

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Milford Homan 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 same, then and there to answer the complaint of Lonnie W. Phillips.

Witness my hand this the 18 day of Aug, 1972.

Eunice B. Blackmon
Clerk

* * * * *

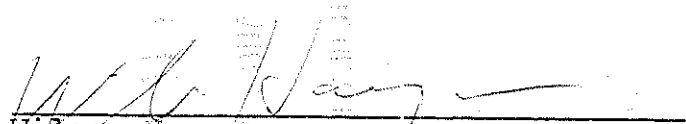
LONNIE W. PHILLIPS,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
Vs.	X	AT LAW
MILFORD HOMAN,	X	
Defendant.	X	NUMBER: <u>10558</u>

The Plaintiff claims of the Defendant the sum of Three Thousand Three Hundred Seventy-five Dollars (\$3,375.00) damages for that on to-wit the 18th day of April, 1972 at approximately 6:30 A.M. on Highway 90-31 at approximately 1/10th of a mile east of the east end of Blakley River bridge near Spanish Fort in Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle on said highway at such time and place as to cause or allow it to run into, over or against the automobile of the Plaintiff; that as a proximate result of the negligence of Defendant that Plaintiff's automobile was bent, broken and damaged in that the body, frame, axles and entire car were bent, broken and damaged and smashed from the rear, ad quod damnum.

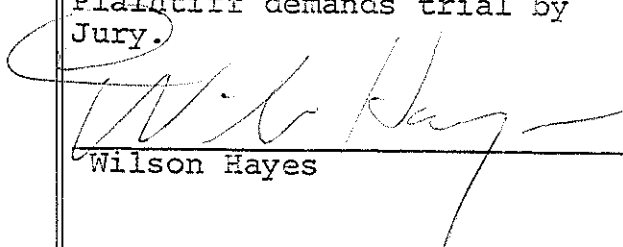
II

The Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000) damages for that on to-wit the 18th day of April, 1972 at approximately 6:30 A.M. on Highway 90-31 at approximately 1/10th of a mile east of the east end of Blakley River bridge near Spanish Fort in Baldwin County, Alabama, the

Defendant so negligently operated a motor vehicle on said highway at such time and place as to cause or allow it to run into, over or against the automobile of the Plaintiff; that as a proximate result of the negligence of Defendant, the Plaintiff suffered an injury to his neck, head and shoulders spraining and tearing the muscles and ligaments in his neck, back and shoulders, banging his head and body thereby causing him to incur doctor and medical bills for the treatment of the said injuries, to lose time from his employment and to suffer great pain and suffering, ad quod damnum.


Wilson Hayes
Attorney for Plaintiff

Plaintiff demands trial by
Jury.


Wilson Hayes

FILED

AUG 18 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

B-3

Case # 10,558

LONNIE W. PHILLIPS

VS:

MILFORD HOMAN

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH
FOR SERVING _____ PROCESS(ES) AND
TRAVEL EXPENSE ON EACH OF \$ _____
PROCESS(ES) OR A TOTAL OF \$ _____

Received _____ day of _____ 19 _____
and on 25 day of Aug 1972
I served a copy of the within _____
on Milford Homan

By service on _____

TAYLOR WILKINS, Sheriff
By W. C. Wilson Hayes

FILED

AUG 18 1972

EUNICE B. BLACKMON CIRCUIT CLERK
RECEIVED

AUG 18 1972

TAYLOR WILKINS

Wilson Hayes
Attorney for Plaintiff

FILED

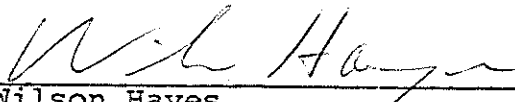
LONNIE W. PHILLIPS,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
Vs.	X	AT LAW
MILFORD HOMAN,	X	
Defendant.	X	NUMBER: 10,558

INTERROGATORIES

Comes now Plaintiff and desiring the testimony of the Defendant, Milford Homan, propounds the following interrogatories, to be answered by the Defendant under oath:

1. Are you the Defendant in this case?
2. What is your address?
3. What is the address of Arthur Lee Milstid?
4. Were you the owner of the 1970 Mack Truck, 1972 license tag Number 5-P/7-242, Alabama?
5. Was this vehicle involved in an accident on April 18, 1972?
6. Where did the accident take place?
7. Was the accident approximately one-tenth mile East of the East end of Blakley River Bridge near Spanish Fort in Baldwin County, Alabama on U.S. Highway 90-31?
8. Who was driving your vehicle?
9. What business was he on at the time?
10. Where was the truck bound immediately before the accident?
11. Where on your vehicle was the point of impact with the Plaintiff's vehicle?
12. At what speed was your vehicle traveling immediately before the accident?
13. At what point on Plaintiff's vehicle was the point of impact with your vehicle?
14. Was Arthur Lee Milstid then employed by you?
15. In what capacity was Arthur Lee Milstid employed by you on the day of the accident referred to in these interrogatories?

16. What damage was done to your vehicle?
17. What was the value of your vehicle immediately before the accident?
18. What was the value of your vehicle immediately following the accident?
19. Was your vehicle loaded, if so describe the load and its weight.



Wilson Hayes
Attorney for Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Mary C. Stiers McGuff, a Notary Public in and for said County in said State, personally appeared Wilson Hayes, who being known to me, stated under oath that he is the Attorney for the Plaintiff in this cause; that the answers to the foregoing interrogatories when well and truly made will be material evidence for the said Plaintiff on the trial of the said cause.


Wilson Hayes

Sworn to and subscribed to before me this the 4th day of April, 1973.


Mary C. Stiers McGuff, Notary Public
Baldwin County, Alabama

FILED

APR 5 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

Received 6 day of April 1973
and on 10 day of April 1973
I serve a copy of the within Interrog.
on Milford Heman

Sheriff claims _____ miles or
Ten Cents per mile Total \$
TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF

By service on _____
TAYLOR WILKINS, Sheriff
By W. A. Hayes D.S.

#10,558
Lennie W. Phillips

vs:
Milford Heman
Bay, Minette, Ala -

Interrogatories

FILED
APR 5 1973
EUNICE B. BLACKMON CIRCUIT CLERK
RECEIVED
APR 6 1973
TAYLOR WILKINS
SHERIFF

Wilson Hayes
Atty for P.H.

LONNIE W. PHILLIPS,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
MILFORD HOMAN,)	No. 10,558
Defendant.)	

DEMURRER

Comes the Defendant in the above-styled cause, by and through his attorney, and demurs to the complaint filed in said cause, and to each count thereof, separately and severally, and as grounds for such demurrer sets down and assigns, separately and severally, the following separate and several grounds:

1. For aught that appears from the count, no duty was owed by the Defendant to the Plaintiff at the time and place complained of.
2. For that the allegation of negligence contained in the count is not sufficiently set forth.
3. For aught that appears, the alleged injuries to the Plaintiff were not the proximate result of any negligence of this Defendant at the time and place complained of.
4. For that the count is vague, uncertain and indefinite.
5. For that the count fails to state a cause of action against this Defendant.

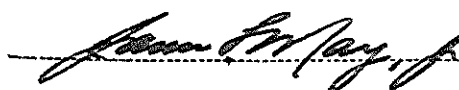

Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14th day of September, 1972, served a copy of the foregoing pleading on counsel for the parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

FILED

SEP 15 1972



EUNICE B. BLACKMON CIRCUIT CLERK

JOHNSTONE, ADAMS, MAY, HOWARD AND HILL

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

POST OFFICE BOX 1988

MOBILE, ALABAMA 36601

TELEPHONE 432-7683
AREA CODE 205

C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.
BROCK B. GORDON
BEN H. HARRIS, JR.
WILLIAM H. HARDIE, JR.

DOUGLAS INGE JOHNSTONE
E. WATSON SMITH
JACK MCLENDON PATE
CHARLES A. BENTLEY, JR.
DAVID C. HANNAN

September 14, 1972

GESSNER T. MCCORVEY (1882-1965)
BEN D. TURNER (1886-1968)


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

Re: Lonnie W. Phillips vs.
Milford Homan
Case No. 10,558 - Circuit Court

Dear Mrs. Blackmon:

Enclosed is a demurrer to be filed on behalf of the Defendant in the above-styled cause. Plaintiff's attorney, Mr. Hayes, and I have agreed that neither of us wants the demurrer to be set down for hearing on any early date, because we both want first to discuss this case.

Yours very truly,


James L. May, Jr.

JLM/J

Encl.

Copy to:

Mr. Wilson Hayes, Attorney
Bay Minette, Alabama 36507

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

August 16, 1972

10,558

Jury
TELEPHONE 937-5506

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

Dear Eunice:

Please file the enclosed suit styled Lonnie W.
Phillips v Milford Homan. Mr. Homan may be served in
Bay Minette, Alabama.

With kind regards, I am

Yours very truly,

Wilson Hayes
Wilson Hayes

WH/mm
Enc.

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

April 4, 1973

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

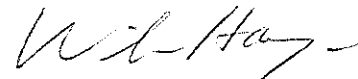
Re: Phillips v Homan
Case #10,558

Dear Mrs. Blackmon:

Please serve the enclosed interrogatories on
Milford Homan in Bay Minette, Alabama.

With kind regards, I am

Yours very truly,



Wilson Hayes

WH/mm
Enc.

cc w/enc: Mr. James L. May, Jr.

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

July 30, 1973

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

Re: Lonnie W. Phillips v
Milford Homan, Case #10,558

Dear Mrs. Blackmon:

Please ask Judge Mashburn to dismiss this case as having been settled between the parties. The costs are to be taxed against Defendant and the cost bill mailed to James L. May, Jr., Lawyer, P. O. Box 1988, Mobile, Alabama 36601.

With kind regards, I am

Yours very truly,


Wilson Hayes

WH/mm

cc: Mr. James L. May, Jr.