

BARNEY SHULL,

Plaintiff,

vs.

CLARENCE PHILLIPS, and
DENNIS DEBOSE,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

COUNT ONE:

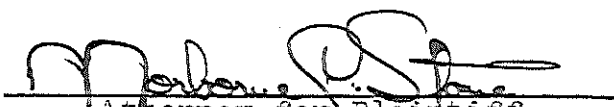
The Plaintiff claims of the Defendants the sum of Three Thousand Dollars (\$3,000.00) as damages for that on, to-wit: the 22nd day of August, 1953, the Defendant, Dennis Debose, who was then and there a servant, agent or employee of the Defendant, Clarence Phillips, while acting within the line and scope of his employment as such, so negligently operated a motor vehicle on Alabama Highway No. 104, a public road in Baldwin County, Alabama, at a point, to-wit: approximately one and a quarter miles (1 and 1/4 miles) North of the intersection of the said road with the Daphne to Belforest Road, in Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the automobile of the Plaintiff which was then and there being operated on said public road and as a proximate consequence and result of the negligence of the agent, servant or employee of the Defendant, Clarence Phillips, aforesaid, the Plaintiff's automobile was badly bent, broken and damaged in this; the frame was bent, the body was broken and smashed and said automobile was otherwise damaged so that the same was rendered a total loss to the Plaintiff, all to his damage. And the Plaintiff further alleges that as a proximate consequence and result of the negligence of the agent, servant or employee of the Defendant, Clarence Phillips, as aforesaid, the Plaintiff lost the use of his automobile, which was used in his business, and was caused to incur medical expenses and doctors bills and a repair bill for a camera of the Plaintiff which he had in his said automobile at said time and place and was caused to incur additional expenses all as a direct and result of the negligence of the agent, servant or employee of the Defendant, aforesaid, and all to the damage of the Plaintiff, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendants the sum of Three Thousand Dollars (\$3,000.00) as damages for that on to-wit, the 22nd day of August, 1953, the said Dennis Debose, who was then and there a servant, agent or employee of the Defendant, Clarence Phillips, while acting within the line and scope of his employment as such, wantonly damaged the automobile of the Plaintiff at a point, to-wit: approximately one and a quarter miles (1 and 1/4 miles) North of the intersection of the said road with the Daphne to Belforest Road, in Baldwin County, Alabama, by then and there wantonly driving a motor vehicle into, upon and against the automobile of the Plaintiff and as a proximate result of which wantonness the Plaintiff's automobile was totally destroyed, wherefore Plaintiff brings this suit. And that Plaintiff further alleges that as a proximate consequence and result of the wantonness of the agent, servant or employee of the Defendant, Clarence Phillips, as aforesaid, the Plaintiff lost the use of his automobile and was caused to incur medical expenses and doctors bills and a repair bill for a camera of the Plaintiff which he had in his said automobile at said time and place and was caused to incur additional expenses all as a direct and result of the wantonness of the agent, servant or employee of the Defendant, aforesaid, and all to the damage of the Plaintiff, hence this suit.

CHASON & STONE

By:


Attorney for Plaintiff.

this 24 day of Dec, 1953
TAYLOR WILKINS, Sheriff

3159
RECORDED

Filed 11/7 1954
Serving copy of within Summons and
Complaint on

BARNEY SHULL,

Plaintiff,

vs.

Stephenson
CLARENCE PHILLIPS, and
DENNIS DEBOSE, *Debose CM*
Defendants.

Clarence Phillips

By *P. B. Suller* Sheriff
Deputy Sheriff

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

Received _____ day of _____ 1953
and on 22 day of Dec 1953
I served a copy of the within
on Dennis Debose

SUMMONS AND COMPLAINT

By service on _____
TAYLOR WILKINS, Sheriff
By *P. A. Van Dine* U. S.

FILED
DEC 21 1953
ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

we the jury find
for the plaintiff
against the defendants
in the amount of
\$1459⁰⁰

M. C. Graham
Foreman

BARNEY SHULL,

PLAINTIFF,

VS

CLARENCE PHILLIPS, and
DENNIS DUECSE,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

ANSWER

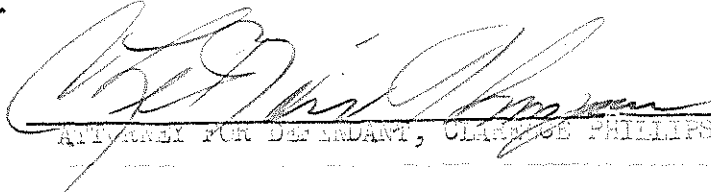
Comes Defendant, Clarence Phillips, by his attorney of record and
for answer to complaint filed in said cause says separately and severally:

I.

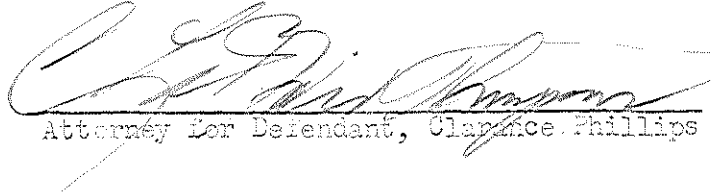
As to Count One pleads not guilty.

II.

As to Count Two pleads not guilty.


Attorney for Defendant, Clarence Phillips

Defendant demands a trial by jury.


Attorney for Defendant, Clarence Phillips

BARNEY SHULL,

PLAINTIFF,

VS

CLARENCE PHILLIPS and
DENNIS DUBOSE,

DEFENDANTS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

ANSWER


Comes Defendant, Dennis Dubose, by his attorney of record and for answer to complaint filed in said cause says separately and severally:

I.


As to Count One pleads not guilty.

II.

As to Count Two pleads not guilty.


Attorney for Defendant, Dennis Dubose

Defendant demands a trial by jury.


Attorney for Defendant, Dennis Dubose

BARNEY SHULL,

PLAINTIFF,

VS

CLARENCE PHILLIPS, and
DENNIS DEBOSE,

DEFENDANTS.

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IN THE CIRCUIT COURT OF

Ø

BALDWIN COUNTY, ALABAMA

Ø

AT LAW.

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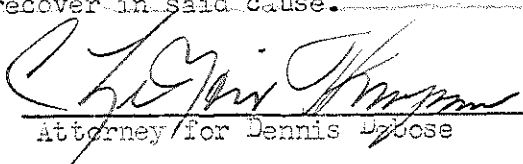
Comes Defendant, Dennis Debose, and for answer to said complaint in said cause says separately and severally as to each count thereof:

1.

Not guilty.

2.

Comes the Defendant, Dennis Debose, and for further answer to said complaint in said cause this defendant says that Plaintiff failed to exercise due diligence and was guilty of negligence which contributed proximate to the accident complained of and to the damages complained of by said Plaintiff in said complaint and that on said day and date Plaintiff while traveling on a public highway of Baldwin County, Alabama, on Alabama Highway Numbered 104, a public road in Baldwin County, Alabama, approximately $1\frac{1}{4}$ miles North of the intersection of said road with the Daphne to Belforest Road, being at the same time and place referred to in the Plaintiff's complaint, said Plaintiff attempted to pass the Defendant's automobile truck, and as Plaintiff was approaching on the left side of the highway and approximately abreast of your Defendant that an on coming truck appeared on Plaintiff's side of the highway and the Plaintiff negligently cut the automobile said Plaintiff was operating upon, over or against the automobile truck, property of the Defendant, without taking due precaution and thereby contributing proximate to the accident of which said Plaintiff complained at said time and place and hence that Plaintiff ought not to recover in said cause.


Attorney for Dennis Debose

BARNEY SHULL,	Ø	IN THE CIRCUIT COURT OF
PLAINTIFF,	Ø	BALDWIN COUNTY, ALABAMA
VS	Ø	AT LAW.
CLARENCE PHILLIPS, and	Ø	
DENNIS DEBOSE,	Ø	
DEFENDANTS.	Ø	

Comes Defendant, Clarence M. Phillips, and shows unto this Honorable Court as follows:

1.

Defendant especially demurrers to said complaint and says to this Honorable Court that there is a misjoinder of party defendants.

Plea # I.

Comes Clarence M. Phillips, Defendant in the above styled cause and without waiving demurrers or any other plea heretofore filed to the Plaintiff's complaint and separately to each count thereof, says that at the time this action was commenced Plaintiff was indebted to the said Clarence M. Phillips in the sum of \$4,000.00, for that on, to-wit, at said time and place specified in said complaint, Alabama Highway Numbered 104, a public road in Baldwin County, Alabama, approximately 1½ miles North of intersection of said road with the Daphne to Belforest road, the said Plaintiff while driving an automobile negligently ran said automobile into, upon or against the said defendant's automobile truck and thereby and as the proximate results and consequence thereof, the said Defendant's automobile truck was broken, bent, smashed and the cab assembly, left front fender, left running board, steering sector assembly, including the left front wheel, front bumper and other parts of the automobile truck was damaged and injured all to the damage of said Defendant and the automobile was rendered less valuable to said Defendant's damage as assessed, which Defendant hereby offers to offset against the demand of the Plaintiff and he claims judgment for the excess.

Plea # II.

Comes the Defendant, Clarence M. Phillips and claims of the Plaintiff, Barney Shull, by way of recoupment the sum of \$4,000.00 damages for that heretofore on, to-wit, Alabama Highway # 104, a public road in Baldwin County, Alabama at a point approximately 1½ miles North of the intersection of the said road with the Daphne to Belforest Road, being at the same time and place referred to in the Plaintiff's complaint, the said Plaintiff negligently drove an automobile into, upon or against an automobile truck of the Defendant and as a

BARNEY SHULL,	§	IN THE CIRCUIT COURT OF
PLAINTIFF,	§	BALDWIN COUNTY, ALABAMA
VS	§	AT LAW.
CLARENCE PHILLIPS, and	§	
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DEFENDANTS.	§	

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1.

Defendant especially demurrers to said complaint and says to this Honorable Court that there is a misjoinder of party defendants.

Plea # I.

Comes Clarence M. Phillips, Defendant in the above styled cause and without waiving demurrers or any other plea heretofore filed to the Plaintiff's complaint and separately to each count thereof, says that at the time this action was commenced Plaintiff was indebted to the said Clarence M. Phillips in the sum of \$4,000.00, for that on, to-wit, at said time and place specified in said complaint, Alabama Highway Numbered 104, a public road in Baldwin County, Alabama, approximately 1 $\frac{1}{4}$ miles North of intersection of said road with the Daphne to Belforest road, the said Plaintiff while driving an automobile negligently ran said automobile into, upon or against the said defendant's automobile truck and thereby and as the proximate results and consequence thereof, the said Defendant's automobile truck was broken, bent, smashed and the cab assembly, left front fender, left running board, steering sector assembly, including the left front wheel, front bumper and other parts of the automobile truck was damaged and injured all to the damage of said Defendant and the automobile was rendered less valuable to said Defendant's damage as assessed, which Defendant hereby offers to offset against the demand of the Plaintiff and he claims judgment for the excess.

Plea # II.

Comes the Defendant, Clarence M. Phillips and claims of the Plaintiff, Barney Shull, by way of recoupment the sum of \$4,000.00 damages for that heretofore on, to-wit, Alabama Highway # 104, a public road in Baldwin County, Alabama at a point approximately 1 $\frac{1}{4}$ miles North of the intersection of the said road with the Daphne to Belforest Road, being at the same time and place referred to in the Plaintiff's complaint, the said Plaintiff negligently drove an automobile into, upon or against an automobile truck of the Defendant and as a

proximate consequence of said negligence, said automobile truck was damaged as follows:

The cab assembly, left front fender, left running board, steering sector assembly, including the left front wheel, front bumper, and other parts of the automobile truck were bent, broken, smashed or otherwise damaged and injured all to the damage of said Defendant as aforesaid and the market value thereof was permanently depreciated.

Plea # III.

Comes the Defendant, Clarence M. Phillips, and for further answer to said complaint in said cause this defendant says that Plaintiff failed to exercise due diligence and was guilty of negligence which contributed proximate to the accident complained of and to the damages complained of by said Plaintiff in said complaint and that on said day and date Plaintiff while traveling on a public highway of Baldwin County, Alabama, on Alabama highway numbered 104, a public road in Baldwin County, Alabama, approximately $1\frac{1}{4}$ miles North of the intersection of said road with the Daphne to Belforest Road, being at the same time and place referred to in the Plaintiff's complaint, said Plaintiff attempted to pass the Defendant's automobile truck, and as Plaintiff was approaching on the left side of the highway and approximately abreast of your Defendant that an on coming truck appeared on Plaintiff's side of the highway and the Plaintiff negligently cut the automobile said Plaintiff was operating upon, over or against the automobile truck, property of the Defendant, without taking due precaution and thereby contributing proximate to the accident of which said Plaintiff complained at said time and place and hence that Plaintiff ought not to recover in said cause.

IV.

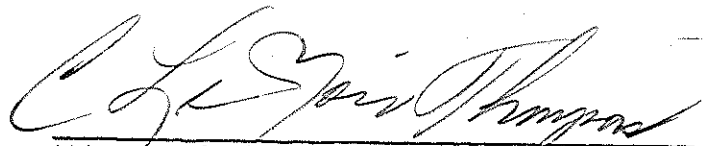
Comes the Defendant, Clarence M. Phillips, and for further answer to Counts One and Two of said complaint in said cause says separately and severally:

1.

He denies the allegations of said complaint as untrue.

2.

Not guilty.


Attorney for Clarence M. Phillips.

BARNEY SHULL,

Plaintiff,

vs.

CLARENCE PHILLIPS, and
DENNIS DEBOSE,

Defendants.

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

Comes now the Plaintiff, by his attorneys, and for answer
to Pleas 1, 2 and 3 of the Defendant, Clarence Phillips, says as
follows:

1. Not guilty.

Respectfully submitted,
CHASON & STONE

By: _____