

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT IAW

CASE NO. 37062 - BOLLING

JOHN COLEMAN

MELISSA ANN BURROUGHS, a minor, who sues by her father  
and next friend, GEORGE J. BURROUGHS

JURY

VS. Suit for \$50,000.00 damages for personal injuries.  
(TORT)

PILLANS, REANS, TAPPAN, DOROTHY S. BLAIR and JOHN T. BLAIR, separately and severally  
WOOD & ROBERTS - By: Richard W. Vollmer, Jr.

N.J.

PLEADINGS, PROCESS, ETC, \* FILING DATE \*

1. Complaint & Summons \* 10-13-71 \*

C & S served on Defts. on October 22, 1971.

2. Plea in Abatement \* 10-24-71 \*

Nov. 4. 1971 - Plea in Abatement sustained, Case transferred to the  
Circuit Court of Baldwin County, Alabama.

/s/ William D. Bolling

44-281

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above  
is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.

In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile  
County, Alabama, on this the 9th day of November 1971.

*John E. Mandeville* Clerk


MELISSA ANN BURROUGHS,	:	IN THE CIRCUIT COURT OF
a minor, who sues by her	:	
father and next friend,	:	MOBILE COUNTY,
GEORGE J. BURROUGHS,	:	
	:	ALABAMA
Plaintiff	:	
	:	AT LAW
VS.	:	
	:	
DOROTHY S. BLAIR and	:	
JOHN T. BLAIR,	:	
separately and severally,	:	
	:	
Defendants	:	CASE NUMBER <u>37062</u>

ONE

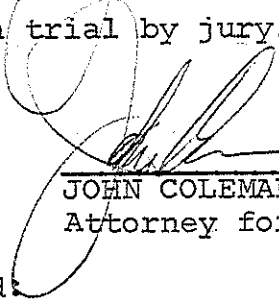
The Plaintiff Melissa Ann Burroughs, a minor, suing by her father and next friend, George J. Burroughs, claims of the Defendants Fifty Thousand Dollars (\$50,000.00) as damages for that on, to-wit, the 17th day of April, 1970, the Plaintiff was crossing East Street, a public street in the city of Stapleton, County of Baldwin, Alabama, at; to-wit, one half mile East of its intersection with U. S. Highway 31, and then and there the Defendant Dorothy S. Blair, the agent, servant or employee of the Defendant John T. Blair, while acting in the line and scope of her authority, did so negligently operate an automobile as to cause the same to run upon or against the Plaintiff and as a proximate consequence of the negligence of the Defendant Dorothy S. Blair, the agent, servant or employee of the Defendant John T. Blair, while acting within the line and scope of her authority, the Plaintiff was injured in this; she recieved a severe head injury; she recieved a fracture to her right femur; she was made sick, sore and lame; she was bruised; she was caused to suffer great physical pain and mental anguish, and her nervous system was greatly impaired and shocked and was permanently shocked and impaired; she was permanently injured, for all of which she claims damages as aforesaid, hence this suit.

TWO

The Plaintiff Melissa Ann Burroughs, a minor, suing by and through her father and next friend, George J. Burroughs, claims of the Defendants Fifty Thousand Dollars (\$50,000.00) as damages for that on, to-wit, the 17th day of April, 1970, the Plaintiff was crossing East Street, a public street in the city of Stapleton, County of Baldwin, Alabama, at; to-wit a point one half mile East of its intersection with U. S. Highway 31, and then and there the Defendant Dorothy S. Blair, the agent, servant or employee of the Defendant John T. Blair, while acting within the line and scope of her authority, wantonly drove an automobile into, upon, over or against the Plaintiff, and by reason thereof the Plaintiff was wantonly injured in this: she recieved a severe head injury; she was made sick, sore, lame; she was burised; she was caused to suffer great physical pain and mental anguish, and her nervous system was greatly impaired and shocked and was permanently shocked and impaired; she was permanently injured, for all of which she claims damages as aforesaid, hence this suit.

  
JOHN COLEMAN  
Attorney for the Plaintiff


Plaintiff demands a trial by jury.

  
JOHN COLEMAN  
Attorney for the Plaintiff

Defendants may be served:

Dorothy S. Blair, Box 301, Stapleton, Alabama or Loper Lumber Company, Stapleton, Alabama.

John T. Blair, Box 301, Stapleton, Alabama or Loper Lumber Company, Stapleton, Alabama.

STATE OF ALABAMA  
CLERK OF THE DISTRICT COURT  
WAS FILED IN  
Oct 13 12 20 PM '71  


**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

DOROTHY S. BLAIR and JOHN T. BLAIR, separately and severally

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,  
at the place of holding the same, then and there to answer the complaint of

MELISSA ANN BURROUGHS, a minor, who sues by her father

and next friend, GEORGE J. BURROUGHS

WITNESS: John E. Mandeville, Clerk of said Court, this 13<sup>th</sup> day of October, 19 71

Attest:

John E. Mandeville  
Clerk

**SHERIFF'S RETURN**

Received \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and on \_\_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_, I served a copy of

the within \_\_\_\_\_ on \_\_\_\_\_

by service on \_\_\_\_\_

RAY D. BRIDGES, SHERIFF

By \_\_\_\_\_ D.S.

Received 19 day of Oct 1971  
and on 22 day of Oct 1971  
I served a copy of the within St+C  
on Dorothy S. Blair,  
John T. Blair  
By service on John T. Blair  
TAYLOR WILKINS, Sheriff  
By W. A. Galt D.S.

TAYLOR WILKINS, SHERIFF OF BALDWIN  
COUNTY, ALABAMA, CLAIM \$1.50 EACH  
FOR SERVING 2 PROSECUTED AND 1 m  
TRAVEL EXPENSE IN EACH OF \$ 3.00  
PROSECUTED OR A TOTAL OF \$ 3.00

*Mail*  
(2) No. 37062-B  
JUDGE \_\_\_\_\_ DOCKET  
CIVIL DIVISION  
CIRCUIT COURT  
MOBILE COUNTY  
MELISSA ANN BURROUGHS, a  
minor etc.  
OCT 19 1971  
VS. Sherrif Complaint and Summons  
DOROTHY S. BLAIR and  
JOHN T. BLAIR, separately  
and severally  
Issued 13th day of October, 1971  
Defendant's Address  
Box 301,  
Stapleton, Alabama  
or  
Loper Lumber Company  
Stapleton, Alabama  
JOHN COLEMAN  
Plaintiff's Attorney

MELISSA ANN BURROUGHS, a	)	IN THE CIRCUIT COURT
minor, who sues by her	)	
father and next friend,	)	OF MOBILE COUNTY,
GEORGE J. BURROUGHS,	)	
	)	ALABAMA
Plaintiff,	)	
	)	AT LAW
VS	)	
	)	
DOROTHY S. BLAIR and	)	
JOHN T. BLAIR, separately	)	
and severally,	)	
	)	
Defendants.		CASE NO. 37062

PLEA IN ABATEMENT

Come now the defendants, Dorothy S. Blair and John T. Blair, in the above styled cause and appearing specially and only for the purpose of filing this Plea in Abatement and for no other purpose plead in abatement to the complaint filed in this cause as follows:

That the cause should be abated for that the complaint shows on its face that the alleged injuries complained of by the plaintiff occurred on a public street in Baldwin County, Alabama, to-wit, East Street in the City of Stapleton, County of Baldwin, Alabama, on, to-wit, April 17, 1970. That the complaint further shows on its face that the said action is for personal injuries, and is a personal action as defined in Title 7, Section 54 of the Code of Alabama 1940 Edition as Amended.

The defendants were resident citizens of Baldwin County, Alabama, at all times alleged in the plaintiff's complaint and ever since that time, and at the time and date this lawsuit was commenced against them and the defendants are still permanent resident citizens of Baldwin County, Alabama, having in said County a permanent residence in Stapleton, Baldwin County, Alabama, and the defendants have not, at any time set out in

the complaint, nor at the time this suit was commenced, nor since, been resident citizens of Mobile County, Alabama. The defendants aver that the accident made the basis of this suit did occur in Baldwin County, Alabama.

WHEREFORE, defendants say that the Circuit Court of Mobile County, Alabama, is without jurisdiction of said suit and the said cause of action and that the venue thereof is improperly laid in Mobile County, Alabama, and any suit based on the matters herein complained of, if brought in Alabama at all, should be filed and prosecuted in Baldwin County, Alabama, where the said Dorothy S. Blair and John T. Blair have at all times and do now reside; and defendants pray that said action and said suit be abated by this Court.

Dorothy S. Blair  
Dorothy S. Blair, Defendant

John T. Blair Jr  
John T. Blair, Defendant

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

BY

Richard W. Vollmer, Jr.  
Attorney for Defendants

STATE OF ALABAMA  
COUNTY OF BALDWIN

Before me, Daniel T. Rider, a Notary Public in and for said County in said State, personally appeared Dorothy S. Blair and John T. Blair, who by me being first duly sworn on oath, depose and say that they are the defendants in the above styled case and that they have read the foregoing Plea in Abatement and that the matters and facts stated in said Plea in Abatement are true and correct.

Dorothy S. Blair  
Dorothy S. Blair

John T. Blair Jr  
John T. Blair

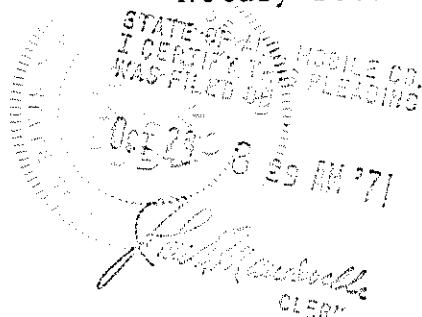
Subscribed and sworn to before me this 27 day of October, 1971.

Daniel T. Rider

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 Oct, 1971.



THURSDAY, NOVEMBER 4, 1971

MELISSA ANN BURROUGHS, a Minor,  
who sues by her father and next  
friend, George J. Burroughs

BOLLING                      -VS-                      37062

DOROTHY S. BLAIR & JOHN T. BLAIR,  
separately and severally

PLEA IN ABATEMENT SUSTAINED,  
CASE TRANSFERRED TO THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and defendants' Plea in Abatement filed October 29, 1971, to the complaint in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that defendants' said Plea in Abatement filed October 29, 1971, to the complaint in this cause be, and the same is hereby sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 44

Page 281



STATE OF ALABAMA, }  
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

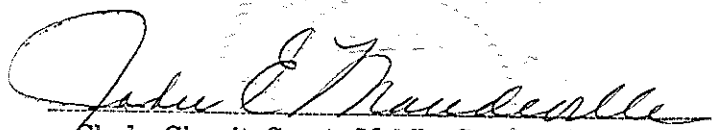
I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby  
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

as rendered by the said Circuit Court on the 4th day of November, 19 71, in the cause  
entitled No. 37062 - MELISSA ANN BURROUGHS, a Minor, who sues by her father  
and next friend, GEORGE J. BURROUGHS, Plaintiff,  
— versus — DOROTHY S. BLAIR and JOHN T. BLAIR, separately and severally

Defendant, (~~together with the association known as~~), as the same remains of record in this office in  
Minute Book No. 44, Page No. 281.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office  
in the City of Mobile, Alabama, on this the 9th day of November, 1971.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 37062 MELISSA ANN BURROUGHS, a Minor, etc. Plaintiff  
VS. DOROTHY S. BLAIR & JOHN T. BLAIR, separately and Defendant  
severally

(Act No. 740, Reg. Session Ala. Legislature 1957 Appvd. Sept. 20, 1957) (Amend Sec. 21, Title 11, Code Ala. 1940) BILL OF COST (Act No. 571, Reg. Ses. Leg. 1955) (Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less \$ 6.00			Serving Summons & Complaint 2 \$ 1.50	3 00	
Suits for over \$100 but less than \$1,000 10.00			Serving Writ of Garnishment 1.50		
Suits for \$1,000 and over 20.00	20 00		Serving Sci Fa.-Notices 1.50		
Suits in detinue, ejectment, etc. 10.00			Levyng Attachment & Return 6.25		
Suits not otherwise provided 10.00			Executing Writ Possession 5.00		
Writs, Mandamus, Prohibition, etc. 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Court General Sessions 15.00			Serving subpoenas, each .75		
Appeals from Probate Court 20.00			Impanelling Jury .75		
Appeals from JP Courts 6.00			Taking & Approving Bond 2.00		
Appeals from State Dept of Pub. Safety, and other State Agencies 10.00			Collecting Costs Execution 1.50		
Workmen's Compensation Settle. 10.00			Serving Contempt Writ 1.50		
Garnishment on Judgment 6.00			Making Deed for Property sold 2.50		
Order of Sale, Motions to sell. 6.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Recording executions from State Agencies 3.00					
Cert. Copy of Record - per 100 words .15	80		Total \$	3 00	
Taking Appeal Bond .75					
Record for Supreme Court etc., per 100 words .15			RECAPITULATION		
Add'l Copies of Record for Supreme Court, per 100 words .05			Clerk 20 80		
Checking - including Reporters Transcript of Evidence 10.00			Sheriff Taylor Wilkins CL.ADM. FUND 3 00		
Certifying Abstract in lieu of Transcript on Appeal 5.00			2 00		
Collecting Money on Judgments over 30 days old, 1/2 the percentage allowed Sheriffs \$			Inferior Civil Court 2 00		
			Justice Peace fees Fair Trial Tax		
Total \$ 20 80			Witness fees		
			Commissioner's fees		
			Certificate of Judgment		
			Judgment		
			10% Damages		
			Interest		
			Stenographer's fees (\$10.00 Day)		
			Library fee 1.50 1 50		
			Trial Tax (County) 1.50 1 50		
			Trial Tax (State) 1.50 1 50		
			Advertisement		
			Garnishee's fees		

\$32.30

I respectfully beg to advise that if this bill for costs is not paid before 19....., it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk

MELISSA ANN BURROUGHS,  
a minor, who sues by her  
father and next friend,  
GEORGE J. BURROUGHS,

Plaintiff,

vs.

DOROTHY S. BLAIR and  
JOHN T. BLAIR,  
separately and severally,

Defendants.

X

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO: 10,114

PLEAS:

A. Come the Defendants in the above styled cause and  
for Pleas to Count One of the Complaint filed in said cause  
separately and severally say:

1. Not guilty.

2. That the Plaintiff should not recover in this suit  
in that, at the time and place complained of in the Complaint,  
the Plaintiff herself was guilty of negligence which proximately  
contributed to her injuries and damages in that she ran in front  
of the automobile driven by the Defendant, Dorothy S. Blair, in  
such close proximity thereof that such Defendant did not have an  
opportunity to stop the automobile she was driving, hence the  
Plaintiff should not recover under Count One of her Complaint.

B. Come the Defendants in the above styled cause and  
for Plea to Count Two of the Complaint say:

1. Not guilty.

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 4 day  
of Oct, 72

*[Signature]*

*[Signature]*  
Attorneys for Defendants

FILED

OCT 4 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

MELISSA ANN BURROUGHS,  
a minor, who sues by her  
father and next friend,  
GEORGE J. BURROUGHS,

Plaintiff,

VS.

DOROTHY S. BLAIR and  
JOHN T. BLAIR, separately  
and severally,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO: 10,114

MELISSA ANN BURROUGHS,  
a minor who sues by her  
Father and next friend,  
GEORGE J. BURROUGHS,

Plaintiff,

vs.

DOROTHY S. BLAIR and  
JOHN T. BLAIR,

Defendants.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 10,114

DEMURRER

Come the Defendants in the above styled cause and demur  
to the Complaint filed in said cause and each and every Count  
thereof separately and severally, and assign the following separate  
and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not allege any duty owing by the Defendants to the Plaintiff.
3. That the place where the accident occurred is not sufficiently set out.

CHASON, STONE & CHASON

BY:

John T. Blair  
Attorneys for Defendants

Defendants respectfully demand  
trial of this cause by a jury.

CHASON, STONE & CHASON

BY:

FILED

NOV 10 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

10 114

MELISSA ANN BURROUGHS,  
a minor who sues by her  
Father and next friend,  
GEORGE J. BURROUGHS,

Plaintiff,

vs.

DOROTHY S. BLAIR and  
JOHN T. BLAIR,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW NO. 10,114

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

WAYNE H. GRAVES  
2103 WEST DALLAS  
SELMA, ALA. 36701  
HOME PHONE 205-872-3111

*Pay*  
*\$1500.00* *J.R.U.*  
*to Probate*

*James*  
*70*  
*James Johnson*  
*Radio*  
*19<sup>th</sup> 20<sup>th</sup>*  
*"Line"*  
*Line*

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*10, 114*