

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,139

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon PHYLLIS S. NESBITT, as Administratrix of the
Estate of Eugene Britton, deceased,
.....
.....

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint

filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against PHYLLIS S. NESBITT,

As Administratrix of the Estate of EUGENE BRITTON, Deceased,....., Defendant.....

by ROBERT W. PIERCE
.....

....., Plaintiff.....

witness my hand this 3rd day of December 19 71

Eunice B. Blackmon Clerk

No. 10,139

Page.....

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

ROBERT W. PIERCE

Plaintiffs

VS.

PHYLLIS S. NESBITT, As Administratrix
of the Estate of Eugene Britton,
deceased,

Defendants

SUMMONS AND COMPLAINT

Filed December 3, 1971

Eunice B. Blackmon Clerk

DEC 8 1971

TAYLOR WILKINS
SHERIFF

Seale, Marsal, Seale & Duke

By: Leon G. Duke

P. O. Box 1746-Mobile Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

DEC 8 1971

19.....

Sheriff

I have executed this summons

this 8, Dec. 1971

by leaving a copy with

Phyllis S. Nesbitt

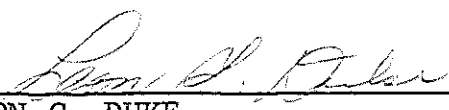
Ten Cents per mile Total \$5.00
TAYLOR WILKINS, Sheriff

BY Deputy Sheriff

Taylor Wilkins Sheriff
Deputy Sheriff

ROBERT W. PIERCE, : IN THE CIRCUIT COURT
Plaintiff, : OF BALDWIN COUNTY,
VS. : ALABAMA
PHYLLIS S. NESBITT, As : AT LAW
Administratrix of the Estate
of EUGENE BRITTON, deceased, :
Defendant : CASE NO. 10139

The plaintiff claims of the defendant TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS, as damages, for that heretofore and on, to-wit, the 11th day of July, 1971, the defendant's intestate, Eugene Britton, did negligently operate a motor vehicle on Alabama Highway 42, at or near the intersection of Daphne Avenue, at which point both of said roads are public roads in Baldwin County, Alabama, so as to cause the vehicle he was driving to run into, upon and against the automobile in which the plaintiff was riding as a passenger; and as a direct and proximate result of the defendant's negligence, as aforestated, the plaintiff suffered personal injury in that he was made sick, lame and sore, he suffered a fracture of the lumbar five vertebra, he has been caused to lose time from his regular employment as a result of the injury, he has been caused to expend money in and about the treatment of said injury, and he has been caused to suffer great pain and mental anugish and will be caused to suffer in the future, all for which he sues.


LEON G. DUKE
Attorney for the Plaintiff

The Plaintiff demands a trial by jury.


LEON G. DUKE

The defendant may be served at:

405 Azalea Street, Fairhope, Alabama

FILED

DEC 3 1971

EUNICE B. BLACKMON CIRCUIT CLERK

SEALE, MARSAL, SEALE & DUKE

LAWYERS

2410 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

December 2, 1971

HARRY SEALE

M. A. MARSAL

A. J. SEALE

LEON G. DUKE

MAILING ADDRESS

POST OFFICE BOX 1746

432-6686

10,139

Mrs. Alice Duck
Clerk of Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed is a suit we would like to have filed.
The defendant's address is on the bottom of the complaint.

Yours truly,



LEON G. DUKE

LGD/djg

Enclos.

BRYAN, GORDON, NELSON AND ALLEN

ATTORNEYS AT LAW

116 SOUTH CODEN AVENUE
BAYOU LA BATRE, ALA. 36509

TELEPHONE (205) 824-4174

ALABAMA ATTORNEYS

E. S. NED NELSON
NELSON BURNETT

MISSISSIPPI ATTORNEYS

JOHN F. BRYAN, III
REX GORDON
E. S. NED NELSON
HARRY R. ALLEN
ERNEST R. SCHROEDER
C. TRENT LOTT
WILLIAM H. MYERS
DAVID L. COBB
CHARLES A. PITCHER

December 22, 1971

PASCAGOULA OFFICE

P. O. DRAWER 1529
1103 JACKSON AVENUE
PASCAGOULA, MISS. 39567
TELEPHONE (601) 762-6631

GULFPORT OFFICE

P. O. BOX 996
1215 31ST AVENUE
GULFPORT, MISS. 39501
TELEPHONE (601) 864-4011

Circuit Clerk
Baldwin County
Bay Minnette, Alabama

RE: Robert W. Pierce


Vs.

Phyllis S. Nesbitt, As
Administratrix of the Estate
of Eugene Britton, deceased
Case No. 10,139

Dear Sir:

I am enclosing herewith an Answer to be filed in the captioned matter, a copy of which has been forwarded to Honorable Leon G. Duke, Attorney for Plaintiff.

Yours very truly,


Nelson Burnett
For the Firm

NB:fl

Enclosure

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

ROBERT W. PIERCE

PLAINTIFF

VS.

CASE NO. 10,139

PHYLLIS S. NESBITT, As
Administratrix of the Estate
of EUGENE BRITTON, deceased

DEFENDANT

A N S W E R

Comes the Defendant, Phyllis S. Nesbit, as Administratrix of the Estate of Eugene Britton, deceased, and for answer to the Complaint in this cause, and to each and every count thereof, separately and severally, pleads in short by consent the general issue, with leave to give in evidence any matter which if well pleaded, would be admissible in defense of the action, to have effect as if so pleaded; and with leave to the Plaintiff to give in evidence any matter, which if well pleaded, would be admissible in reply to such defensive matter, to have effect as if so pleaded.

Respectfully submitted,

BRYAN, GORDON, NELSON AND ALLEN
Attorneys for Defendant

BY: 
Nelson Burnett

C E R T I F I C A T E

I hereby certify that I have mailed a copy of the foregoing Answer to Honorable Leon G. Duke, Attorney for Plaintiff, postage prepaid, on this the 22nd day of December, 1971.


NELSON BURNETT

Bryan, Gordon, Nelson & Allen
Attorneys at Law
116 South Coden Avenue
Bayou La Batre, Alabama 36509
Phone: 824-4174

FILED

DEC 23 1971

EUNICE B. BLACKMON CIRCUIT
CLERK