

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

2932

ADA LANELLE PARKE,

Plaintiff,

vs.

CARTER J. WICKS,

Defendant.

TO: Miss Alice J. Duck
Clerk of the Circuit Court of Baldwin County
Bay Minette, Alabama

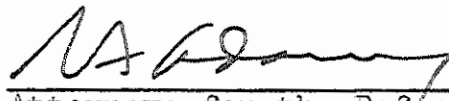
Pursuant to the provisions of law in such cases made and
provided, there is hereby filed with you a copy of the peti-
tion of the defendant, Carter J. Wicks, in the above entitled
cause to remove said cause to the United States District
Court for the Southern District of Alabama, Southern Division.
The said petition, accompanied by a bond with good and suf-
ficient surety, conditioned as is required by law, was on the
8th day of June, 1956, filed in the said United States
District Court for the Southern District of Alabama, Southern
Division.

Written notice of the filing of said petition and bond
has this day been given to the attorneys for the plaintiff
herein, and you are hereby notified that the filing of a copy
of the aforesaid petition with you as Clerk of the Circuit
Court of Baldwin County, Alabama, effects the removal of said
cause to the said United States District Court.

Dated this 8th day of June, 1956.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

BY:



Attorneys for the Defendant,
Carter J. Wicks.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

ADA LANELLE PARKE	§	IN THE CIRCUIT COURT OF
Plaintiff,	§	BALDWIN COUNTY, ALABAMA
vs.	§	AT LAW
CARTER J. WICKS,	§	NO. 2932
Defendant.	§	

PETITION FOR REMOVAL OF CIVIL ACTION FROM THE CIRCUIT COURT
OF BALDWIN COUNTY IN THE STATE OF ALABAMA TO THE DISTRICT
COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION

TO THE HONORABLE DANIEL H. THOMAS, JUDGE OF THE SAID DISTRICT
COURT OF THE UNITED STATES:

Gomes your Petitioner, Carter J. Wicks, and respectfully
shows unto the Court as follows:

ONE

That a civil action has been brought and is now pending in
the Circuit Court of Baldwin County, Alabama, wherein Ada
Lanelle Parke is the Plaintiff and your Petitioner is the
Defendant.

TWO

That said action is a civil action of which the District
Courts of the United States have original jurisdiction, in that
the said action is to recover damages occasioned by the alleged
negligence of your Petitioner.

THREE

That the controversy in said suit is between citizens of
different states, in that your Petitioner was at the time of
the commencement of this action and still is a citizen of the
State of Florida, his address being 2812 West Pottery Road,
Pensacola, Florida, whereas said Plaintiff is the resident of
the State of Alabama, her address being Foley, Alabama.

FOUR

That the matter or amount in controversy in said action
No. 2932 at the time of commencement of said action and at the
present time exceeds the sum or value of \$3,000.00, exclusive
of interest and costs.

FIVE

That said action was commenced in the Circuit Court of Baldwin County, Alabama on the 21st day of May, 1956, and process therein was served on Petitioned less than twenty (20) days from the date of the filing in this Honorable Court of this petition.

SIX

Your Petitioner herewith presents a good and sufficient bond as provided by the statute, conditioned that your Petitioner, the Defendant, will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the case was not removable or was improperly removed.

WHEREFORE, Petitioner prays that the said action No. 2932 may be removed from said State Court into this Court for trial and determination; that this Court accept said bond and make and enter an order of removal of said action No. 2932

CARTER J. WICKS

BY: MCCORVERY, TURNER, ROGERS, JOHNSTONE
& ADAMS

BY: _____
Attorneys for Petitioner

STATE OF FLORIDA ↓

ESCAMBIA COUNTY ↓

Carter J. Wicks, being duly sworn, deposes and says that he is the Defendant in the above styled cause, that he has read the foregoing petition, and it is true and correct to the best of his knowledge, information and belief, and that the facts as they relate to him are true and correct.

Subscribed and sworn to before me
on this the ____ day of June, 1956.

Notary Public, Escambia County, Florida

STATE OF ALABAMA

STATE OF ALABAMA OFFICE OF SECRETARY OF STATE

BALDWIN COUNTY

Montgomery 4, Alabama

TO THE SHERIFF OF THE STATE OF ALABAMA

May 21, 1956

Carter J. Wicks

2812 West Pottery Road

Pensacola, Florida

REGISTERED MAIL

RETURN RECEIPT REQUESTED

DELIVER TO ADDRESSEE ONLY

You will take notice that on May 21, 1956 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, Summons

and Complaint in a case entitled: ADA LANELLE PARKE, Plaintiff VS CARTER J. WICKS, Defendant . . . in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE.

Case No. 2932 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.

CARTER J. WICKS,

WITNESS MY HAND and the Great Seal of the State of Alabama this the 21 day of May 1956.

The Plaintiff claims of the Defendant Fifteen Thousand Dollars (\$15,000.00) as damages, for that, heretofore on to-wit: May

22, 1955 the Plaintiff was with Secretary of State in an automobile driven by her husband, William T. Parke, Jr. along Highway 90, a

public highway approximately one mile from the town of Ecstasy,

in Baldwin County, Alabama. Honorable Cecil G. Chason, Attorney at Law

negligently operated another Arcade Building by reason thereof, Bay Minette, Alabama

and as a proximate result and consequence thereof, the automobile operated by the Defendant ran into, upon or against the rear end of the automobile in which the Plaintiff was riding as a passenger,

and as a proximate consequence and result of the negligence of the

Defendant, and the negligent operation of the motor vehicle driven by the Defendant, the Plaintiff received severe personal injuries in that, to-wit: she was injured internally; she was bruised, made sick, sore, and lame; she suffered injury to her back; she was permanently injured; she suffered and continues to suffer great

STATE OF ALABAMA }
 } IN THE CIRCUIT COURT . . LAW SIDE . .
BALDWIN COUNTY }

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Carter J. Wicks to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Ada Lanelle Parke.

WITNESS my hand this 19 day of May, 1956.

/s/Alice J. Duck
Clerk

- COMPLAINT -

ADA LANELLE PARKE,)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
Vs.)
CARTER J. WICKS,) LAW SIDE
) Defendant

COUNT I

The Plaintiff claims of the Defendant Fifteen Thousand Dollars (\$15,000.00) as damages, for that, heretofore on to wit: May 22, 1955 the Plaintiff was riding as a passenger in an automobile driven by her husband, William H. Parke, Jr. along Highway 90, a public highway approximately one mile North of the Town of Roberts- dale in Baldwin County, Alabama, and then and there the Defendant so negligently operated another automobile that by reason thereof, and as a proximate result and consequence thereof, the automobile operated by the Defendant ran into, upon or against the rear end of the automobile in which the Plaintiff was riding as a passenger, and as a proximate consequence and result of the negligence of the Defendant, and the negligent operation of the motor vehicle driven by the Defendant, the Plaintiff received severe personal injuries in that, to-wit: she was injured internally; she was bruised, made sick, sore, and lame; she suffered injury to her back; she was permanently injured; she suffered and continues to suffer great

physical pain and anguish; she has been made unable to properly care for her home and her children, all of which is the proximate result of the negligence of the Defendant as aforesaid, and for all of which she claims damage as hereinabove set out.

The Plaintiff further avers that the Defendant is not a resident of the State of Alabama, and that his address on the date of her injury was, and to the best of her knowledge and information and belief, is now 2812 West Pottery Road, Pensacola, Florida, and the Plaintiff prays that service of process upon the Defendant, Carter J. Wicks may be had in accordance with the provisions of Section 199 of Title 7 of the Code of Alabama of 1940.

/s/ C. G. Chason
Attorney for Plaintiff

PLAINTIFF DEMANDS TRIAL BY JURY

/s/ C. G. Chason
Attorney for Plaintiff

STATE OF FLORIDA §
COUNTY OF ESCAMBIA §

KNOW ALL MEN BY THESE PRESENTS, That Carter J. Wicks, as Principal and _____, as Surety, are held and firmly bound unto Ada Lanelle Parke in the penal sum of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS for the payment whereof, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

The condition of this bond is such that:

WHEREAS, the said Carter J. Wicks, simultaneously herewith has filed its petition in the United States District Court for the Southern District of Alabama, Southern Division, for the removal to this said Court of a certain cause of action pending in the Circuit Court of Baldwin County, Alabama, wherein the said Ada Lanelle Parke is Plaintiff, and the said Carter J. Wicks is the Defendant.

NOW, THEREFORE, if said Petitioner shall pay or cause to be paid all costs and disbursements incurred by reason of this said removal proceeding should it be determined that this action was wrongfully or improperly removed to this said Court, then this obligation shall be void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, we, the above and undersigned named Principal and Surety, have hereunto set our hands and seals on this the ____ day of June, 1956.

Carter J. Wicks as Principal

BY: _____
Its Attorney in Fact, as Surety

Approved and accepted this
____ day of June, 1956.

United States District Judge

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

ADA LANELLE PARKE,

Plaintiff,

vs.

CARTER J. WICKS,

Defendant.

TO: Mr. C. C. Chason
Attorney at Law
Foley, Alabama

*Removal to
District Court*

Please take notice that Carter J. Wicks, the Defendant
in the above styled cause, has on the 8 day of June, 1956,
filed its petition to remove the above entitled action to
the United States District Court for the Southern District
of Alabama, Southern Division, a copy of the said petition
being attached to this said notice, and that said Defendant
has on the 8 day of June, 1956, filed in the United States
District Court a bond with good and sufficient surety condi-
tioned as is provided by law with respect to said proceed-
ings. You are hereby further notified that a copy of the
said petition is being filed this day with Miss Alice J.
Duck, Clerk of the Circuit Court of Baldwin County, Alabama
wherein said cause is now pending, which shall effect the
removal of said cause from said Court.

*h
c
s*

This said notice is given to you as attorney for the
plaintiff in compliance with the provisions of Title 28
U.S.C.A., Section 1446 (e).

Dated this 8 day of June, 1956.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

BY: 

Attorneys for the Defendant,
Carter J. Wicks.

ADA LANELLE PARKE -Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA LAW SIDE

VS.

CARTER J. WICKS - Defendant

CASE NO. 2932

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE

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

May 21, 1956

"Carter J. Wicks
2812 West Pottery Road
Pensacola, Florida"

"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:

"Carter J. Wicks
2812 West Pottery Road
Pensacola, Florida

You will take notice that on May 21, 1956 the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, Summons and
Complaint in a case entitled: ADA LANELLE PARKE, Plaintiff VS CARTER J. WICKS,
Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE
Case No. 2932 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 21
day of May 1956.

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.

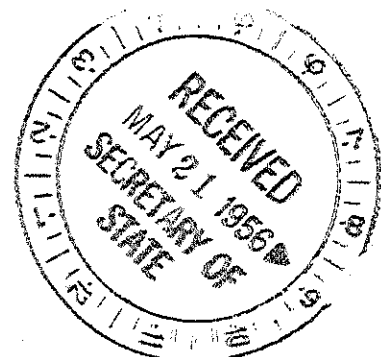
I further certify that on May 28, 1956 I received the
return card, showing receipt by the designated addressee of the aforementioned matter
at (not given) on May 22, 1956.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 28 day
of May 1956.

Mary Texas Hurt
Mary Texas Hurt
Secretary of State

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

cc: Honorable Cecil G. Chason, Attorney at Law
Arcade Building
Bay Minette, Alabama



STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT .. LAW SIDE ..

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Carter J. Wicks to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Ada Lanelle Parke.

WITNESS my hand this 19 day of May, 1956.

Carter J. Wicks
Clerk

- COMPLAINT -

ADA LANELLE PARKE,)
Plaintiff) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
CARTER J. WICKS,)
Defendant) LAW SIDE

COUNT I

The Plaintiff claims of the Defendant Fifteen Thousand Dollars (\$15,000.00) as damages, for that, heretofore on to wit: May 22, 1955 the Plaintiff was riding as a passenger in an automobile driven by her husband, William H. Parke, Jr. along Highway 90, a public highway approximately one mile North of the Town of Robertsdale in Baldwin County, Alabama, and then and there the Defendant so negligently operated another automobile that by reason thereof and as a proximate result and consequence thereof, the automobile operated by the Defendant ran into, upon or against the rear end of the automobile in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the negligence of Defendant, and the negligent operation of the motor vehicle driven by the Defendant, the Plaintiff received severe personal injury in that, to-wit: she was injured internally; she was bruised, sick, sore, and lame; she suffered injury to her back; she was permanently injured; she suffered and continues to suffer great

physical pain and anguish; she has been made unable to properly care for her home and her children, all of which is the proximate result of the negligence of the Defendant as aforesaid, and for all of which she claims damage as hereinabove set out.

The Plaintiff further avers that the Defendant is not a resident of the State of Alabama, and that his address on the date of her injury was, and to the best of her knowledge and information and belief, is now 2812 West Pottery Road, Pensacola, Florida, and the Plaintiff prays that service of process upon the Defendant, Carter J. Wicks may be had in accordance with the provisions of Section 199 of Title 7 of the Code of Alabama of 1940.


Attorney for Plaintiff

PLAINTIFF DEMANDS TRIAL BY JURY


Attorney for Plaintiff

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

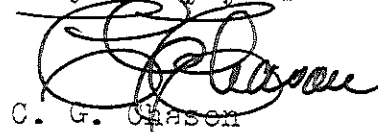
May 18, 1956

Mrs. Alice J. Duck
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith original and three copies of an action by Ada Lanelle Parke against Carter J. Wicks, whose address is 2812 West Pottery Road, Pensacola, Florida, therefore it is necessary to obtain service through the Secretary of State. I am sure that you are familiar with this mode of procedure and know that three copies must go to the Secretary of State. I am also enclosing my check to the Secretary of State in the amount of \$3.00, which I request be sent to her along with the summons and complaint.

Very truly yours



C. G. CHASON

CGC:dc

Encl. 4

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT .. LAW SIDE ..

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Carter J. Wicks to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Ada Lanelle Parke.

WITNESS my hand this 19 day of May, 1956.

Deirdre J. Lewis
Clerk

- COMPLAINT -

ADA LANELLE PARKE,)
Plaintiff) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
CARTER J. WICKS,) LAW SIDE
Defendant)

COUNT I

The Plaintiff claims of the Defendant Fifteen Thousand Dollars (\$15,000.00) as damages, for that, heretofore on towit: May 22, 1955 the Plaintiff was riding as a passenger in an automobile driven by her husband, William H. Parke, Jr. along Highway 90, a public highway approximately one mile North of the Town of Roberts- dale in Baldwin County, Alabama, and then and there the Defendant so negligently operated another automobile that by reason thereof, and as a proximate result and consequence thereof, the automobile operated by the Defendant ran into, upon or against the rear end of the automobile in which the Plaintiff was riding as a passenger, and as a proximate consequence and result of the negligence of the Defendant, and the negligent operation of the motor vehicle driven by the Defendant, the Plaintiff received severe personal injuries in that, to-wit: she was injured internally; she was bruised, made sick, sore, and lame; she suffered injury to her back; she was permanently injured; she suffered and continues to suffer great

physical pain and anguish; she has been made unable to properly care for her home and her children, all of which is the proximate result of the negligence of the Defendant as aforesaid, and for all of which she claims damage as hereinabove set out.

The Plaintiff further avers that the Defendant is not a resident of the State of Alabama, and that his address on the date of her injury was, and to the best of her knowledge and information and belief, is now 2812 West Pottery Road, Pensacola, Florida, and the Plaintiff prays that service of process upon the Defendant, Carter J. Wicks may be had in accordance with the provisions of Section 199 of Title 7 of the Code of Alabama of 1940.

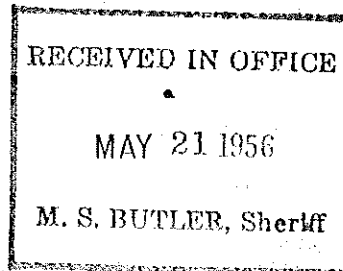

Attorney for Plaintiff

PLAINTIFF DEMANDS TRIAL BY JURY


Attorney for Plaintiff

637

Received in Sheriff's Office
the 19 day of May, 1956
TAYLOR WILKINS, Sheriff



EXECUTED BY SERVING AS
COPY OF THE WRITEN

Mr. J. Rust
Sec. of State of
State of Ala.
5-21-56

M. S. Butler
Sheriff Montgomery County
By Matthew
Deputy Sheriff

The Sheriff claims 2
miles at 10c per mile for a total
of \$ 2.00

M. S. Butler, Sheriff
Montgomery County, Ala.

No. 2932

+

SUMMONS AND COMPLAINT

ADA LANELLE PARKE,

Plaintiff

VS.

CARTER J. WICKS,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED
MAY 19 1956
ALICE J. DUCK, Clerk

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

2932