

THE STATE OF ALABAMA

BALDWIN COUNTY

To any Sheriff on the State of Alabama - GREETING:

You are Hereby Commanded to Summon

EARNA SCHOEN,  
AND  
HENRY SCHOEN, OR WHOSE NAMES  
ARE OTHERWISE UNKNOWN

to appear before the Circuit Court, in and for said County,  
at the place of holding the same, within thirty days from the  
service of the summons and complaint, then and there to demur  
or plead the complaint of

THE STATE OF ALABAMA

and you are hereby commanded to execute this process instanter  
and make return as required by law.

Witness my hand this 12 day of May, 1972.  
Eunice B. Blackmer Clerk

---

---

COMPLAINT

THE STATE OF ALABAMA,	§	IN THE CIRCUIT COURT
	§	
PLAINTIFF	§	OF
	§	
VS.	§	BALDWIN
	§	
EARNA SCHOEN	§	COUNTY, ALABAMA
AND	§	
HENRY SCHOEN,	§	AT LAW,
OR WHOSE NAMES ARE	§	
OTHERWISE UNKNOWN,	§	
DEFENDANTS	§	CASE NO. <u>10,387</u>

COUNT ONE:


The Plaintiff claims of the Defendants respectively,

separately, and severally the sum of Four Hundred, Ninety-Nine and .21/100 (\$499.21) Dollars as damages for that on or about, to wit: the 22nd day of June, 1971, the Defendant Earna Schoen, by its agent, servant or employee, whose name is, to wit: Henry Schoen, while acting within the line and scope of his employment, was operating a motor vehicle upon a public highway, to wit: County Route Number 87 in Baldwin County, Alabama, in a to wit: Northerly direction at a point, to wit: at or near the property of the Plaintiff located on said public highway. That then and there and on said occasion as aforesaid, the Defendant by its agent, servant or employee so willfully or wantonly operated the motor vehicle he was driving in such a manner that the same was caused to run into, upon or against the truck or motor vehicle of the Plaintiff as aforesaid, whereby and as a proximate consequence of such willfulness or wantonness the aforementioned property belonging to the Plaintiff was damaged in this, to wit: left front fender and steering arm of Plaintiff's said vehicle were damaged as aforesaid, all of which damages amounted to the sum of Four Hundred, Ninety-Nine and .21/100 (\$499.21) Dollars, and was proximately caused by the willfulness or wantonness of the said Defendant by its agent, servant or employee, as aforesaid.

COUNT TWO:

The Plaintiff claims of the Defendants respectively, separately, and severally the sum of Four Hundred, Ninety-Nine and .21/100 (\$499.21) Dollars as damages for that on or

about, to wit: the 22nd day of June, 1971, the Defendant Earna Schoen, by its agent, servant or employee, whose name is, to wit: Henry Schoen, while acting within the line and scope of his employment, was operating a motor vehicle upon a public highway, to wit: County Route Number 87 in Baldwin County, Alabama, in a to wit: Northerly direction at a point, to wit: at or near the property of the Plaintiff located on said public highway. That then and there and on said occasion as aforesaid, the Defendant by its agent, servant or employee so willfully or wantonly operated the motor vehicle he was driving in such a manner that the same was caused to run into, upon or against the truck or motor vehicle of the Plaintiff as aforesaid, whereby and as a proximate consequence of such willfulness or wantonness the aforementioned property belonging to the Plaintiff was damaged in this, to wit: left front gender and steering arm of Plaintiff's said vehicle were damaged as aforesaid, all of which damages amounted to the sum of Four Hundred, Ninety-Nine and .21/100 (\$499.21) Dollars, and was proximately caused by the negligence of the Defendant by its agent, servant or employee, as aforesaid; and further, That Earna Schoen and Henry Schoen are the Defendants, or whose true names and identities are otherwise unknown, but will be added by admendment when known to the Plaintiff.

  
Assistant Attorney General and  
Counsel for the Plaintiff  
State of Alabama Highway Department  
11 South Union Street  
Montgomery, Alabama 36104

**FILED**

MAY 12 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

THE STATE OF ALABAMA,  
PLAINTIFF

VS.

EARNA SCHOEN  
AND HENRY SCHOEN,  
OR WHOSE NAMES ARE  
OTHERWISE UNKNOWN,

DEFENDANTS

IN THE CIRCUIT COURT  
OF

BALDWIN

COUNTY, ALABAMA

AT LAW,

CASE NO. 10,387

Deft's address: Rt 1 Box 62  
Elberta, Ala.

FILED

MAY 12 1972

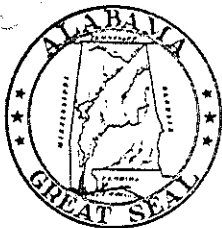
MAY 12 1972

EUNICE B. BLACKMON  
CIRCUIT  
CLERK

Sheriff claims 10-387 Miles of  
Ten Cents per mile Total \$ 15.00  
TAYLOR WILKINS, Sheriff  
BY J. P. Wilkins  
DEPUTY SHERIFF

Received 10-387 day of June 19 72  
and on 24 day of June 19 72  
I served a copy of the within  
on Earl Schoen 6-24-72  
Henry Schoen 6-24-72  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
BY Earl Schoen 6-24-72



RAY D. BASS  
HIGHWAY DIRECTOR

STATE OF ALABAMA  
HIGHWAY DEPARTMENT

MONTGOMERY, ALABAMA 36104

September 27, 1973

Circuit Judge T. J. Mashburn  
Circuit Court of Baldwin County, Alabama  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: State of Alabama, Plaintiff  
vs.  
Erna Schoen and Henry Schoen, Defendants  
In the Circuit Court of Baldwin County, Alabama, At Law  
Case Number 10,387

Dear Judge Mashburn:

Please accept this as the Plaintiff's motion to dismiss the above case. A number of factors involved prompted the State's decision in the matter.

Copies of my letter are being forwarded to the Defendants' Attorney, Mr. James R. Owen, and to the Circuit Clerk for their information. We shall appreciate being advised when the case is dismissed, and receiving a statement of the court costs in this case.

Sincerely yours,

*Julia H. Griswold*  
Julia H. Griswold  
Assistant Attorney General

JHG/dg  
c.c.

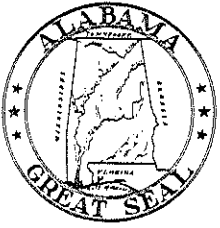
Honorable James R. Owen  
Attorney At Law  
Bay Minette, Alabama 36507

†Mrs. Ernice Blackmon  
Circuit Clerk  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

Mr. Robert Pickett, Chief Accountant  
Mr. Clyde Carlisle, Acting Claims Agent  
Mr. M. H. Wilkins, Division Engineer

VOL

71 PAGE 73



STATE OF ALABAMA  
HIGHWAY DEPARTMENT

MONTGOMERY, ALABAMA 36104

RAY D. BASS  
HIGHWAY DIRECTOR

September 27, 1973

Circuit Judge T. J. Mashburn  
Circuit Court of Baldwin County, Alabama  
Baldwin County Courthouse  
Bay Minette, Alabama

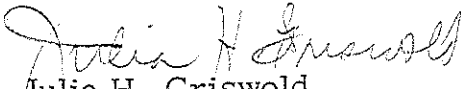
Re: State of Alabama, Plaintiff  
vs.  
Erna Schoen and Henry Schoen, Defendants  
In the Circuit Court of Baldwin County, Alabama, At Law  
Case Number 10,387

Dear Judge Mashburn:

Please accept this as the Plaintiff's motion to dismiss the above case. A number of factors involved prompted the State's decision in the matter.

Copies of my letter are being forwarded to the Defendants' Attorney, Mr. James R. Owen, and to the Circuit Clerk for their information. We shall appreciate being advised when the case is dismissed, and receiving a statement of the court costs in this case.

Sincerely yours,

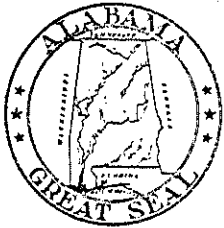
  
Julia H. Griswold  
Assistant Attorney General

JHG/dg  
c.c.

Honorable James R. Owen  
Attorney At Law  
Bay Minette, Alabama 36507

Mrs. Ernice Blackmon  
Circuit Clerk  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

Mr. Robert Pickett, Chief Accountant  
Mr. Clyde Carlisle, Acting Claims Agent  
Mr. M. H. Wilkins, Division Engineer



STATE OF ALABAMA  
HIGHWAY DEPARTMENT

MONTGOMERY, ALABAMA 36104

RAY D. BASS  
HIGHWAY DIRECTOR

September 11, 1973

Honorable James R. Owen  
Attorney At Law  
Bay Minette, Alabama 36507

Re: State of Alabama, Plaintiff

vs.

Earna Schoen and Henry Schoen  
Now pending in the Circuit Court of Baldwin County, Alabama  
Case Number 10, 387

Dear Owen:

I have been unable to reach you by telephone, so Judge T. J. Mashburn suggested that I write you the above case has been continued from Wednesday, September 19, 1973. Judge Mashburn has agreed to hear the case on Thursday morning, October 4, 1973, at 10:30 o'clock.

In the event that date isn't convenient with you, please advise. A copy of my letter is being forwarded to both Judge Mashburn and the Circuit Clerk for their information.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Julia H. Griswold".

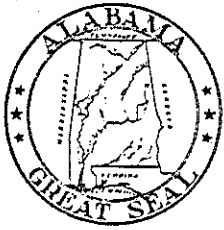
Julia H. Griswold  
Assistant Attorney General

JHG/dg

c. c. Circuit Judge T. J. Mashburn  
Circuit Court of Baldwin County, Alabama  
Baldwin County Courthouse  
Bay Minette, Alabama

✓ Mrs. Ernice Blackmon, Circuit Clerk  
Baldwin County Courthouse  
Bay Minette, Alabama

Mr. Robert Pickett, Chief Accountant  
Mr. Clyde Carlisle, Acting Claims Agent  
Mr. M. H. Wilkins, Division Engineer



STATE OF ALABAMA  
HIGHWAY DEPARTMENT

MONTGOMERY, ALABAMA 36104

RAY D. BASS  
HIGHWAY DIRECTOR

June 7, 1973

Judge T. J. Mashburn  
Circuit Judge, Circuit Court of  
Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: State of Alabama, Plaintiff  
vs.  
Erna Schoen and Henry Schoen, Defendants  
Now Pending in the Circuit Court of Baldwin County  
Case No. 10, 387

Dear Judge Mashburn:

As per our telephone conversation yesterday, apparently a Brief has not been filed in the above case, to date by Defendant's attorney. For this reason, we would like to have the case continued from Monday, June 11, 1973. It was my understanding Briefs were to be submitted by both parties to the suit and oral arguments would not be necessary.

For your information, Plaintiff's Brief was forwarded to both the Court and Defendant's attorney on or about September 6, 1972. It is hoped the matter can proceed to a conclusion at an early date. We shall appreciate being advised the status of the case.

Sincerely yours,

Julia H. Griswold  
Assistant Attorney General

/li

cc Honorable James R. Owen  
Attorney at Law  
110 Courthouse Square  
Bay Minette, Alabama 36507  
✓ Mrs. Eunice Blackmon, Circuit Clerk  
Baldwin County Courthouse  
Bay Minette, Alabama 36507  
Mr. Robert Pickett, Chief Accountant  
Mr. Clifford Bateman, Claims Agent  
Mr. M. H. Wilkins, Division Engineer





STATE OF ALABAMA  
HIGHWAY DEPARTMENT

MONTGOMERY, ALABAMA 36104

April 25, 1973

RAY D. BASS

HIGHWAY DIRECTOR

Honorable James R. Owen  
Attorney at Law  
110 Courthouse Square  
Bay Minette, Alabama 36507

Re: State of Alabama, Plaintiff, vs. Erna Schoen and Henry  
Schoen, Defendants  
Now pending in the Circuit Court of Baldwin County, Alabama  
Case Number 10,387

Dear Mr. Owen:

According to our records, it appears you have not filed a brief in the above case. We are anxious to have this matter disposed of as soon as possible, and shall appreciate hearing from you as to your plans in the matter at your earliest convenience.

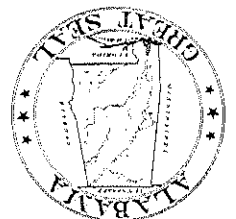
Thank you for your cooperation.

Sincerely yours,

Julia H. Griswold  
Assistant Attorney General

/jh

cc: Mrs. Eunice Blackmon, Circuit Clerk, Baldwin County Courthouse,  
Bay Minette, Alabama 36507 ✓  
Mr. Robert Pickett, Jr., Chief Accountant  
Mr. Clifford Bateman, Claims Agent  
Mr. M. H. Wilkins, Division Engineer



GUERRY PRUETT  
HIGHWAY DIRECTOR

STATE OF ALABAMA  
HIGHWAY DEPARTMENT  
MONTGOMERY, ALABAMA 36104

August 28, 1972

RAY BASS  
ASSISTANT HIGHWAY DIRECTOR

Honorable James R. Owen  
Attorney at Law  
110 Courthouse Square  
Bay Minette, Alabama 36507

Re: State of Alabama, Plaintiff

VS

Erna Schoen and Henry Schoen,  
Defendants

Now pending in Circuit Court  
of Baldwin County, Alabama  
Case No. 10,387

Dear Mr. Owen:

In a telephone conversation earlier today with Circuit Judge  
Telfair J. Mashburn, Judge Mashburn agreed that Memorandum  
Briefs can be submitted in the above case. He asked me to  
advise you, therefore, that it will not be necessary to personally  
argue the Demurrer, as scheduled for Wednesday, September 6, 1972.  
We have a number of matters pending, so it will take a  
little time to prepare my Brief. I shall send you a copy, however,  
as soon as it is prepared. Thank you for your cooperation.

Sincerely yours,

Julia H. Griswold  
Assistant Attorney General

JHG:11

cc Judge Telfair J. Mashburn, Circuit Judge of Baldwin County  
Mrs. Ray Bass, Acting Highway Director  
Mrs. Eunice Blackmon, Circuit Clerk of Baldwin County

CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA

THE STATE OF ALABAMA,

Plaintiff,

VS.

ERNA SCHOEN AND HENRY  
SCHOEN,

Defendants

§  
§  
§  
§  
§  
§  
§  
§  
§

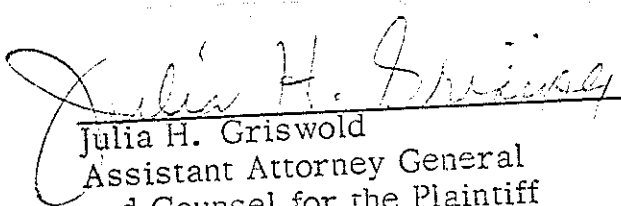
CASE NO. 10,387

NOTICE OF DISMISSAL

TO: Honorable James R. Owen  
Attorney at Law  
Bay Minette, Alabama

Please take notice that the above styled action is hereby dismissed.

Dated September 27, 1973.

  
Julia H. Griswold  
Assistant Attorney General  
and Counsel for the Plaintiff

State of Alabama Highway Department  
11 South Union Street  
Montgomery, Alabama 36104

Telephone: 269-7101

cc Circuit Judge T. J. Mashburn  
Mrs. Eunice Blackmon, Circuit Clerk  
Mr. Robert Pickett, Chief Accountant  
Mr. Clyde Carlisle, Claims Agent  
Mr. M. H. Wilkins, Division Engineer

**FILED**

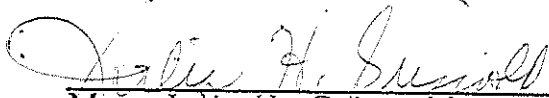
OCT 8 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above  
and foregoing Notice of Dismissal on Honorable  
James R. Owen,  
counsel of record for the ~~Plaintiff~~, Defendants, Erna Schoen and Henry  
Schoen, by placing a copy of same in the United States  
Mail, postage prepaid and addressed to his regular mailing address.

This 27th day of September, 19 73.



Mrs. Julia H. Griswold  
Assistant Attorney General  
and Counsel for the Plaintiff

State of Alabama Highway Department  
11 South Union Street  
Montgomery, Alabama 36104

Telephone No. 269-7101

**FILED**

OCT 3 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK