

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 William A. Stapleton 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 Cawley B. Stuckey.

Witness my hand this 5th day of November, 1971.

Eunice B. Blukman
Clerk

CAWLEY B. STUCKEY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
WILLIAM A. STAPLETON,	X	AT LAW NO. <u>10104</u>
Defendant.	X	

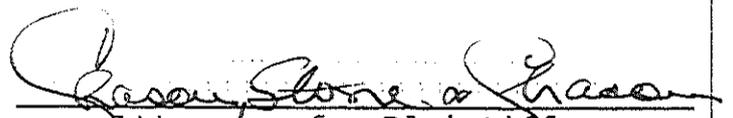
COUNT ONE:

The Plaintiff claims of the Defendant the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that on, to-wit, August 7, 1971, in Foley, Alabama, at a point on U. S. Highway 98 near its intersection with Beech Street, a public highway in Baldwin County, Alabama, the Defendant negligently drove an automobile into or against the truck in which the Plaintiff was then and there riding and which he was driving, and as a proximate result of the negligence of such Defendant, the Plaintiff was injured in this: He received a severe concussion, his face was injured and bruised, his chest was badly injured and his left knee and left leg were severely injured, he suffered great pain and mental anguish, he was caused to lose time from his employment, he

was caused to lose a large crop consisting of tomato plants, collard greens, turnips and peas, which he had already planted, because he was unable to cultivate and harvest the same. He was caused to incur large medical and hospital expenses and he was permanently injured, all to his damage in the sum above mentioned, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that on, to-wit, August 7, 1971, in Foley, Alabama, at a point on U. S. Highway 98 near its intersection with Beech Street, a public highway in Baldwin County, Alabama, the Defendant wilfully or wantonly injured the Plaintiff by wilfully or wantonly driving an automobile into or against the truck in which the Plaintiff was then and there riding and which he was driving, and as a proximate result of such wilfull or wanton misconduct of the Defendant, the Plaintiff was injured in this: He received a severe concussion, his face was injured and bruised, his chest was badly injured and his left knee and left leg were severely injured, he suffered great pain and mental anguish, he was caused to lose time from his employment, he was caused to lose a large crop consisting of tomato plants, collard greens, turnips and peas, which he had already planted, because he was unable to cultivate and harvest the same. He was caused to incur large medical and hospital expenses and he was permanently injured, all to his damage in the sum above mentioned, hence this suit.


Attorneys for Plaintiff

Plaintiff demands a trial of this cause by a jury.
CHASON, STONE & CHASON

By: 

Defendant's address for service is
2704 Faure Drive, S., Mobile, Alabama.

FILED

NOV 5 1971

EUNICE B. BLACKMON CIRCUIT CLERK

CLERK OF DISTRICT COURT
MOBILE COUNTY, ALA.
BY

899/

10, 104

Handwritten initials

CAWLEY B. STUCKEY,

Plaintiff,

vs.

WILLIAM A. STAPLETON,

0184

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. *10,104*

* * * * * NOV 5 1971 * * * * *

JAYCOX WILKINS
SHERIFF

SUMMONS AND COMPLAINT

* * * * * FILED * * * * *

NOV 5 1971

EUNICE B. BLACKMON CIRCUIT CLERK

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

EXECUTED
This *18* day of *Nov*, 19*71*
by serving a copy of the within on
William A. Stapleton
RAY D. BRIGES, Sheriff
By *[Signature]* D.S.

CAWLEY B. STUCKEY, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY,
vs. : ALABAMA
WILLIAM A. STAPLETON, : AT LAW
Defendant. : CASE NO. 10,104

D E M U R R E R

Comes now the defendant, William A. Stapleton, separately and severally, and demurs to the complaint as a whole and to each count of the complaint filed herein, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against this defendant.
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 defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.
6. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7. For that the averments set up, if true, do not show any liability on the part of this defendant.

8. For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9. For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10. 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 this defendant.

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

12. For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

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

14. For that said count is duplicitious.

15. For that each injury complained of in the alternative could not result from each alternative act allegedly causing such injury.

16. For that each alternative averment does not state facts sufficient to constitute a cause of action against this defendant.

17. It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and damages complained of.

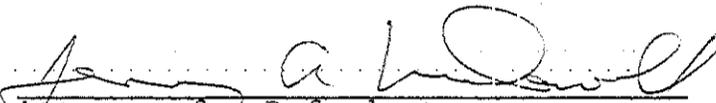
18. There is no allegation of either a willful or wanton act committed by this defendant.

19. There is no allegation of either a willful or wanton injury committed by this defendant.

20. For that there is a misjoinder of causes of action.

21. For that there is a misjoinder of parties plaintiff.

22. For that there is a misjoinder of parties defendant.



Attorney for Defendant

Of Counsel:

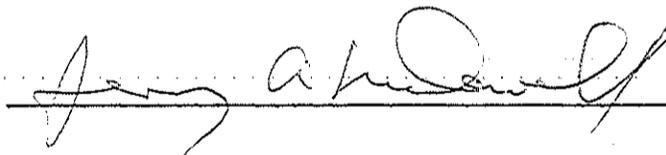
HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
3000 First National Bank Building
Mobile, Alabama 36602



James R. Owen
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing demurrer to John Chason, Esq., Attorney for the Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Bay Minette, Alabama on this 15 day of December, 1971.



FILED

DEC 16 1971

EUNICE B. BLACKMON CIRCUIT CLERK

CAWLEY B. STUCKEY,) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
Plaintiff) AT LAW
vs.)
WILLIAM A. STAPLETON,)
Defendant) CASE NO. 10,104

MOTION FOR PRODUCTION OF RECORDS

Comes now each of the following defendants in the above cause, separately and severally, William A. Stapleton, and moves the court to require the plaintiff to produce at the trial hereof and, for the inspection of said defendant, within a reasonable time prior to said trial, such time to be determined by this court, true and correct copies of the federal and state income tax returns filed by the plaintiff for all years from 1969 through 1971, inclusive.

As grounds for said motion, said defendant avers the following:

Said action brought by the plaintiff against this defendant seeks damages from defendant for alleged loss of earnings or of the earning capacity of the plaintiff, and the copies of said income tax returns contain evidence necessary and material to the proper presentation of defendant's case, which evidence is pertinent to the issues herein. Defendant further avers that he is informed and believes and, based upon such information and belief, states that the plaintiff has possession of, custody of, control

of or power over said income tax returns.

James Owen
James Owen

Jerry A. McDowell
Jerry A. McDowell
Attorneys for said Defendant

A F F I D A V I T

COUNTY OF MOBILE

STATE OF ALABAMA

Before me, the undersigned authority in and for said County in said State, personally appeared Jerry A. McDowell, who is known to me, and known to me to be one of the attorneys for said defendant named in the foregoing motion, who, being first duly sworn on oath, doth depose and say as follows:

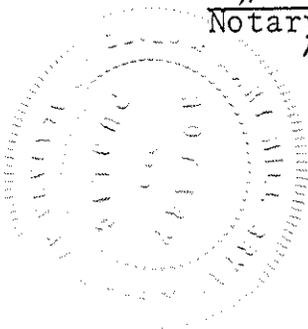
My name is Jerry A. McDowell, and I am one of the attorneys of record for the defendant named in the body of the foregoing motion filed in this cause. The income tax returns designated in said motion are necessary and material to the issues in this cause, and it is necessary and material that they be produced for inspection on behalf of said defendant at the trial and at a reasonable time prior to the date of said trial, in order to enable a proper defense to be prepared as to the issues in the case pertaining to the plaintiff alleged loss of earnings or alleged loss of earning capacity.

Jerry A. McDowell
Jerry A. McDowell

Subscribed and sworn to before me on this, the 23rd day of March, 1972.

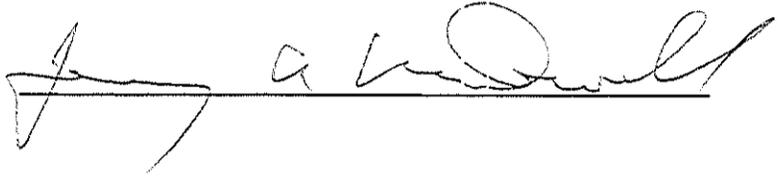
Walter Hill Bryan
Notary Public, Mobile County, Alabama

3-24-72 motion granted. Jeffrey Madison
judge



CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing motion to John Chason, Esq., Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Bay Minette, Alabama on this 23 day of March, 1972.



FILED

MAR 24 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

CAWLEY B. STUCKEY,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
WILLIAM A. STAPLETON,	X	AT LAW	NO. 10,104
Defendant.	X		

MOTION

Comes the Plaintiff in the above styled cause, acting by and through John Chason, one of the Attorneys of Record for the Plaintiff in said cause, and moves the Court to strike from the hospital records of said Plaintiff in the South Baldwin Hospital located at Foley, Alabama, any and all records pertaining to a blood test to reveal the alcoholic content of the blood of the Plaintiff at the time he was admitted to such hospital on August 7, 1971, and as grounds for his motion, the Plaintiff says:

1. That such test was not taken in accordance with Title 36, Sections 154-158 of the 1940 Code of Alabama, as amended.
2. That such test was illegally taken.
3. That such test was taken while the patient was unconscious and without his knowledge and consent.
4. That such test was not made in accordance with the usual and regular course of business of said hospital.

Dated this 28th day of April, 1972.



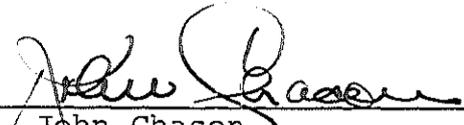
 One of the Attorneys for the Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

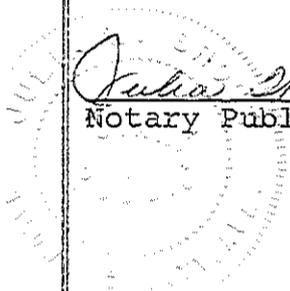
Before me, the undersigned authority, personally appeared John Chason, who is known to me, and who is one of the Attorneys of Record for the Plaintiff in the above styled cause

and who, after being by me first duly and legally sworn, says that he is informed and believes and upon such information and belief states the facts to be as set out in the foregoing Motion.



John Chason

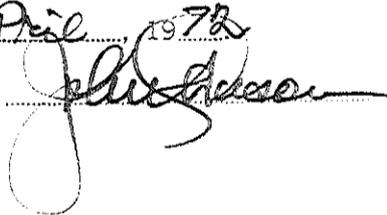
Sworn to and subscribed before
me this 28th day of April,
1972.




Notary Public, Baldwin County, Alabama.

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 28 day of April, 1972.

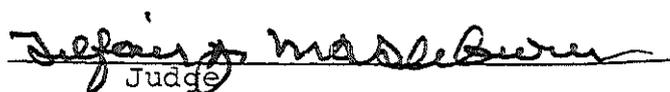


FILED

APR 28 1972

EUNICE B. BLACKMON CIRCUIT CLERK

5/12/72 Motion granted. The Custodian of the records at South Baldwin Hospital located at Foley, Alabama, is hereby directed to strike from the hospital records of Cawley B. Stuckey in such hospital any and all records pertaining to a blood test to reveal the alcoholic content of his blood at the time he was admitted to such hospital on August 7, 1971.



Judge