

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 2522

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~Phillip F. Macy and Robert D. Olds~~

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 ~~Phillip F. Macy~~ and
~~Robert D. Olds, individually, jointly and severally~~, Defendant.

by ~~Henry J. Muller~~, Plaintiff.

Witness my hand this ~~26th~~ day of ~~January~~ 19 ~~55~~

Arise French, Clerk

HENRY J. MULLER,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
Vs.	:	AT LAW
PHILLIP F. MACY, and	:	
ROBERT D. OLDS, individually,	:	
jointly and severally,	:	
Defendants.	:	NO. <u>2522</u>

COUNT ONE

The plaintiff claims of the defendants, the sum of FIFTEEN THOUSAND and NO/100 (\$15,000.00) DOLLARS as damages, for that heretofore and on, to-wit: The 23rd day of July, 1954, the defendant, Phillip F. Macy, while acting within the line and scope of his employment as the agent, servant or employee of the defendant, Robert D. Olds, did so negligently operate an automobile in an eastwardly direction on Alabama Highway #89, about to-wit: one (1) mile west of Foley, Baldwin County, Alabama, said road or highway being a public road or highway in the County of Baldwin, State of Alabama, so as to cause said automobile to collide with, run over, upon or against an automobile which the plaintiff's wife, Anthony Emogene Muller, was then and there operating, and as a direct and proximate consequence of the said negligence of the defendant, Phillip F. Macy, while acting within the line and scope of his employment as the agent, servant or employee of the defendant, Robert D. Olds, the plaintiff was injured and damaged in that he was caused to lose the service of his wife, Anthony Emogene Muller; was caused to expend large amounts of money in and about the care, cure and convalescence of said wife; to incur large hospital bills, doctor bills, medical bills and nurses' bills; was caused to employ a housekeeper and nurses in and about the care of his home and wife; all as a proximate consequence of said negligence of the defendant, Phillip F. Macy, while acting within the line and scope of his employment as the agent, servant or employee of the defendant, Robert D. Olds, hence this suit.

COUNT TWO

The plaintiff claims of the defendants, the sum of FIFTEEN THOUSAND and NO/100 (\$15,000.00) DOLLARS as damages, for that heretofore and on, to-wit: The 23rd day of July, 1954, the defendant, Phillip F. Macy, while acting within the line and scope of his employment as the agent, servant or employee of the defendant, Robert D. Olds, while driving an automobile in an eastwardly direction on a public road or highway commonly known as Alabama Highway #89, said public road or highway being in the County of Baldwin, State of Alabama, at a point, to-wit: approximately one (1) mile west of Foley, Baldwin County, Alabama, did wilfully or wantonly injure the plaintiff by wilfully or wantonly driving said automobile over, upon or against an automobile then and there operated by the plaintiff's wife, Anthony Emogene Muller, and as a direct and proximate consequence of said wilfull or wanton act on the part of the defendant, Phillip F. Macy, while acting within the line and scope of his employment as the agent, servant or employee of the defendant, Robert D. Olds, the plaintiff was injured and damaged in that he was caused to lose the services of his wife, Anthony Emogene Muller; was caused to expend large amounts of money in and about the care, cure and convalescence of said wife; to incur large hospital bills, doctor bills, medical bills and nurses' bills; was caused to employ a housekeeper and nurses in and about the care of his home and wife; all as a proximate consequence of said wilfull or wanton act on the part of the defendant, Phillip F. Macy, while acting within the line and scope of his employment as the agent, servant or employee of the defendant, Robert D. Olds; hence this suit.

Maurice P. Downing
Attorney for Plaintiff

Plaintiff demands a trial by jury.

Maurice P. Downing
Attorney for Plaintiff

Defendants' Addresses:
Ensign Phillip F. Macy (573139)
Barin Field, Foley, Ala

Robert D. Olds
Barin Field, Foley, Ala

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by Henry J. Muller

-----, Plaintiff-----

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FILED

Alice J. Buck, Clerk

1-26-55

ALICE J. BUCK, Clerk

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