

2456

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ROBERT A. SANCA AND GULF SAUSAGE COMPANY, a partnership composed of James A. Sanca Jr., Robert A. Sanca and Richard L. Sanca, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of JACK WEST, a minor suing by his mother and next friend, Mary West.

WITNESS my hand this 30 day of November, 1954.

Alice J. Lusk
Clerk

JACK WEST, a minor suing by
his mother and next friend
Mary West,

PLAINTIFF

VS

ROBERT A. SANCA and GULF
SAUSAGE COMPANY, a partner-
ship composed of JAMES A.
SANCA JR., ROBERT A. SANCA,
AND RICHARD L. SANCA,

DEFENDANTS

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

1.

The Plaintiff, Jack West, a minor, suing by his mother and next friend, Mary West, claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore on to-wit, December 11, 1953, the Plaintiff was riding in an automobile being operated in a southerly direction along and upon Alabama Highway No. 3; a public highway in Baldwin County, Alabama, a place where he had a right to be; at a point in the city limits of Robertsedale, Baldwin County, Alabama, where Ohio Street intersects Alabama Highway No. 3; that at said time and place Robert A. Sanca who was driving his automobile in a westerly direction, on Ohio Street, so negligently operated his automobile as to cause it to run into or against the automobile the Plaintiff was riding in; and as the proximate result thereof the Plaintiff was negligently injured as follows: his face was lacerated, bruised and torn; his eyesight was impaired and permanently impaired; his face was disfigured; his skull was fractured; he was caused

to suffer much mental and physical anguish and pain; he was caused to have repeated fainting and blackout spells that are of a permanent nature, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff, Jack West, a minor, suing by his mother and next friend, Mary West, claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore on to-wit, December 11, 1953, the Plaintiff was riding in an automobile being operated in a southerly direction along and upon Alabama Highway No. 3; a public highway in Baldwin County, Alabama, a place where he had a right to be, at a point in the city limits of Robertsedale, Baldwin County, Alabama, where Ohio Street intersects Alabama Highway No. 3; that at said time and place the Defendant, Gulf Sausage Company, a partnership composed of James A. Sanca Jr., Robert A. Sanca and Richard L. Sanca, acting by and through Robert A. Sanca their agent, servant or employee who was then and there acting within the line and scope of his employment as such was driving his automobile in a westerly direction; on Ohio Street, so negligently operated his automobile as to cause it to run into or against the automobile the Plaintiff was riding in; and as the proximate result thereof the Plaintiff was negligently injured as follows: his face was lacerated, bruised and torn; his eyesight was impaired and permanently impaired; his face was disfigured; his skull was fractured; he was caused to have repeated fainting and blackout spells that are of a permanent nature; he was caused to suffer much mental and physical anguish and pain, all to the loss of the Plaintiff in the aforesaid amount.

3.

The Plaintiff, Jack West, a minor suing by his mother and next friend, Mary West, claims of the Defendant the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore on to-wit, the 11th day of December, 1953, there was in force and effect in the State of Alabama a rule of the road which is set out in Title 36 Section 21 of the 1946 Code of Alabama as amended, in words and figures as follows: "The highway department with reference to the state highways and local authorities with reference to highways under their jurisdictions are hereby authorized to designate main traveled or through highways by erecting at the entrances thereto from

intersecting highways, signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highways, and whenever any such signs have been so erected it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights. Any person who shall fail to stop in obedience to the notice given by such signs shall be guilty of a misdemeanor". The Plaintiff avers that on the 11th day of December, 1953, and for a long time prior thereto Alabama Highway No. 3 had been designated and was a through highway at the point where it is intersected by Ohio Street in the city limits of Robertsedale, Baldwin County, Alabama. That at said time there was erected on Ohio Street at or near the point it intersects Alabama Highway No. 3 a stop sign, which was so placed as to be illuminated by the head lights of an approaching vehicle, or by street lights. The said sign being on that leg of Ohio street which approaches Alabama Highway No. 3 from an easterly direction. The Plaintiff further avers that on to-wit December 11, 1953, the Plaintiff was riding in an automobile being operated in a southerly direction along and upon Alabama Highway No. 3; a public highway in Baldwin County, Alabama, a place where he had a right to be, at a point in the city limits of Robertsedale, Baldwin County, Alabama, where Ohio Street intersects Alabama Highway No. 3; that at said time and place Robert A. Sanca who was operating his automobile in a westerly direction on the said Ohio street, notwithstanding the aforesaid rule and in violation of said rule of the road and disregarding the stop sign at the point where Ohio Street intersects Alabama Highway No. 3, negligently drove his automobile into or against the automobile the Plaintiff was riding in; and as the proximate result thereof the Plaintiff was negligently injured as follows; his face was lacerated, bruised and torn; his eyesight was impaired and permanently impaired; his face was disfigured; his skull was fractured; he was caused to have repeated fainting and blackout spells that are of a permanent nature, he was caused to suffer much mental and physical anguish and pain all to the loss of the Plaintiff in the aforesaid amount.

4.

The Plaintiff, Jack West, a minor suing by his mother and next friend, Mary West, claims of the Defendant the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore on to-wit, the 11th day of December, 1953, there was in force and effect in the State of Alabama a rule of the road which is set out in Title 36, Section 21 of the 1940 Code of Alabama as amended, in words and figures as follows: "The Highway department with reference to the state highways and local authorities with reference to highways under their jurisdictions are hereby authorized to designate main traveled or through highways by erecting at the entrances thereto from intersecting highways, signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highways, and whenever any such signs have been so erected it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights. Any person who shall fail to stop in obedience to the notice given by such signs shall be guilty of a misdemeanor". The Plaintiff avers that on the 11th day of December, 1953, and for a long time prior thereto Alabama Highway No. 3 had been designated and was a through highway at the point where it is intersected by Ohio Street in the city limits of Robertsdale, Baldwin County, Alabama. That at said time and place the Defendant, Gulf Sausage Company, a partnership composed of James A. Sanca Jr., Robert A. Sanca, and Richard L. Sanca, acting by and through Robert A. Sanca their agent, servant or employee who was then and there acting within the line and scope of his employment as such, who was operating his automobile in a westerly direction on Ohio Street notwithstanding the aforesaid rule and in violation of said rule of the road and disregarding the stop sign at the point where Ohio Street intersects Alabama Highway No. 3, negligently drove his automobile into or against the automobile the Plaintiff was riding in; and as the proximate result thereof the Plaintiff was negligently injured as follows, his face was lacerated, bruised and torn; his eyesight was impaired and permanently impaired; his face was disfigured; his skull was fractured; he was caused to have repeated fainting and blackout spells that are of a permanent nature; he was caused to suffer much mental and physical anguish and pain all to the loss of the Plaintiff in the aforesaid amount.

5.

The Plaintiff, Jack West, a minor, suing by his mother and next friend, Mary West, claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore on to-wit, December 11, 1953, the Plaintiff was riding in an automobile being operated in a southerly direction along and upon Alabama Highway No. 3; a public highway in Baldwin County, Alabama, a place where he had a right to be; at a point in the city limits of Robertsedale, Baldwin County, Alabama, where Ohio Street intersects Alabama Highway No. 3; that at said time and place Robert A. Sanca who was driving his automobile in a westerly direction on Ohio Street so wantonly operated his automobile as to cause it to wantonly run into or against the automobile the Plaintiff was riding in, and as the proximate result thereof the Plaintiff was wantonly injured as follows: his face was lacerated, brusied and torn; his eyesight was impaired and permanently impaired; his face was disfigured; his skull was fractured; he was caused to have repeated fainting and blackout spells that are of a permanent nature; he was caused to suffer much mental and physical anguish and pain, all to the loss of the Plaintiff in the aforesaid amount.

6.

The Plaintiff, Jack West, a minor, suing by his mother and next friend, Mary West, claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore on to-wit, December 11, 1953, the Plaintiff was riding in an automobile being operated in a southerly direction along and upon Alabama Highway No. 3; a public highway in Baldwin County, Alabama, a place where he had a right to be, at a point in the city limits of Robertsedale, Baldwin County, Alabama, where Ohio Street intersects Alabama Highway No. 3; that at said time and place the Defendant, Gulf Sausage Company, a partnership composed of James A. Sanca Jr., Robert A. Sanca and Richard L. Sance, acting by and through Robert A. Sanca their agent, servant or employee who was then and there acting within the line and scope of his employment as such was driving his automobile in a westerly direction on Ohio Stree, so wantonly operated his automobile as to cause it to wantonly run into or against the automobile the Plaintiff was riding in; and as the proximate result thereof the Plaintiff was wantonly injured

as follows: his face was lacerated, bruised and torn; his eyesight was impaired and permanently impaired; his face was disfigured; his skull was fractured; he was caused to have repeated fainting and blackout spells that are of a permanent nature; he was caused to suffer such mental and physical anguish and pain, all to the loss of the Plaintiff in the aforesaid amount.

Wilters & Brantley

BY:

John M Brantley
Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

Wilters & Brantley

BY:

John M Brantley
Attorneys for the Plaintiff

FILED

11-30-54

ALICE J. DUCK, Clerk