

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JAMES RADA SR., and JAMES RADA JR., a minor, 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 MARY WEST.

Witness my hand this 30 day of Nov, 1954.

W. J. West
Clerk

MARY WEST

PLAINTIFF

VS

JAMES RADA SR., AND
JAMES RADA JR., a minor,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

1.

The Plaintiff, 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 Defendant James Rada Sr., did own and possess an automobile which he did loan to his minor son James Rada Jr., a youth under the age of sixteen years and did then negligently permit and allow the said James Rada Jr., to take and drive the same for his own personal pleasure and entertainment, and for the pleasure and entertainment of such other persons as he might invite and take into his said automobile with him, unaccompanied by the said James Rada Sr., or any other adult person, although, as Plaintiff avers, the said James Rada Jr., was wholly incompetent and unfit to drive said automobile, as was then well known to James Rada Sr.; that on said day and occasion James Rada Jr., being so possessed of said automobile, and sole control of its operation, did invite and take into said automobile, Jack West, the Plaintiff's minor son, for a pleasure ride, and whereupon he did drive the said automobile, with Jack West riding therein, along Alabama Highway No. 3, a public highway in Baldwin County, Alabama, and in the city limits of Robertsdale, Alabama, and then and there

the said James Rada Jr., did so carelessly, negligently and improperly operate said automobile that it was caused to collide with another automobile and as the proximate result thereof Jack West 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; and Plaintiff avers that as the proximate result and consequence of the injuries to her said son the Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention, and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff, 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 Defendant James Rada Sr., did own and possess an automobile which he did loan to his minor son James Rada Jr., a youth under the age of sixteen years and did then wantonly permit and allow the said James Rada Jr., to take and drive the same for his own personal pleasure and entertainment, and for the pleasure and entertainment of such other persons as he might invite and take into his said automobile with him, unaccompanied by the said James Rada Sr., or any other adult person, although, as Plaintiff avers, the said James Rada Jr., was wholly incompetent and unfit to drive said automobile, as was then well known to James Rada Sr.; that on said day and occasion James Rada Jr., being so possessed of said automobile, and in sole control of its operation, did invite and take into said automobile, Jack West, the Plaintiff's minor son, for a pleasure ride, and whereupon he did drive the said automobile with Jack West riding therein, along Alabama Highway No. 3, a public highway in Baldwin County, Alabama, and in the city limits of Robertsdale, Alabama, and then and there the said James Rada Jr., did so carelessly, negligently and improperly operate said automobile

that it was caused to collide with another automobile and as the proximate result thereof Jack West 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; and Plaintiff

avers that as the proximate result and consequence of the injuries to her said son the Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the aforesaid amount.

3.

The Plaintiff, 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 Defendant James Rada Sr., did own and possess an automobile which he did loan to his minor son James Rada Jr., a youth under the age of sixteen years and did then negligently permit and allow the said James Rada Jr., to take and drive the same for his own personal pleasure and entertainment, and for the pleasure and entertainment of such other persons as he might invite and take into his said automobile with him, unaccompanied by the said James Rada Sr., or any other adult person, although, as Plaintiff avers, the said James Rada Jr., was wholly incompetent and unfit to drive said automobile, as was then well known to James Rada Sr.; that on said day and occasion James Rada Jr., being so possessed of said automobile, and in sole control of its operation, did invite and take into said automobile, Jack West, the Plaintiff's minor son, for a pleasure ride, and whereupon he did drive the said automobile with Jack West riding therein, along Alabama Highway No. 3, a public highway in Baldwin County, Alabama, and in the city limits of Robertsdale, Alabama, and then and there the said James Rada Jr., did so wantonly operate said automobile as to cause it to wantonly run into or against another automobile and as a proximate result thereof Jack West 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 much mental and physical anguish and pain; and Plaintiff avers that as the proximate result and consequence of the injuries to her said son the Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention, and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss, and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the aforesaid amount.

L.

The Plaintiff, 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 Defendant James Rada Sr., did own and possess an automobile which he did loan to his minor son James Rada Jr., a youth under the age of sixteen years and did then wantonly permit and allow the said James Rada Jr., to take and drive the same for his own personal pleasure and entertainment, and for the pleasure and entertainment of such other persons as he might invite and take into his said automobile with him, unaccompanied by the said James Rada Sr., or any other adult person, although, as Plaintiff avers, the said James Rada Jr., was wholly incompetent and unfit to drive said automobile, as was then well known to James Rada Sr.; that on said day and occasion James Rada Jr., being so possessed of said automobile, and in sole control of its operation, did invite and take into said automobile, Jack West, the Plaintiff's minor son, for a pleasure ride, and whereupon he did drive the said automobile with Jack West riding therein, along Alabama Highway No. 3, a public highway in Baldwin County, Alabama, and in the city limits of Robertsedale, Alabama, and then and there the said James Rada Jr., did so wantonly operate said automobile as to cause it to wantonly run into or against another automobile and as a proximate result thereof Jack West 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 much mental and physical anguish and pain; and Plaintiff avers that as the proximate result and consequence of the injuries to her said son the

BOOK 006 PAGE 203

Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention, and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss, and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the afore-said amount.

BOOK 006 PAGE 234

Wilters & Brantley

BY:

Julius M Brantley
Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

Wilters & Brantley

BY:

Julius M Brantley
Attorneys for the Plaintiff

WILSON 'X' 13077

11-30-54

FILED

MARY WEST,

Plaintiff

Vs.

JAMES RADA, SR., AND
JAMES RADA, JR., a minor

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW. CIVIL NO. 24~~58~~
57

Now comes the Defendants in this cause, by their attorney,
and for answer to the complaint heretofore filed, saith to all
counts:

Not Guilty

FILED

12-20-54

ALICE J. DUCK, Clerk

James Owens, Jr.
ATTORNEY

3.

The Plaintiff Mary West claims of the Defendants 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 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's son Jack West, a minor, 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 Robertsdale, 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 Jack West was riding in; and as the proximate result thereof Jack West 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 black-out spells that are of a permanent nature; and Plaintiff avers that as the proximate result and consequence of the injuries to her said son the Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the aforesaid amount.

L.

The Plaintiff, 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's son Jack West, a minor, was riding in; and as the proximate result thereof Jack West 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; and Plaintiff avers that as the proximate result and consequence of the injuries to her said son the Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the aforesaid amount.

5.

The Plaintiff, 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's minor son, Jack West, 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 Robertsdale, 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 Jack West was riding in, and as the proximate result thereof Jack West 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; and Plaintiff avers that as the proximate result and consequence of the injuries to her said son the Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the aforesaid amount.

6.

The Plaintiff, 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's minor son, Jack West, 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 Robertsdale, 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 wantonly operated his automobile as to cause it to wantonly run into or against the automobile Jack West was riding in; and as the proximate result thereof Jack West 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; and Plaintiff avers that as the proximate result and consequence of the injuries to her said son the Plaintiff was caused to incur considerable expense for medicine, surgical and hospital treatment, the taking of X-rays, nurses attention and doctors in and about the treatment of her said son, and will probably have to incur further expenses in the future, and loss and continues to lose the society and services of her said son, all to the loss of the Plaintiff in the aforesaid amount.

Walters & Brantley

BY: Arthur M Brantley
Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

FILED

11-30-54

ALICE J. DUCK, CLERK

Walters & Brantley

BY: Arthur M Brantley
Attorneys for the Plaintiff