

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.

January 27, 1955

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

In re: James Craig vs Junius Coleman

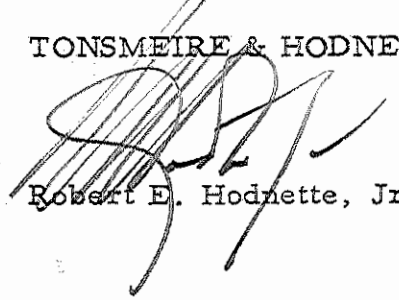
Dear Mrs. Duck:

We have received your card stating that the defendant was not found in Mobile County at the address which we furnished you for the sheriff's benefit and for the service of the summons and complaint. Junius Coleman is a non-resident of the State of Alabama and his address is Junius B. Coleman, 44th Transportation Corp, Camp Drum, New York.

We enclose three copies of the complaint and request that you forward them to the Secretary of State, together with our check for \$3.00 and request service of process under the use of the highways statute.

Very truly yours,

TONSMEIRE & HODNETTE



Robert E. Hodnette, Jr.

vg

Enclosures

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW.
NO. 2528

Comes now Junius B. Coleman, and for answer to the plaintiff's complaint, says as follows:

1. He denies the material allegations of the complaint.
2. Not guilty.

3. And for further answer to count one of the plaintiff's complaint, the defendant says that at the time and place complained of the plaintiff was himself guilty of negligence which proximately contributed to his alleged injuries and damages in that at said time and said place the plaintiff so negligently operated an automobile as to cause or allow the same to collide with the automobile of the defendant; wherefore the defendant says that the plaintiff ought not to have and recover of him.

ATTORNEYS FOR THE DEFENDANT.

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

March 14, 1955

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

Mrs. Alice J. Duck
Clerk of the Circuit Court
of Baldwin County
Bay Minette, Alabama

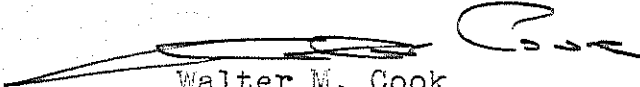
Re: Assured: Junius B. Coleman
Our File: C12,038

Dear Mrs. Duck:

Enclosed please find appearance and demurrer.
Please acknowledge receipt of same.

Very truly yours,

LYONS, PIPES AND COOK



Walter M. Cook

WMC/mh

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.
—
STOVA F. MCFADDEN

June 30, 1955

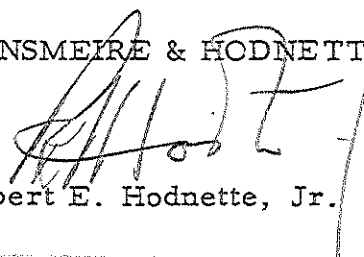
Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

I will be out of the state until July 20 and I will appreciate your kindness in setting this motion for hearing after that time and notifying me of the hearing date.

Very truly yours,

TONSMEIRE & HODNETTE


Robert E. Hodnette, Jr.

vg

James H. Craig - Plaintiff
VS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Junius Coleman - Defendant

CASE NO. 2528

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

I, Mary Texas Hurt, Secretary of State, hereby certify that on February 11, 1955,
I sent by registered mail in an envelope addressed as follows:

" Junius Coleman
44th Transportation Corps
Camp Drum, New York"

"Registered 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:

" Junius Coleman
44th Transportation Corps
Camp Drum, New York

You will take notice that on February 11, 1955, the Sheriff of
Montgomery County, Alabama, served upon me, in my official
capacity, summons and complaint in a case entitled:

James H. Craig, Plaintiff VS Junius Coleman, Defendant

in the Circuit Court of Baldwin County, Alabama at Law,
Case No. 2528 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 11 day of February 1955.

Enclosure (1)

(Signed) Mary Texas Hurt
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 February 23, 1955, I received the return card,
showing receipt by the designated addressee of the aforementioned matter
at Fort Devens, Mass. on February 21, 1955

WITNESS MY HAND and the Great Seal of the State of Alabama this the 23 day
of February 1955.

Mary Texas Hurt
Mary Texas Hurt
Secretary of State

Enclosures: Return Receipt Card and
copy of Summons and
Complaint.

cc: Honorable Genevieve G. Spafford
Tonsmeire & Hodnette, Attorneys and Counselors-at-Law
First National Bank Annex
Mobile, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 2528

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Junius Coleman

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

Junius Coleman

, Defendant.

by

James D. Crain

, Plaintiff.

Witness my hand this

31st

day of

January

19 55

Archie W. Wicks

, Clerk

No. 2528

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

JAMES H. CRAIG

Plaintiffs

vs.

JUNIUS COLEMAN

44th Transportation Corp
Camp Crum, N.Y.
Defendants

Summons and Complaint

Filed 1-31-55 19

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

RECEIVED IN OFFICE

Defendant lives at

EB 4 1955

M. S. BUTLER, Sheriff
Received in Office

Feb 2 1955

M. S. Butler, Sheriff

I have executed this summons

this 2-11-1955

by leaving a copy with 3 Co.

M. J. Hunt
Sec. of State of
State of Ala.

M. S. Butler Sheriff

Mathis Starn Deputy Sheriff

JAMES H. CRAIG)	IN THE CIRCUIT COURT
Plaintiff)	OF BALDWIN COUNTY,
VS)	ALABAMA
JUNIUS B. COLEMAN)	AT LAW
Defendant)	NO. 2528

Comes now the plaintiff and propounds the following interrogatories to the defendant in this cause:

1. Please state your name, age and address.
2. Did you on, to-wit, October 15, 1954, have a driver's license?
If so, please state what authority issued the same, giving the name and address thereof, and give the number identifying the same.
3. Were you involved in an automobile collision with the plaintiff on or about October 15, 1954, on U. S. Highway 90 at a point, to-wit, 1.1 miles east of the intersection of said Highway 90 with Alabama Highway 104 in Baldwin County, Alabama? If you state that you were not, please state whether you were involved in an automobile accident on that date and state where the same occurred.
4. Were you driving an automobile involved in said accident? If so, please state the make and model of the same and state whether you own the same and if you state that you did not own the said automobile, please give the name and address of the owner.

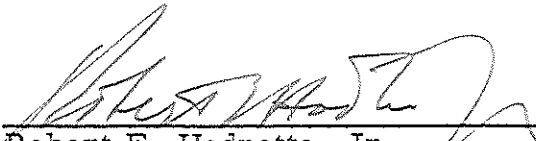
TONSMEIRE & HODNETTE

By 
Attorneys for Plaintiff

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority, in and for said state and county, Robert E. Hodnette, Jr., who being by me first duly sworn, deposes and says that he is one of the attorneys of record in the foregoing cause, and that the answers to the interrogatories herein propounded,

if truthfully and correctly made, will be material testimony for the plaintiff in the trial of this cause.


Robert E. Hodnette, Jr.

Subscribed and sworn to before me on
this 6th day of April, 1955.


Notary Public, Mobile County, Alabama

Received in Sheriff's Office
This day of April, 1955
TAYLOR WILKINS, Sheriff

James A. Long
185
James Coleman

Antennaria

18X Walter Cook
Bf
dyous, Peter & Cook

EXECUTED
This 18 day of Apr, 1905.
By *John D. Biddis*
John D. Biddis, Clerk

JAMES H. CRAIG

Plaintiff

VS

JUNIUS B. COLEMAN

Defendant

) IN THE CIRCUIT COURT
) OF BALDWIN COUNTY,
) ALABAMA
) AT LAW
) NO. 2528

MOTION

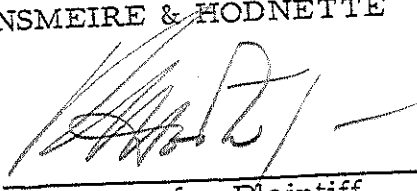
Comes now the plaintiff and shows unto the Court the following:

That on the 13th day of April, 1955, the defendant was served with interrogatories propounded to him by the plaintiff, and that the defendant has failed to answer said interrogatories although more than sixty days have elapsed since a copy of such interrogatories was served on him.

The foregoing premises considered, the plaintiff moves the Court to enter an order, either attaching the defendant and causing him to answer fully in open court, or taxing him with so much costs as may be just, and continuing the cause until full answers are made, or directing a judgment by default to be entered, or rendering such judgment as would be appropriate if the defendant offered no evidence, or granting the plaintiff such other relief as the Court may deem proper.

TONSMEIRE & HODNETTE

By


Attorneys for Plaintiff

JAMES H. CRAIG,)
Plaintiff) IN THE CIRCUIT COURT OF BALDWIN
vs) COUNTY, ALABAMA.
JUNIUS B. COLEMAN,) AT LAW.
Defendant.) CASE NO. 2528

Comes now the defendant and enters this his appearance,
through Lyons, Pipes and Cook, his attorneys, and the defendant
demurs to the plaintiff's complaint and as grounds for said
demurrer set down and assign the following separately and severally:

1. Said Complaint fails to allege facts showing the violation
of any duty owed by the defendant to the plaintiff.
2. For aught that appears the defendant did not violate any
duty owed by them to the plaintiff.
3. For aught that appears from said complaint the damages suffered
by the plaintiff were not the proximate result of any act, or
failure to act, on the part of the defendant.

LYONS, PIPES AND COOK
Attorneys for Defendants

BY: 
Walter M. Cook

JAMES H. CRAIG,)	IN THE CIRCUIT COURT OF
Plaintiff,))	BALDWIN COUNTY, ALABAMA,
Vs.)	AT LAW
JUNIUS B. COLEMAN,)	NO. 2528
Defendant.)	

AFFIDAVIT AND MOTION

STATE OF 549th AAA Bn, APO 23, New York, N. Y.

COUNTY OF Thule, Greenland

Comes now Junius B. Coleman, the defendant, who after first being duly sworn on oath, deposes and says as follows:

1. That he is the defendant in this cause.

2. That at the time of the automobile collision made the basis of this suit, at the time of the filing of suit, and at the time of the filing of this affidavit and motion, the defendant was and is a member of the Armed Services of the United States of America that he is presently stationed outside of the United States of America being presently stationed at Thule, Greenland

3. That he has a good and meritorious defense in this cause that he is presently unable to attend a trial of this cause in Baldwin County, Alabama, for reasons over which he has no control; and that his presence upon the trial of this cause is necessary in order for him to adequately present his said defense to said cause.

WHEREFORE the affiant and the defendant in this cause moves unto the court that this case be passed and continued until such time as he is discharged from the military service of the United States of America or otherwise in a position to attend a trial of the said cause, or, in the alternative, in the event this case proceeds to trial, the affiant and defendant moves unto the court that it require as a condition before judgment is entered that the plaintiff file a bond approved by the Court conditioned to indemnify the defendant if in military service against any loss or damages that he may suffer by reason of any judgment, should the judgment be thereafter set aside in whole or in part; and the affiant and

defendant moves for such other and further relief as is just and proper.

James B. Coleman

Sworn to and subscribed before me this

the 8th day of September, 1955.

Stephen A. Bailen
SUMMARY COURT OFFICER Capt City

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 2459

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JUNIUS COLEMAN

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-----

JUNIUS COLEMAN

-----, Defendant-----

by JAMES H. CRAIG

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

Witness my hand this 1st day of December 1954

Alice J. Blum, Clerk

The State of Alabama

Baldwin County

CIRCUIT COURT

JAMES H. CRAIG

Plaintiffs

vs.

JUNIUS COLEMAN

Defendants

Summons and Complaint

Filed 19

Clerk

FILED

DEC 1 1954

AUGIE J. QUICK, Clerk

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

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

March 14, 1955

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

Mrs. Alice J. Duck
Clerk of the Circuit Court
of Baldwin County
Bay Minette, Alabama

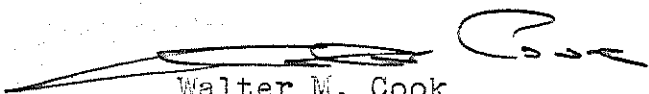
Re: Assured: Junius B. Coleman
Our File: C12,038

Dear Mrs. Duck:

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Please acknowledge receipt of same.

Very truly yours,

LYONS, PIPES AND COOK



Walter M. Cook

WMC/mh