

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Sara McLarry Lee, to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of James Lambeth.

Witness my hand, this the 21 day of April, 1972.

Eunice B. Blackburn  
Clerk

JAMES LAMBETH, X  
Plaintiff, X  
vs. X  
SARA McLARRY LEE, X  
Defendant X  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. 10,356

1.

The Plaintiff claims of the Defendant the sum of THREE THOUSAND (\$3,000.00) DOLLARS, as damages, for that heretofore on, to-wit: The 1st day of March, 1972, at a point .3 miles North of the Junction of Alabama Highway #180 and 59 on the detour portion of old Alabama Highway #3 in the Town of Gulf Shores, Baldwin County, Alabama, the Plaintiff's motor vehicle was being driven by his son, Donnie Daniel Lambeth, on said public highway, a place where he had a right to be, and while his motor vehicle was being driven along said highway, the Defendant negligently drove a motor vehicle into the right side of the Plaintiff's motor vehicle, and as a direct and proximate result of the negligence aforesaid, the Plaintiff was damaged as follows: That his motor vehicle was bent and damaged on the right side, and that it was a total loss as a result of the aforesaid negligence by the Defendant.

2.

The Plaintiff claims of the Defendant, the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that heretofore on, to-wit: the 1st day of March, 1972, at a point .3 miles North of the Junction of Alabama Highways #180 and 59 on the detour portion of old Alabama Highway #3 in the Town of Gulf Shores, Baldwin County, Alabama, the Plaintiff's motor vehicle was being driven by his son, Donnie Daniel Lambeth, on said public highway, a place where he had a right to be, and while his son was driving the motor vehicle on said highway, the Defendant negligently drove a motor vehicle into the motor vehicle his son was driving, and as a direct, proximate result of the Defendant's negligence, his son was injured as follows: He sustained serious lacerations of the mouth; his right shoulder was dislocated; he sustained a serious contusion of the right knee; he received a head concussion and his whole body was bruised and sprained, and he was permanently injured. It was necessary that his son receive doctor and medical attention and that he had to be placed in the hospital to treat some of his injuries, and he still requires medical attention all as a result of the Defendant's negligence. As a direct and proximate result of the negligence of the Defendant, the Plaintiff, as parent and natural guardian of said minor child has been and will in the future be obliged to expend large sums of money for medicine and medical attention to treat and cure said child of the said injuries.

WILTERS & BRANTLEY

BY: 

Attorneys for Plaintiff

Defendant's address is:

Gulf Shores, Alabama

FILED

APR 21 1972

EUNICE B. BLACKMON CIRCUIT CLERK

3-8

APR 21 1972

James Lambeth

vs:

Sara Mc Larry Lee

# 10,356

FILED

APR 21 1972

EUNICE B. BLACKMON CIRCUIT CLERK

Walters & Brantley

Received 8 day of April 1972  
and on 8 day of May 1972  
I served a copy of the within  
on Sara Mc Larry Lee

By service on

TAYLOR WILKINS, Sheriff  
[Signature]

Shorff charge 100 miles at  
Hear Charge per mile Total \$ 10.00  
TAYLOR WILKINS, Sheriff  
BY [Signature]  
SHERIFF

JAMES LAMBETH,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
SARA McLARRY LEE,	X	CASE NO. 10,354
Defendant	X	

Comes now the Plaintiff, in the above styled cause and amends count two of the complaint, to read as follows:

2.

The Plaintiff claims of the Defendant, the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that heretofore on, to-wit: the 1st day of March, 1972, at a point .3 miles North of the Junction of Alabama Highway #180 and 59 on the detour portion of old Alabama Highway #3 in the Town of Gulf Shores, Baldwin County, Alabama, the Plaintiff's motor vehicle was being driven by his son, Donnie Daniel Lambeth, a minor, on said public highway, a place where he had a right to be, and while his son was driving the motor vehicle on said highway, the Defendant negligently drove a motor vehicle into the motor vehicle his son was driving, and as a direct, proximate result of the Defendant's negligence, his son was injured as follows: He sustained serious lacerations of the mouth; his right shoulder was dislocated; he sustained a serious contusion of the right knee; he received a head consussion and his whole body was bruised and sprained, and he was permanently injured. It was necessary that his son receive doctor and medical attention, and that he had to be placed in the hospital to treat some of his injuries, and he still requires medical attention all as a result of the Defendant's negligence. As a direct and proximate result of the negligence of the Defendant, the Plaintiff, as parent and natural guardian of said minor child has actually spent and will, in the future be obliged to expend large sums of money for medicine and medical attention to treat and cure said child of the said injuries.

STATE OF SERVICE

WILTERS & BRANTLEY

4-60 In, on, or after the 5th day of September 1972, served on the Defendant, and on counsel for all parties to this case, by the undersigned, and the same by United States Mail, properly addressed, and by class postage prepaid.

WILTERS & BRANTLEY

By: Ray J. Wilters

BY: Ray J. Wilters  
Attorneys for Plaintiff

FILED  
SEP 5 1972  
EUNICE B. BLACKMON CLERK

JAMES LAMBETH,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
SARA McLARRY LEE,	X	AT LAW NO. 10,356
Defendant.	X	

Comes now the Defendant in the above styled cause and for plea to the Complaint filed in said cause and each and every count thereof, separately and severally, and says:

1. Not guilty.

2. That at the time and place complained of in the Complaint, the Plaintiff, acting by and through his minor son, Donnie Daniel Lambeth, who was then and there the agent, servant or employee of the Plaintiff, acting within the line and scope of his authority as such agent, servant or employee, was himself guilty of contributory negligence which was the proximate cause of his injuries and damages in that he so negligently drove a motor vehicle into or against the motor vehicle which was then and there being driven by the Defendant and the negligence of such Plaintiff, acting through his agent, servant or employee as above set out, was the proximate cause of his injuries and damages, hence he can not recover in this suit.

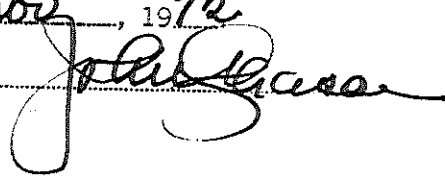
3. By way of recoupment, the Defendant claims of the Plaintiff the sum of Two Thousand Five Hundred Dollars (\$2,500.00) as damages for that on, to-wit: March 1, 1972, at a point about .3 miles North of the junction of Alabama Highway 180 and 59 on the new four lane highway leading from the Canal to such intersection in the Town of Gulf Shores, Baldwin County, Alabama, while the Defendant was driving a motor vehicle in a Southerly direction on such Highway, where she had a right to be, at which time and place

Donnie Daniel Lambeth, who was an agent, servant or employee of the Plaintiff, acting within the line and scope of his authority as such agent, servant or employee, negligently drove a motor vehicle immediately in front of and against the motor vehicle which the Defendant was driving and as a proximate result of such negligence, the Defendant was injured and damaged in this: she received severe bruises and contusions; she suffered severe mental and physical pain and anguish; she was bruised and sprained about her body; she was made sick and sore and was caused to incur medical expenses, all to her damage in the sum above mentioned.

  
Attorneys for Defendant

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 8 day of Nov, 1972.



**FILED**

NOV 8 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

JAMES LAMBETH,

Plaintiff,

vs.

SARA McLARRY LEE,

Defendant

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 10,356

\* \* \* \* \*

PLEA

\* \* \* \* \* **FILED** \* \* \* \* \*

NOV 8 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK /

RECEIVED  
NOV 10 1972  
CLERK OF COURT

JAMES LAMBETH, X  
Plaintiff, X  
vs. X  
SARA McLARRY LEE, X  
Defendant X  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. 10,356

Comes now the Plaintiff, James Lambeth, and for answer to Defendant's Bill of Recoupment, says:

1.

Not guilty.

2.

That at said time and place complained of in the Defendants Bill of Recoupment, she was, herself, guilty of negligence which was the proximate cause of her injuries and damages in that she negligently drove her motor vehicle from a closed portion of the present four lane highway leading from the canal to the intersection of Alabama Highway 180 and 59, which was then and there under construction into the motor vehicle being driven by the Plaintiff's minor son, who was then and there driving the Plaintiff's motor vehicle on the detour portion of the road which was designated by the State Highway Department, hence, she should not recover in this suit.

WILTERS & BRANTLEY

BY: [Signature]  
Attorneys for Plaintiff

FILED

JAN 29 1973

EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 29 day of January, 1973, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By: [Signature]



JAMES LAMBETH, X  
 Plaintiff, X IN THE CIRCUIT COURT OF  
 vs. X BALDWIN COUNTY, ALABAMA  
 X  
 SARA McLARRY LEE, X AT LAW NO: 10,356  
 Defendant. X

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof separately and severally and assigns the following separate and several grounds, viz:


1. That said Complaint does not state a cause of action.
2. That said Complaint is vague and indefinite.
3. That said Complaint does not allege any duty owing by the Defendant to the Plaintiff.
4. The damages to the motor vehicle owned by the Plaintiff are not sufficiently set out in count One of the Complaint.
5. That the damages claimed in Count Two of the Complaint are speculative.
6. Count Two of such Complaint does not allege the age of the driver of the Plaintiff's motor vehicle.
7. That Count Two of said Complaint does not allege that the Plaintiff has actually spent any money for the treatment of his son.


CHASON, STONE & CHASON

BY: 

Attorneys for Defendant

Defendant respectfully demands  
 a trial of this cause by jury.

  
 Attorneys for Defendant

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 25 day of May 1972  


FILED

MAY 25 1972

EUNICE B. BLACKMON, CLERK

JAMES LAMBETH,

Plaintiff,

vs.

SARA McLARRY LEE,

Defendant

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO: 10,356

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

Lambert  
vs.

- ~~1. Morris, Robert L., Civil Service, Box 655, Foley, Ala., Pensacola, Fla.~~
- ~~2. Havens, Norman P., Clerk E&N RR 817 Van Av. Daphne, Mobile~~
- ~~3. Johnson, Claude, Ala. Hwy. Dept. 201 Dickman Rd. Bay Minette, Bay Minette~~
- ~~4. Evan, Willie Nell, School Bus Driver, Lillian Ala~~
- ~~5. Thompson, Albert M., Merchant, 600 E. 9th St. Bay Minette~~
- ~~6. Harris, Willie Jr., Janitor, 1209 Pecan St. Bay Minette, Courthouse~~
- ~~7. Dale, Percy, Mgr. Night Club, 618 Young St. Fairhope~~
- ~~8. Davis, Richard M., Insp. St. Hwy Dept. 813 Prospect Av. Fairhope~~
- ~~9. Emmons, Mary Maude, Florist, 311 E. 11th St. Bay Minette~~
- ~~10. Brooks, Mamie, Counsitor Little River, CA P. O. Box 741 Foley, Foley~~
- ~~11. Clark, J. W., Feed Store, P. O. Box 523, Robertsedale, Robertsedale~~
- ~~12. Shivers, James D., Palpwood, Rt. 2 Bay Minette~~
- ~~13. Cabiness, Betty J., Dept. Mgr. Baldwin Lanes Old Carney Rd. Bay Minette~~
- ~~14. Sims, James F., Farmer, Rabon~~
- ~~15. Smith, Leroy, Elec. Ala. Dry Dock, Box 213-28, Fairhope, Mobile~~
- ~~16. Smith, Sam K., Jr., C.P.A. Stockton~~
- ~~17. Stacey, Linda L., Secretary Bald. Co. Bk. Stockton Hwy, Bay Minette, Bay Minette~~
- ~~18. Puma, Herbert W., Retired, 404 Oak St. Fairhope~~
- ~~19. Phillips, Hazel L., Vanity Fair, Star Rt. Stockton, Atmore~~
- ~~20. Presley, William Neal, Contractor, 910 Hoyle Ave. Bay Minette, Bay Minette~~
- ~~21. Nix, James P., Nix Florest & Garden Center, 415 Myrtle Ave. Fairhope, Fairhope~~
- ~~22. Anderson, Clarence, USN, P. O. Box Silverhill, Pensacola~~
- ~~23. Page, Harlan A., Harlan Page Eurn, 709 Nixon Av. Bay Minette~~
- ~~24. Middleton, L. A., Independent Ins. 511 Hand Ave. Bay Minette~~
- ~~25. Shepherd, L. E., Jr., Printer, P. O. Drawer Foley~~
- ~~26. Woodson, G. W., Retired, 500 Hand Av. Bay Minette~~
- ~~27. Hall, Mable A., Hall Mart (Operater), P. O. Box 811, Foley, Foley~~
- ~~28. Gwin, Irma W., Clk, Bedsole's 555 Jan Dr. Fairhope~~
- ~~29. Wilcox, Ray, Civil Service, Rt. 1 Robertsedale~~
- ~~30. Till, David L., Insp. Continental Mtrs., 210 Fairhope, Mobile~~
- ~~31. Toler, Johnnie G., Riveria Utilities, 510 S. Juniper St. Foley~~
- ~~32. Donistone, Oates, Tenneco, 1705 Collier Av. Bay Minette, Bay Minette~~
- ~~33. Keaton, Mildred J., Smtstrs. Bay Slacks, 10 Pensacola Hwy, Bay Minette~~
- ~~34. Corte, Mrs. E. D., Housewife, 54 S. Church St. Box 25, Fairhope~~
- ~~35. Swoboda, Jim, Jr., Contractor, Rt. 1 Box 166, Silverhill~~
- ~~36. Brannon, Ned, Int. Paper Co., 1100 Hwy 31 So. Bay Minette~~
- ~~37. Cox, Ralph S., Retired, 507 N. Ingleside Dr. Fairhope~~
- ~~38. Cox, Rene B., Housewife, 507 N. Ingleside Dr. Fairhope~~
- ~~39. Long, Harold D., Merchant, Jones Pda Store, 212 Grove Rd. Bay Minette~~
- ~~40. Foster, Walter H., Ford Dealer, 110 Hand Av. Bay Minette~~
- ~~41. Kelly, W. Marvin, Pres. 1st National Bank, P. O. Box 850, Bay Minette~~
- ~~42. Kral, William Sr., Farmer, Robertsedale, Ala. Rt. 1 Box 22, Pensacola, Fla.~~
- ~~43. Mancini, Frank J., Mech, Eng. Palmer & Baker Eng. 101 N. Ingleside Dr. Fairhope, Mobile~~
- ~~44. Martin, A. C., Civil Service, Rt. 1 Box 1136, Robertsedale, Pensacola~~
- ~~45. Olivere, Mrs. E. C., Restruant Mgr. P. O. Box 344, Fairhope~~
- ~~46. Owens, Thomas O., Eng. Alde St. Hwy Dept. 1504 Moog Av. Bay Minette~~
- ~~47. Becker, Earl V., Mailman, 509 Hall Av. Bay Minette~~
- ~~48. Becker, Ina H., Chf. Clk. Tax Assessor, 509 Hall Av. Bay Minette~~
- ~~49. Grubbs, Carlton, Custom Farm Service, Rt. 1 Robertsedale~~
- ~~50. Boeschon, Arthur, Farmer, Rt. 2 Box 366, Bay Minette~~
- ~~51. Bettis, Carrie, Housewife, 412 B. Anderson Blvd. Bay Minette~~
- ~~52. Bill, William D., Jr. C.P.A. P. O. Box 162 Robertsedale,~~

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