IN THE CIRCUIT COURT OF

X Plaintiff

VS. BALDWIN COUNTY, ALABAMA

PARGAS, INC., a corporation, GAY E. JOHNSON and

WILLIAM L. THORNTON

AT LAW

jointly and separately

CASE 10,542 Defendants

COUNT ONE

Plaintiff claims of Defendants \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was operating an automobile on a public road in Bay Minette, Baldwin County, Alabama, to-wit, McMeans Avenue (Highway 31) at a point near or in front of a truck stop on the east side of said road about two miles south of the County Court House, when at said time and place, Defendants so negligently operated a truck as to collide with the automobile operated by Plaintiff as aforesaid and as the proximate result of said negligent operation of a truck by Defendants as aforesaid, Plaintiff sustained the following injuries and damages: Plaintiff suffered a painful bruise to his left knee, Plaintiff-incurred reasonable expenses for doctors, x-rays and medicines, Plaintiff suffered much physical pain and mental anguish and Plaintiff's automobile was wrecked and damaged, wherefore Plaintiff claims damages as aforesaid.

COUNT TWO

Plaintiff claims of Defendants the sum of \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was operating an automobile on a public road in Bay Minette, Baldwin County, Alabama, to-wit, McMeans Avenue (Highway 31) at a point near or in front of a truck stop on the east side of said road about two miles south of the County Court House, when at said time and place Defendants wantonly injured and damaged Plaintiff by wantonly colliding a truck with the automobile operated by Plaintiff as aforesaid and as the proximate result of said

wantonness by Defendants, Plaintiff sustained those injuries and damages set out herein before in Count One of this complaint.

DON CONWAY

Attorney at Law 201 First Federal Savings Building

116 St. Michael Street Mobile, Alabama 36602

ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands this cause be tried by a jury.

DON CONWAY

ATTORNEY FOR PLAINTIFF

NOTE FOR SERVICE:

Both Defendants are non-residents and may be served via the Secretary of State of Alabama per Title 7 Code of Alabama \$199. For that purpose, 6 copies of this complaint are provided along with the fee of \$10.00 for such service.

Defendant Pargas, Inc., a corporation, is located at P. O. Box 1176, Pascagoula, Mississippi. Its managing agent is Mr. Roy King.

Defendant Gay E. Johnson resides at Route 1 Box 330, Lucedale, Mississippi 39452, and is employed by Pargas, Inc.

Carried Country Country

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EUNICE B. BLACKMON CIRCUIT

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Circuit Court, Baldwin County
No. 10,542

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

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== ====						Pl	aintiff
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STATE OF ALABAMA BALDWIN COUNTY	Defendant lives at
CIRCUIT COURT	Received In Office
WILLIAM L. THORNTON	AH B BUILTY Sheriff Sheriff
VS. PARGAS, INC., a corporation, and "GAY"E. JOHNSON; Jointly & separately Defendants SUMMONS AND COMPLAINT	this
Filed August 9, 19.72	This the day of 19 Sheriff of Montgomery County M: S Butler, By D S
DON CONWAY	County, Alabama, Claim \$1.50 each for serving process(es) and \$1.00 traver expense on each of process(es) and \$1.00 process(es) and \$1.00
Plaintiff's Attorney	Beputy Sheriff Sheriff

...... Deputy Sheriff

Defendant's Attorney

August 22, 1972

WILLIAM L. THORNTON, Plaintiff

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

VS

GAY E. JOHNSON, et al, Defendants

CASE NO. 10,542

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

I, Mabel Amos, Secretary of State, hereby certify that on August 11, 1972 I sent by certified mail in an envelope addressed as follows:

"Gay E. Johnson Route 1, Box 330 Lucedale, Mississippi 39452"

"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:

"Gay E. Johnson Route 1, Box 330 Lucedale, Mississippi 39452

You will take notice that on August 11, 1972 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: WILLIAM L. THORNTON, Plaintiff VS GAY E. JOHNSON, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 10,542 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 llth day of August, 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 August 18, 1972 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Lucedale, Ms. on 8/19/72

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

22nd

day

of August, 1972

MABEL S. AMOS Secretary of State

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

CC: Honorable Don Conway
201 First Federal Savings Building
116 St. Michael Street
Mobile, Alabama 36602

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filed in the Ci	ircuit Court of B	aldwin County	v. State of Alabam	na, at Bay Minette, a	gainstDefendant
filed in the Ci	ircuit Court of B	aldwin County	v. State of Alabam	na, at Bay Minette, a	gainst
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Plaintiff's Atto	rney				Sheriff
Defendant's Attor	 rney			Deputy	

WILLIAM L. THORNTON * IN THE CIRCUIT COURT OF

Plaintiff

VS. * BALDWIN COUNTY, ALABAMA

PARGAS, INC.,

a corporation, and GAY E. JOHNSON * AT LAW

jointly and separately *

Defendants * CASE

COUNT ONE

Flaintiff claims of Defendants \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was operating an automobile on a
public road in Bay Minette, Baldwin County, Alabama, to-wit, McMeans
Avenue (Highway 31) at a point near or in front of a truck stop on the
east side of said road about two miles south of the County Court House,
when at said time and place, Defendants so negligently operated a truck
as to collide with the automobile operated by Plaintiff as aforesaid
and as the proximate result of said negligent operation of a truck by
Defendants as aforesaid, Plaintiff sustained the following injuries
and damages: Plaintiff suffered a painful bruise to his left knee,
Plaintiff incurred reasonable expenses for doctors, x-rays and medicines,
Plaintiff suffered much physical pain and mental anguish and Plaintiff's
automobile was wrecked and damaged, wherefore Plaintiff claims damages
as aforesaid.

COUNT TWO

Plaintiff claims of Defendants the sum of \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was operating an automobile on a public road in Bay Minette, Baldwin County, Alabama, to-wit, McMeans Avenue (Highway 31) at a point near or in front of a truck stop on the east side of said road about two miles south of the County Court House, when at said time and place Defendants wantonly injured and damaged Plaintiff by wantonly colliding a truck with the automobile operated by Plaintiff as aforesaid and as the proximate result of said

wantonness by Defendants, Plaintiff sustained those injuries and damages set out herein before in Count One of this complaint.

Attorney at Law

201 First Federal Savings Building 116 St. Michael Street Mobile, Alabama 36602

ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands this cause be tried by a jury.



CONWAY ATTORNEY FOR PLAINTIFF

18.

NOTE FOR SERVICE:

Both Defendants are non-residents and may be served via the Secretary of State of Alabama per Title 7 Code of Alabama \$199. For that purpose, 5 copies of this complaint are provided along with the fee of \$10.00 for such service.

Defendant Paggas, Inc., a corporation, is located at P. O. Box 1176, Pascagoula, Mississippi. Its managing agent is Mr. Roy King.

Defendant Gay E. Johnson resides at Route 1 Box 330, Lucedale, Mississippi 39452, and 1s employed by Pargas, Inc.

Personal Language Language

AUG 9 1972

EUNICE B. BLACKMON CLERK

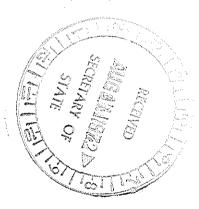
wantonness by Defendants, Flaintiff sustained those injuries and demages set out herein before in Count One of this complaint.

Dow COMMAX Actioner at Law 201 First Pederal Savings Building 116 St. Michael Street Mobile, Alabama 36602

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Plaintiff respectfully demands this cause be oried by a jury.



MONE LON STRAIGHT

Both Defendants are non-residents and may be seen the Secretary of State of Alabama of Alabama per livie ? Code of Alabama \$199. For that purpose, 6 copies of this complaint are provided along with the fee of \$10.00 for such service.

Defendant Pergas, Inc., 4 comporation, 4s Located at P. O. Box 1176, Pascagoula, Mississippi, Its menaging agent is Mr. Roy King.

Defendant day E. Johnson resides at Route 1 Box 330, Incedale, Miselssippi 39452, and is employed by Fargas, inc.

AUB 9 1972

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WILLIAM L. THORNTON,

IN THE CIRCUIT COURT OF

Plaintiff,

BALDWIN COUNTY, ALABAMA

v.

AT LAW

** **

PARGAS, INC., a corporation, and GAY E. JOHNSON, jointly

and GAI E. JOHNSON, J

and separately,

•

:

:

Defendants.

CASE NO. 10,542

DEMURRER

:

Come now Pargas, Inc., a corporation, and Gay E. Johnson, two of the defendants in the above captioned cause, and demur to the complaint of the plaintiff heretofore filed against them in said cause and to each and every count thereof, separately and severally, and as grounds of said demurrer set down and assign the following, separately and severally, to-wit:

- 1. For 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. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence this defendant is called upon to defend.
- 4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
- 5. For that it does not appear with sufficient certainty wherein this defendant violated any duty which this defendant might have owed to the plaintiff.
- 6. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which this defendant negligently failed to perform.
- 7. For that there does not appear sufficient causal connection between this defendant's alleged breach of duty and the plaintiff's injuries and damages.

- 8. For that 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 this defendant.
- 9. For that it is not alleged with sufficient certainty where said accident occurred.
- 10. For that it is not alleged that the negligence complained of proximately caused the accident, the injuries and damages complained of.
 - II. For that the averments thereof are conflicting and repugnant.
- 12. For that no causal connection appears between this defendant's alleged negligence and the injuries and damages complained of by the plaintiff.
- 13. For that it is not alleged that the willful or wanton conduct complained of proximately caused the accident, the injuries and damages complained of.
- 14. For that the facts averred in said complaint do not constitute willful or wanton negligence.
- 15. 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 this defendant.
- 16. For that it is not alleged that this defendant willfully or wantonly injured the plaintiff.
- 17. For that the willful or wanton conduct complained of is but the conclusion of the plaintiff with no facts alleged in support thereof.

INGE, TWITTY, DUFFY & PRINCE

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 29 day

P. O. Box 1109 Mobile, Alabama 36601 Designated Trial Attorney

FILED

AUS 30 1972

EUNICE B. BLACKMON SIREUIT

August 16, 1972

WILLIAM L. THORNTON, Plaintiff

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

VS

PARGAS, INC., A CORPORATION, et al, Defendants

CASE NO. 10,542

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

I, Mabel Amos, Secretary of State, hereby certify that on August 11, 1972 I sent by certified mail in an envelope addressed as follows:

"Roy King, Agent Pargas, Inc., a Corporation P. O. Box 1176 Pascagoula, Mississippi 39452"

"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:

"Roy King, Agent
Pargas, Inc., a Corporation
P. O. Box 1176
Pascagoula, Mississippi 39452

You will take notice that on August 11, 1972 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: WILLIAM L. THORNTON, Plaintiff vs PARGAS, INC., A CORPORATION,
et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW Case No. 10.542 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 August, 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 August 16, 1972 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Pascagoula, MS on August 14,1972

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

16th

day

of August, 1972

MABEL S. AMOS Secretary of State

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

CC: Honorable Don Conway
201 First Federal Savings Building
116 St. Michael Street
Mobile, Alabama 36602

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ST.	ATE	OF	ALABAMA
	I	Baldwin	County

Circuit Court, Baldwin County

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TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon 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. Defendant	Van A.	a Haraby Con	amanded to S	ummon	Allegation is a second to	the strategic flowers and the forestered in	Miles (1824) although the make the substitute and and a
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							
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filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against		, , , , , , , , , , , , , , , , , , ,	Ø	1.0	*****		
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DON CONWAY Plaintiff	s Attorney	************				Sheriff
Defendant	s Attorney				D	aty Sheriff

WILLIAM L. THORNTON * IN THE CIRCUIT COURT OF

Plaintiff *

VS. * BALDWIN COUNTY, ALABAMA

PARGAS, INC.,
a corporation, and
GAY E. JOHNSON * AT LAW

jointly and separately *

Defendants

COUNT ONE

CASE

Flaintiff claims of Defendants \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was operating an automobile on a
public road in Bay Minette, Baldwin County, Alabama, to-wit, McMeans
Avenue (Highway 31) at a point near or in front of a truck stop on the
east side of said road about two miles south of the County Court House,
when at said time and place, Defendants so negligently operated a truck
as to collide with the automobile operated by Plaintiff as aforesaid
and as the proximate result of said negligent operation of a truck by
Defendants as aforesaid, Flaintiff sustained the following injuries
and damages: Plaintiff suffered a painful bruise to his left knee,
Plaintiff incurred reasonable expenses for doctors, x-rays and medicines,
Plaintiff suffered much physical pain and mental anguish and Plaintiff's
automobile was wrecked and damaged, wherefore Plaintiff claims damages
as aforesaid.

COUNT TWO

Plaintiff claims of Defendants the sum of \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was operating an automobile on a public road in Bay Minette, Baldwin County, Alabama, to-wit, McMeans Avenue (Highway 31) at a point near or in front of a truck stop on the east side of said road about two miles south of the County Court House, when at said time and place Defendants wantonly injured and damaged Plaintiff by wantonly colliding a truck with the automobile operated by Plaintiff as aforesaid and as the proximate result of said

wantonness by Defendants, Plaintiff sustained those injuries and damages set out herein before in Count One of this complaint.

CONTRACT

Attorney at Law

201 First Federal Savings Building 116 St. Michael Street

Mobile, Alabama 36602

ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands this cause be tried by a jury.

DON CONWAY ATTORNEY P

ATTORNEY FOR PLAINTIPH

MTT REL

NOTE FOR SERVICE:

Both Defendants are non-residents and may be served via the Secretary of State of Alabama per Title 7 Code of Alabama \$199. For that purpose, 6 copies of this complaint are provided along with the fee of \$10.00 for such service.

Defendant Pargas, Inc., a corporation, is located at P. O. Box 1176, Pascagoula, Mississippi. Its managing agent is Mr. Roy King.

Defendant Gay E. Johnson resides at Route 1 Box 330, Lucedale, Mississippi 39452, and is employed by Pargas, Inc.

Service Services Services Services

AUB 9 1972

EUNICE B. ELLACKMON CIRCUIT

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of Alabama per Title ? Code of Alabama Both Defendants are non-residence and

\$199. For that purpose, 6 copies of this complaint are provided along with the fee of \$10.00 for such pervice.

Dofandano Paggaa, Inc., y corporation, is located st P. C. Box Life, Pascagoula, Missisolppi. Its menaging agent is Mr. Rey King.

Defendant Cay E. Johnson resides at Route 1 Box 330, Imcedale, Maslesippi 39452, and in employed by Fargas, Inc.

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EURCE B. BLACKRON CHERK

WILLIAM L. THORNTON,

IN THE CIRCUIT COURT OF

Plaintiff,

BALDWIN COUNTY, ALABAMA

v.

AT LAW

PARGAS, INC., a corporation, and GAY E. JOHNSON, jointly and separately,

Defendants.

CASE NO. 10,542

ANSWER

Come now Pargas, Inc., a corporation, and Gay E. Johnson, two of the defendants in the above captioned cause, and for answer to the complaint of the plaintiff heretofore filed herein, and to each count thereof, separately and severally, file the following pleas, separately and severally, that is to say:

- 1. This defendant is not guilty of the matters and things contained therein.
- 2. This defendant denies each and every one of the material allegations contained therein.
- 3. The plaintiff ought not recover of this defendant for that at the time and place complained of in the plaintiff's complaint, the plaintiff himself was guilty of contributory negligence in the operation of his said automobile which contributory negligence proximately contributed to the injuries and damages complained of by him.

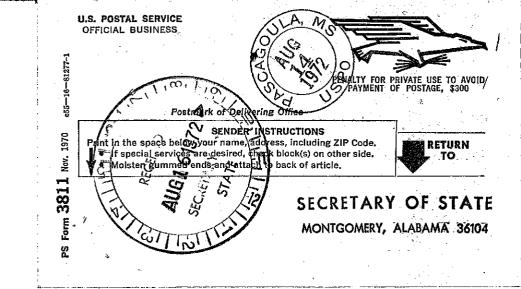
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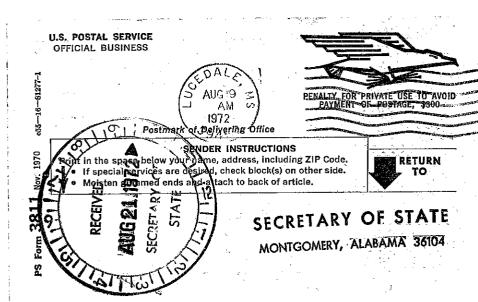
CERTIFICATE OF SERVICE

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 9th day of September, 1972.

SEP 1 1 1972

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