

ARMBRECHT, JACKSON & DEMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING  
P. O. BOX 290

MOBILE, ALABAMA  
36601

TELEPHONE  
AREA CODE 205  
432-6751

CABLE ADDRESS  
SEALAW

April 13, 1973

WM. H. ARMBRECHT  
THEODORE K. JACKSON  
MARSHALL J. DEMOUY  
WM. H. ARMBRECHT, III  
RAE M. CROWE  
BROOK G. HOLMES  
W. BOYD REEVES  
FRANK B. MCRIGHT  
CLIFFORD FOSTER, III  
T. K. JACKSON, III  
E. B. PEEBLES, III  
F. M. KEELING  
GEOFFREY V. PARKER  
WILLIAM B. HARVEY  
KIRK C. SHAW  
NORMAN E. WALDROP, JR.  
CONRAD R. ARMBRECHT, II  
A. DANNER FRAZER, JR.

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

Re: J. L. Mothershead vs. Complete Auto Transit, Inc.,  
et al.; Case No. 10, 581

Dear Mrs. Blackmon:

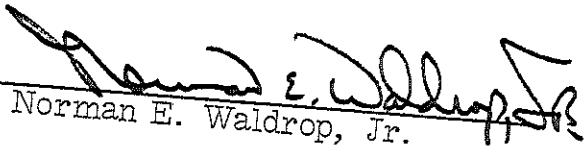
Will you kindly file the enclosed Motion to Produce and have the enclosed Interrogatories properly served upon the attorney of record for Complete Auto Transit. Also, we would appreciate it if you would mark the date these pleadings are filed on a copy of this letter and return the same in the self-addressed envelope provided.

Thank you again for your cooperation.

Yours very truly,

ARMBRECHT, JACKSON & DeMOUY

By

  
Norman E. Waldrop, Jr.

NEW, Jr/lr

Enclosures

|                        |   |                         |
|------------------------|---|-------------------------|
| J. L. MOTHERSHEAD,     | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,             | ) | BALDWIN COUNTY, ALABAMA |
| vs.                    | ) |                         |
| COMPLETE AUTO TRANSIT, | ) |                         |
| INC., et al.,          | ) |                         |
| Defendants.            |   | CASE NO. 10, 581        |

MOTION TO PRODUCE

Comes now the Plaintiff, J. L. Mothershead, in the above styled cause and respectfully moves the Court to order the Defendants, Complete Auto Transit, Inc., and Ryder Truck Rental, Inc., to produce and deliver to the Plaintiff, J. L. Mothershead, or his attorney of record, not later than 9:00 a.m. on Monday, April 23, 1973, or at any other time and place fixed by this Honorable Court or agreed to by the parties to this Motion, for inspection by the Plaintiff prior to the date of trial in this cause, the following:

1. Any and all employment records pertaining to William A. Wright.
2. Any and all notes, records, documents, reports, or other written memoranda concerning the telephone call and conversation made by William A. Wright on December 6, 1971, from Spanish Fort, Alabama, to the Complete Auto Transit offices in Atlanta, Georgia.
3. Any and all handbooks, manuals, instructions, or similar documents made available to your truck drivers concerning their duties and work, particularly, but not limited to, their duties and instructions regarding the involvement and reporting of accidents.
4. The payroll documents concerning William A. Wright for December 6, 1971.

5. The ownership and title documents to the vehicle operated by William A. Wright on December 6, 1971, said vehicle being driven from Mobile, Alabama, to Atlanta, Georgia.

6. Any and all work orders, purchase orders, expense vouchers, instructions, bills of lading, directions, time sheets, or other similar written memoranda or documents pertaining to the road trip made by William A. Wright from Atlanta, Georgia, to Mobile, Alabama, on December 5, 1971, and the return road trip from Mobile, Alabama, to Atlanta, Georgia, on December 6, 1971.

A further request is made to the Court to order the Defendants, Complete Auto Transit, Inc., and Ryder Truck Rental, Inc., to make available to the Plaintiff for inspection and photographing the said vehicle, further described as an auto transit carrier, operated by William A. Wright, on December 6, 1971, in which he traveled from Mobile, Alabama, to Atlanta, Georgia.

The Plaintiff avers that these aforementioned items demonstrate and contain evidence relevant and pertinent to issues in the above styled cause and are necessary to adequately prosecute this cause. The Plaintiff further avers that these items are in the possession, custody, control, or power of the Defendants, Complete Auto Transit, Inc. and Ryder Truck Rental, Inc.

ARMBRECHT, JACKSON & DeMOUY

By W. Boyd Reeves  
W. BOYD REEVES  
Duly Designated Trial Counsel

By Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

STATE OF ALABAMA )

COUNTY OF MOBILE )

Before me, the undersigned Notary Public in and for said County and State, personally appeared NORMAN E. WALDROP, JR., known to me, who being by me first duly sworn, deposes and says: that he is one of the attorneys of record for the Plaintiff, J. L. Mothershead, in the foregoing cause, and as such has knowledge of the facts set out in the foregoing motion; that the documents therein described contain evidence pertinent to the issues of this cause and that they are necessary and material to a proper prosecution of the said suit.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

SUBSCRIBED and SWORN TO  
before me this the 12<sup>th</sup> day  
of April, 1973.

Lennell B. Robinson  
Notary Public

TO PAUL W. BROCK, ESQUIRE, ATTORNEY FOR THE DEFENDANTS,  
COMPLETE AUTO TRANSIT, INC., AND RYDER TRUCK RENTAL, INC.:

Please take notice that the above and foregoing motion will be called to the attention of the Judges of the Circuit Court of Baldwin County, Alabama, on the 17th day of April, 1973, or as soon thereafter as counsel may be heard.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

I, NORMAN E. WALDROP, JR., one of the attorneys of record for the Plaintiff, J. L. Mothershead, do hereby certify that on this 12<sup>th</sup> day of April, 1973, I served a copy of the above and foregoing motion, affidavit, and notice on Paul W. Brock, Esquire, attorney for the Defendants, Complete Auto Transit, Inc. and Ryder Truck Rental, Inc., by depositing a copy of the same postage pre-paid, in the United States Mail addressed to his office in Mobile, Alabama.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

**FILED**

- 3 -

APR 16 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

ARMBRECHT, JACKSON & DEMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

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WILLIAM B. HARVEY  
KIRK C. SHAW  
NORMAN E. WALDROP, JR.  
CONRAD F. ARMBRECHT, II  
A. DANNER FRAZER, JR.

April 18, 1973

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

Re: J. L. Mothershead vs. Complete Auto Transit, Inc.,  
et al.; Case No. 10, 581

Dear Mrs. Blackmon:

Will you kindly file the enclosed Notice of Deposition in the above styled case in our behalf. Also, we would appreciate it if you would mark the date this Notice is filed on a copy of this letter and return the same in the self-addressed envelope provided.

Thank you for your cooperation.

Yours very truly,

ARMBRECHT, JACKSON & DeMOUY

By

  
Norman E. Waldrop, Jr.

NEW, Jr/lr

Enclosures

|                        |   |                         |
|------------------------|---|-------------------------|
| J. L. MOTHERSHEAD,     | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,             | ) | BALDWIN COUNTY, ALABAMA |
| vs.                    | ) |                         |
| COMPLETE AUTO TRANSIT, | ) |                         |
| INC., et al.,          | ) |                         |
| Defendants.            | ) | CASE NO. 10, 581        |

NOTICE OF DEPOSITION

TO: Paul W. Brock, Esquire  
 Post Office Box 123  
 Mobile, Alabama 36601

Michael D. Knight, Esquire  
 Post Office Box 123  
 Mobile, Alabama 36601

Please take notice that at 2:00 p. m. EST on Thursday, April 26, 1973, in the Law Offices of Lokey and Bowden, 2610 First National Bank Tower, 2 Peachtree Street, N. E., Atlanta, Georgia, the Plaintiff, Mothershead Oil Company, will take the deposition of Alex Rachal upon oral examination pursuant to Title 7, Article 6A, Section 474(1) et seq., Code of Alabama, Recompiled 1958, before an officer duly authorized to administer oaths in the County of Fulton, State of Georgia, and duly authorized to take depositions and swear witnesses in said County in said State. The oral examination will continue from day to day until completed and you are invited to attend if you so desire.

ARMBRECHT, JACKSON & DeMOUY

By *Norman E. Waldrop, Jr.*  
 NORMAN E. WALDROP, JR.

**FILED**

APR 19 1973

EUNICE B. BLACKMON CIRCUIT CLERK

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 18<sup>th</sup> day of April, 1973, served a copy of the foregoing pleading on counsel for all parties to this proceeding, mailing the same by United States mail properly addressed, and first class postage prepaid.

*Norman E. Waldrop, Jr.*

|                        |   |                         |
|------------------------|---|-------------------------|
| J. L. MOTHERSHEAD,     | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,             | ( | BALDWIN COUNTY, ALABAMA |
| VS:                    | ) |                         |
| COMPLETE AUTO TRANSIT, | ( |                         |
| INC., et al,           | ) |                         |
| Defendants.            |   | CASE NO. 10,581         |

ANSWERS TO INTERROGATORIES

Comes now one of the defendants in the above styled cause, COMPLETE AUTO TRANSIT, INC., a corporation, and for answer to interrogatories heretofore propounded to it by the plaintiff says as follows, separately and severally:

1. Alex Rachal, Assistant Branch Manager,  
Complete Auto Transit, Inc., Atlanta, Georgia.
2. One month.
3. William A. Wright, Route 7, Carrollton, Georgia.
4. Complete Auto Transit, Inc., Atlanta, Georgia.
5. Complete Auto Transit, Inc.
6. Complete Auto Transit, Inc., Atlanta, Georgia.
7. Complete Auto Transit, Inc., Atlanta, Georgia.
8. Complete Auto Transit, Inc., Atlanta, Georgia.
9. Returning to Atlanta empty from having delivered automobiles to Mobile the preceding day.
  - (a) Woody's Motel.
  - (b) Complete Auto Transit, Inc., Atlanta, Georgia.
  - (c) Spanish Fort, Alabama.
  - (d) Yes.
  - (e) Yellow GMC Diesel Tractor and auto transit carrier, vehicles numbers 2504-2941, Complete Auto Transit, Inc.

(f) We understand that as the tractor trailer rig being operated by William A. Wright was traveling eastward in the outside lane of the two eastbound lanes, that the driver of the tractor trailer rig owned by J. L. Mothershead lost control and struck the median some distance behind the rig being then operated by William A. Wright, either because the Mothershead driver was exceeding the speed limit, exceeding the safe speed, failed to keep a proper lookout, tried to pass and got in the turn lane as opposed to a through lane, or for some other reason unknown to us.

(g) Complete Auto Transit, Inc.

10. It is my understanding that Complete Auto Transit, Inc. is a wholly owned subsidiary of Ryder Truck Rental, Inc.

Alex C. Rachal  
ALEX C. RACHAL

STATE OF GEORGIA            )

COUNTY OF                    )

Personally appeared before me, the undersigned notary public in and for said County in said State, ALEX C. RACHAL who, being by me first duly sworn, deposes and says that he has read the foregoing answers to interrogatories and that the facts contained therein are true and correct to the best of his knowledge, information and belief.

Alex C. Rachal  
ALEX C. RACHAL

Sworn to and subscribed before me on this the 29<sup>th</sup> day of May, 1973.

Levie L. Harrison  
Notary Public, Notary Public, Georgia, State at Large  
My Commission Expires Oct. 15, 1974



CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Answers to Interrogatories to Norman E. Waldrop, Jr., Esq., attorney for the plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this the 1 day of June, 1973.

Michael D. Knight

FILED

JUN 4 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

FILED

JUN 4 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. McDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNOMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III  
BENJAMIN T. ROWE

June 1, 1973

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

RE: J. L. Mothershead versus Complete Auto  
Transit, Inc., Case Number 10,581

Dear Mrs. Blackmon:

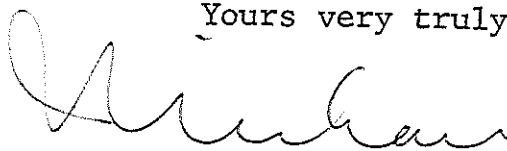
I have enclosed herein the original answers to interrogatories signed by the defendant, Complete Auto Transit, Inc. Would you please file these answers on behalf of this defendant and acknowledge receipt and filing by signing and returning the enclosed tissue copy of this letter.

I am by carbon copy of this letter transmitting a copy of these answers to interrogatories to Norman E. Waldrop, Jr., who represents the plaintiff.

Thank you for your assistance.

Best regards.

Yours very truly,



For the Firm

MDKslm  
enclosures  
cc: Norman E. Waldrop, Jr., Esq.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

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LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III  
BENJAMIN T. ROWE

February 7, 1973

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

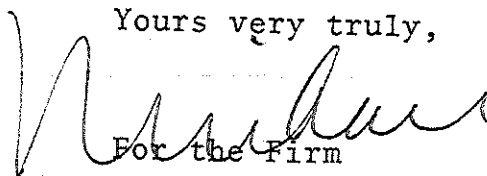
Re: J. L. Mothershead v. Complete Auto  
Transit Company, et al.,  
Case Number 10,581

Dear Mrs. Blackmon:

I have enclosed herein an Amended Demurrer and request that you file the same on behalf of the defendants herein. Would you please acknowledge receipt and filing of the demurrer by signing and returning the enclosed tissue copy of this letter.

Best regards.

Yours very truly,

  
For the Firm

MDK.kd

Enclosure

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

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BENJAMIN T. ROWE

February 7, 1973

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

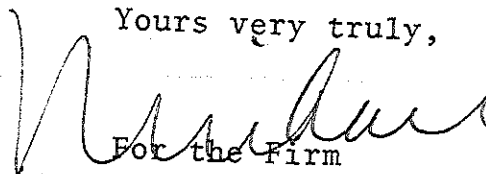
Re: J. L. Mothershead v. Complete Auto  
Transit Company, et al.,  
Case Number 10,581

Dear Mrs. Blackmon:

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Best regards.

Yours very truly,

  
For the Firm

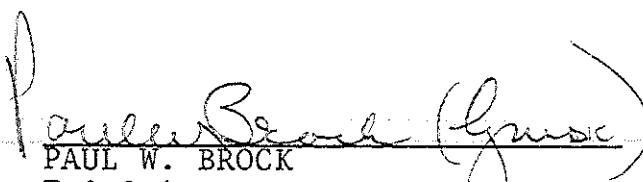
MDK.kd


Enclosure

|                       |   |                         |
|-----------------------|---|-------------------------|
| J. L. MOTHERSHEAD,    | * | IN THE CIRCUIT COURT OF |
| Plaintiff,            | * | BALDWIN COUNTY, ALABAMA |
| vs.                   | * |                         |
| COMPLETE AUTO TRANSIT | * |                         |
| COMPANY, et al.,      | * |                         |
| Defendants.           | * | CASE NUMBER 10, 581     |

AMENDED DEMURRER

Comes now each of the following defendants, separately and severally, Complete Auto Transit Company and Ryder Truck Rental, Inc., and, to the plaintiff's complaint as last amended and each count thereof, separately and severally, refiles their separate and several demurrer previously filed herein to the original complaint and each count thereof, separately and severally, and reassigns each separate and several ground thereof.

  
PAUL W. BROCK  
Trial Attorney

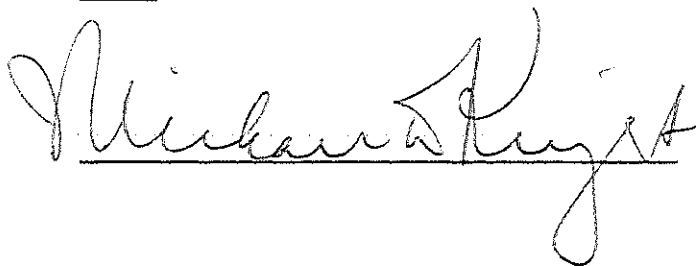
  
MICHAEL D. KNIGHT  
Attorneys for Defendants

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I do hereby certify that I have mailed a true and correct copy of the foregoing to Norman E. Waldrop, Esquire, Attorney for Plaintiff by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama on this, the 5 day of February, 1973.



**FILED**

FEB 12 1973

EUNICE B. BLACKMON CIRCUIT CLERK

ARMBRECHT, JACKSON & DEMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

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CABLE ADDRESS  
SEALAW

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E. B. PEEBLES, III  
F. M. KEELING  
GEOFFREY V. PARKER  
THOMAS M. AMMONS, III  
WILLIAM B. HARVEY  
KIRK C. SHAW  
NORMAN E. WALDROP, JR.  
CONRAD P. ARMBRECHT, II

August 29, 1972

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

#10,581

Dear Mrs. Blackmon:

We enclose a Complaint which we kindly request that you file on our behalf. We have also enclosed our firm check for \$5.00 to cover the cost of service of process on Complete Auto Transit Company through the Secretary of State. We would appreciate if you would acknowledge receipt of this Complaint by marking the date filed on a copy of this letter and returning the same in the self-addressed envelope provided.

We again want to thank you for your cooperation.

Yours very truly,

ARMBRECHT, JACKSON & DeMOUY

By Norman E. Waldrop, Jr.  
Norman E. Waldrop, Jr.

NEW, JR/lr

Enclosures

|                        |   |                         |
|------------------------|---|-------------------------|
| J. L. MOTHERSHEAD,     | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,             | ) | BALDWIN COUNTY, ALABAMA |
| vs.                    | ) |                         |
| COMPLETE AUTO TRANSIT, | ) |                         |
| INC., et al.,          | ) |                         |
| Defendants.            | ) | CASE NO. 10, 581        |

AMENDMENT TO MOTION TO PRODUCE

Comes now the Plaintiff, J. L. Mothershead, in the above styled cause and amends its Motion to Produce heretofore filed to read as follows:

Comes now the Plaintiff, J. L. Mothershead, in the above styled cause and respectfully moves the Court to order the Defendants, Complete Auto Transit, Inc. and Ryder Truck Rental, Inc., to produce and deliver to the Plaintiff, J. L. Mothershead, or his attorney of record, not later than 1:00 p.m. on Friday, February 23, 1973, or at any other time and place fixed by this Honorable Court or agreed to by the parties to this motion, for inspection by the Plaintiff prior to the date of trial in this cause, the following:

Any and all log books carried aboard that certain Auto Transit truck driven by William Wright on December 6, 1971, said Auto Transit truck being driven from Mobile to Atlanta and having traveled upon U. S. Highway 90 (pages reflecting entries in log books from December 1 through December 10, 1971).

The Plaintiff avers that these aforementioned items demonstrate and contain evidence relevant and pertinent to issues in the above styled cause and are necessary to adequately prosecute this cause. The Plaintiff further avers that these items are in the possession, custody, control or power of

the Defendants, Complete Auto Transit, Inc. and Ryder Truck Rental,  
Inc.

ARMBRECHT, JACKSON & DeMOUY

By W. Boyd Reeves  
W. BOYD REEVES  
Duly Designated Trial Counsel

By Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

STATE OF ALABAMA )

COUNTY OF MOBILE )

Before me, the undersigned Notary Public in and for said County and State, personally appeared NORMAN E. WALDROP, JR., known to me, who being by me first duly sworn, deposes and says: that he is one of the attorneys of record for the Plaintiff in the foregoing cause, and as such has knowledge of the facts set out in the foregoing motion; that the documents therein described contain evidence pertinent to the issues of this cause and that they are necessary and material to a proper prosecution of the said suit.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

SUBSCRIBED and SWORN TO before me  
this the 24th day of January,  
1973.

Lonnell B. Robbins  
Notary Public

TO MICHAEL D. KNIGHT, ESQUIRE, ATTORNEY FOR THE DEFENDANTS,  
COMPLETE AUTO TRANSIT, INC. AND RYDER TRUCK RENTAL, INC.:

Please take notice that the above and foregoing motion will be called to the attention of the Judges of the Circuit Court of Baldwin County, Alabama, on the 1st day of February, 1973, or as soon thereafter as counsel may be heard.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.



I, NORMAN E. WALDROP, JR., one of the Attorneys of Record for the Plaintiff, J. L. Mothershead, do hereby certify that on this 24th day of January, 1973, I served a copy of the above and foregoing motion, affidavit, and notice on Michael D. Knight, Esq., Attorney for the Defendants, by depositing a copy of the same postage pre-paid, in the United States Mail addressed to his office in Mobile, Alabama.

  
NORMAN E. WALDROP, JR.

FILED

JAN 26 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

ARMBRECHT, JACKSON & DEMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

MOBILE, ALABAMA

36601

TELEPHONE  
AREA CODE 205  
432-6751

CABLE ADDRESS  
SEALAW

WM. H. ARMBRECHT  
THEODORE K. JACKSON  
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WILLIAM B. HARVEY  
KIRK C. SHAW  
NORMAN E. WALDROP, JR.  
CONRAD R. ARMBRECHT, II  
A. DANNER FRAZER, JR.

January 25, 1973

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

Re: J. L. Mothershead v. Complete  
Auto Transit, Inc., et al.; Case  
No. 10, 581

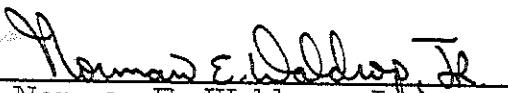
Dear Mrs. Blackmon:

We enclose an amended Motion to Produce which we kindly request that you file on our behalf. We would appreciate if you would acknowledge receipt of this Motion by marking the date filed on a copy of this letter and returning the same in the self-addressed envelope provided.

Thank you for your cooperation.

Yours very truly,

ARMBRECHT, JACKSON & DeMOUY

By   
Norman E. Waldrop, Jr.

NEW, Jr/lr

Enclosure

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. MCDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

October 10, 1972

Clerk of Circuit Court  
Baldwin County Court House  
Bay Minette, Alabama

RE: J. L. Mothershead v. Complete Auto Transit  
Company, et al., Case No. 10,581

Gentlemen:

Enclosed herewith is the original and one copy  
of defendants demurrer in the above styled matter.  
As soon as you have recorded the same, please send  
the copy back to our offices with this indication  
noted.

Yours very truly,

*Benjamin T. Lowe*

For the Firm

BTR/cj

Enclosures

J. L. MOTHERSHEAD, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
v. :  
COMPLETE AUTO TRANSIT :  
COMPANY, et al.  
Defendants. : Case No. 10,581

DEMURRER

Comes now each of the following defendants, separately and severally, COMPLETE AUTO TRANSIT COMPANY and RYDER TRUCK RENTAL, INC., and demurs to the complaint as a whole and to each count of the complaint filed herein, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against this defendant.

2. For that negligence is therein alleged merely as a conclusion of the pleader.

3. For that it alleges negligence as a conclusion, in that it fails to state sufficient facts showing how this defendant allegedly negligently operated a motor vehicle in such a manner as to force plaintiff's motor vehicle to collide with a median and other vehicles.

4. 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 defendant is called on to defend.

5. For that it is vague, indefinite, and uncertain, in that it does not apprise this defendant with sufficient certainty how it allegedly negligently forced plaintiff's motor vehicle to collide with a median and other vehicles.

6. For that it is vague, indefinite, and uncertain, in that it does not apprise this defendant with sufficient certainty how it allegedly negligently operated a motor vehicle.

7. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.

8. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

9. For that it does not appear with sufficient certainty how this defendant allegedly negligently operated a motor vehicle.

10. For that sufficient facts are not stated to show that this defendant violated any duty it owed to the plaintiff, in that negligent operation of the motor vehicle by defendant is alleged merely as a conclusion.

11. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

12. For that the averments set up, if true, do not show any liability on the part of this defendant.

13. For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

14. For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

15. No facts are alleged to show that plaintiff sustained any damage or injury as a proximate result of any negligence or breach of duty on the part of this defendant.

16. It is not alleged that the negligence complained of proximately caused the accident and injuries and damages complained of.

17. For that said count is duplicitous.


18. For that there is a misjoinder of parties defendant.


19. It is not alleged with sufficient certainty where said accident occurred.

20. For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

21. For there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages, in that it fails to allege facts showing that defendant forced plaintiff's motor vehicle to collide with a median and other vehicles.

22. No facts are alleged to show that plaintiff was injured or damaged as the proximate result of any negligence of defendant, in that it fails to allege facts sufficient to show that defendant forced plaintiff's motor vehicle to collide with a median and other vehicles.

  
PAUL W. BROCK, Trial Attorney  
for Defendant

  
BENJAMIN T. ROWE, Attorney for  
Defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
Post Office Box 123  
Mobile, Alabama

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10th  
day of October, 1972, 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.

/s/ Paul W. Buck,

/s/ Benjamin J. Rowe

FILED

OCT 10 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

January 22, 1973

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
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LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III  
BENJAMIN T. ROWE

The Honorable Telfair Mashburn, Judge  
Circuit Court of Baldwin County  
Baldwin County Court House  
Bay Minette, Alabama

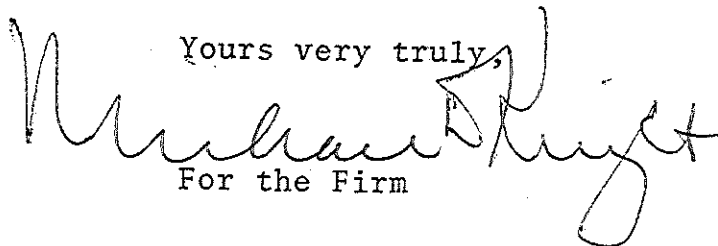
Re: J. L. Mothershed v. Complete Auto Transit,  
Inc. -- Case Number 10581

Dear Judge Mashburn:

On or about January 3, 1973 a Motion to Produce was filed in this case directed to the defendants, Complete Auto Transit and Ryder Truck Rental. It is respectfully submitted to the Court that the motion is not proper and is defective, therefore, should be denied. The provisions of Title 7, Section 426, Code of Alabama 1940 (Recomp. 1958), by which this motion is governed, requires, in part, that the Court may "upon affidavit of their necessity and materiality" require the production of certain documents generally referred to therein. A motion for the production of documents not based on an affidavit cannot be supported by this section, ex parte Rowell, 248 Ala. 80, 26 So. 2d 554.

Respectfully submitted,

Yours very truly,

  
For the Firm

MDK.kd

cc: Norman E. Waldrop, Jr., Esquire



ARMBRECHT, JACKSON & DeMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

MOBILE, ALABAMA

36601

TELEPHONE  
AREA CODE 205  
432-6751

CABLE ADDRESS  
SEALAW

WM. H. ARMBRECHT  
THEODORE K. JACKSON  
MARSHALL J. DeMOUY  
WM. H. ARMBRECHT, III  
RAE M. CROWE  
BROOK G. HOLMES  
W. BOYD REEVES  
FRANK B. McRIGHT  
CLIFFORD FOSTER, III  
T. K. JACKSON, III  
E. B. PEEBLES, III  
F. M. KEELING  
GEOFFREY V. PARKER  
WILLIAM B. HARVEY  
KIRK C. SHAW  
NORMAN E. WALDROP, JR.  
CONRAD R. ARMBRECHT, II  
A. DANNER FRAZER, JR.

January 3, 1973

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

Re: J. L. Mothershead v. Complete  
Auto Transit, Inc., et al.; Case  
No. 10,581


Dear Mrs. Blackmon:

We enclose a Motion to Produce which we kindly request that you file on our behalf. We would appreciate if you would acknowledge receipt of this Motion to Produce by marking the date filed on a copy of this letter and returning the same in the self-addressed envelope provided.

Thank you for your cooperation.

Yours very truly,

ARMBRECHT, JACKSON & DeMOUY

By   
Norman E. Waldrop, Jr.

NEW, Jr/lr

Enclosure

|                        |   |                         |
|------------------------|---|-------------------------|
| J. L. MOTHERSHEAD,     | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,             | ) | BALDWIN COUNTY, ALABAMA |
| vs.                    | ) |                         |
| COMPLETE AUTO TRANSIT, | ) |                         |
| INC., et al.,          | ) |                         |
| Defendants.            | ) | CASE NO. 10, 581        |

MOTION TO PRODUCE

Comes now the Plaintiff, J. L. Mothershead, in the above styled cause and respectfully moves the Court to order the Defendants, Complete Auto Transit, Inc. and Ryder Truck Rental, Inc., to produce and deliver to the Plaintiff, J. L. Mothershead, or his attorney of record, not later than 1:00 p.m. on Friday, February 9, 1973, or at any other time and place fixed by this Honorable Court or agreed to by the parties to this motion, for inspection by the Plaintiff prior to the date of trial in this cause, the following:

Any and all log books carried aboard that certain Auto Transit truck driven by William Wright on December 6, 1971, said Auto Transit truck being driven from Mobile to Atlanta and having traveled upon U. S. Highway 90 (pages reflecting entries in log books from December 1 through December 10, 1971).

The Plaintiff avers that these aforementioned items demonstrate and contain evidence relevant and pertinent to issues in the above styled cause and are necessary to adequately defend this cause. The Plaintiff further avers that these items are in the possession, custody, control or power of the Defendants, Complete Auto Transit, Inc. and Ryder Truck Rental, Inc.

ARMBRECHT, JACKSON & DeMOUY

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3rd 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.

By W. Boyd Reeves  
W. BOYD REEVES  
Duly Designated Trial Counsel

By Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

JAN 5 1973

CIRCUIT CLERK  
JUNICE B. BLACKMON

|                       |   |                         |
|-----------------------|---|-------------------------|
| J. L. MOTHERSHEAD,    | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,            | ) | BALDWIN COUNTY, ALABAMA |
| vs.                   | ) |                         |
| COMPLETE AUTO TRANSIT | ) |                         |
| COMPANY, et al.,      | ) |                         |
| Defendants.           | ) | CASE NO. 10, 581        |

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause and amends the caption and body of its Complaint to change the name of one of the Defendants, Complete Auto Transit, to read as follows:

|  |   |                         |
|--|---|-------------------------|
| J. L. MOTHERSHEAD,                     | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,                             | ) | BALDWIN COUNTY, ALABAMA |
| vs.                                    | ) |                         |
| COMPLETE AUTO TRANSIT,                 | ) |                         |
| INC., a corporation; RYDER             | ) |                         |
| TRUCK RENTAL, INC., a                  | ) |                         |
| corporation; and ABC, a person,        | ) |                         |
| partnership, firm, or corpora-         | ) |                         |
| tion who was the owner or operator     | ) |                         |
| of the motor vehicle driven by         | ) |                         |
| William Wright on December 6,          | ) |                         |
| 1971, on Battleship Parkway,           | ) |                         |
| Mobile, Alabama, involved in the       | ) |                         |
| accident made the basis of this        | ) |                         |
| suit whose true name and legal         | ) |                         |
| identification is otherwise unknown    | ) |                         |
| to the Plaintiff at this time but will | ) |                         |
| be added by amendment when ascer-      | ) |                         |
| tained, individually and jointly,      | ) |                         |
| Defendants.                            | ) | CASE NO. 10, 581        |

AMENDED COMPLAINT

The Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, damages, for that heretofore and on, to-wit, December 6, 1971, the Defendant, Complete Auto Transit, Inc., a corporation, an agent of Defendant, Ryder Truck Rental, Inc., a corporation, while acting within the line and scope of its authority as such, negligently

operated a motor vehicle on Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being a public road in Baldwin County, Alabama, and otherwise known as Battleship Parkway, so as to cause the same to force a motor vehicle being operated by the Plaintiff, by and through its servant or employee, acting within the line and scope of such employment, to collide with the median of Alabama Highway 16 and other vehicles being operated on Alabama Highway 16 at the said time and place.

The Plaintiff avers that as a direct and proximate result of the negligence of the Defendants as aforesaid, the Plaintiff was caused to suffer the following damages, to-wit: its motor vehicle was bent, smashed, and otherwise damaged; lost the use of its motor vehicle for a considerable length of time; caused to hire new and additional employees; caused to rent or otherwise expend money to use other vehicles; caused to expend money in transporting the smashed motor vehicle; and caused to lose profits in its business. Hence, this suit.

ARMBRECHT, JACKSON & DeMOUY

By W. Boyd Reeves  
W. BOYD REEVES

By Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 22<sup>nd</sup> day of Nov., 1972, 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.

Norman E. Waldrop, Jr.

FILED

NOV 27 1972

EUNICE B. BLACKMON CIRCUIT CLERK

Plaintiff demands a trial by jury.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

ARMBRECHT, JACKSON & DEMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

MOBILE, ALABAMA

36601

TELEPHONE  
AREA CODE 205  
432-6751

CABLE ADDRESS  
SEALAW

WM. H. ARMBRECHT  
THEODORE K. JACKSON  
MARSHALL J. DEMOUY  
WM. H. ARMBRECHT, III  
RAE M. CROWE  
BROOK G. HOLMES  
W. BOYD REEVES  
FRANK B. MCRIGHT  
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F. M. KEELING  
GEOFFREY V. PARKER  
THOMAS M. AMMONS, III  
WILLIAM B. HARVEY  
KIRK C. SHAW  
NORMAN E. WALDROP, JR.  
CONRAD P. ARMBRECHT, II  
A. DANNER FRAZER

November 22, 1972

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

Re: J. L. Mothershead v. Complete  
Auto Transit Company, et al.;  
Case No. 10, 581

---

Dear Mrs. Blackmon:

We enclose an Amended Complaint which we kindly request that you file on our behalf. We would appreciate if you would acknowledge receipt of this Amended Complaint by marking the date filed on a copy of this letter and returning the same in the self-addressed envelope provided.

Thank you for your cooperation.

Yours very truly,

ARMBRECHT, JACKSON & DeMOUY

By Norman E. Waldrop, Jr.  
Norman E. Waldrop, Jr.

NEW, Jr/lr

Enclosure

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

November 9, 1972

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

CHAS. C. HAND  
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STEPHEN G. CRAWFORD  
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LARRY U. SIMS  
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EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

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

Re: J. L. Mothershead v.  
Complete Auto Transit Company, et al.,  
Case No. 10,581

Dear Mrs. Blackmon:

Attached is a notice of deposition on the above-styled case to be filed on behalf of defendant. We request that a subpoena be served on Mr. Jacobson.

A tissue copy of this letter is also attached. We request that you date this tissue copy and return to us when our notice is filed.

With best regards,

Yours very truly,

  
For the Firm

MDK:cr

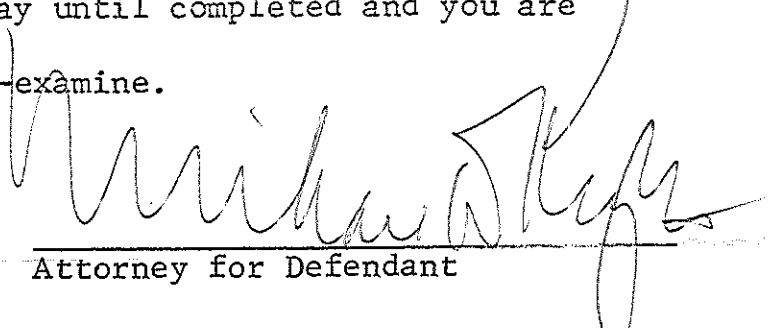
J. L. MOTHERSHEAD, : IN THE CIRCUIT COURT OF  
: BALDWIN COUNTY, ALABAMA  
Plaintiff : AT LAW  
vs. :  
COMPLETE AUTO TRANSIT :  
COMPANY, et al., :  
:

Defendants : CASE NO. 10,581

NOTICE

TO: Norman E. Waldrop, Jr., Esq. Richard D. Bounds, Esq.  
Attorney at Law Cunningham, Bounds & Byrd  
P. O. Box 290 P. O. Box 4486  
Mobile, Alabama 36601 Mobile, Alabama 36604

Please take notice that on the 1st day of December,  
1972, in the offices of Hand, Arendall, Bedsole, Greaves &  
Johnston, 3000 First National Bank Building, Mobile, Alabama,  
the defendant, Complete Auto Transit Company,  
will take the deposition of Irby Lee Jacobson whose  
address is Rt. 2, Box 292, Bay Minette, Ala., at 3:00 P.M.,  
upon oral examination pursuant to an Act of the Legislature of  
the State of Alabama, designated as Act. No. 375, Regular Session  
1955, Approved September 8, 1955, before Walter W. Wise,  
or another officer duly authorized to take depositions and swear  
witnesses in said County in said State. The oral examination  
will continue from day to day until completed and you are  
invited to attend and cross-examine.

  
Attorney for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

PLEASE ISSUE SUBPOENA - PERSONAL SERVICE REQUESTED

**FILED**  
NOV 10 1972  
EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Pleading to all attorneys of record by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorneys at their respective offices in Mobile , Alabama, on this 9 day of November , 1972.

Minna R. King

**FILED**

NOV 10 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK



HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

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CHAS. C. HAND  
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A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III  
BENJAMIN T. ROWE

May 24, 1973

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

RE: J. L. Mothershead versus  
Complete Auto Transit Company, et al  
Circuit Court Case No. 10,581  
Our File: PWB 13,095-C

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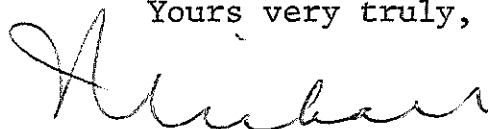
Dear Mrs. Blackmon:

I have enclosed herein an answer and a notice for the taking of a deposition in the above styled cause, and request that you file the same on behalf of the defendants. Please acknowledge receipt of the filing of the answer and the notice by signing and returning the enclosed copy of this letter.

I understand that Judge Mashburn will probably have a jury term during July or August. Has he set the date for that term yet? If so, would you please let me know when you expect to have the next jury term and whether this case will probably be set during it.

Best regards.

Yours very truly,



For the Firm

MDKslm  
enclosures

J. L. MOTHERSHEAD,                    )     IN THE CIRCUIT COURT OF  
                  Plaintiff,               (     MOBILE COUNTY, ALABAMA  
VS:                                        )  
COMPLETE AUTO TRANSIT,                (  
INC., et al,                               )  
                  Defendants.                         CASE NO. 10,581

A N S W E R

Comes now each of the defendants in the above styled cause separately and severally, COMPLETE AUTO TRANSIT, INC. and RYDER TRUCK RENTAL, INC., and for answer to the plaintiff's complaint as last amended and each count thereof, separately and severally, sets down and assigns the following separate and several pleas, separately and severally:

1. Not guilty.
2. The material allegations are untrue.
3. As a further defense, the defendant avers that at the time and place alleged in the plaintiff's complaint, to-wit, December 6, 1971, the plaintiff proximately contributed to his claimed damages in that at said time and place the agent, servant or employee of the plaintiff acting in the line and scope of his employment as such so negligently operated the plaintiff's motor vehicle on Alabama Highway 16, between the Baldwin County Line and Pineda Drive, public roads in Baldwin County, Alabama, as to cause or allow the same to go out of control, collide with the median of Alabama Highway 16, and other vehicles being operated on Alabama Highway 16 at the said time and place; hence, plaintiff ought not recover.

Paul W. Brock (Amicus)  
PAUL W. BROCK, Trial Attorney

Michael D. Knight  
MICHAEL D. KNIGHT

Attorneys for the Defendants

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Answer to Norman E. Waldrop, Esquire, attorney for the plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this the 25 day of May, 1973.

Michael D. Knight

**FILED**

MAY 29 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

J. L. MOTHERSHEAD, ) IN THE CIRCUIT COURT OF  
Plaintiff, ( BALDWIN COUNTY, ALABAMA  
VS: )  
COMPLETE AUTO TRANSIT, ( INC., ET AL,  
Defendants. ) CASE NO. 10,581

N O T I C E

TO: NORMAN E. WALDROP, JR., Esquire  
Post Office Box 290  
Mobile, Alabama, 36601

PLEASE TAKE NOTICE that on the 2nd day of July, 1973, in the offices of HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON, 3000 First National Bank Building, Mobile, Alabama, the defendants, COMPLETE AUTO TRANSIT, INC. and RYDER TRUCK RENTAL, INC., will take the deposition of J. L. MOTHERSHEAD, at 2:30 P.M., upon oral examination pursuant to an Act of the Legislature of the State of Alabama, designated as Act No. 375, Regular Session 1955, Approved September 8, 1955, before WALTER WISE, or another officer duly authorized to take depositions and swear witnesses in said County in said State. The oral examination will continue from day to day until completed and you are invited to attend and cross-examine.

  
MICHAEL D. KNIGHT, Attorney for Defendants

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

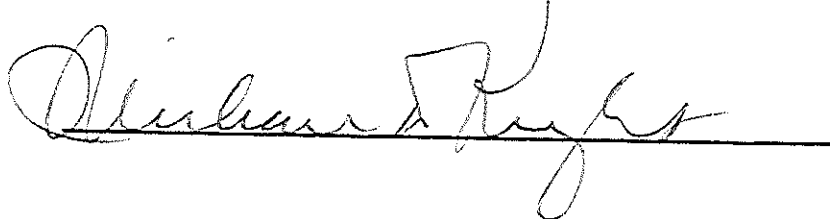
CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Notice to Norman E. Waldrop, Jr., Esq., attorney for the plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this the 24 day of May, 1973.

**FILED**

MAY 29 1973

CE B. BLACKMON CIRCUIT  
CLERK



HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. MCDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III  
BENJAMIN T. ROWE

June 29, 1973

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

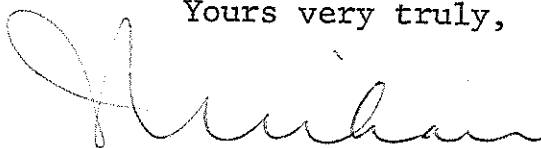
RE: J. L. Mothershead versus  
Complete Auto Transit, Inc., et al  
Case Number 10,581

Dear Mrs. Blackmon:

I have enclosed herein the original notice for taking the deposition of J. L. Mothershead for Tuesday, August 14, 1973. Please file this on behalf of the defendant.

Best regards.

Yours very truly,



For the Firm

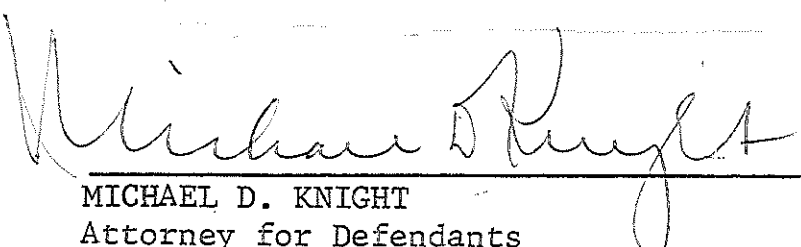
MDKslm  
enclosure

J. L. MOTHERSHEAD,                    )     IN THE CIRCUIT COURT OF  
  (     BALDWIN  
Plaintiff,                                )     MOBILE COUNTY, ALABAMA,  
  )  
VS:                                        (     AT LAW  
  )  
COMPLETE AUTO TRANSIT,  
INC., et al,                            (       
  )  
Defendants.                                (     CASE NO. 10,581

N O T I C E

TO: NORMAN E. WALDROP, JR., Esquire  
Post Office Box 290  
Mobile, Alabama, 36601

Please take notice that on the 14th day of August  
1973, in the offices of Hand, Arendall, Bedsole, Greaves &  
Johnston, 3000 First National Bank Building, Mobile, Alabama,  
the defendants, COMPLETE AUTO TRANSIT, INC. and RYDER TRUCK  
RENTAL, INC., will take the deposition  
of J. L. MOTHERSHEAD, at 2:00 P..M., upon  
oral examination pursuant to an Act of the Legislature of the  
State of Alabama, designated as Act No. 375, Regular Session  
1955, Approved September 8, 1955, before WALTER W. WISE  
\_\_\_\_\_ or another officer duly authorized to take depositions  
and swear witnesses in said County in said State. The oral  
examination will continue from day to day until completed and  
you are invited to attend and cross examine.

  
MICHAEL D. KNIGHT  
Attorney for Defendants

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Notice to Norman E. Waldrop, Jr., Esq., attorney for the plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama, on this the 21 day of June, 1973.

Shirhan Skyles

**FILED**

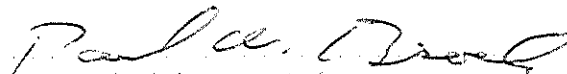
JUL 2 1973

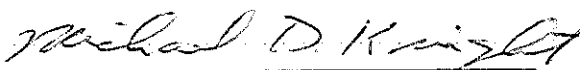
EUNICE B. BLACKMON CIRCUIT  
CLERK

J. L. MOTHERSHEAD, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. :  
COMPLETE AUTO TRANSIT, :  
et al, :  
Defendants. : CASE NO. 10,581  
:

MOTION TO JOIN SUBROGEE AS PARTY PLAINTIFF

Comes now the defendant, Complete Auto Transit, and, pursuant to Rule 17 of the Alabama Rules of Court, moves the court to join Federated Mutual Insurance Company as a party plaintiff herein and shows unto the court that said company is a subrogee to the claim brought by the designated plaintiff, that both the designated plaintiff and the subrogee have a pecuniary interest in the claim, and that this action should be maintained in their joint names.

  
Paul W. Brock, Trial Attorney  
for said defendant

  
Michael D. Knight, Attorney  
for said defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES  
AND JOHNSTON  
3000 First National Bank Bldg.  
Mobile, Alabama

**FILED**

**JAN 11 1974**

EUNICE B. BLACKMON CIRCUIT  
CLERK



(Motion to Join Subrogee as Party Plaintiff)

- 2 -

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11th day of January, 1974, served a copy of the foregoing pleading on Norman E. Waldrop, Jr., Esq., by delivering same to his office at 1100 Merchants National Bank Building, Mobile, Alabama.

Paul C. Brock

FILED

JAN 11 1974

EUNICE B. BLACKMON CIRCUIT  
CLERK

J. L. MOTHERSHEAD, ) IN THE CIRCUIT COURT OF  
 Plaintiff, ) BALDWIN COUNTY, ALABAMA  
 vs. )  
 COMPLETE AUTO TRANSIT )  
 COMPANY; RYDER TRUCK RENTAL, )  
 INC., a corporation; and ABC, a per- )  
 son, firm, or corporation who was the )  
 owner or operator of a motor vehicle )  
 involved in the accident made the basis )  
 of this suit whose true name and legal )  
 identification is otherwise unknown to )  
 the Plaintiff at this time but will be )  
 added by amendment when ascertained, )  
 individually and jointly, )  
 Defendants. ) CASE NO. 10,581

COMPLAINT

The Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, damages, for that heretofore and on, to-wit, December 6, 1971, the Defendant, Complete Auto Transit Company, an agent of Defendant, Ryder Truck Rental, Inc., while acting within the line and scope of its authority as such, negligently operated a motor vehicle on Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being a public road in Baldwin County, Alabama, and otherwise known as Battleship Parkway, so as to cause the same to force a motor vehicle being operated by the Plaintiff, by and through its servant or employee, acting within the line and scope of such employment, to collide with the median of Alabama Highway 16 and other vehicles being operated on Alabama Highway 16 at the said time and place.

The Plaintiff avers that as a direct and proximate result of the negligence of the Defendants as aforesaid, the Plaintiff was caused to

suffer the following damages, to-wit: its motor vehicle was bent, smashed, and otherwise damaged; lost the use of its motor vehicle for a considerable length of time; caused to hire new and additional employees; caused to rent or otherwise expend money to use other vehicles; caused to expend money in transporting the smashed motor vehicle; and caused to lose profits in its business. Hence, this suit.

ARMBRECHT, JACKSON & DeMOUY

By W. Boyd Reeves  
W. BOYD REEVES

By Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

Plaintiff demands a trial by jury.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

Address of Defendants:

1. Complete Auto Transit Company  
465 Sawtell Avenue S.W.  
Atlanta, Georgia  
Serve Complete Auto Transit Company  
through the Secretary of State.
2. Ryder Truck Rental, Inc.  
Serve Ryder Truck Rental, Inc.,  
through its agent for service of  
process, Fred S. Ball and  
Richard A. Ball, 200 S. Lawrence  
Street, Montgomery, Alabama.

**FILED**

AUG 30 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

STATE OF ALABAMA )

COUNTY OF MOBILE )

Before me, the undersigned authority, personally appeared  
Norman E. Waldrop, Jr., who, being sworn, deposes and says:

That he is one of the attorneys representing the Plaintiff in the  
above styled cause; that he is informed and believes, and on the basis of  
such information and belief states that the Defendant, Complete Auto  
Transit, in the above styled cause is a corporation not now, or at the time  
the acts complained of took place, qualified to do business in the State of  
Alabama; that the claims stated in said Complaint accrued or resulted  
from the operation of a motor vehicle by said corporation through its agent  
upon a public highway in the State of Alabama; and that said corporation is  
subject to service for process pursuant to the provisions of Title 7,  
Section 199, Code of Alabama (Supp. 1969).

Norman E. Waldrop, Jr.  
Norman E. Waldrop, Jr.

Subscribed and sworn to before me this 28th day of August,  
1972.

Lennell B. Robinson  
Notary Public

(AFFIX NOTARIAL SEAL)

My Commission Expires:

June 13, 1976

**FILED**

AUG 30 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

EXECUTED BY SERVING  
A COPY OF THE WITHIN

Fred Ball, Jr.  
agent for  
Ryder Truck  
Rental, Inc.

This the 13 day of Sept 1972

M. S. BUTLER  
Sheriff Montgomery County,

By [Signature]  
Deputy Sheriff

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,581

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Complete Auto Transit Company; Ryder Truck Rental  
INC. A CORP. & et al

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.....

Complete Auto Transit Company; Ryder Truck Rental Inc. A Corp. & et al Defendant.....

by J. L. Mothershead

Plaintiff.....  
witness my hand this 30th day of August 19 72

*Eunice B. Blakely* Clerk

STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

J. L. MOTHERSHEAD

Plaintiffs

VS.

COMPLETE AUTO TRANSIT CO.; RYDER TRUCK  
RENTAL, INC. A CORP.

Defendants

SUMMONS AND COMPLAINT

Filed August 30, 1972

Eunice B. Blackmon Clerk

RECEIVED

AUG 30 1972

TAYLOR WILKINS

Ambrecht, Jackson & DeMouy

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received in Office  
RECEIVED IN OFFICE

SEP 1 1972

Sheriff

I have executed this summons

this 19.....

by leaving a copy with  
executed by leaving 3 copies of

the return on *make Amos*  
Secretary of State of The State of  
Alabama

This the 8 day of Sept 1972

Sheriff of Montgomery County  
M. S. Butler Sheriff of Montgomery

County Alabama \$1.50 each for  
D. S.

service process (es) and \$1.00

travel expense on each of

process (es) or a total of 2.50

*Uhr* Deputy Sheriff

*Other Return*  
Sheriff

Deputy Sheriff

**FILED**

SEP 25 1972

EUNICE B. BLACKMON  
CIRCUIT CLERK

September 20, 1972

J. L. MOTHERSHEAD, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

VS

COMPLETE AUTO TRANSIT COMPANY, et al  
Defendants

CASE NO. 10,581

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Mabel Amos, Secretary of State, hereby certify that on September 8, 1972  
I sent by certified mail in an envelope addressed as follows:" Complete Auto Transit Company  
465 Sawtell Avenue S.W.  
Atlanta, Georgia 30315""Certified Mail—  
Return Receipt Requested  
~~Delivered 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:

" Complete Auto Transit Company  
465 Sawtell Avenue S.W.  
Atlanta, Georgia 30315

You will take notice that on September 8, 1972 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: J. L. MOTHERSHEAD, Plaintiff VS COMPLETE AUTO TRANSIT COMPANY, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA  
Case No. 10,581 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 8th day of September, 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 September 18, 1972 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Atlanta Ga Lakewood Sta.  
on not given

WITNESS MY HAND and the Great Seal of the State of Alabama this the 20 day of September, 1972

  
MABEL S. AMOS  
Secretary of StateEnclosures: Return Receipt Card and copy  
of Summons and Complaint.  
cc: Honorable W. Boyd Reeves  
Armbrecht, Jackson & Demouy  
Merchants National Bank Building  
Mobile, Alabama 36602



STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

J. L. MOTHERSHEAD

Plaintiffs

VS.

COMPLETE AUTO TRANSIT CO.; HYDER TRUCK  
RENTAL, INC. & CORP.

Defendants

SUMMONS AND COMPLAINT

Filed August 30, 1972

Danice B. Blackmon Clerk

Arnschmidt, Jackson & DeLong

Plaintiff's Attorney

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

J. L. MOTHERSHEAD,

Plaintiff,

vs.

COMPLETE AUTO TRANSIT  
COMPANY; RYDER TRUCK RENTAL,  
INC., a corporation; and ABC, a per-  
son, firm, or corporation who was the  
owner or operator of a motor vehicle  
involved in the accident made the basis  
of this suit whose true name and legal  
identification is otherwise unknown to  
the Plaintiff at this time but will be  
added by amendment when ascertained,  
individually and jointly,

Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA

) CASE NO. 10,581

### COMPLAINT

The Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, damages, for that heretofore and on, to-wit, December 6, 1971, the Defendant, Complete Auto Transit Company, an agent of Defendant, Ryder Truck Rental, Inc., while acting within the line and scope of its authority as such, negligently operated a motor vehicle on Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being a public road in Baldwin County, Alabama, and otherwise known as Battleship Parkway, so as to cause the same to force a motor vehicle being operated by the Plaintiff, by and through its servant or employee, acting within the line and scope of such employment, to collide with the median of Alabama Highway 16 and other vehicles being operated on Alabama Highway 16 at the said time and place.

The Plaintiff avers that as a direct and proximate result of the negligence of the Defendants as aforesaid, the Plaintiff was caused to

suffer the following damages, to-wit: its motor vehicle was bent, smashed, and otherwise damaged; lost the use of its motor vehicle for a considerable length of time; caused to hire new and additional employees; caused to rent or otherwise expend money to use other vehicles; caused to expend money in transporting the smashed motor vehicle; and caused to lose profits in its business. Hence, this suit.

ARMBRECET, JACKSON & DeMOUY

By W. Boyd Reeves  
W. BOYD REEVES

By Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

Plaintiff demands a trial by jury.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

Address of Defendants:

1. Complete Auto Transit Company  
465 Sawtell Avenue S.W.  
Atlanta, Georgia  
Serve Complete Auto Transit Company  
through the Secretary of State.
2. Ryder Truck Rental, Inc.  
Serve Ryder Truck Rental, Inc.,  
through its agent for service of  
process, Fred S. Ball and  
Richard A. Ball, 200 S. Lawrence  
Street, Montgomery, Alabama.

**FILED**

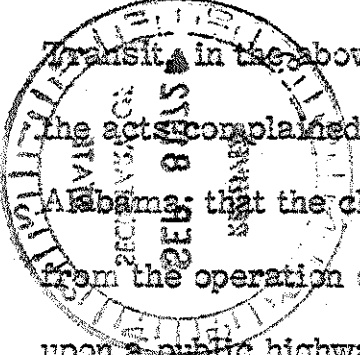
AUG 30 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

STATE OF ALABAMA )  
COUNTY OF MOBILE )

Before me, the undersigned authority, personally appeared  
Norman E. Waldrop, Jr., who, being sworn, deposes and says:

That he is one of the attorneys representing the Plaintiff in the  
above styled cause; that he is informed and believes, and on the basis of  
such information and belief states that the Defendant, Complete Auto  
Transit, in the above styled cause is a corporation not now, or at the time  
the acts complained of took place, qualified to do business in the State of  
Alabama; that the claims stated in said Complaint accrued or resulted  
from the operation of a motor vehicle by said corporation through its agent  
upon a public highway in the State of Alabama; and that said corporation is  
subject to service for process pursuant to the provisions of Title 7,  
Section 199, Code of Alabama (Supp. 1969).

  
Norman E. Waldrop, Jr.  
Norman E. Waldrop, Jr.

Subscribed and sworn to before me this 29<sup>th</sup> day of August,  
1972.

Lanell B. Robinson  
Notary Public

(AFFIX NOTARIAL SEAL)

My Commission Expires:

June 13, 1976

**FILED**

AUG 30 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. 10.581

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Complete Auto Transit Company; Ryder Truck Rental  
INC. A CORP. & et al.

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.....

Complete Auto Transit Company; Ryder Truck Rental Inc. A Corp. & et al.  
Defendant.....

by J. L. Mothershead

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

witness my hand this 30th day of August 19 72

Eunice B. Blackmon, Clerk

|                        |   |                         |
|------------------------|---|-------------------------|
| J. L. MOTHERSHEAD,     | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,             | ) | BALDWIN COUNTY, ALABAMA |
| vs.                    | ) |                         |
| COMPLETE AUTO TRANSIT, | ) |                         |
| INC., et al.,          | ) |                         |
| Defendants.            |   | CASE NO. 10, 581        |

INTERROGATORIES

Comes now the Plaintiff, J. L. Mothershead, in the above styled cause and desiring the testimony of the Defendant, Complete Auto Transit, propounds the following Interrogatories as provided under Section 477 et seq. of Tit. 7, Ala. Code (1958):

1. State the name, address, and job title of the officer answering these Interrogatories.
2. How long has such officer been so employed in such job capacity?
3. State the name and address of your employee who was operating a tractor-trailer rig, further described as an auto transit carrier, vehicle numbers 2504-2941, from Mobile, Alabama, to Atlanta, Georgia, on December 6, 1971.
4. State the name and address of the employer of William A. Wright on December 6, 1971, during the time that he was operating a tractor-trailer rig, further described as an auto transit carrier, while traveling on, along or onto Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being sometimes known as Battleship Parkway.
5. State on whose business behalf William A. Wright was acting on December 6, 1971, during the time that he was operating a tractor-trailer rig, further described as an auto transit carrier, while traveling on, along or onto Alabama Highway 16, between the Baldwin County Line

and Pineda Drive, said Alabama Highway 16 being sometimes known as Battleship Parkway.

6. State the name and address of the business entity that was paying the salary and/or wages to William A. Wright on December 6, 1971, for the time that he was operating a tractor-trailer rig, further described as an auto transit carrier, while traveling on, along, or onto Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being sometimes known as Battleship Parkway.

7. State the name, address, and employer of the person(s) under whose instructions William A. Wright was acting on December 6, 1971, during the time that he was operating a tractor-trailer rig, further described as an auto transit carrier, while traveling on, along or onto Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being sometimes known as Battleship Parkway.

8. State the name and address of each and every business entity that owned any interest in the tractor-trailer rig, further described as an auto transit carrier, that was being operated by William A. Wright, on December 6, 1971, on, along or onto Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being sometimes known as Battleship Parkway.

9. State in detail the purpose of the trip that William A. Wright made from Mobile, Alabama, to Atlanta, Georgia, on December 6, 1971, that caused him to operate a tractor-trailer rig, further described as an auto transit carrier, on Alabama Highway 16, between the Baldwin County Line and Pineda Drive, said Alabama Highway 16 being sometimes known as Battleship Parkway.

(a) In reference to the trip described in Interrogatory No. 9, state the exact location wherein William A. Wright departed Mobile, Alabama.

(b) In reference to the trip described in Interrogatory No. 9, state the exact destination of William A. Wright in Atlanta, Georgia.

(c) In reference to the trip described in Interrogatory No. 9, state the location and approximate time of each and every point where William A. Wright stopped to make a telephone report to his employer.

(d) In reference to the trip described in Interrogatory No. 9, state whether or not William A. Wright was acting within the line and scope of his employment with Complete Auto Transit, Inc.

(e) In reference to the trip described in Interrogatory No. 9, state an exact description of the vehicle operated by William A. Wright, by stating your vehicle numbers for the tractor and trailer, the color, the model, the manufacturer, the year, and the names of all business firms painted on the vehicle so as to depict the owner thereof.

(f) In reference to the trip described in Interrogatory No. 9, describe in detail the incident that occurred between the tractor-trailer rig being operated by William A. Wright and a tractor-trailer rig owned by J. L. Mothershead.

(g) In reference to the trip described in Interrogatory No. 9, state the name and address of the business entity that was paying the salary and/or wages to William A. Wright to make the said trip and state the number of hours for which he was paid as a result of this trip.

10. Describe in detail the relationship, if any, between you and Ryder Truck Rental, Inc. (or the business firm commonly known as "Ryder") by stating, but not limited to, the following:

(a) The percentage of corporate stock that Ryder presently owns in your company.

(b) The percentage of corporate stock that Ryder owned in your company on December 6, 1971.

(c) The date that Ryder acquired the corporate stock in your company.

(d) Description and nature of the supervision exerted by Ryder over your company and your employees.



11. State the correct name in which you should be designated as a party-defendant in this action.

ARMBRECHT, JACKSON & DeMOUY

By W. Boyd Reeves  
W. BOYD REEVES  
Duly Designated Trial Counsel

By Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

STATE OF ALABAMA )

COUNTY OF MOBILE )

Personally appeared before me, the undersigned authority, in and for said County and State, Norman E. Waldrop, Jr., who being by me first duly sworn, on oath deposes and says that the answers to the above and foregoing Interrogatories, if well and truly made by the witness, will be material evidence to the Plaintiff in this case.

Norman E. Waldrop, Jr.  
NORMAN E. WALDROP, JR.

SUBSCRIBED and SWORN TO  
before me on this 12th day  
of April, 1973.

Lennell B. Robbins  
Notary Public

SERVICE OF PROCESS: Please serve Paul W. Brock, attorney of record for the Defendant, at 30th Floor, First National Bank Building, Mobile, Alabama.

**FILED**

APR 16 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

REC'D SHERIFF DEPT  
MOBILE COUNTY, ALA

APR 17 8 45 AM '73

BY

EXECUTED

This 19 day of April, 19 73  
by serving a copy of the within on

Paul Brock

RAY D. BRIDGES, Sheriff

By M. Wainwright D.S.

serve  
Paul Brock, Atty  
30th Floor 1st Natl BK Bldg.  
Mobile

Interrogatories

RECEIVED

APR 16 1973

TAYLOR WILKINS  
CLERK

FILED

APR 16 1973

EUNICE B. BLACKMON  
CIRCUIT CLERK

4-19-73  
Wainwright

JURY LIST - JANUARY SESSION CRIMINAL TERM 1974 - JANUARY 14, 1974

1. ~~St. John, Sewell, Jr.; Mgr. Riv. Util., Box 253, Foley~~ P2 - J. L. Mothershead
2. ~~Garner, Winnie; Housewife, Route 1, Robertsdale~~ P11
3. ~~Sherman, James; Bay Slacks, 113 Stammeyer St., Bay Minette~~ D4 10,581
4. ~~Jaye, Andrew, Jr.; Eastwood Nealy, Stockton~~
5. ~~Nittieberg, Robert; Carpenter, Route 1, Silverhill~~ Complete Auto.
6. ~~Orem, Doris S.; Olk. West Bros., 1701 Day Av., Bay Minette~~ P5 Hand
7. ~~Lowery, Margorie Mrs.; Housewife, Box 584, Foley~~
8. ~~Head, Mrs. Charlie; Housewife, P. O. Box 111, Stapleton~~ D2
9. ~~Lowery, W. T.; Self Emp. Contractor, Box 585, Foley~~
10. ~~Graham, R. Douglas; Ins. Adjuster, 625 East Laurel, Foley~~ D3
11. ~~McKay, Mary Frances; Secretary, 305 E. 12th, Bay Minette, County Agent~~
12. ~~Hesse, Matilda; Housewife, Route 1 Box 120, Foley~~ D9 P14
13. ~~Ruffin, John; Newport, Brady Rd., Bay Minette~~ P13
14. ~~Childs, La Mina R.; Housewife, 131 Pineridge Rd., Daphne~~
15. ~~Rogers, W. A.; Forester Int. Paper Co., 1101 Bradley Av., Bay Minette~~ D7
16. ~~Garner, Joan Mrs.; Housewife, 204 East Berry, Foley~~ P8
17. ~~Munson, Everette, Mrs.; Chamstrand, P. O. Box 86, Eiberta, Pensacola~~ D12
18. ~~Holley, Anita M.; Housewife, 606 Spanish Main St., Spanish Fort~~ P7
19. ~~Givens, Leonard; Scott Paper Emp., Robertsdale, Mobile~~ D10
20. ~~Givens, Louise; Housewife, Route 1, Robertsdale~~ D11
21. ~~Mothershead, George L.; Driver, Gulf Oil, Route 2, Bay Minette~~
22. ~~Frazier, Clay S.; Dist. Supvr St. ABC Bd., 198 Patrician Dr., Spanish Fort~~ D8
23. ~~Boutwell, Louise W.; Olk. St. Dept of Conservation, Route 1 Box 414, Crossroads, Bay Minette~~
24. ~~Deese, Kenny; Repairman Gulf Tele., P. O. Box 531, Foley~~
25. ~~Sandt, Sam; Retired, 204 Liberty, Fairhope~~
26. ~~Osborne, Stanley; Riviera Utilities Emp., 408 W. Berry Ave., Foley~~ P4
27. ~~Whidbee, Ellis; Shipyard Worker, Rt. 1, Perdido~~ D13
28. ~~Martin, Bobby; Liberty Natl. Ins. Slsmn, 115 W. 15th St., Bay Minette~~ D6
29. ~~Cramton, Kenneth W.; Emp. U. S. Customs, 615 McAdams Av., Daphne, Mobile~~
30. ~~Dean, Mary; Housewife, Star Rt. 2 Box 444, Bay Minette~~ P3
31. ~~Rider, Noma E.; Bald. Co. Sav. & Loan, Route 1 Box 431, Bay Minette~~
32. ~~Weeks, Leonard F.; Packer Woodhaven Dairy, 626 Twin Beach Rd., Fairhope, Robertsdale~~
33. ~~Irvin, Shirley E.; Housewife, 603 E. 7th St., Bay Minette~~ P6
34. ~~Eason, Jesse M.; Riviera Utilities, P. O. Box 274, Foley~~ P1
35. ~~Southern, Acie; Lineman, Riv. Util., Box 513, Foley~~ P12
36. ~~Goldea, Jettie Drough; Saleslady Foley Hardware, Foley~~
37. ~~Hudson, Homer; Seward Furniture Co., 403 W. Hurricane Rd., Bay Minette~~ D5
38. ~~Gates, B. C.; Bookkeeper L. Irwin, Box 762, Foley~~
39. ~~Christensen, Georgeette, Mrs.; So. Baldwin Bank, Box 415, Foley~~ P9
40. ~~Springsteen, Kay Mrs.; Housewife, Route 1 Box 94, Foley~~
41. ~~Denton, Nancy Jean; Housewife, P. O. Box 444, Foley~~ P10
42. ~~Cole, Barbara; Housewife, c/o Gulf Bowl, Foley~~
43. ~~Cooper, Quinten; Merchant, Route 1, Robertsdale~~ D14

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J. L. MOTHERSHED

PLAINTIFF

VS:

CASE # 10,581

COMPLETE AUTO TRANSIT CO.

DEFENDANT

*We, the jury, find this accident unavoidable due to*  
~~We, the jury, find for the Defendant~~  
*and negligence on the part of both ~~parties~~ drivers.*

*[Signature]*  
Foreman

*1st Verdict  
Judge did not accept*

L. MOTHERSHED

*Plaintiff*

PLAINTIFF

VS:

CASE # 10,581

COMPLETE AUTO TRANSIT CO.

DEFENDANT

We the Jury find for the Plaintiff and against the Defendant and assess his/her

damages at \$ 9978.21 Dollars.

\$ 9978.21

*B. Bates*

Foreman

*Find for Plaintiff  
and award \$ 9978.21  
by 6/12*

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
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BENJAMIN T. ROWE  
G. L. LEATHERBURY, JR.  
WILLIAM C. ROEDDER, JR.

February 13, 1974

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

RE: J. L. Mothershead vs.  
Complete Auto Transit, Inc.  
Case Number 10,581

Dear Mrs. Blackmon:

I have enclosed herein the original Motion for New Trial on behalf of the defendant, Complete Auto Transit, Inc., and request that you file the same on its behalf. Please acknowledge receipt and filing by signing and returning the attached tissue copy of this letter. I have also enclosed a Motion for Stay of Execution and an Order consistent therewith.

Best regards.

Yours very truly,



For the Firm

MDKslm  
enclosures

J. L. MOTHERSHEAD,                    )  
                  Plaintiff,                    (  
VS:    )  
COMPLETE AUTO TRANSIT,                (  
INC.,    )  
                  Defendant.                       CASE NUMBER 10,581

O R D E R

The defendant having moved for a stay of execution of and all proceedings to enforce the judgment entered in this case pending disposition of this defendant's motion for new trial, and the court having considered the same, it is hereby

ORDERED that execution of and all proceedings to enforce said judgment be, and the same hereby are, stayed until the disposition of the defendant's motion for new trial as aforesaid without the necessity for any bond or other security being filed by defendant.

DATED this 15<sup>th</sup> day of February, 1974.

J. J. A. Madubwa  
CIRCUIT JUDGE

J. L. MOTHERSHEAD,                    )    IN THE CIRCUIT COURT OF  
                  Plaintiff,                    (    BALDWIN COUNTY, ALABAMA,  
VS:    )    AT LAW.  
COMPLETE AUTO TRANSIT,                    (  
INC.,    )  
                  Defendant.                               CASE NUMBER 10,581

O R D E R

The defendant having moved for a stay of execution of and all proceedings to enforce the judgment entered in this case pending disposition of this defendant's motion for new trial, and the court having considered the same, it is hereby

ORDERED that execution of and all proceedings to enforce said judgment be, and the same hereby are, stayed until the disposition of the defendant's motion for new trial as aforesaid without the necessity for any bond or other security being filed by defendant.

DATED this 18th day of May, 1974.

\_\_\_\_\_  
CIRCUIT JUDGE



J. L. MOTHERSHEAD,                    )  
Plaintiff,                                (  
VS:                                        )  
COMPLETE AUTO TRANSIT,                (  
INC.,                                     )  
Defendant.                                CASE NUMBER 10,581

MOTION FOR NEW TRIAL

Comes now the defendant in the above styled cause, COMPLETE AUTO TRANSIT, INC., a corporation, and moves the court to set aside the verdict of the jury upon the complaint of the plaintiff and to grant said defendant a new trial with respect to the complaint of the plaintiff and each cause of action therein contained, separately and severally, and as grounds therefor, assigns the following, separately and severally:

1. The verdict is contrary to the law.
2. The verdict is contrary to the evidence.
3. The verdict is contrary to the law and the evidence.
4. The verdict is contrary to the weight of the evidence.
5. The verdict is contrary to the overwhelming weight of the evidence.
6. The verdict is against the great preponderance of the evidence.
7. Based upon the evidence presented by the plaintiff, the verdict of the jury indicates that the jury based their award on speculation and conjecture.

8. Based upon the evidence adduced by the plaintiff in this case, the verdict of the jury indicates that the jury based their award on mistake and inadvertence.

9. It is clear that the verdict of the jury was based upon speculation or confusion or mistake in that on the evening of January 15, 1974, the jury returned a verdict in substance "we the jury find the accident was an unavoidable accident", and on the morning of January 16, 1974, returned a verdict in favor of the plaintiff.

10. Based upon the occurrences in and about the deliberations of the jury, their confusion and questions after initial charge, the rendition of two verdicts and the continued apparent confusion on the part of the jury in and about their deliberations, it is clear that the verdict was based upon speculation or confusion or mistake.

11. There is no evidence to support the verdict of the jury.

12. The court erred in overruling this defendant's objections to certain evidence offered by the plaintiff.

13. The court erred in sustaining the plaintiff's objections to certain evidence offered by the defendant.

14. The court erred in overruling the objections of this defendant's counsel to certain questions asked by counsel for the plaintiff.

15. The court erred in giving at the request of the plaintiff its charge as follows:

The court instructs the jury that if you find for the plaintiff, you must determine the interest on plaintiff's damages at the rate of six percent per annum from December 6, 1971, to the date of the judgment, add the interest so calculated to plaintiff's damages, and give plaintiff judgment for the whole amount.

16. The court erred in that portion of its oral charge to the jury in which the court charged the jury in substance that before the defendant could sustain its charge of contributory negligence on the part of the plaintiff the jury must be reasonably satisfied that it was the negligence of the plaintiff's truck that proximately caused the accident.

17. The court erred in charging the jury on the issue of contributory negligence in that the court's charge to the jury on that issue was in sum and substance a sole proximate cause charge.

18. The court erred in refusing to allow this defendant's motion to add as a party plaintiff the subrogated insurance carrier of the plaintiff, Federated Mutual Implement and Hardware Insurance Company.

19. The court erred in granting the plaintiff's motion to strike this defendant's amendment to the complaint adding as a party plaintiff the plaintiff's subrogated insurance carrier, Federated Mutual Implement and Hardware Insurance Company.

20. That one of the trial jurors, Clay Frazier, failed to respond to questions asked upon preliminary examination of the venire in substance inquiring as to whether or not any juror or the member of the immediate family of any juror had been plaintiff in a lawsuit.

21. For that a juror, Clay Frazier, failed to answer truthfully voir dire questions propounded to the venire.

22. For that a trial juror, Clay Frazier, failed to indicate in response to questions propounded to the venire whether any member of the venire (of which he was one) had been plaintiff or defendant in a lawsuit.

  
MICHAEL D. KNIGHT, Attorney for Defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing motion on NORMAN E. WALDROP, JR., Esq., attorney for the plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office address in Mobile, Alabama, on this 13th day of February, 1974.



**FILED**

FEB 14 1974

EUNICE B. BLACKMON CIRCUIT  
CLERK

J. L. MOTHERSHEAD, ) IN THE CIRCUIT COURT OF  
Plaintiff, ( BALDWIN COUNTY, ALABAMA,  
VS: ) AT LAW.  
COMPLETE AUTO TRANSIT, (   
INC., )  
Defendant. ) CASE NUMBER 10,581

MOTION FOR STAY OF EXECUTION

Comes now the defendant in the above styled cause, COMPLETE AUTO TRANSIT, INC., a corporation, and moves the court for an order staying the execution of and all proceedings to enforce the judgment entered in this action in favor of the plaintiff on or about, to-wit, January 16, 1974, pending disposition of this defendant's motion for new trial on the ground that irreparable injury might result to said defendant if said execution is not stayed.

Michael D. Knight  
MICHAEL D. KNIGHT, Attorney for Defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing motion on NORMAN E. WALDROP, JR., Esq., attorney for the plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office address in Mobile, Alabama, on this 13th day of February, 1974.

*E. Hamphreys*

**FILED**

FEB 14 1974

EUNICE B. BLACKMON CIRCUIT CLERK

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

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DONALD F. PIERCE  
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G. PORTER BROCK, JR.  
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G. HAMP UZZELLE, III  
BENJAMIN T. ROWE  
G. L. LEATHERBURY, JR.  
WILLIAM C. ROEDDER, JR.

April 25, 1974

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

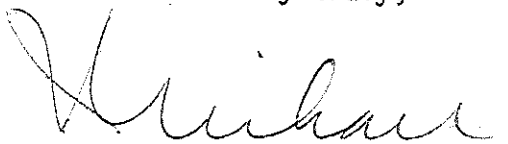
RE: J. L. Mothershead vs.  
Complete Auto Transit, Inc.  
Case Number 10,581

Dear Mrs. Blackmon:

I have enclosed herein our firm draft in the amount of \$68.50 representing payment in full of the court costs in this case. Would you please send me the court's receipt showing that the costs have been paid.

Best regards.

Yours very truly,



For the Firm

MDKs1m  
enclosure

J. L. MOTHERSHEAD, ) IN THE CIRCUIT COURT OF  
Plaintiff, ( BALDWIN COUNTY, ALABAMA,  
VS: ) AT LAW.  
COMPLETE AUTO TRANSIT, (   
INC., )   
Defendant. ) CASE NUMBER 10,581

MOTION FOR VOIR DIRE EXAMINATION OF THE VENIRE

Comes now the defendant in the above styled cause, COMPLETE AUTO TRANSIT, INC., separately and severally, and moves the court to qualify the jury venire by propounding to them each of the following questions, separately and severally, or in the alternative, and if the court should itself decline to propound such questions to the venire, then said defendant moves the court to allow its attorney of record in this cause to propound each of the following questions, separately and severally, to said venire:

1. Has any juror or any member of any juror's family been in the past, or is he now, an officer, director, employee, stockholder or policy holder of Federated Mutual Implement and Hardware Insurance Company or of Liberty Mutual Insurance Company, or of any agent, or general agent of either of said companies, or of any adjusting or investigating company?

2. Is any juror or any member of his or her family living in the same household, or any parent, child, brother or sister of any juror at this time a plaintiff claiming damages in a lawsuit, or is any juror or any such member of

his household or family now making a claim for damages against anyone, even though he or she has not yet filed suit?


3. Has any juror or any member of his or her family living in the same household, or any parent, child, brother or sister of any juror, in the past been a plaintiff in a lawsuit claiming damages, or has he or she in the past made a claim for damages against anyone even though he or she did not actually file a lawsuit?

4. Has any juror been in the past, or is any juror now, an officer, director, stockholder or employee of Mothershead Oil Company?

5. Is any juror a friend, relative or acquaintance of J. L. Mothershead?

*5A same question to Gregory Jackson*

6. Does any juror now do business with, or has any juror in the past done business with, J. L. Mothershead or Mothershead Oil Company?

  
MICHAEL D. KNIGHT, Attorney for the  
Defendant, COMPLETE AUTO TRANSIT, INC.

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have delivered a true and correct copy of the foregoing motion to NORMAN E. WALDROP, JR., Esquire, attorney for the plaintiff, on this 14 day of January, 1974.

