JOSEPH CHASTAIN, JR.,	]	IN THE CIRCUIT COURT OF
Plaintiff,	]	BALDWIN COUNTY, ALABAMA
Vs.	]	AT LAW
PHYLLIS S. NESBITT, AS ADMINISTRATRIX OF THE ESTATE OF EUGENE BRITTON, DECEASED,	]	
Defendant.	]	CASE NO. 10,194

COUNT ONE

Plaintiff claims of the defendant the sum of Five Hundred Thousand and No/100 ($500,000.00) Dollars as damages for that heretofore and on, to-wit, the 11th day of July 1971, Eugene Britton so negligently operated an automobile on Daphne Avenue at or near its intersection with U. S. Highway 98 in Daphne, Alabama, both public highways in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the automobile which plaintiff was then and there operating on U. S. Highway 98, and as a proximate result of the aforesaid negligence plaintiff was made sick, sore and lame, he suffered a broken neck, he suffered a fracture of his right clavicle and multiple abrasions and contusions about his body, he is permanently disabled, he incurred large medical expenses including hospital bills, doctors' bills, nurses' bills, medicines, and related expenses, he suffered great physical pain and mental anguish, he lost much time from his work and he will in the future lose much time from his work and will continue to suffer loss of earnings, he will in the future incur medical expenses and will suffer physical pain and mental anguish, all to his damage in the aforesaid sum, hence this suit.

COUNT TWO

Plaintiff claims of the defendant the sum of Five Hundred Thousand and No/100 ($500,000.00) Dollars as damages for that heretofore and on, to-wit, the 11th day of July 1971, Eugene Britton wantonly injured plaintiff by so wantonly operating an automobile on Daphne Avenue at or near its intersection with U. S. Highway 98 in Daphne, Alabama, both public highways in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the automobile which plaintiff was then and there operating on U. S. Highway 98, and as a proximate result of the aforesaid wantonness plaintiff was made sick, sore and lame, he suffered a broken neck, he suffered a fracture of his right clavicle and multiple abrasions and contusions about his body, he is permanently disabled, he incurred large medical expenses including hospital bills, doctors' bills, nurses' bills, medicines, and related expenses, he suffered great physical pain and mental anguish, he lost much time from his work and will continue to suffer loss of earnings, he will in the future incur medical expenses and will suffer physical pain and mental anguish, all to his damage in the aforesaid sum, hence this suit.

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

By M A Adams
As Attorneys for Plaintiff
P. O. Box 1988, Mobile, Alabama 36601

Plaintiff demands a trial by jury.

M A Adams

Defendant may be served at:

Bay Minette, Alabama

FILED

JAN 13 1972

EUNICE B. BLACKMON CIRCUIT CLERK

BRYAN, GORDON, NELSON AND ALLEN
ATTORNEYS AT LAW
116 SOUTH CODEN AVENUE
BAYOU LA BATRE, ALA. 36509
TELEPHONE (205) 824-4174

April 3, 1972

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

Judgment for ~~but~~ plf against Deft
Dont put by consent
$9,000

Mrs. Eunice B. Blackmon
Circuit Court
Baldwin County Court House
Bay Minette, Alabama 36507

Dear Mrs. Blackmon:

We are happy to report settlement of the Britton cases except, the Property Damage Case, Number 10195, which is Joseph Chastain Vs. Phyllis S. Nesbit, et al.

We are attaching hereto Nationwide Insurance Company drafts, Number 63-222874 and 63-222875 in payment of the agreed upon judgments in Cases No. 10194 and 10062 styled Joseph Chastain, Jr. Vs. Nesbit and Hilyer Vs. Nesbit respectively.

We are directing a copy of this letter to Judge Mashburn, and Mr. John Duck will follow up for entry of consent judgments in these two cases, please.

The Robert W. Pierce Case, No. 10139 is being settled direct with Mr. Pierce and his Attorney Leon G. Duke, and this is notice that the case is to be dismissed with prejudice and that the Defendant, whom we represent, will be responsible for and should be billed for the cost, therein.

We are doing this hastily inasmuch as the parties wanted their money as soon as possible, and if we have omitted something or failed to clarify our intentions, we believe Mr. Duck can clarify it or we welcome a collect telephone call from you.

Many thanks for your cooperation.

Yours truly,

Nelson Burnett

Nelson Burnett
For the Firm

NB/pl
cc. Honorable Telfair J. Mashburn, Judge

JOHNSTONE, ADAMS, MAY, HOWARD AND HILL
ATTORNEYS AT LAW
NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
POST OFFICE BOX 1988
MOBILE, ALABAMA 36601

TELEPHONE 432-7683
AREA CODE 205

C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPTHA HILL
CHARLES B. BAILEY, JR.
BROCK B. GORDON
BEN H. HARRIS, JR.
WILLIAM H. HARDIE, JR.

DOUGLAS INGE JOHNSTONE
E. WATSON SMITH
JACK McLENDON PATE
CHARLES A. BENTLEY, JR.
DAVID C. HANNAN

GESSNER T. McCORVEY (1882-1965)
BEN D. TURNER (1886-1968)

April 4, 1972

Mrs. Eunice B. Blackmon
Circuit Court
Baldwin County Court House
Bay Minette, Alabama 36507

Re: 10194--Chastain vs. Nesbitt

Dear Mrs. Blackmon:

Mr. Burnett sent me a copy of his letter of April 3 enclosing check for $9,000.00 in settlement of the judgment to be entered in this case.

I shall appreciate your sending me your check for $9,000.00 payable to "Joseph Chastain, Jr." or, if you prefer, to me as his attorney. I will immediately forward it to Mr. Chastain.

Very truly yours,

RFA:rcj

cc: Mr. Nelson Burnett
Captain Joseph Chastain

10,194

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 10,194

.....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 Adminstratrix of the Estate of Eugene Britton, Deceased Defendant

by Joseph Chastain, Jr.

Plaintiff

Witness my hand this 13th day of January 19 72

Eunice B. Blackmon Clerk

No. 10,194 Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JOSEPH CHASTAN, JR.

.....

Plaintiffs

vs.

PHYLLIS S. NESBITT, AS ADMINISTRATIX OF THE ESTATE OF EUGENE BRITTON, DECEASED

Defendants

SUMMONS AND COMPLAINT

Filed January 13, 1972 19.....

Eunice B. Blackmon Clerk

JAN 13 1972

TAYLOR WILKINS
SHERIFF

Johnstone, Adams, May Howard & Hill
P. O. Box 1988
Mobile, Alabama 36601 Plaintiff's Attorney

.....

Defendant's Attorney

Defendant lives at

.....

Received In Office

January 13 1972

Taylor Wilkins Sheriff

I have executed this summons

this 1-18 1972

by leaving a copy with

Phyllis S. Nesbitt

.....

.....

.....

.....

.....

Sheriff claims 50 miles at

Ten Cents per mile Total $ 5.00

TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

.....

.....

Taylor Wilkins Sheriff

H I Brown Deputy Sheriff

50 mi R T.
R-Dale

BRYAN, GORDON, NELSON AND ALLEN
ATTORNEYS AT LAW
116 SOUTH CODEN AVENUE
BAYOU LA BATRE, ALA. 36509
TELEPHONE (205) 824-4174

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January 26, 1972

Mrs. Eunice B. Blackman
Circuit Court, Clerk
Baldwin County
Bay Minnette, Alabama

RE: Earl R. Hilyer, as Father and Next Friend of Julie C. Hilyer a Minor, Deceased
Vs.
Phyllis S. Nesbit, as Administratrix of the Estate of Eugene Britton, Deceased
Demurrers No. 10,194 and 10,195

Dear Mrs. Blackman:

We are attaching Demurrers in the captioned cases for filing. You will note that we have served a copy upon the Honorable Bob Adams by mail.

Yours truly,

Nelson Burnett
For the Firm

NB:ir

Enclosure

JOSEPH CHASTAIN, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	
PHYLLIS S. NESBIT, AS ADMINISTRATRIX OF THE ESTATE OF EUGENE BRITTON, DECEASED,	)	CASE NO. 10,194
Defendant.	)	

D E M U R R E R

Comes the defendant Phyllis S. Nesbit, As Administratrix of the Estate of Eugene Britton, Deceased, and demurs to each count of the complaint filed herein, separately and severally, and for grounds of demurrer set down and assign separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action.

2. For that negligence is therein alleged merely as a conclusion of the pleader.

3. It is not alleged that the willful or wanton conduct complained of proximately caused the accident, the injuries and damages complained of.

4. For aught that appears from said complaint, plaintiff's injuries and damages were not the direct and proximate result of any willful or wanton negligence on the part of defendant in this cause.

5. For that the willful or wanton conduct complained of is but a conclusion of the plaintiff with no facts alleged in support thereof.

Bryan, Gordon, Nelson and Allen
By: Nelson Burnett
As Attorney for Plaintiff
116 South Coden Avenue
Bayou La Batre, Alabama 36509

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 Robert F. Adams, Attorney for Plaintiff, postage prepaid, on this the 26th day of January, 1972.

Nelson Burnett

FILED

JAN 28 1972

EUNICE B. BLACKMON CIRCUIT CLERK

JOHNSTONE, ADAMS, MAY, HOWARD AND HILL
ATTORNEYS AT LAW
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CHARLES A. BENTLEY, JR.
DAVID C. HANNAN

GESSNER T. McCORVEY (1882-1965)
BEN D. TURNER (1886-1968)

January 12, 1972

Miss Eunice B. Blackmon, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

18,194

Dear Miss Blackmon:

We enclose herewith for filing original and one copy of complaints by Joseph Chastain and by Joseph Chastain, Jr., against Phyllis S. Nesbitt, as Administratrix of the Estate of Eugene Britton, deceased. We shall appreciate your having these filed and a copy served on the defendant.

Very truly yours,

RFA/mc

Encls.