STANLEY WHITE, .) IN THE CIRCUIT COURT OF Plaintiff, BALDWIN COUNTY, ALABAMA VS. AT LAW 10,269 RAZORBACK FARMS, INC., a corporation, and JIM SHELL, jointly and severally, :)

Defendants.

COUNT ONE

Plaintiff claims of the Defendants the sum of NINE THOUSAND FIVE HUNDRED (\$9,500.00) DOLLARS as damages for that heretofore and on, to-wit: the 29th day of May, 1971, JIM SHELL, the Defendant, as agent, servant or employee of the Defendant, RAZORBACK FARMS, INC., a corporation, was operating a beanpicker on County Highway No. 55, at a point thereon between County Highway No. 28 and County Highway No. 32, which was then and there a public highway in Baldwin County, Alabama, and while acting within the line and scope of his employment as such agent, servant or employee, so negligently operated the said beanpicker as to allow the same to run into, upon or against an automobile owned and driven by the Plaintiff, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff received personal injuries in this, to-wit: he suffered contusions and abrasions, his head was injured, his body was bruised, that he was made sick, sore and lame, that he was bruised and lacerated, and that he suffered and continues to suffer great mental anguish and physical pain, that he lost and continues to loose much time from his employment, that his automobile was damaged in that the front end of the said automobile was completely demolished, that the windshield was broken, that the water pump was broken, that the fan was bent and otherwise smashed and torn, that the frame was knocked out of alignment, and that his automobile was otherwise bent, smashed and torn, for all of which he claims damages as aforesaid.

Plaintiff respectfully demands a trial by jury.

MAR 2 1972

EUNICE B. BLACKMON CIRCUIT

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Defendant's Attorney

Defendant lives at Razorback Farms, Inc., P.O. Box 291 Springdale, Arkansas; , Oklahoma Received In Office MAR 7 1972 M. S. BUTLER, Sheriff Sheriff I have executed this summons by leaving a copy with Secretary of State of The State of Sheriff of Montgomery County Deputy Sheriff

FILED

MAR 2% 1972

LUNICE B. BLACKMON CIRCUIT

March 20, 1972

STANLEY WHITE, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW

VS

JIM SHELL, et al, Defendants

CASE NO. 10,269

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on
I sent by certified mail in an envelope addressed as follows:

March 8, 1972

"Jim Shell Box 600 Stillwell, Oklahoma 74960" "Certified Mail— Return Receipt Requested Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

Jim Shell Box 600 Stillwell, Oklahoma 74960

You will take notice that on March 8, 1972 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: STANLEY WHITE, Plaintiff VS JIM SHELL, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 10,269 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the day of March, 1972

Enclosure (1)

(Signed) MabelSAmos Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on March 17, 1972 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Stillwell, Ok. on 3/15/72

WITNESS MY HAND and the Great Seal of the State of Alabama this the of March, 1972

20th

day

MABEL S. AMOS

Secretary of State

Employment Detum Bessint Cond

Enclosures: Return Receipt Card and copy of Summons and Complaint.

Honorable John V. Duck

319 Magnolia Avenue Fairhope, Alabama 36532 STANLEY WHITE,

Plaintiff,

Note: The circuit court of BALDWIN COUNTY, ALABAMA

Vs.

RAZORBACK FARMS, INC.,

a corporation, and
JIM SHELL, jointly and

Severally,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

10, 26 9

Defendants.

COUNT ONE

Plaintiff claims of the Defendants the sum of NINE THOUSAND FIVE HUNDRED (\$9,500.00) DOLLARS as damages for that heretofore and on, to-wit: the 29th day of May, 1971, JIM SHELL, the Defendant, as agent, servant or employee of the Defendant, RAZORBACK FARMS, INC., a corporation, was operating a beanpicker on County Highway No. 55, at a point thereon between County Highway No. 28 and County Highway No. 32, which was then and there a public highway in Baldwin County, Alabama, and while acting within the line and scope of his employment as such agent, servant or employee, so negligently operated the said beanpicker as to allow the same to run into, upon or against an automobile owned and driven by the Plaintiff, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff received personal injuries in this, to-wit: he suffered contusions and abrasions, his head was injured, his body was bruised, that he was made sick, sore and lame, that he was bruised and lacerated, and that he suffered and continues to suffer great mental anguish and physical pain, that he lost and continues to loose much time from his employment, that his automobile was damaged in that the front end of the said automobile was completely demolished, that the windshield was broken, that the water pump was broken, that the fan was bent and otherwise smashed and torn, that the frame was knocked out of alignment, and that his automobile was otherwise bent, smashed and torn, for all of which he claims damages as aforesaid.

ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands a trial by jury.

FILED

MAR 2 1972

EUNICE B. BLACKMON CIRCUIT

ATTORNEY FOR PLAINTIFF





STATE OF ALABAMA

Circuit Court, Baldwin County

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by (RAZORBAC STANLEY	f Baldwin C K FARMS, WHITE	County, St	nd JIM SH	ama, at Bay	Minette, a	gainst	Defendant

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No. 10,269 Page	De
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RAZORBACK FARMS, INC., a corporation,	by lowering a
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Plaintiff's Attorney	
Defendant's Attorney	************

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FILED

MAR 23 1972

March 20, 1972

EUNICE B. BLACKMON CLERK

STANLEY WHITE, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW

VS

RAZORBACK FARMS, INC., A CORPORATION et al Defendants

CASE NO. 10,269

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on I sent by certified mail in an envelope addressed as follows:

March 8, 1972

" Razorback Farms, Inc., a Corporation P. O. Box 291

Springdale, Arkansas 72764"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Razorback Farms, Inc. a Corporation P. O. Box 291 Springdale, Arkansas 72764

You will take notice that on March 8, 1972 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: STANLEY WHITE, Plaintiff VS RAZORBACK FARMS, INC., A CORPORATION,
et al Defendants

in the CIRCUIT COURT OF BAIDWIN COUNTY, ALABAMA, AT LAW
Case No. 10,269 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 8th day of March, 1972

Enclosure (1)

(Signed) Mabel Amos Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on 3/20/72 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Arkansas on 3/17/72

WITNESS MY HAND and the Great Seal of the State of Alabama this the

20th

day

of March, 1972

MABEL S. AMOS Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint.

CC: Honorable John V. Duck 319 Magnolia Avenue

Fairhope, Alabama 36532

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STAPLEY WHITE,	}	IN THE CIRCUIT COURT OF
Plaintiff,	>	BALDHIR COUNTY, ALASAMA
ve.	>	AT LAM
RAZORBACK FARMS, IRC., a corporation, and	*	
JIM SHELL, jointly and severally,	,)	
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COUNT ONE

Plaintiff claims of the Defendants the sum of MINE THOUSAND FIVE HUNDRED (\$9,500.60) DOLLARS as damages for that heretofore and on, to-wit: the 29th of May 1971, JIM SHELL, the Defendant, as agent, servant or employee of e Degendant) RAZORBACK FARMS, IMC., a corporation, was operating a beampicker County Mighway No. 55, at a point thereon between County Highway No. 22 and Suntificition was then and there a public highway in Saldwin (labama, and while acting within the line and scope of his employment as such agent, servant or employee, so negligently operated the said beampicker es to allow the same to run into, upon or against an automobile owned and driven by the Plaintiff, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff received personal injuries in this, to-wit: he suffered contusions and abresions, his bead was injured, his body was bruised, that he was made sick, sore and lame, that he was bruised and lacerated, and that he suffered and continues to suffer great mental anguish and physical pain. that he lost and continues to loose much time from his employment, that his automobile was damaged in that the front end of the said automobile was completely deaplished, that the windshield was broken, that the water pump was broken, that the fen was bent and otherwise smashed and torn, that the frame was knocked out of alignment, and that his automobile was otherwise bent, smashed and torn, for all of which he claims damages as aforesaid.

ROMEY FOR PEARWINE

Plaintiff respectfully demands a trial by jury.

FILED

MAR 2 1972

FUNICE B. BLACKMON CIRCUIT

STANLEY WATTE

Plaintiff.

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PAZORSACH PAROSS, 190... 8 Corporation, 200 114 Sept., jointly 200

severally.

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(99,500.00) DOLLARS as demaptes for that heretofore and on, to-wit: the 29th

PATE, JIH BYKLL, the Defendant, at event, tervant or employee of a NAZDREACK FARMS, IPC., a Corporation, was operation a heanpicker by No. 55, at a point thereon between County Highway No. 22 and

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No. 32, which was them and there a sublite highway in Seldwin

as four agent, servent or employee, so regificantly operated the said beaupicker as to allow the same to run into, upon or against an automobile camed and driven by the Fleintiff, and by reason thereof out as a proximate result and consequence thereof, the Plaintiff received personal injuries in this, to-with he suffered contusions and abreatons, his head was injured, his body was bruised, that he was acte send lacorated, and that he was bruised and lacorated, and that he was bruised and lacorated, and that he suffered and continues to suffer great mental anguish and physical pain, that he last and continues to loose such time from his employment, that his automobile was damaged in that the front end of the said automobile was completely consisted, that the windshield was broken, that the water purp was broken, that the fan was been and of the said automobile was completely defined and that his automobile was completely confirmed, that the windshield was broken, that the water purp was broken, that of an action of that his area was knocked out for allower, and that his automobile was otherwise bent, snashed and torn, for allower, and that out a presented and torn, for allower, and that his automobile was otherwise bent, snashed and torn, for

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MAR 2 1972

EUNICE B. BLACKMON CIRCUM

STANLEY WHITE,

Plaintiff,

VS.

RAZORBACK FARMS, INC., ET AL.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 10,269

DEMURRER

Q Q Q Q Q Q Q

Now come the defendants, each separately and severally, and demur to the complaint and as grounds of such demurrer, set down and assign, separately and severally, the following:

- 1. It does not state a cause of action.
- 2. The negligence therein alleged is merely a conclusion of the pleader.
- 3. It is vague, indefinite and uncertain in that it does not apprise these defendants with sufficient certainty against what act or acts of negligence they are called on to defend.
- 4. It is vague, indefinite and uncertain in that it does not allege with sufficient certainty where the alleged accident occurred.
 - 5. No facts are alleged to show that the defendants violated any duty which they may have owed to the plaintiff.
 - 6. It does not allege that the defendants owed any duty to the plaintiff which they negligently failed to perform.
 - 7. No facts are alleged to show sufficient causal connection between the defendants' said breach of duty and the plaintiff's alleged injuries and damages.
 - 8. No facts are alleged to show that the plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendants.

Attorney for Defendants

1, TS-Blackburn

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I hereby certify that I mailed a copy of the above and foregoing demurrer to John V. Duck, attorney for the plaintiff, at Fairhope, Alabama, by first class mail, postage prepaid, on this the <u>3rd</u> day of April, 1972.

Attorney for Defendants

, 73. Blackburn

FILED

APR 3 1972

EUNICE B. BLACKMON CIRCUIT

STANLEY WHITE,)	IN THE CIRCUIT COURT
Plaintiff,)	OF BALDWIN COUNTY,
VS.)	ALABAMA
RAZORBACK FARMS, INC.,)	AT LAW
a corporation, and JIM SHELL, jointly and)	
severally,)	CASE NO. 10,269
Defendants)	

INTERROGATORIES TO THE DEFENDANT RAZORBACK FARMS, INC.

Comes now the plaintiff in the above styled cause and propounds the following separate and several interrogatories to the defendant, Razorback Farms, Inc., to be answered, separately and severally, viz:

- 1. Is your name correctly stated in the complaint on file in this cause?
- 2. If you state your name is not correctly stated, then state the exact name under which you do business.
- 3. State whether you are a person, firm, corporation or partnership.
- 4. If you state you are a corporation, state the date and place of incorporation.
- 5. (a) If you state you are a partnership, give the name and address of each and every partner composing said partnership now and on May 29^{th} , 1971.
- (b) If a partnership, give the exact name under which the partnership now does business and the exact name under which it was doing business on May 29th, 1971.
- 6. (a) State whether or not you were the owner of a motor vehicle operated by one Jim Shell that was involved in an accident on May 29^{th} , 1971 on County Highway No. 55, at a point thereon between County Highway No. 28 and County Highway No. 32 in Baldwin County, Alabama.
- (b) By whom was said driver employed at the time of said accident?
- (c) State on whose business or behalf he was acting at the time said accident occurred.

- (d) State the time he started work for said employer on said date and the time he got off from work.
- (e) State fully the purpose of the trip he was making at the time of said accident.
- (f) State the point from which he had just departed and his destination.
- 7. State whether or not said driver, at the time of said accident, was performing a mission, errand or duty for you.
- 8. State whether or not, at the time of said accident, said driver was acting as you agent, servant or employee.
- 9. State whether or not, at the time of said accident, said driver was acting within the line and scope of his authority as you agent, servant or employee.

BROWN, HUDGENS, FULFORD, SINTZ AND RICHARDSON Attorneys for Plaintiff 210 Van Antwerp Building Mobile, Alabama 36602

BY:

PETER V. SINTZ

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared PETER V. SINTZ, who, after being first duly sworn, doth depose and say that he is attorney for the plaintiff in the above styled cause and that if the answers to the foregoing interrogatories are truthfully answered, the answers will be material evidence in a trial of said cause.

PETER V. SINT'S

Sworn to and subscribed

to before me this

day of 1973.

FILED

FEB 1.4 1973

EUNICE B. BLACKMON CLERK

NOTARY PUBLIC, ALABAMA STATE AT LARGE

PLEASE SERVE THE FOREGOING INTERROGATORIES ON J. B. BALCKBURN, ESQUIRE, Attorney for the defendant Razorback Farms, Inc., Post Office Drawer 59, Bay Minette, Alabama 36507

2-16-1973 Service accepted J. 75 Black lucin Cellorung for Defendant STANLEY WHITE,

* IN THE CIRCUIT COURT OF

Plaintiff,

* BALDWIN COUNTY, ALABAMA

Vs.

* AT LAW

RAZORBACK FARMS, INC.,

et al

-X-

第一人的原则。

Defendant.

CASE NO. 10,269

MOTION FOR A DEFAULT JUDGMENT

Comes now the Plaintiff, STANLEY WHITE, and moves this honorable court to enter a judgment by default against the defendants, RAZORBACK FARMS, INC. and JIM SHELL and as grounds for said motion shows under the court as follows:

That said complaint was filed in this cause in 1972 to which the Plaintiff demured on April 3, 1972, which demurrers were overruled by this honorable court. Since that time, Plaintiff has failed or totally refused to plead further.

Wherefore, Plaintiff prays that this court will enter and order requiring these Defendants to plead further within twenty days (20) or suffer a judgment against them by default.

PETER V. SINTZ

JOHN V. DUCK

CERTIFICATE OF SERVICE

day of ________, 19 3 served a copy of the foregoing plealing on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

FILED

APR 19 1973

EUNICE B. BLACKMON CIRCUIT

STANLEY WHITE, *

* IN THE CIRCUIT COURT OF

Control Control

Plaintiff,

* BALDWIN COUNTY, ALABAMA

vs.

Charles Commission -

* AT LAW

RAZORBACK FARMS, INC.,

et al

*

Defendant.

CASE NO. 10,269

MOTION FOR A DEFAULT JUDGMENT

Comes now the Plaintiff, STANLEY WHITE, and moves
this honorable court to enter a judgment by default against
the defendants, RAZORBACK FARMS, INC. and JIM SHELL and
as grounds for said motion shows under the court as follows:

That said complaint was filed in this cause in 1972 to
which the Plaintiff demured on April 3, 1972, which demurrers
were overruled by this honorable court. Since that time,
Plaintiff has failed or totally refused to plead further.

Wherefore, Plaintiff prays that this court will enter
and order requiring these Defendants to plead further within

twenty days (20) or suffer a judgment against them by default.

PETER V. SÍNTZ

JOHN V. DUCK

CERTIFICATE OF SERVICES

day of ________, 19 _______ served a copy of the foregoing pleating on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

FILES

APR 19 1973

PLEAS

Now comes the defendants, each separately and severally, by their attorney, and for plea to the complaint file, separately and severally, the following:

- 1. Not guilty.
- 2. The allegations of the complaint are untrue.
- 3. At the time and place alleged in the complaint, the plaintiff was guilty of negligence which proximately contributed to his alleged injuries and damages in that he then and there so negligently operated the automobile which he was driving as to cause it to run into or against the tractor of the defendants.

Attorney for Defendants

1. 75. Black-lune

STATE OF ALABAMA & **
BALDWIN COUNTY &

I hereby certify that I mailed a copy of the foregoing pleas to John V. Duck and to Peter V. Sintz by first class mail, postage prepaid, on this the 9th day of May, 1973.

FILED

MAY 9 1973

Attorney for Defendants

3-TSlæcklung

EUNICE B. BLACKMON CIRCUIT

EVOL 71 MGE 62