plaintiff's wife, and Plaintiff avers that as a proximate result of said negligence of the Defendant as aforesaid, the Plaintiff's wife suffered the following injuries and damages: Her neck was badly injured; her shoulders and arms were hurt; her back was injured; she was caused to suffer great physical pain and mental anguish; her nervous system was greatly impaired and shocked and permanently injured; she has suffered permanent physical injuries; she was caused to undergo medical care, medical treatment, and x-rays; she was caused to incur expense for x-rays, medical care and treatment and medicines; she was caused to lose time

from her employment and wages therefrom. She will hereafter be caused to undergo medical care and treatment and incur substantial additional expense for such services for doctors, physicians, medicines, drugs and medical supplies; and Plaintiff avers that said injuries and damages of the Plaintiff's wife were the proximate result of said negligence of the Defendant; and the Plaintiff further avers that he was injured and damaged as a proximate result of the injury of his said wife, as follows: Plaintiff was caused to incur much expense for doctors, physicians, specialists, medical attention, medical care, x-rays, medicines, drugs and medical supplies; and he was caused much inconvenience, trouble and difficulty in attending his wife and helping to take care of his wife and in efforts to heal and cure her said injuries and in an effort to alleviate her condition; and Plaintiff lost the society and services of his wife and her companionship or consortium for a long time.

Plaintiff further avers that as a proximate result of said negligence of the Defendant as aforesaid, he suffered the further injuries and damages as follows: His automobile was badly damaged, bent and broken and he was caused much inconvenience, difficulty and trouble; and Plaintiff avers that all of his said injuries and damages were suffered as a proximate result of the said negligence of the Defendant as aforesaid.

COUNT TWO

Plaintiff claims of the Defendant the sum of Ten Thousand (\$10,000.00) Dollars as damages, for that heretofore and on, to-wit, October 26, 1970, the Defendant wantonly injured the Plaintiff by wantonly driving or operating an automobile

on, along and over U.S. Highway No. 31, at or near its intersection with the Driveway to Spanish Fort Lodge, which intersection is about two (2) miles north of Spanish Fort, in Baldwin County, Alabama, U.S. Highway No. 31 being then and there a public highway in the County of Baldwin, State of Alabama, as to cause or allow said automobile to run into, against, upon, or collide with an automobile owned by the Plaintiff and which was then and there being driven on U.S. Highway No. 31 at said time and place by Betty Jane Tanner, the Plaintiff's wife, and Plaintiff avers that as a proximate result of said wanton injury, the Plaintiff's wife suffered the following injuries and damages: Her neck was badly injured; her shoulders were hurt and her arms were hurt; her back was injured; she was caused to suffer great physical pain and mental anguish; her nervous system was greatly impaired and shocked and permanently injured; she has suffered permanent physical injuries; she was caused to undergo medical care, treatment, and x-rays; she was caused to incur expense for x-rays, medical care and treatment and medicines; she will hereafter be caused to undergo medical care and treatment and incur substantial additional expense for such services for doctors, physicians, medicines, drugs and medical supplies; Plaintiff avers that as a further result of said wanton injury he was caused to incur much expense for medical care, medical treatment, x-rays, medicines, drugs, medical supplies and physicians, in obtaining medicines and medical aid and attention for his wife, and was caused to incur the expense of employment of doctors and surgeons in and about his efforts to

heal and cure his wife's injuries; and Plaintiff was caused much inconvenience, trouble and difficulty in attending his wife and nursing and helping her and helping to heal and nurse her, and in efforts to cure her injuries; and Plaintiff loss the services and society of his wife and her companionship or consortium for a long time.

Plaintiff further avers that as a proximate result of said wanton injury, the Plaintiff suffered further injuries and damages as follows: His automobile was badly damaged, bent and broken, and he loss the use of his automobile for a substantial period of time and was caused to suffer much inconvenience, difficulty and trouble; and Plaintiff avers that all of his said injuries and damages were suffered as a proximate result of the wanton injury of the Plaintiff by the Defendant as aforesaid.

Charles Hoffman
Attorney for Plaintiff

Plaintiff respectfully demands a trial by jury of this cause.

Charles Hoffman
Attorney for Plaintiff

Defendant's address:

Route 1, Box 134
Daphne, Alabama

FILED

OCT 7 1971

EUNICE B. BLACKMON CIRCUIT CLERK

OFFICES OF
CHARLES HOFFMAN
ATTORNEY AT LAW
2401 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA 36602

July 20, 1972

Mrs. Eunice B. Blackmon, Circuit Clerk
Circuit Court of Baldwin County
Bay Minette, Ala.

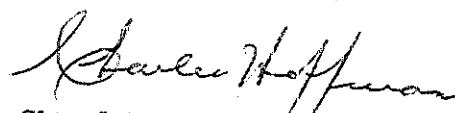
Dear Mrs. Blackmon:

Reference is made to the cases of Betty Jane
Tanner and Elton O. Tanner, Jr. against Vivian L.
Therrell, being No. 10,065 and 10,066, Circuit Court,
At Law.

It is requested that an Order of Dismissal
be entered in the above cases, with costs of Court
taxed against the Defendant in each case, based on an
agreement to that effect with Mr. Robert H. Smith,
Attorney for the Defendant.

Thank you for your courtesy and cooperation.

Very truly yours,


Charles Hoffman

H/r

cc: Mr. Robert H. Smith
Collins, Galloway & Murphy
P.O. Box 4492
Mobile, Ala.