

SUMMONS

STATE OF ALABAMA)
) TO ANY SHERIFF OF THE STATE OF ALABAMA:
BALDWIN COUNTY)

You are hereby commanded to summon J. WADE, ROBERTSDALE SERVICE CENTER, HWY 59, ROBERTSDALE, ALABAMA, to appear within thirty days after the service of this summons in the Circuit Court to be held for said County, then and there to demur or plead to the complaint of Dr. D. K. Cooper.

Witness my hand this 14 day of Dec., 1971.

Ernie B. Blum
Clerk

* * * * *

DR. D. KEITH COOPER,)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW.
J. WADE,)	NO. <u>10,156</u>
Defendant)	

COMPLAINT

COUNT ONE

The Plaintiff, Dr. D. Keith Cooper, claims of the Defendant, J. Wade, Seven thousand Five hundred and no/100ths Dollars (\$7,500), damages for falsely and maliciously publishing of and concerning him on a sign placed in the window of Defendant's place of business, to-wit: Robertsdale Service Center, HWY 59, at Robertsdale, Alabama,, the following matter, with intent to defame the Plaintiff, viz:

NOTICE:

DR. OR MRS. K. COOPER

WILL NOT PAY THEIR

HONEST BILLS.

from, on or about, to-wit: July 1, 1971, to, on or about, to-wit: September 7, 1971, for which defamation Plaintiff was injured in the amount of \$7,500.00.

COUNT TWO

The Plaintiff, Dr. D. Keith Cooper, claims of the Defendant, J. Wade, Five thousand and no/100ths Dollars (\$5,000), for that on or about, to-wit: July 1, 1971, Defendant caused a notice to be placed on a show window of his business, Robertsdale Service Center, on Alabama Highway 59, in Robertsdale, Alabama, fronting on the principal street of the City of Robertsdale, the city in which both the Defendant and the Plaintiff reside, which notice reads as follows:

NOTICE

DR. OR MRS. K. COOPER

WILL NOT PAY THEIR

HONEST BILLS.

This sign covered a space of 8 inches by 11 inches and was conspicuous to all persons passing on the street. This sign was unlawfully and maliciously placed on the show window by the Defendant or his agent or employee, without right or legal authority and remained there until September 7, 1971. The publication of the notice or sign has caused Plaintiff great mental pain and humiliation, and has tended to expose him to public contempt and ridicule, and has caused an unfavorable opinion of him in the minds of trademen and the public generally, all to his damage in the sum of \$5,000.00.

COUNT THREE

The Plaintiff, Dr. D. Keith Cooper, claims of the Defendant, J. Wade, Ten thousand and no/100ths Dollars (\$10,000.00), for that on or about, to-wit: July 1, 1971, Defendant caused a notice to be placed on a show window of his business, Robertsdale Service Center, on Alabama Highway 59, in Robertsdale, Alabama, fronting on the principal street of the city of Robertsdale, the city in which both the Defendant and the Plaintiff reside, which notice reads as follows:

NOTICE

DR. OR MRS. K. COOPER

WILL NOT PAY THEIR

HONEST BILLS.

This sign covered a space of one foot by two feet and was conspicuous to all persons passing on the street. This sign was unlawfully and maliciously placed on the show window by the Defendant or his agent or employee, without right or legal authority, and remained there until September 7, 1971. This unlawful publication of a disputed debt by the Defendant has invaded the privacy of the Plaintiff, and has subjected his private affairs to the knowledge of the public, and has tended to expose him to public contempt and ridicule and has caused an unfavorable opinion of him in the minds of tradesmen and the public generally, all to his damage in the sum of \$10,000.00.

Daniel E. Robison

Daniel E. Robison
Plaintiff's Attorney

For the trial of this cause a jury is demanded by the Plaintiff.

Daniel E. Robison

Daniel E. Robison

FILED

DEC 14 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

10, 156

7

Mr. D. Keith Cooper

vs.

J. Wade

DEC 14 1971

TAYLOR WILKINS
SHERIFF

FILED

DEC 14 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

Daniel Kehise

Received 14 day of April, 19 71
and on 15 day of Dec, 19 71
I served a copy of the within ATC
on J. Wade

By service on

H. L. Brown
J. Wade

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY [Signature] DEPUTY SHERIFF

(12)

IRBY AND POGGI
ATTORNEYS AT LAW
305 NORTH SECTION STREET
FAIRHOPE, ALABAMA 36532

SAMUEL W. IRBY
FRANCIS A. POGGI, JR.

MAILING ADDRESS
P. O. DRAWER 8
TELEPHONE 926-8285
AREA CODE 205

February 1, 1973

Eunice B. Blackmon
P. O. Box 239
Bay Minette, Alabama 36507

Dear Eunice:

As you know, Dan Robison is no longer practicing law in this area. Please place Irby and Poggi as attorneys of record on the following cases that were turned over to us by Dan.

Dr. D. K. Cooper -vs- J. Wade

Case No. 10,156✓

Farmers & Merchants Bank -vs-
Clifford McLain & Louise McLain

Case No. 10,366

Donald Gaar, d/b/a/ Foley Auto
Parts -vs- Jaye Truck Lines, Inc.

Case No. 10,346

Jerry Hance, d/b/a/ Magnolia Springs
Garage -vs- Laura Williams

Case No. 10,348

Kenneth Totsch, d/b/a/ Totsch Boat
Works -vs- Donald Forsyth

Case No. 10,132✓

Jerry Hance, d/b/a/ Magnolia Springs
Garage -vs- Ralph Dubuison

Case. No. 10,349

Baptist Hospital -vs- Fannie Mae
Walden

Case No. 10,373✓

La Rue Flying Service, Inc. -vs-
John R. Childress

Case No. 9,469✓

FILED

FEB 2 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

Eunice B. Blackmon
February 1, 1973
Page 2

Jerry Hance, d/b/a/ Magnolia Springs
Garage -vs- Rodney Carver

Case No. 10,346

George W. Markham, Sr. and Randall
Markham, d/b/a/ George Markham &
Sons Signs -vs- H. Rowland Clifton

Case No. 10,458

Foley Tractor Co., Inc -vs- Paul L.
Bonnell

Case No. 9,215 ✓

La Rue Flying Service -vs- Henry King

Case No. 9,615

Eddie Sweat -vs- John A. McDuffie

Case No. 9,455

If you have any questions concerning this matter, please do
not hesitate to call.

Yours very truly,

Sam W. Libby
For the Firm

SWI/akb

FILED

FEB 2 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

Daniel E. Robison

ATTORNEY AT LAW

P. O. BOX 794

117 SO. ALSTON ST.

FOLEY, ALABAMA 36535

(205) 943-4955

January 18, 1972

Mrs. Eunice Blackmon
Clerk of the Circuit Court
Bay Minette, Alabama

RE: Cooper v. Wade

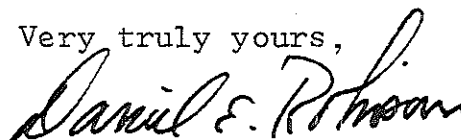
Dear Mrs. Blackmon:

10,156

Mr. Daniel Benton, of the firm Rickaby & Benton,
Fairhope, Alabama, will be associated with me on this
case in behalf of the Plaintiff.

Please note this on the docket sheet.

Very truly yours,



Daniel E. Robison

DER/meh

FILED

JAN 21 1972

EUNICE B. BLACKMON
CIRCUIT
CLERK

DR. D. KEITH COOPER)
)
Plaintiff)
VS.)
)
J. WADE)
)
Defendant)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
Case No. 10,156

Comes the defendant in the above styled cause and demurs to the bill of complaint and each count thereof ~~separately and severally~~ and assigns the following grounds of demurrers ~~separately and severally~~:

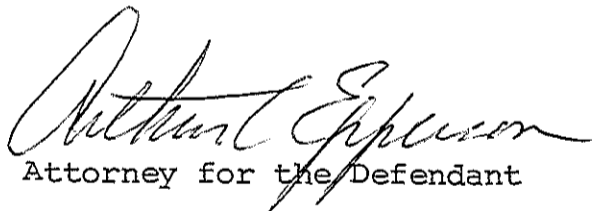
1. No facts are alleged to show the plaintiff sustained any damage or injury from the alleged defamation.

2. No facts are alleged to show that the plaintiff Dr. D. Keith Cooper and Dr. of Mrs. K. Cooper are the one and same person.

3. No facts are alleged that Mrs. K. Cooper will pay her honest bills.

4. For aught that appears from the Count the matter alleged to be printed on the sign is the truth.

5. There is no allegations in the count that the plaintiff pays his honest bills.


Attorney for the Defendant

FILED
JAN 13 1972
EUNICE B. BLACKMON CIRCUIT CLERK