

PEGGY SUE THORNTON, a minor	:	IN THE CIRCUIT COURT OF
born June 27, 1958, who sues by	:	
her father and next friend,	:	
WILLIAM L. THORNTON,	:	BALDWIN COUNTY, ALABAMA
Plaintiff,	:	
v.	:	
	:	AT LAW
PARGAS, INC., a corporation,	:	
and GAY E. JOHNSON, jointly	:	
and separately,	:	
Defendants.	:	CASE NO. 10,543

and

WILLIAM L. THORNTON,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	
v.	:	BALDWIN COUNTY, ALABAMA
	:	
PARGAS, INC., a corporation,	:	
and GAY E. JOHNSON, jointly	:	
and separately,	:	AT LAW
Defendants.	:	CASE NO. 10,542

NOTICE OF DEPOSITION

TO: Don Conway, Esq.
 Attorney at Law
 116 St. Michael Street
 201 First Federal Savings Building
 Mobile, Alabama 36602

You are hereby notified that Pargas, Inc., a corporation, and Gay E. Johnson, the defendants in the above captioned cause, will take the pre-trial discovery deposition of the plaintiff, William L. Thornton, on Wednesday, January 31, 1973, commencing at 2:30 p.m., in the offices of Inge, Twitty, Duffy & Prince, 1301 Merchants National Bank Building, Mobile, Alabama, before Walter W. Wise & Associates, or before some other officer authorized by law to take depositions. The deposition is to be taken pursuant to and in accordance with Section 474(1), et seq., Alabama Code of 1940, as last amended and recompiled (1958) and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

DATED this 18th day of January, 1973.

INGE, TWITTY, DUFFY & PRINCE

By: E. L. McCafferty, III
E. L. McCafferty, III

FILED

JAN 19 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

WILLIAM L. THORNTON
Plaintiff

VS.

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

jointly and separately

Defendants

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA
*
* AT LAW
*
* CASE 10,542

MOTION FOR CONSENT JUDGMENT

The parties in the above styled and numbered cause respectfully move the Court to enter a judgment in favor of the Plaintiff against the Defendants for the sum of \$700.00, with costs taxed against Defendants.

INGE, TWITTY, DUFFY & PRINCE

By: E. B. McCafferty, III
ATTORNEYS FOR DEFENDANTS
PARGAS, INC. and
GAY E. JOHNSON

Don Conway
DON CONWAY
ATTORNEY FOR PLAINTIFF
WILLIAM L. THORNTON

FILED

APR 23 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

PEGGY SUE THORNTON, a minor, : IN THE CIRCUIT COURT OF
 born June 27, 1958, who sues by :
 her father, and next friend, :
 WILLIAM L. THORNTON, :
 Plaintiff, : BALDWIN COUNTY, ALABAMA
 :
 v. :
 : AT LAW
 PARGAS, INC., a corporation, :
 and GAY E. JOHNSON, jointly :
 and separately, :
 :
 Defendants. : CASE NO. 10,543

and

WILLIAM L. THORNTON, : IN THE CIRCUIT COURT OF
 Plaintiff, :
 v. : BALDWIN COUNTY, ALABAMA
 :
 PARGAS, INC., a corporation, :
 and GAY E. JOHNSON, jointly :
 and separately, : AT LAW
 Defendants. : CASE NO. 10,542

NOTICE OF DEPOSITION

TO: Don Conway, Esquire
 Attorney At Law
 116 St. Michael Street
 201 First Federal Savings Building
 Mobile, Alabama 36602

You are hereby notified that Pargas, Inc., a corporation, and Gay E. Johnson, the defendants in the above captioned cause, will take the pre-trial discovery deposition of Doctor William T. Wright on Wednesday, April 4, 1973, commencing at 2:00 P.M., in the Office of Dr. Wright, 266 S. McGregor Avenue, Spring Hill, Mobile, Alabama, before Charles Howard, Court Reporter, or before some other officer authorized by law to take depositions. The deposition is to be taken pursuant to and in accordance with Section 474(1), et seq., Alabama Code of 1940, as last amended and recompiled (1958) and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 2nd day of April, 1973.

FILED

INGE, TWITTY, DUFFY & PRINCE

APR 3 1973

EUNICE B. BLACKMON CIRCUIT CLERK

By:

E. L. McCafferty, III
 E. L. McCAFFERTY, III

50-534

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36602

THOS. E. TWITTY
JAMES J. DUFFY, JR.
SYDNEY R. PRINCE, III
JOHN N. LEACH, JR.
GEORGE H. MCKEAN
E. L. McCAFFERTY, III

FRANCIS H. INGE (1902-1959)

RICHARD H. INGE
COUNSEL

MAILING ADDRESS:

P. O. BOX 1109
MOBILE, ALA.
36601

CABLE ADDRESS:

TWINING
TELEPHONE
433-5441

April 20, 1973

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

Re: William L. Thornton vs. Pargas, Inc., et al
Baldwin County Circuit Case #10,542; and
Peggy Sue Thornton vs. Pargas, Inc., et al
Baldwin County Circuit Case #10,543.

Dear Mrs. Blackmon:

Enclosed are joint motions for consent judgments in the
above referenced cases, which we would appreciate your filing.

With much appreciation I am

Cordially,



E. L. McCAFFERTY, III

ELMcC, III/ss

2 Encls

CC: Don Conway, Attorney

Don Conway

ATTORNEY AT LAW

201 FIRST FEDERAL SAVINGS BUILDING

116 ST. MICHAEL STREET

MOBILE, ALABAMA 36602

TELEPHONE 438-4939
XXXX 432-6721

June 21, 1973

C
O
P
Y
Mrs. Eunice B. Blackmon
Clerk, Circuit Court
Baldwin County Court House
Bay Minette, Alabama 36507

Re: William L. Thornton vs. Pargas, Inc., et al
Baldwin County Circuit Court Case 10,542 and
Peggy Sue Thornton vs. Pargas, Inc., et al
Baldwin County Circuit Court Case 10,543.

Dear Mrs. Blackmon:

Enclosed is the check of National Loss Control Service Corporation dated May 31, 1973 payable to your order in the amount of \$500.00 in payment of the judgment in Case 10,543. The check was mailed to me by Defendants' attorney who requested that I forward same to you. Please cancel the judgment in this case and after the check is collected, please mail me your check for one-third that amount, that is, \$166.33 for my attorney's fee and give your check for the balance, that is, \$333.67 to the Judge of Probate Court of Baldwin County, Alabama as provided in Title 21 Code of Alabama §99.

Please cancel the judgment in Case 10,542 as same has been paid directly to Plaintiff and me, for which the Plaintiff has executed a release.

The Court costs in both these cases was paid to you by Defendants April 27, 1973.

Thank you for your cooperation in this matter.

Yours truly,

DON CONWAY

DC/dnc

Enclosure

cc: Mr. James J. Duffy, Jr.
Inge, Twitty, Duffy & Prince
Attorneys at Law
P. O. Box 1109
Mobile, Alabama 36601

Don Conway

ATTORNEY AT LAW

201 FIRST FEDERAL SAVINGS BUILDING

100 E. MICHAEL STREET

MOBILE, ALABAMA 36601

TELEPHONE 458-4552
XXXX 432-6721

June 21, 1973

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

Re: William L. Thornton vs. Fargas, Inc., et al.
Baldwin County Circuit Court Case 10,542 and
Peggy Sue Thornton vs. Fargas, Inc., et al.
Baldwin County Circuit Court Case 10,543.

Dear Mrs. Blackmon:

Enclosed is the check of National Loss Control Service Corporation dated May 31, 1973 payable to your order in the amount of \$500.00 in payment of the judgment in Case 10,543. The check was mailed to me by Defendants' attorney who requested that I forward same to you. Please cancel the judgment in this case and after the check is collected, please mail me your check for one-third that amount. That is, \$166.67 for my attorney's fee and give your check for the balance, that is, \$333.33 to the Judge of Probate Court of Baldwin County, Alabama as provided in Title 21 Code of Alabama 999.

Please cancel the judgment in Case 10,542 as same has been paid directly to Plaintiff and me, for which the Plaintiff has executed a release.

The Court costs in both these cases was paid to you by Defendants April 27, 1973.

Thank you for your cooperation in this matter.

Yours truly,

DON CONWAY

DC/dnc
Enclosure
cc: Mr. James J. Duffy, Jr.
Inge, Twitty, Duffy & Prince
Attorneys at Law
P. O. Box 1109
Mobile, Alabama 36601

COPY

PEGGY SUE THORNTON,	*	IN THE CIRCUIT COURT OF
a minor born June 27, 1958,	*	
who sues by her father and	*	
next friend,	*	BALDWIN COUNTY, ALABAMA
William L. Thornton,	*	
Plaintiff	*	
VS.	*	AT LAW
PARGAS, INC.,	*	
a corporation, and	*	
GAY E. JOHNSON,	*	
jointly and separately	*	CASE <u>10,543</u>
Defendants	*	

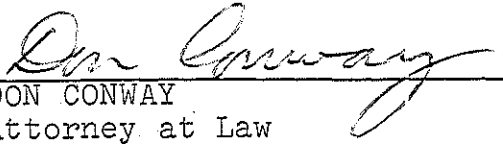
COUNT ONE

Plaintiff claims of Defendants the sum of \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was a passenger in an automobile being operated 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 in which Plaintiff was a passenger 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 soft tissue injury about her neck, head and shoulders; Plaintiff suffered much physical pain and mental anguish and Plaintiff incurred reasonable expenses for doctors, x-rays, and medicines in and about her efforts to cure said injuries, 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 a passenger in an automobile being operated 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 Plaintiff by wantonly colliding a truck with the automobile in which Plaintiff was a passenger as aforesaid and as the proximate result of said wantonness by Defendants, Plaintiff sustained those injuries and damages set out herein above 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.

FILED

AUG 9 1972

EUNICE B. BLACKMON CIRCUIT CLERK

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,543

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Paragas, Inc., a corporation, and GAY E. JOHNSON

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.....

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

Defendant.....

by PEGGY SUE THORNTON, a minor born June 27, 1958, who sues by her father and next

friend, WILLIAM L. THORNTON

Plaintiff.....

witness my hand this 9th day of August 19 72

E. B. Blackmon, Clerk

8/8-11-72

70-538

No. 10,543

Page.....

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

PEGGY SUE THORNTON, a minor born June 27, 1958
who sues by her father and next
friend, WILLIAM L. THORNTON

Plaintiffs

VS.

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

SUMMONS AND COMPLAINT

Filed August 9, 1972

EUNICE B. BLACKMON Clerk

DON CONWAY

201 First Federal Savings Building
116 St. Michael St. Plaintiff's Attorney
Mobile, Alabama 36602

Defendant's Attorney

325
RECEIVED IN OFFICE

AUG 10 1972

Defendant lives at
M. S. BUTLER, Sheriff

RECEIVED

Received In Office

AUG 8 1972

WALTER WILKINS

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with
Executed by serving copies of

the within on M. S. Butler
Secretary of State of The State of

Alabama

(This) 11 day of Aug 1972

Sheriff of Montgomery County

M. S. Butler,

By M. S. Butler, Sheriff

M. S. Butler, Sheriff of Montgomery

County, Alabama, Claim \$1.30 each for

serving 2 process(es) and \$1.00

travel expense on each of 2

process(es) or a total of 5.00

M. S. Butler Deputy Sheriff

Sheriff

Deputy Sheriff

August 16, 1972

PEGGY SUE THORNTON, a minor born June 27, 1958,
who sues by her Father and next friend, WILLIAM
L. THORNTON, Plaintiff

VS

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

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

CASE NO. 10,543

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: PEGGY SUE THORNTON, a minor born June 27, 1958, who sues by
her Father and next friend, WILLIAM L. THORNTON, Plaintiff
vs PARGAS, INC., A CORPORATION, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 10,543 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 11th
day of August, 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 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
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



70-539

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,543

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~Pearce, Inc., a corporation, and GAY E. JOHNSON~~

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.....

~~PEARCE, INC., a corporation, and GAY E. JOHNSON~~

....., Defendant.....

by ~~FANNY GAY THORNTON, a minor born June 17, 1932, who was by her father and next~~

~~friend, WILLIAM L. THORNTON~~

....., Plaintiff.....

witness my hand this 9th day of August 19 72

Eunice B. Blackmon, Clerk

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

PEGGY SUE THORNTON, a minor born June 27, 1958 19.....
who sues by her father and next
friend, WILLIAM L. THORNTON

Plaintiffs

VS.

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

SUMMONS AND COMPLAINT

Filed August 9, 1972

EUNICE B. BLACKMON Clerk

Defendant lives at

Received In Office

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Sheriff

Deputy Sheriff

DON CONWAY

201 First Federal Savings Building
116 St. Michael St. Plaintiff's Attorney
Mobile, Alabama 36602

Defendant's Attorney

PEGGY SUE THORNTON,
a minor born June 27, 1958,
who sues by her father and
next friend,
William L. Thornton,

Plaintiff

VS.

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

jointly and separately

Defendants

* IN THE CIRCUIT COURT OF

*
*
* BALDWIN COUNTY, ALABAMA

*
* AT LAW

*
*
*
* CASE

COUNT ONE

Plaintiff claims of Defendants the sum of \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was a passenger in an automobile being operated 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 in which Plaintiff was a passenger 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 soft tissue injury about her neck, head and shoulders; Plaintiff suffered much physical pain and mental anguish and Plaintiff incurred reasonable expenses for doctors, x-rays, and medicines in and about her efforts to cure said injuries, 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 a passenger in an automobile being operated 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 Plaintiff by wantonly colliding a truck with the automobile in which Plaintiff was a passenger as aforesaid and as the proximate result of said wantonness by Defendants, Plaintiff sustained those injuries and damages set out herein above in Count One of this complaint.



Don Conway
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
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.

FILED

AUG 9 1972

EUNICE B. BLACKMON CIRCUIT CLERK

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NOTE FOR REVISION:

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August 22, 1972

PEGGY SUE THORNTON, a minor born
June 27, 1958, who sues by her Father
and next friend, WILLIAM L. THORNTON,
Plaintiff

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

VS

GAY E. JOHNSON, et al, Defendants

CASE NO. 10,543

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: PEGGY SUE THORNTON, a minor born June 27, 1958, who sues by
her Father and next friend, WILLIAM L. THORNTON, Plaintiff VS GAY E. JOHNSON,
et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 10,543 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 11th
day of August, 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 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
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

ENC 70-540

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,543

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Paragas, Inc., a corporation, and GAY E. JOHNSON

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.....

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

Defendant.....

by PEGGY SUE THORNTON, a minor born June 27, 1958, who sues by her father and next

friend, WILLIAM L. THORNTON

Plaintiff.....

witness my hand this 9th day of August 19 72

Emmie B. Blackmon Clerk

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

~~FACTS AND SUMMARY, a minute book June 27, 1934~~

~~was given by her friend and next~~
~~friend, WILLIAM L. THORNTON~~

Plaintiffs

VS.

~~PARGAS, INC., a corporation, and~~
~~CAY E. JOHNSON, jointly & separately~~
Defendants

SUMMONS AND COMPLAINT

Filed August 9, 1972

~~EUNICE B. BLACKMON~~

Clerk

~~DON CONWAY~~

~~201 First Federal Savings Building~~
~~116 St. Michael St.~~ Plaintiff's Attorney
~~Mobile, Alabama 36602~~

Defendant's Attorney

Defendant lives at

Received In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

PEGGY SUE THORNTON,
a minor born June 27, 1958,
who sues by her father and
next friend,
William L. Thornton,

Plaintiff

VS.

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

jointly and separately

Defendants

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA
*
* AT LAW
*
*
* CASE _____
*

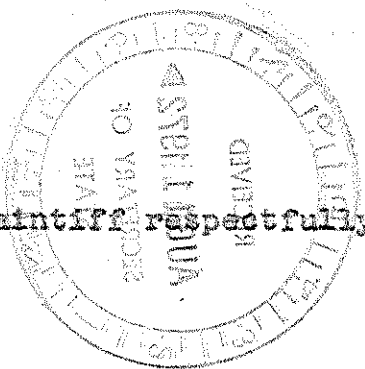
COUNT ONE

Plaintiff claims of Defendants the sum of \$10,000.00 damages in that heretofore to-wit, May 23, 1972, Plaintiff was a passenger in an automobile being operated 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 in which Plaintiff was a passenger 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 soft tissue injury about her neck, head and shoulders; Plaintiff suffered much physical pain and mental anguish and Plaintiff incurred reasonable expenses for doctors, x-rays, and medicines in and about her efforts to cure said injuries, 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 a passenger in an automobile being operated 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 Plaintiff by wantonly colliding a truck with the automobile in which Plaintiff was a passenger as aforesaid and as the proximate result of said wantonness by Defendants, Plaintiff sustained those injuries and damages set out herein above in Count One of this complaint.



Don Conway
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
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 Fargas, 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 Fargas, Inc.

FILED

AUG 9 1972

EUNICE B. BLACKMON CIRCUIT CLERK

1972' and to establish a...
...and to establish a...

...and to establish a...
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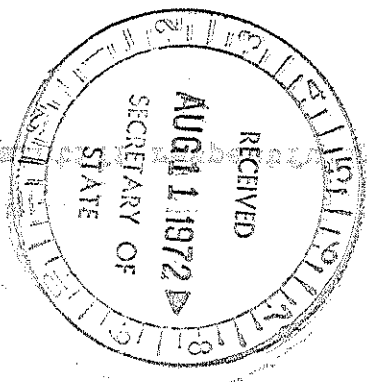
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NOTE FOR OFFICIALS:

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1972

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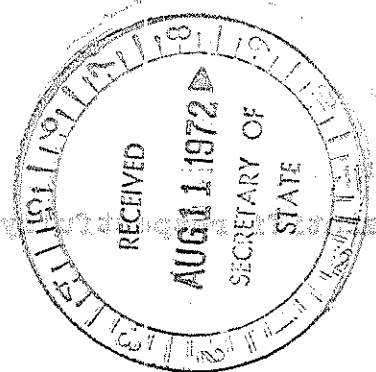
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REFILES FOR IDENTIFICATION

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FILED FOR THE COURT OF APPEALS
IN THE DISTRICT OF COLUMBIA

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1. The first step is to identify the problem.
 2. The second step is to define the problem.
 3. The third step is to analyze the problem.
 4. The fourth step is to develop a solution.
 5. The fifth step is to implement the solution.
 6. The sixth step is to evaluate the solution.
 7. The seventh step is to monitor the solution.
 8. The eighth step is to maintain the solution.
 9. The ninth step is to improve the solution.
 10. The tenth step is to document the solution.

[illegible]

PEGGY SUE THORNTON , a minor : IN THE CIRCUIT COURT OF
born June 27, 1958, who sues :
by her father and next friend, :
WILLIAM L. THORNTON, : BALDWIN COUNTY, ALABAMA
Plaintiff, :
v. :
: AT LAW
PARGAS, INC., a corporation, :
and GAY E. JOHNSON, jointly :
and separately, :
Defendants. : CASE NO. 10,543

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.

11. 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

By: James J. Duffy Jr.
JAMES J. DUFFY, JR.
P. O. Box 1109
Mobile, Alabama 36601
Designated Trial Attorney

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 of Aug, 1972.

James J. Duffy Jr.
Attorney for

FILED

AUG 30 1972

PEGGY SUE THORNTON, a minor
born June 27, 1958, who sues by
her father and next friend,
WILLIAM L. THORNTON,

Plaintiff,

v.

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

Defendants.

: IN THE CIRCUIT COURT OF
:
: BALDWIN COUNTY, ALABAMA
:
: AT LAW
:
:
:
:
: CASE NO. 10,543


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 allega-
tions contained therein.

INGE, TWITTY, DUFFY & PRINCE

By


JAMES J. DUFFY, JR.
Designated Trial Attorney

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.


JAMES J. DUFFY, JR.

FILED

SEP 11 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

100-543

PEGGY SUE THORNTON, a minor,
born June 27, 1958, who sues by
her father and next friend,
WILLIAM L. THORNTON,

Plaintiff,

v.

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

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,543

and

WILLIAM L. THORNTON,

Plaintiff,

v.

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

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,542

NOTICE OF DEPOSITION

TO: Don Conway, Esquire
Attorney At Law
116 St. Michael Street
201 First Federal Savings Building
Mobile, Alabama 36602

You are hereby notified that Pargas, Inc., a corporation, and Gay E. Johnson, the defendants in the above captioned cause, will take the pre-trial discovery deposition of Doctor William T. Wright on Wednesday, April 4, 1973, commencing at 2:00 P.M., in the Office of Dr. Wright, 266 S. McGregor Avenue, Spring Hill, Mobile, Alabama, before Charles Howard, Court Reporter, or before some other officer authorized by law to take depositions. The deposition is to be taken pursuant to and in accordance with Section 474(1), et seq., Alabama Code of 1940, as last amended and recompiled (1958) and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 2nd day of April, 1973.

FILED

INGE, TWITTY, DUFFY & PRINCE

APR 3 1973

EUNICE B. BLACKMON CIRCUIT CLERK

ENC

70 544

By: E. L. McCafferty III
E. L. MCCAFFERTY, III

PEGGY SUE THORNTON,
a minor born June 27, 1958,
who sues by her father and
next friend,
William L. Thornton

Plaintiff

VS.

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

jointly and separately

Defendants

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA

*

*

* AT LAW

*

*

* CASE 10,543

MOTION FOR CONSENT JUDGMENT

The parties in the above styled and numbered cause respectfully
move the Court to enter a judgment in favor of the Plaintiff against
the Defendants for the sum of \$500.00, with costs taxed against
Defendants.

INGE, TWITTY, DUFFY & PRINCE

By:

E. H. Mc Cafferty, III
ATTORNEYS FOR DEFENDANTS
PARGAS, INC. and
GAY E. JOHNSON

Don Conway
DON CONWAY
ATTORNEY FOR PLAINTIFF
PEGGY SUE THORNTON

FILED

APR 23 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

100-70-545

Don Conway

ATTORNEY AT LAW

201 FIRST FEDERAL SAVINGS BUILDING

116 ST. MICHAEL STREET

MOBILE, ALABAMA 36602

TELEPHONE ~~432-6721~~ 432-6721

June 21, 1973

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

Re: William L. Thornton vs. Pargas, Inc., et al
Baldwin County Circuit Court Case 10,542 and
Peggy Sue Thornton vs. Pargas, Inc., et al
Baldwin County Circuit Court Case 10,543.

Dear Mrs. Blackmon:

Enclosed is the check of National Loss Control Service Corporation dated May 31, 1973 payable to your order in the amount of \$500.00 in payment of the judgment in Case 10,543. The check was mailed to me by Defendants' attorney who requested that I forward same to you. Please cancel the judgment in this case and after the check is collected, please mail me your check for one-third that amount, that is, \$166.33 for my attorney's fee and give your check for the balance, that is, \$333.67 to the Judge of Probate Court of Baldwin County, Alabama as provided in Title 21 Code of Alabama §99.

Please cancel the judgment in Case 10,542 as same has been paid directly to Plaintiff and me, for which the Plaintiff has executed a release.

The Court costs in both these cases was paid to you by Defendants April 27, 1973.

Thank you for your cooperation in this matter.

Yours truly,

Don Conway
DON CONWAY

DC/dnc

Enclosure

cc: Mr. James J. Duffy, Jr.
Inge, Twitty, Duffy & Prince
Attorneys at Law
P. O. Box 1109
Mobile, Alabama 36601

*called
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forget it
pay all
to
probate*

PEGGY SUE THORNTON BY FATHER VS PARGAS, INC. (ROY KING,
(10,543) SENDER: Be sure to follow instructions on other side AGENT)

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☒ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

51961

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to addressee only

DATE DELIVERED

Aug 14 1972

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

PEGGY SUE THORNTON BY FATHER VS GAY E. JOHNSON (10,543)

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☒ Deliver ONLY
to addressee

RECEIPT

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REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

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INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to addressee only

DATE DELIVERED

8-19-72

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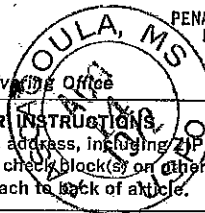
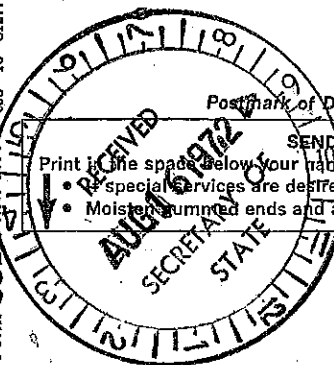
U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

635-16-81277-1

PS Form 3811 Nov. 1970

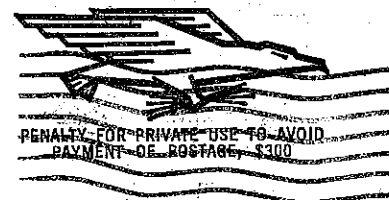


Print in the space below your name, address, including ZIP Code.
• If special services are desired, check block(s) on other side.
• Moisten gummed ends and attach to back of article.

RETURN
TO

SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

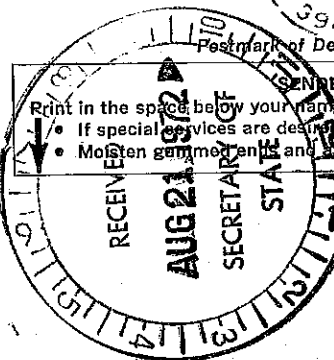
U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
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635-16-81277-1

PS Form 3811 Nov. 1970



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