

FROM

**PERLOFF, REID & BRISKMAN**

**ATTORNEYS AT LAW**

**P. O. BOX 2394**

**MOBILE, AL 36601**

Honorable Eunice Blackmon, Clerk  
Post Office Box 239  
Bay Minette, Alabama 36507

SUBJECT: #10,664 Merit Finance Company Vs. Chester F. Stanford

FOLD HERE  
DATE

7-7-76

MESSAGE

According to your last memo to our office the garnishee has paid into Court \$317.64 on the above styled cause. I would appreciate your condemning this money and then discharge said garnishment at your earliest convenience.

Your continued cooperation in this is greatly appreciated.

THANKS!!

SIGNED

*J. Douglas Reid*

DATE

REPLY

**FILED**

**JUL 8 1976**

**EUNICE B. BLACKMON** **CIRCUIT CLERK**

SIGNED

LEON MCREYNOLDS ( IN THE CIRCUIT COURT OF  
 PLAINTIFF ( BALDWIN COUNTY, ALABAMA  
 VS ( AT LAW  
 HOWARD PAUL GULLEDGE, JAMES H. ( REED, and XYZ, a proprietorship,  
 partnership or corporation whose true ( identity is unknown, but will be added  
 by amendment, jointly and severally ( DEFENDANTS ( CASE NO: 10,644

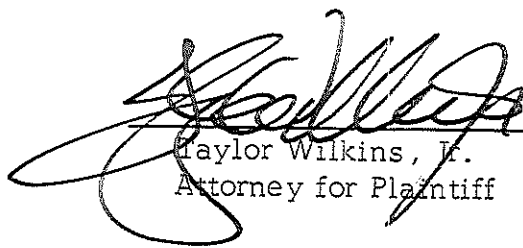
I.

Plaintiff claims of the Defendants, jointly and severally, the sum of, SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972, the Defendant, Howard Paul Gulledge, while acting as an agent, servant or employee of the Defendants, James H. Reed, and XYZ, a proprietorship, partnership or corporation whose true identify is unknown, but will be added by amendment, who was then and there acting within the line and scope of his authority as such, so negligently operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the negligence of the Defendant, as aforesaid, the Plaintiff was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed and rendered less valuable, the front end and left side of his automobile were completely demolished, for all of which the Plaintiff brings this suit.

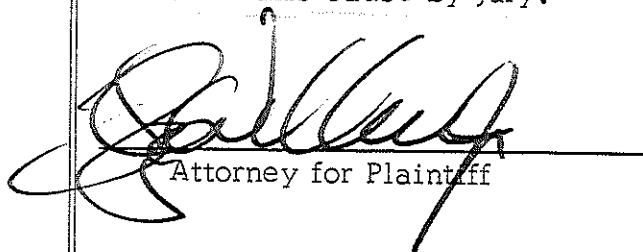
II.

Plaintiff claims of the Defendants, jointly and severally, the sum of

SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972, the Defendant, Howard Paul Gullede, while acting as an agent, servant or employee of the Defendants, James H. Reed, and XYZ, a proprietorship, partnership or corporation whose true identity is unknown, but will be added by amendment, who was then and there acting within the line and scope of his authority as such, so wantonly operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the wanton conduct of the Defendant, as aforesaid, the Plaintiff was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed and rendered less valuable, the front end and left side of his automobile were completely demolished, for all of which the Plaintiff brings this suit.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

Plaintiff respectfully demands  
a trial of this cause by jury.

  
Attorney for Plaintiff

**FILED**

OCT 12 1972

**EUNICE B. BLACKMON** CIRCUIT CLERK

LEON MCREYNOLDS ( IN THE CIRCUIT COURT OF  
PLAINTIFF ( BALDWIN COUNTY, ALABAMA  
VS ( AT LAW

HOWARD PAUL GULLEDGE, JAMES H. ( REED, and XYZ, a proprietorship,  
partnership or corporation, whose true( identity is unknown, but will be added  
by amendment, jointly and severally (

DEFENDANTS ( CASE NO:

STATE OF ALABAMA

BALDWIN COUNTY

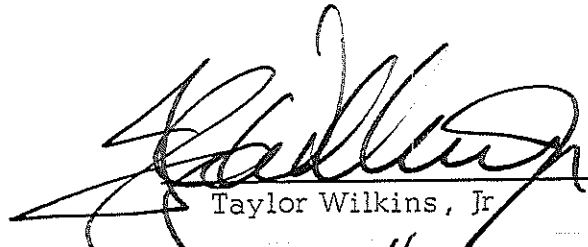
Comes now Taylor Wilkins, Jr., attorney of record for the Plaintiff in this cause, being duly sworn on oath, deposes and says:

That in the belief of such affiant, Defendant, James H. Reed, owner of one of the vehicles referred to in the complaint, is a non-reisdent of the State of Alabama, and is not qualified under the laws of the State of Alabama as a non-resident doing business in the State of Alabama;

That to the best of affiant's knowledge, information and belief, the Post office address of said Defendant is as follows:

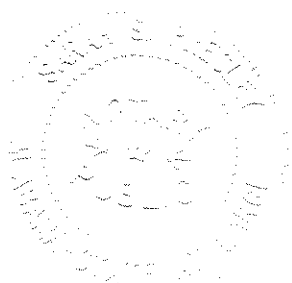
James H. Reed, 140 Jones Road, Crestview, Florida 32536

The Plaintiff request that process shall be issued as provided for by Title 7, Section 199 of the Code of Alabama of 1940, as recompiled in 1958.

  
Taylor Wilkins, Jr

Subscribed and sworn to before me on this the 12<sup>th</sup> day of October, 1972.

  
Notary Public



**SUMMONS AND COMPLAINT**

**STATE OF ALABAMA**

Baldwin County

Circuit Court, Baldwin County

No. 10,644

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon HOWARD PAUL GULLEDGE, JAMES H. REED, AND XYZ, a proprietorship, partnership or corporation,

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 Howard Paul Gulledge, James H. Reed, and XYZ, etc. Defendant.....

by Leon McReynolds

Plaintiff.....

witness my hand this 13<sup>th</sup> day of Oct

19 42

Ernie B. Blackburn Clerk

No. 10,144

Page. *Montg. Co.*

RECEIVED IN OFFICE  
OCT 16 1972  
Defendant lives at  
M. S. BUTLER, Sheriff

1089

STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

LEON MCREYNOLDS  
Plaintiffs

VS.

HOWARD PAUL GULLEDGE, JAMES H. REED, and XYZ, a proprietorship, etc.  
Defendants

SUMMONS AND COMPLAINT

Filed ..... 19.....  
Clerk

RECEIVED

NOV 17 1972

TAYLOR WILKINS  
SHERIFF

*Howard Paul Gullidge*  
Taylor Wilkins, Sheriff  
MELVIN BAILLY, Sheriff  
Plaintiff's Attorney  
Defendant's Attorney

13

RECEIVED  
Received In Office

OCT 13 1972

TAYLOR WILKINS

19.....  
Sheriff

I have executed this summons

this ..... 19.....  
by leaving a copy with

Executed by serving ..... copies of  
the within on *Taylor Wilkins*  
Secretary of State of The State of  
Alabama.

This the *18* day of *Oct* 19.....

Sheriff of Montgomery County  
M. S. Butler,

By *M. S. Butler* D. S.

M. S. Butler, Sheriff of Montgomery  
County, Alabama, Claim \$1.50 each for  
serving ..... process(es) and \$1.00  
travel expense on each of .....  
process(es) or a total of *2.50* Sheriff

*M. S. Butler* Deputy Sheriff

October 30, 1972

LEON MCREYNOLDS, Plaintiff

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

VS

JAMES H. REED, et al, Defendants

CASE NO. 10,644

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

I, Mabel Amos, Secretary of State, hereby certify that on October, 18, 1972 I sent by certified mail in an envelope addressed as follows:

" James H. Reed  
140 Jones Road  
Crestview, Florida 32536"

"Certified Mail—  
Return Receipt Requested  
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" James H. Reed  
140 Jones Road  
Crestview, Florida 32536

You will take notice that on October 18, 1972 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: LEON MCREYNOLDS, Plaintiff VS JAMES H. REED, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW  
Case No. 10,644 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 18th day of October, 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 October 26, 1972 I received the return card, showing receipt by the designated addressee of the aforementioned matter at U.S. Postal Service on October 25, 1972

WITNESS MY HAND and the Great Seal of the State of Alabama this the 30th day of October, 1972

*Mabel S. Amos*  
MABEL S. AMOS  
Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint.  
CC: Honorable Taylor D. Wilkins, Jr.  
P. O. Box 61  
Bay Minette, Alabama 36507



SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 10,644

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon ..... HOWARD PAUL GULLEDGE, JAMES H.  
REED, AND XYZ, a proprietorship, partnership or corporation,

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... Howard Paul  
Gulledge, James H. Reed, and XYZ, etc. .... Defendant.....

by Leon McReynolds  
..... Plaintiff.....

witness my hand this 12 day of Oct 1912

*Ernie B. Blackmon* Clerk



LEON MCREYNOLDS	(	IN THE CIRCUIT COURT OF
	(	BALDWIN COUNTY, ALABAMA
PLAINTIFF	(	
VS	(	AT LAW
HOWARD PAUL GULLEDGE, JAMES H. REED, and XYZ, a proprietorship, partnership or corporation whose true identity is unknown, but will be added by amendment, jointly and severally	(	
DEFENDANTS	(	CASE NO:

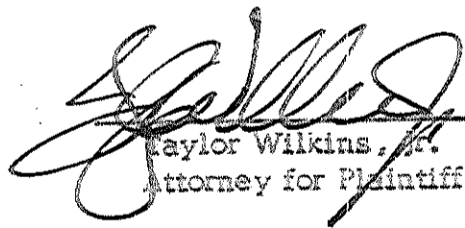
I.

Plaintiff claims of the Defendants, jointly and severally, the sum of, SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972, the Defendant, Howard Paul Gulledge, while acting as an agent, servant or employee of the Defendants, James H. Reed, and XYZ, a proprietorship, partnership or corporation whose true identify is unknown, but will be added by amendment, who was then and there acting within the line and scope of his authority as such, so negligently operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the negligence of the Defendant, as aforesaid, the Plaintiff was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed and rendered less valuable, the front end and left side of his automobile were completely demolished, for all of which the Plaintiff brings this suit.

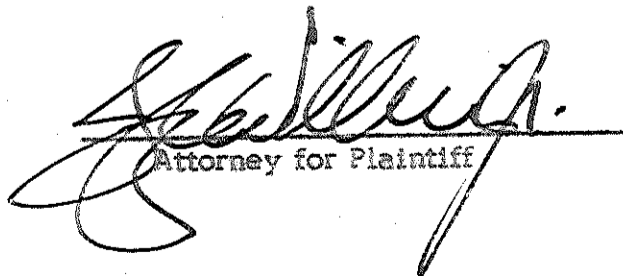
II.

Plaintiff claims of the Defendants, jointly and severally, the sum of

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Taylor Wilkins, Jr.  
Attorney for Plaintiff

Plaintiff respectfully demands  
a trial of this cause by jury.

  
Attorney for Plaintiff

FILED  
OCT 12 1972  
EUNICE B. BLACKMON CIRCUIT CLERK

LEON MCREYNOLDS ( IN THE CIRCUIT COURT OF  
PLAINTIFF ( BALDWIN COUNTY, ALABAMA  
VS ( AT LAW

HOWARD PAUL GULLEDGE, JAMES H. ( REED, and XYZ, a proprietorship,  
partnership or corporation, whose true ( identity is unknown, but will be added  
by amendment, jointly and severally (

DEFENDANTS ( CASE NO:

STATE OF ALABAMA  
BALDWIN COUNTY

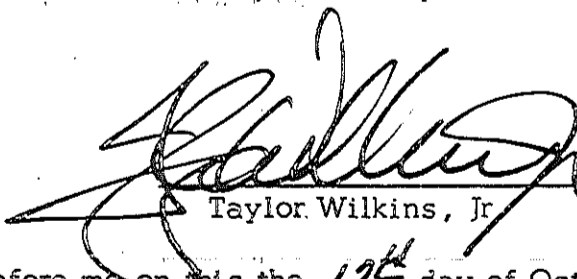
Comes now Taylor Wilkins, Jr., attorney of record for the Plaintiff in  
this cause, being duly sworn on oath, deposes and says:

That in the belief of such affiant, Defendant, James H. Reed, owner of  
one of the vehicles referred to in the complaint, is a non-resident of the State of  
Alabama, and is not qualified under the laws of the State of Alabama as a non-  
resident doing business in the State of Alabama;

That to the best of affiant's knowledge, information and belief, the  
Post office address of said Defendant is as follows:

James H. Reed, 140 Jones Road, Crestview, Florida 32536

The Plaintiff request that process shall be issued as provided for by  
Title 7, Section 199 of the Code of Alabama of 1940, as recompiled in 1958.

  
Taylor Wilkins, Jr.

Subscribed and sworn to before me on this the 12<sup>th</sup> day of October,  
1972.

  
Notary Public

Notary Public for the State of Alabama.

My office address is as follows:

My office address is as follows:

James H. Reed, 140 Jones Road, Crestview,

LEON MCREYNOLDS	(	IN THE CIRCUIT COURT OF
	(	BALDWIN COUNTY, ALABAMA
Plaintiff	(	AT LAW
VS	(	
HOWARD PAUL GULLEDGE, JAMES H. REED, and VICTORY FREIGHT LINES, INCORPORATED, a corporation	(	
	(	
Defendants	(	CASE NO: 10,644

AMENDED COMPLAINT

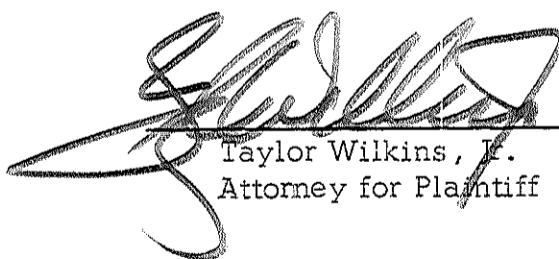
Comes now the Plaintiff in the above styled cause, and amends his bill of complaint heretofore filed by striking as a party Defendant, "XYZ", as follows:

I.

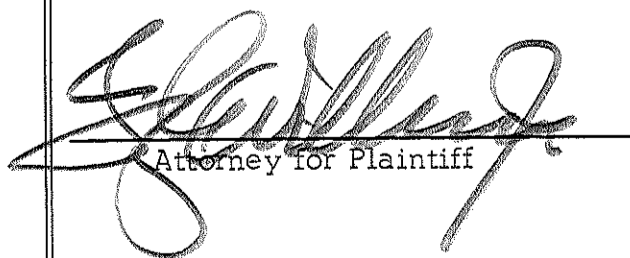
Plaintiff claims of the Defendants, jointly and severally, the sum of SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972, the Defendant, Howard Paul Gullede, while acting as an agent, servant or employee of the Defendants, James H. Reed and Victory Freight Lines, Incorporated, a corporation, who was then and there acting within the line and scope of his authority as such, so negligently operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon, or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the negligence of the Defendant as aforesaid, the Plaintiff was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed, and rendered less valuable, the front end and left side of his automobile were completely demolished, for all of which the Plaintiff brings this suit.

II.

Plaintiff claims of the Defendants, jointly and severally, the sum of SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972, the Defendant, Howard Paul Gullede, while acting as an agent, servant, or employee of the Defendants, James H. Reed and Victory Freight Lines, Incorporated, a corporation, who was then and there acting within the line and scope of his authority as such, so wantonly operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the wanton conduct of the Defendant, as aforesaid, the Plaintiff was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed, and rendered less valuable, the front end and left side of his automobile were completely demolished, for all of which the Plaintiff brings this suit.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

Plaintiff respectfully demands  
a trial of this cause by jury.

  
Attorney for Plaintiff

FILED

APR 13 1973

EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

I, the undersigned, Taylor Wilkins, Jr., do hereby certify that I have on this 13th day of April, 1973, forwarded a true and exact copy of the foregoing amended complaint to Mr. Robert M. Field, Attorney at Law, 52 West 11th Street Anniston, Alabama, attorney for Defendant, James H. Reed, by mailing the same in the United States Post Office, properly addressed, with first class postage paid thereon.

  
Attorney for Plaintiff

Executed this the APR 24 day of 1973

on Factory Freight Lines

Shreveport

by leaving a copy of within with J

As Agent

of said co MELVIN BAILEY, Sheriff  
Jefferson County, Alabama

By Melvin Bailey D.S.

TRAVELING EXPENSE \$1.00

039

COMMISSIONER OF REVENUE

SUMMONS AND COMPLAINT

STATE OF ALABAMA  
Baldwin County



Circuit Court, Baldwin County

No.....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon Howard Paul Gulledge, James H. Reed, and  
Victory Freight Lines, Incorporated, a corporation

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 Howard Paul  
Gulledge, James H. Reed and Victory Freight Lines, Incorporated Defendant.....

by Leon McReynolds

Plaintiff.....

Witness my hand this 13 day of April 1973

Erinice B. Blackmore Clerk



LEON MCREYNOLDS, \* IN THE CIRCUIT COURT OF  
Plaintiff, \* BALDWIN COUNTY, ALABAMA  
-vs- \* AT LAW  
HOWARD PAUL GULLEDGE, JAMES \*  
H. REED, and VICTORY FREIGHT \*  
LINES, INC., a corporation, \*  
Defendants. \* CASE NO. 10,644

D E M U R R E R

Come now the Defendants, Howard Paul Gulledge and Victory Freight Lines, Inc., a corporation, and demure to the Plaintiff's Complaint on the following grounds, separately and severally, as follows:

O N E

For that said Complaint fails to state a cause of action against all Defendants.

T W O

For that said Complaint fails to allege a wanton injury allegedly sustained by the Plaintiff.

T H R E E

For ought appearing therein the Plaintiff was not wantonly injured.

F O U R

For that it cannot be ascertained from a reading therein which Defendant, either or both, the Defendant Howard Paul Gulledge was acting as an agent, servant or employee.

F I V E

For ought appearing therein that at the time and place of said accident the Defendant Howard Paul Gulledge was not acting as an agent, servant or employee within the line and scope of his employment.

513

#2

No. 10,644

Page.....

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

Leon McReynolds

Plaintiffs

vs.

Howard Paul Gulledge, James H. Reed,  
Victory Freight Lines, Inc.  
Defendants

**SUMMONS AND COMPLAINT**

Amended

Filed ..... 19.....

APR 13 1973

Clerk

EUNICE B. BLACKMON  
CLERK

Taylor Wilkins, Jr.  
Plaintiff's Attorney

Defendant's Attorney

Jery

Defendant lives at  
Howard P. Gulledge  
Route 1, Box 1027  
Leeds, Alabama

(Shelby County)  
Received in Office

RECEIVED

APR 13 1973

TAYLOR WILKINS  
I have executed this summons

this 17 April 1973

by leaving a copy with

Howard Gulledge

The sheriff claims 10c per mile  
Melyn Bailey Sheriff of  
Jefferson County, Alabama,  
Total: \$1.50 each for serving

process(es) and \$1.00  
travel expense on each of

process(es) or a total of

\$

Deputy Sheriff

C.P. Walker Sheriff

Reed Smith Deputy Sheriff

S I X

For that said Complaint fails to allege facts showing the breach of any legal duty owing by these Defendants to the Plaintiff.


S E V E N

For that insufficient facts are contained therein to show the existence of any legal duty owing by these Defendants to the Plaintiff.

E I G H T

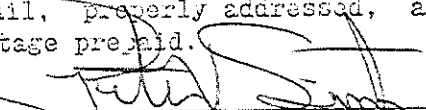
For that said Complaint is vague, indefinite and uncertain.

BROWN, HUDGENS, FULFORD,  
SINTZ AND RICHARDSON

BY:   
PETER V. SINTZ

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 7th  
day of May 19 73 served a copy of the  
foregoing pleading on counsel for all parties  
to this proceeding by mailing same by United  
States mail, properly addressed, and first  
class postage prepaid.

  
EUNICE B. BLACKMON

**FILED**

MAY 3 1973

EUNICE B. BLACKMON CIRCUIT CLERK

LEON MCREYNOLDS	(	IN THE CIRCUIT COURT OF
Plaintiff	(	BALDWIN COUNTY, ALABAMA
VS	(	AT LAW
HOWARD PAUL GULLEDGE, JAMES H. REED, and VICTORY FREIGHT LINES, INCORPORATED, a corporation	(	
Defendants	(	CASE NO: 10,644

AMENDED COMPLAINT

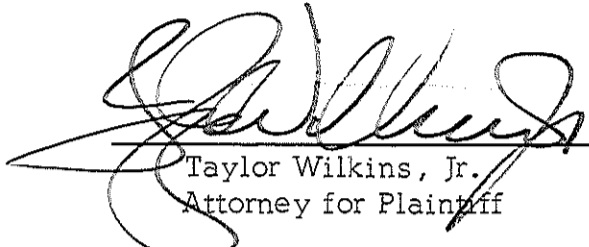
Comes now the Plaintiff and amends Count II of his amended bill of complaint heretofore filed as follows:

II.

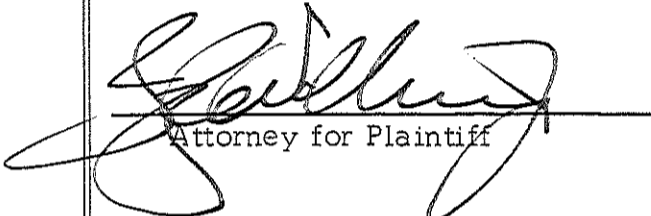
Plaintiff claims of the Defendants, jointly and severally, the sum of SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972, the Defendant, Howard Paul Gulledge, while acting as an agent, servant, or employee of the Defendants, James H. Reed and Victory Freight Lines, Incorporated, a corporation, who was then and there acting within the line and scope of his authority as such, so wantonly operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the wanton conduct of the Defendants, as aforesaid, the Plaintiff was wantonly injured in that he was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed, and rendered less valuable, the front and left side of his automobile were completely

demolished, for all of which the Plaintiff brings this suit.

The Plaintiff hereby adopts and ratifies Count I of his amended bill of complaint heretofore filed and makes it a part of this amended bill of complaint.

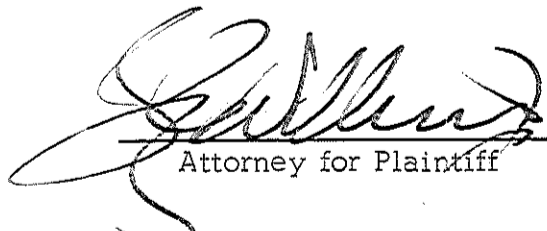
  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

Plaintiff respectfully demands  
a trial of this cause by jury.

  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, Taylor Wilkins, Jr., do hereby certify that I have on this 9 day of May, 1973, forwarded a true and correct copy of the foregoing amended complaint to Mr. Robert M. Field, Attorney at Law, Anniston, Alabama, attorney for Defendant, James H. Reed, and Mr. Peter V. Sintz, Attorney at Law, Mobile, Alabama, attorney for Defendants Howard Paul Gullledge and Victory Freight Lines, Incorporated, by mailing the same in the United States Post Office, properly addressed, with postage prepaid.

  
Attorney for Plaintiff

FILED

MAY 9 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

LEON MCREYNOLDS	I	IN THE CIRCUIT COURT OF
PLAINTIFF	:	BALDWIN COUNTY, ALABAMA
VS	I	AT LAW
HOWARD PAUL GULLEDGE, JAMES H.	:	
REED, AND VICTORY FREIGHT LINES,	I	
INCORPORATED, A CORPORATION,	:	CASE NO. <u>10,644</u>
DEFENDANTS	:	

A N S W E R

Comes now the Defendant, James H. Reed, and denies all the allegations contained in the amended complaint and demands strict proof thereof.

*Robert M. Field*

\_\_\_\_\_  
ROBERT M. FIELD, ATTORNEY FOR  
DEFENDANT

I hereby certify that I have mailed a copy of the foregoing instrument to Honorable Taylor D. Wilkins, Jr. at his office in Bay Minette, Alabama, P. O. Box 546.

*Robert M. Field*

\_\_\_\_\_  
ROBERT M. FIELD, ATTORNEY FOR  
DEFENDANT

**FILED**

APR 26 1973

EUNICE B. BLACKMON CLERK

LEON MCREYNOLDS,  
Plaintiff,

-vs-

HOWARD PAUL GULLEDGE, JAMES  
H. REED and VICTORY FREIGHT  
LINES, INC., a corporation,  
Defendants.

\* IN THE CIRCUIT COURT OF  
\* BALDWIN COUNTY,  
\* ALABAMA  
\* AT LAW  
\* CIVIL ACTION NO. 10,644  
\*

NOTICE OF DEPOSITION

TO:

Mr. Taylor D. Wilkins  
Post Office Box 546  
Bay Minette, Alabama 36507

Please take notice that the Defendants, Howard Paul Gullledge,  
James H. Reed, and Victory Freight Lines, Inc., a corporation, in the  
above styled cause will take the testimony on oral examination of  
the following witnesses, pursuant to Rule 30 of the Alabama Rules  
of Civil Procedure at the law offices of Taylor D. Wilkins,  
Bay Minette, Alabama at the time  
stated below:

The deposition of Leon McReynolds  
will be taken on Monday, January 7,  
1974, at 2:00 o'clock P.M. and  
continuing from day to day until  
completed.

FILED

JAN 7 1974

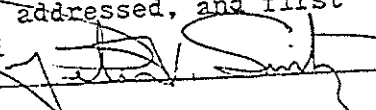
EUNICE B. BLACKMON CIRCUIT  
CLERK

SINTZ, PIKE & CAMPBELL  
800 Downtowner Boulevard  
Mobile, Alabama 36609  
Attorneys for Defendants

BY: 

PETER V. SINTZ

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3rd  
day of Jan. 19 74 served a copy of the  
foregoing pleading on counsel for all parties  
to this proceeding by mailing same by United  
States mail, properly addressed, and first  
class postage prepaid 

LEON McREYNOLDS,  
Plaintiff,

-vs-

HOWARD PAUL GULLEDGE, JAMES  
H. REED, and VICTORY FREIGHT  
LINES, INC., a corporation,

Defendants.

\* IN THE CIRCUIT COURT OF  
\* BALDWIN COUNTY, ALABAMA  
\* AT LAW  
\*  
\*  
\* CASE NO. 10,644

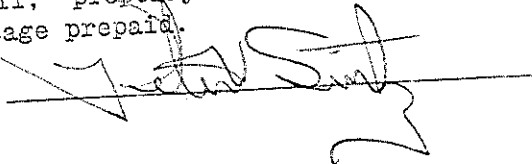
Come now the Defendants, Howard Paul Gullledge and Victory Freight Lines, Inc., a corporation, and refile their Demurrers heretofore filed to the Plaintiff's Complaint as amended, separately and severally.

BROWN, HUDGENS, FULFORD,  
SINTZ AND RICHARDSON

BY:   
PETER V. SINTZ

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14<sup>th</sup> day of May, 19 73 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing same by United States mail, properly addressed, and first class postage prepaid.

  
PETER V. SINTZ

FILED

MAY 15 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK



LEON McREYNOLDS,  
Plaintiff,

-vs-

HOWARD PAUL GULLEDGE, JAMES  
H. REED, and VICTORY FREIGHT  
LINES, INC., a corporation,  
Defendants.

\* IN THE CIRCUIT COURT OF  
\* BALDWIN COUNTY, ALABAMA  
\* AT LAW  
\*  
\*  
\* CASE NO. 10,644

A N S W E R

Come now the Defendants Howard Paul Gulledge and Victory Freight Lines, Inc., a corporation, in the above styled cause and for Answer to the Plaintiff's Complaint set down and assign the following pleas, separately and severally, as follows:

1. Not guilty.

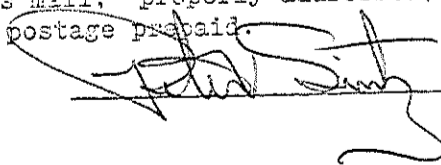
2. For that at the time and place and on the occasion complained of the Plaintiff was himself so guilty of negligence in and about the operation of his motor vehicle as to proximately contribute to or cause his own alleged injuries and damages at the time and place and on the occasion complained of, wherefore, Plaintiff should have and recover nothing of these Defendants.

BROWN, HUDGENS, FULFORD,  
SINTZ AND RICHARDSON

BY:   
PETER V. SINTZ

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14<sup>th</sup> day of June, 19 73 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing same by United States mail, properly addressed, and first class postage prepaid.



FILED

JUN 18 1973

EUNICE B. BLACKMON CIRCUIT CLERK

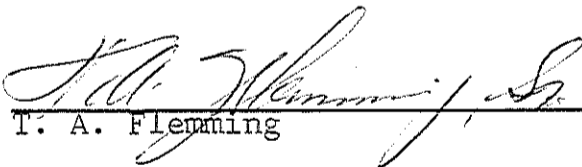
LEON MCREYNOLDS, \* IN THE CIRCUIT COURT OF  
Plaintiff, \* BALDWIN COUNTY,  
-vs- \* ALABAMA  
HOWARD PAUL GULLEDGE, JAMES H. \* AT LAW  
REED and VICTORY FREIGHT LINES, \*  
INC., a corporation, \*  
Defendants. \* CIVIL ACTION NO. 10,644

ANSWERS TO INTERROGATORIES

Comes now the Defendant, Victory Freight Lines, Inc., in the above styled cause and for answer to the interrogatories of the Plaintiff, Leon McReynolds, says as follows:

1. Victory Freight Lines, Inc., 700 North 39th Street, Birmingham, Alabama
2. He was under a Lease Contract with Victory Freight Lines, Inc. at said time as an owner-operator or independent contractor.
3. No
4. I believe he lost his equipment which caused the lease to be terminated on January 25, 1972.
5. He was.
6. Mobile, Alabama
7. It was.
8. Howard P. Gullledge

SINTZ, PIKE AND CAMPBELL  
800 Downtowner Boulevard  
Mobile, Alabama 36609

  
T. A. Fleming

FILED

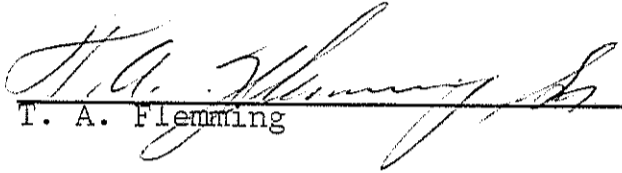
NOV 14 1973

EUNICE B. BLACKMON CIRCUIT CLERK

STATE OF ALABAMA

JEFFERSON COUNTY

Personally appeared before me, a Notary Public in and for said County, in said State, the undersigned, who, having been by me first duly sworn, deposes and says that he is President of the Defendant and as such has authority to make this affidavit, and that answers to the foregoing intereogatories, are true and correct to the best of his information and belief.

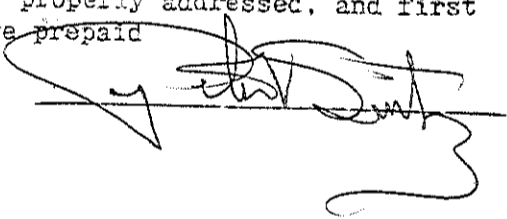
  
T. A. Fleming

Sworn to and subscribed before me on this \_\_\_\_ day of October, 1973.

\_\_\_\_\_  
Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day of Nov, 19 73 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing same by United States mail, properly addressed, and first class postage prepaid



IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA

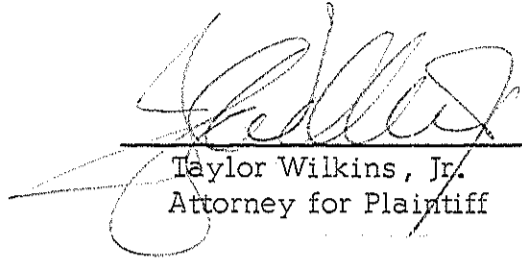
LEON MCREYNOLDS ( )  
Plaintiff ( )  
VS ( )  
CIVIL ACTION NO. 10,644  
HOWARD PAUL GULLEDGE, JAMES H. ( )  
REED and VICTORY FREIGHT LINES, ( )  
INC., a corporation ( )  
Defendant ( )

INTERROGATORIES TO THE DEFENDANT, VICTORY FREIGHT LINES, INC.

Comes now the Plaintiff, Leon McReynolds, and desiring the testimony of the Defendant, Victory Freight Lines, Inc., a corporation, and propounds to it the following interrogatories, as is provided under Rule 33 et seq., of the Alabama Rules of Civil Procedure, to-wit:

1. State your correct name and business address.
2. State whether Howard Paul Gulledge was employed by you on, to-wit January 5, 1972, the day of the accident made the basis of the Plaintiff's complaint.
3. If the answer to Number 2 above is yes, state whether Howard Paul Gulledge is now employed by you.
4. If the answer to Number 3 above is no, state the date on which he was dismissed as your employee.
5. State whether or not Howard Paul Gulledge on the day of said accident was hauling freight or other merchandise for you.
6. State the destination of Howard Paul Gulledge on the day of said accident.
7. State whether the motor vehicle involved in said accident driven by Howard Paul Gulledge was leased to Victory Freight Lines, Inc.
8. If the answer to Number 7 above is yes, state from whom the motor

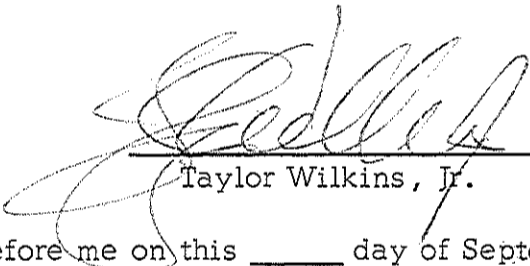
vehicle was leased, and attach a copy of said lease to your answers to these interrogatories.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, a Notary Public in and for said County, in said State, the undersigned, who, having been by me first duly sworn, deposes and says that he is of counsel for the Plaintiff and as such has authority to make this affidavit, and that answers to the foregoing interrogatories, well and truly made, will be material testimony for the Plaintiff, upon the trial of this cause.

  
Taylor Wilkins, Jr.

Sworn to and subscribed before me on this \_\_\_\_\_ day of September, 1973.

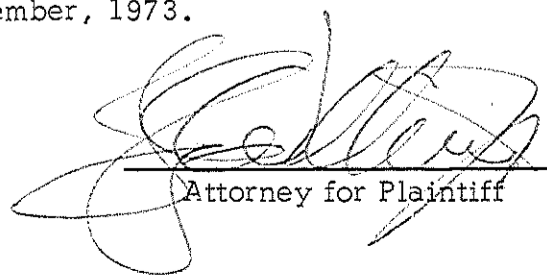
\_\_\_\_\_  
Notary Public

CERTIFICATE OF SERVICE

I, the undersigned Taylor Wilkins, Jr., attorney for Plaintiff, do hereby certify that I have on this day forwarded a true and exact copy of the foregoing interrogatories to Peter V. Sintz, Attorney at Law, Mobile, Alabama, attorney of record for the Defendant, Victory Freight Lines, Inc., by mailing a copy of the same in the United States Post Office, properly addressed, postage prepaid.

Done this 14th day of September, 1973.

FILED  
SEP 18 1973

  
Attorney for Plaintiff

EUNICE B. BLACKMON  
CIRCUIT CLERK

LEON MCREYNOLDS

PLAINTIFF

VS

HOWARD PAUL GULLEDGE, JAMES H. REED, and XYZ, a proprietorship, partnership or corporation whose true identity is unknown, but will be added by amendment, jointly and severally

DEFENDANTS

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

( CASE NO: 10,644

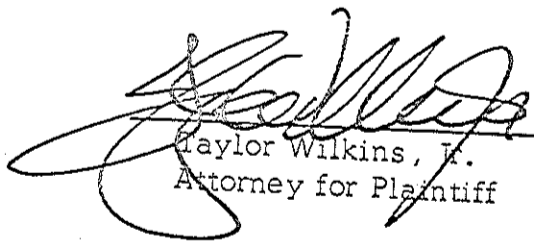
I.

Plaintiff claims of the Defendants, jointly and severally, the sum of, SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972; the Defendant, Howard Paul Gulledge, while acting as an agent, servant or employee of the Defendants, James H. Reed, and XYZ, a proprietorship, partnership or corporation whose true identity is unknown, but will be added by amendment, who was then and there acting within the line and scope of his authority as such, so negligently operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the negligence of the Defendant, as aforesaid, the Plaintiff was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed and rendered less valuable, the front end and left side of his automobile were completely demolished, for all of which the Plaintiff brings this suit.

II.

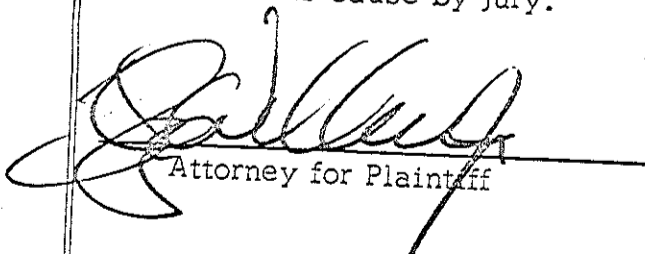
Plaintiff claims of the Defendants, jointly and severally, the sum of

SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, as damages, for that heretofore and on, to-wit, January 5, 1972, the Defendant, Howard Paul Gullede, while acting as an agent, servant or employee of the Defendants, James H. Reed, and XYZ, a proprietorship, partnership or corporation whose true identity is unknown, but will be added by amendment, who was then and there acting within the line and scope of his authority as such, so wantonly operated a motor vehicle on U. S. Highway Number 31, a public road in the County of Baldwin, State of Alabama, at the intersection of said road with Alabama Highway Number 138, a public road in the County of Baldwin, State of Alabama, both public roads within the city limits of Bay Minette, Alabama, as to cause said motor vehicle which he was then and there operating to run over, upon or against a motor vehicle which the Plaintiff was then and there operating, at said time and place, and as a proximate consequence and result of the wanton conduct of the Defendant, as aforesaid, the Plaintiff was made sick, sore and lame, his head and back were injured, he suffered bruises and lacerations over his body, he incurred medical expenses for the treatment of his injuries, his automobile was bent, broken, smashed and rendered less valuable, the front end and left side of his automobile were completely demolished, for all of which the Plaintiff brings this suit.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

Plaintiff respectfully demands

a trial of this cause by jury.

  
Attorney for Plaintiff

FILED

OCT 12 1972

EUNICE B. BLACKMON CIRCUIT CLERK 4

LEON MCREYNOLDS ( IN THE CIRCUIT COURT OF  
PLAINTIFF ( BALDWIN COUNTY, ALABAMA  
VS ( AT LAW  
HOWARD PAUL GULLEDGE, JAMES H. ( REED, and XYZ, a proprietorship,  
partnership or corporation, whose true ( identity is unknown, but will be added  
by amendment, jointly and severally ( DEFENDANTS ( CASE NO:

STATE OF ALABAMA

BALDWIN COUNTY

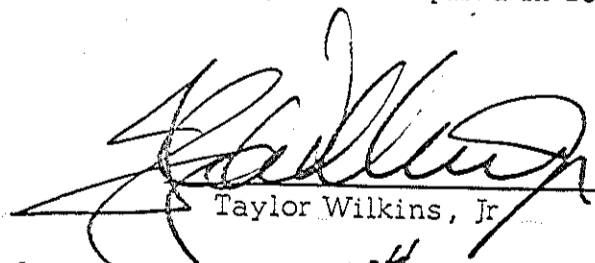
Comes now Taylor Wilkins, Jr., attorney of record for the Plaintiff in this cause, being duly sworn on oath, deposes and says:

That in the belief of such affiant, Defendant, James H. Reed, owner of one of the vehicles referred to in the complaint, is a non-reisdent of the State of Alabama, and is not qualified under the laws of the State of Alabama as a non-resident doing business in the State of Alabama;

That to the best of affiant's knowledge, information and belief, the Post office address of said Defendant is as follows:

James H. Reed, 140 Jones Road, Crestview, Florida 32536

The Plaintiff request that process shall be issued as provided for by Title 7, Section 199 of the Code of Alabama of 1940, as recompiled in 1958.

  
Taylor Wilkins, Jr.

Subscribed and sworn to before me on this the 12<sup>th</sup> day of October, 1972.

  
Notary Public.



SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 10,644

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ..... HOWARD PAUL GULLEDGE, JAMES H. REED, AND XYZ, a proprietorship, partnership or corporation,

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... Howard Paul Gullede, James H. Reed, and XYZ, etc. .... Defendant.....

by ..... Leon McReynolds ..... Plaintiff.....

witness my hand this..... 12<sup>th</sup> ..... day of..... Oct ..... 19 1912

Ernie B. Blackburn, Clerk

serve - Howard Paul Gullede  
Rt. 1, Box 1027  
Leeds, Ala (Jefferson County)

LEON MOREYNOLDS VS JAMES H. REED (10,644)

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
*(Additional charges required for these services)*

Show to whom, date and address  
where delivered.

Deliver ONLY  
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

50530

1

*James Reed*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

**Deliver to addressee only**

DATE DELIVERED

OCT 25 1972

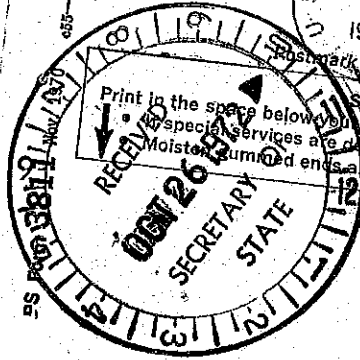
3

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

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

**SENDER INSTRUCTIONS**

**RETURN TO**

**SECRETARY OF STATE**  
MONTGOMERY, ALABAMA 36104

5659