

JANNIE TEAL,

Plaintiff,

vs.

FRANK BURTON RHODES and
BURTON G. RHODES,

Defendants.

X

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X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO.

3218

NOTICE OF TAKING OF DEPOSITION UPON ORAL EXAMINATION

TO: HON. C. LENOIR THOMPSON, ATTORNEY AT LAW, BAY MINETTE, ALABAMA,
AS ATTORNEY FOR JANNIE TEAL.

Please take notice that the Deposition Upon Oral Examination of Jannie Teal, the Plaintiff in the above styled cause, whose address is Loxley, Alabama, will be taken on Friday, February 14, 1958, at 9:30 A. M. before Louise Dusenbury, a Notary Public, in and for the State of Alabama at Large, who is hereby designated as the officer before whom such deposition shall be taken, at her office in the Courthouse in Bay Minette, Alabama.

Dated this the 4th day of February, 1958.

CHASON & STONE

By:

M. Norborne C. Stone, Jr.
Attorneys for Defendants

STATE OF ALABAMA

BALDWIN COUNTY

I, Norborne C. Stone, Jr., one of the attorneys of record for Frank Burton Rhodes and Burton G. Rhodes, the Defendants in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing Notice of Taking of Deposition Upon Oral Examination to Hon. C. Lenoir Thompson, the attorney of record for the Plaintiff in the above styled cause, postage prepaid and properly addressed to him at his office in Bay Minette, Alabama.

Done this the 4th day of February, 1958.

M. Norborne C. Stone, Jr.
Norborne C. Stone, Jr..

JANNIE TEAL,

Loxley

Plaintiff,

vs.

FRANK BURTON RHODES and
BURTON G. RHODES,

Defendants.

X

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X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3218

ORDER TO SUBPOENA WITNESS

TO: ALICE J. DUCK, CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, AT LAW:

Comes now the Defendants in the above styled cause by their attorneys, and notice having been given to the adverse party as required by law of the Taking of Deposition Upon Oral Examination of Jannie Teal, whose address is Loxley, Alabama, at the office of Louise Dusenbury in the Courthouse in Bay Minette, Alabama, on February 14, 1958, at 9:30 A. M., and hereby files their order for the said Jannie Teal to be subpoenaed by the Clerk of the Court in which the above styled cause is now pending.

Dated this the 4th day of February, 1958.

CHASON & STONE

FILED

FEB 4 1958

ALICE J. DUCK, Clerk

By:

Malbone S. Stone Jr.
Attorneys for Defendant

Plfts Ex A

JANNIE TEAL

PLAINTIFF

VS

FRANK BURTON RHODES and
BURTON G. RHODES

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

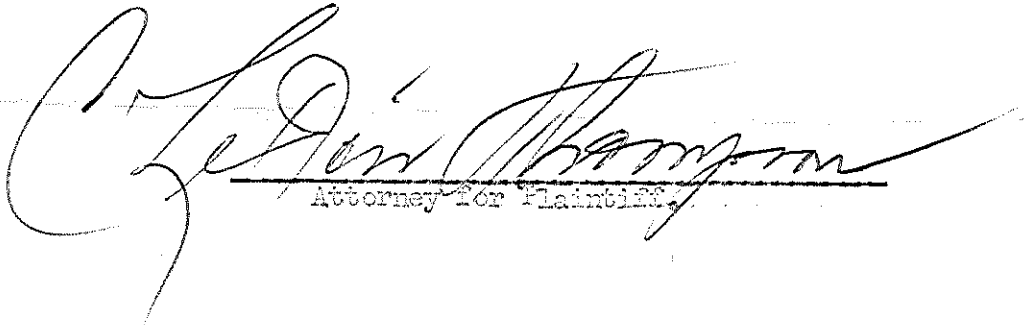
AT LAW.

Comes the Plaintiff in the above styled cause and propounds the following interrogatories to Defendant, Frank Burton Rhodes:

1. State your full name.
2. What relation to you is Burton G. Rhodes?
3. Do you live with him?
4. Do you work for Burton G. Rhodes?
5. If you do not work for Burton G. Rhodes state whether or not you have an interest in any of the crops planted, grown or cultivated by Burton G. Rhodes.
6. If your answer to this question is no state does Burton G. Rhodes have any interest in crops planted, grown or cultivated by you.
7. If your answer to this question is no state the source of your income or if you have no income state the source of your support.
8. Referring to Sunday July 15, 1956 did you operate a 1950 Ford $\frac{1}{2}$ ton pickup truck on the Bell Fountain Road that day?
9. Did this truck bear licenses number 5HL-240 Alabama, 1956?
10. Who owned this pickup truck?
11. How long have you been driving motor vehicles belonging to Burton G. Rhodes?
12. At the time of the collision between the pickup truck bearing license 5HL-240 Alabama, 1956 and a car operated by William Henry Teal, on July 15, 1956 about 4:00 p. m., state who was driving the pickup.
13. At the time of the collision between this pickup truck which you were driving and the 1950 Ford Sedan operated by William Henry Teal on July 15, 1956 about 4:00 p. m., did you have a drivers license and if so give the number.
14. State the date it was issued and for what state it was issued?
15. Do you wear glasses?
16. Have you ever had your vision tested, if so attach hereto a copy of the doctor's prescription for glasses.
17. Did you know that Mrs. Janie Teal was a passenger in the 1950 Ford

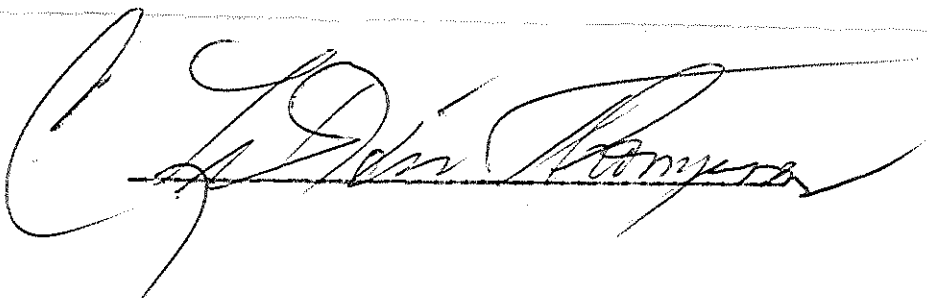
Sedan with which you collided on July 15, 1956?

Plaintiff further shows that the answers to said interrogatories are material to this cause and accordingly insist upon said answers being made.


Attorney for Plaintiff.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Radolph M. Gause Jr., a Notary Public, in and for said State and County, personally appeared one C. LeNoir Thompson, who being by me first duly sworn did depose and say as follows: My name is C. LeNoir Thompson and I am the Attorney of Record for the Plaintiff in the above entitled cause and as such authority to make this affidavit. I further state that the answer of the Defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the Plaintiff on the trial of said cause.



Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 8 day of August, 1957.

Radolph M. Gause Jr.
Notary Public,

Mpts Ex B

JANNIE TEAL,

Plaintiff,

vs.

FRANK BURTON RHODES and
BURTON G. RHODES,

Defendants.

X

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X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes now the Defendant, Frank Burton Rhodes, and for answer to the interrogatories heretofore propounded to him by the Plaintiff, says separately and severally as follows:

1. Frank Burton Rhodes
2. Father
3. Yes
4. Yes
5. See answer to "4"
6. See answer to "4"
7. See answer to "4"
8. No
9. I do not remember
10. My Father
11. About a year
12. I was
13. No.
14. See answer to "13"
15. Yes
16. Yes, but the prescription is not available
17. No.

Frank Burton Rhodes

FRANK BURTON RHODES
Frank Burton Rhodes

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Warborne C. Stone, Jr. a Notary

Public, in and for said County in said State, personally appeared

Frank Burton Rhod~~es~~s, who is known to me and who after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Frank Burton Rhod~~es~~s and that he signed the foregoing answers to the interrogatories propounded to him by Jannie Teal, the Plaintiff in the suit now pending in the Circuit Court of Baldwin County, Alabama, at Law, wherein the said Jannie Teal is the Plaintiff and Frank Burton Rhodes and Burton G. Rhodes are the Defendants, and that the answers to said interrogatories are true and correct.

Frank Burton Rhodes

FRANK BURTON RHODES
Frank Burton Rhodes

Sworn to and subscribed before me
on this the 20th day of February,
1958.

M. C. St. John

Notary Public, Baldwin County, Alabama

JANNIE TEAL,

Plaintiff,

vs.

FRANK BURTON RHODES and
BURTON G. RHODES,

Defendants.

ANSWER TO INTERROGATORIES
PROPOUNDED TO DEFENDANT,
FRANK BURTON RHODES.

FILED

FEB 26 1958:

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

C. LENOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

PHONES: 5941
7467

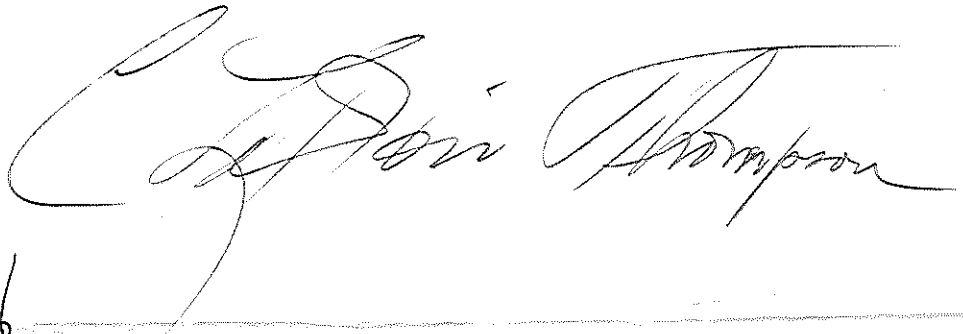
January 30, 1958

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

Dear Mrs. Duck:

In accordance with Act 375 of the 1955 Legislature, please
issue subpoenas to both defendants in the Teal vs Rhodes case.

Sincerely,

A large, stylized handwritten signature in cursive script, reading "C. Lenoir Thompson".

CLT/lw

Done - 1/31-58

AMENDED COMPLAINT

JANNIE TEAL

PLAINTIFF

VS

FRANK BURTON RHODES and
BURTON G. RHODES

DEFENDANTS

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA
*
* AT LAW.
*
* CASE NO. _____
*
*
*

Comes the Plaintiff in the above styled cause and amends her amended complaint heretofore filed in said cause as follows:

JANNIE TEAL

PLAINTIFF

VS

FRANK BURTON RHODES and
BURTON G. RHODES

DEFENDANTS

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA
*
* AT LAW.
*
* CASE NO. _____
*
*
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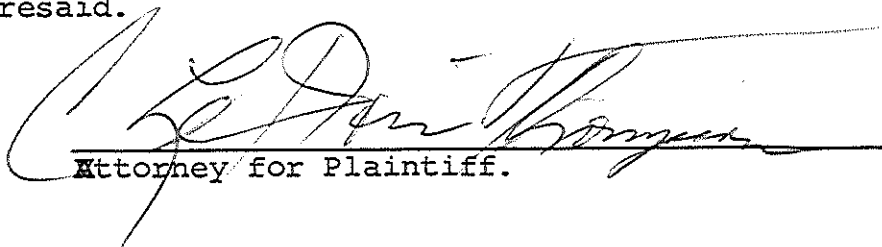
1.

Plaintiff claims of the Defendants, Seven Thousand Five Hundred (\$7500.00) Dollars as damages for that on to-wit: July 15, 1956 Frank Burton Rhodes, the agent, servant, or employee of the Defendant, Burton G. Rhodes, while operating a 1950 ½ ton pickup automobile truck on a public highway of Baldwin County, Alabama, to-wit: The Bell Fountain Road about 10.5 miles approximately East of Loxley in Baldwin County, Alabama, while acting within the line or scope of his employment as such agent, servant or employee negligently ran the said automobile pickup truck into, over or against an automobile in which said Plaintiff was riding at the time and place alleged which place is a public highway in Baldwin County, Alabama, and as the proximate result and consequence of the said negligence of the said Burton G. Rhodes plaintiff received personal injuries in this to-wit: bruises, cuts and contusions on both legs; arm cut at the elbow leaving a scar approximately 4 inches in length, right knee cut and scarred leaving a scar approximately 2 inches; right leg bruised from knee to hip, right knee cap damaged bruised and injured, left leg injured about the knee; face cut bruised and damaged leaving a scar on the nose and forehead and a scar on the left side of Plaintiff's head; chest bruised injured made sore, plaintiff's body bruised, injured and made sore in addition to which other parts of her body were bruised and injured, and she lost and continues to lose much time from her work, she was

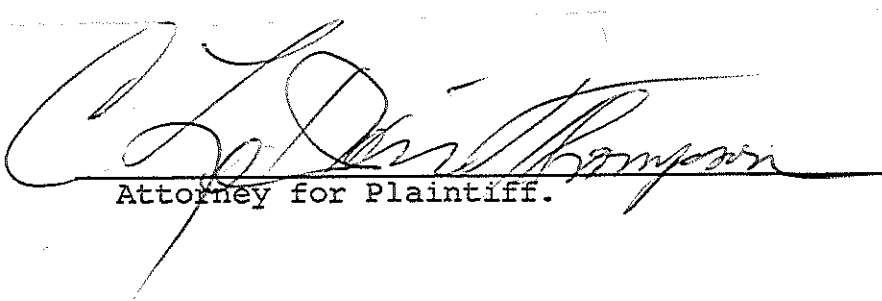
permanently injured, from which said injuries she suffered and continues to suffer great mental and physical pain for all of which she claims damages as aforesaid.

2.

Plaintiff claims of the Defendants the sum of Five Hundred (\$500.00) Dollars as damages for that heretofore on, to-wit July 15, 1956, the Plaintiff's automobile was being operated along and upon a public road in Baldwin County, Alabama, to-wit: The Bell Fountain Road approximately 10.5 miles from the Town of Loxley in Baldwin County, Alabama toward the community of Bell Fountain in said County, where she had a right to be, and while said automobile was being operated and driven along said public road at the place and time complained of an automobile pickup truck which was being operated by Defendant Frank G. Rhodes, the agent, servant, or employee of Defendant Burton G. Rhodes in the line and scope of his employment, negligently ran said automobile pickup truck upon, over or against the said automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile; The Plaintiff alleges that her said damages to her said automobile were proximately caused by the negligence of the defendant, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damages and injured as aforesaid.


Attorney for Plaintiff.

Plaintiff demands trial by jury.


Attorney for Plaintiff.

Filed Jan. 29, 1958
Alice J. Luck
clerk

JANNIE TEAL

PLAINTIFF

VS

FRANK BURTON RHODES and
BURTON G. RHODES

DEFENDANTS

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

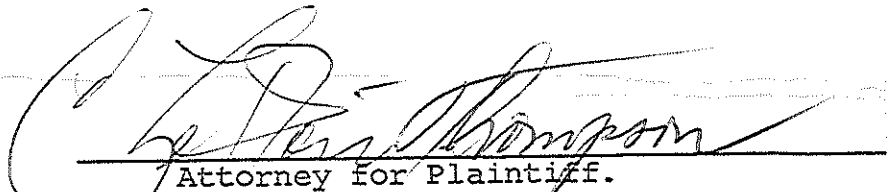
AT LAW.

CASE NO. _____

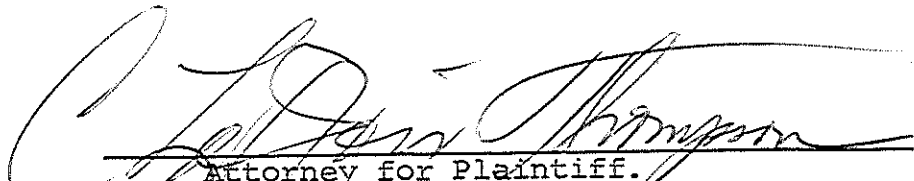
NOTICE

Pursuant to the provisions of Act. No. 375 enacted by the Legislature of Alabama and approved September 8, 1955, (General Acts of Alabama, 1955 Session, Volume 2, page 901-7), notice is hereby given that the Plaintiff desires to take the testimony of the Defendants by deposition upon oral examination for the purpose of discovery or for the use as evidence in the action or for both purposes.

Notice is further given that the said testimony will be taken in the office of Mrs. Louise Dusenberry, Court Reporter 28th Judicial Circuit in the Court House, at 10:00 o'clock A. M., on February 13, 1958.


Attorney for Plaintiff.

I hereby certify that I delivered a copy of the foregoing notice to ^{The office of} Norborne C. Stone, Jr., Esquire, the attorney for the Defendant on this the 29 day of January, 1958.


Attorney for Plaintiff.

FILED
JAN 29 1958
JAN 29 1958

JANNIE TEAL,

Plaintiff,

vs.

FRANK BURTON RHODES and
BURTON G. RHODES,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO: _____

Come now the Defendants in the above styled cause, by their attorneys, and demur to the complaint as last amended and to each count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. Count "1" of the amended complaint fails to state a cause of action.
3. Count "2" of the amended complaint fails to state a cause of action.
4. The complaint fails to allege with sufficient certainty the place where the alleged accident occurred.
5. The complaint fails to allege whether the Plaintiff was operating the automobile in which she was riding or whether she was a passenger in said automobile.
6. The allegations of the injuries allegedly suffered by the Plaintiff are vague, indefinite and uncertain.
7. The amended complaint fails to allege that the Defendant Frank Burton Rhodes was the agent, servant or employee of the Defendant Burton G. Rhodes at the time and place complained of and that he was at said time and place acting within the line and scope of his employment as such.
8. For aught that appears from the amended complaint the Defendant Frank B. Rhodes was not acting within the line and scope of his employment under any agency of the Defendant Burton G. Rhodes.
9. For aught that appears from the amended complaint Frank B. Rhodes was not acting within the line and scope of his employment as the agent, servant or employee of the Defendant Burton

G. Rhodes at the time and place complained of.

10. The amended complaint fails to allege who was operating the automobile allegedly belonging to the Plaintiff.

11. The amended complaint fails to allege in what manner the automobile of the Plaintiff was damaged and injured.

12. The allegations of the amended complaint are vague, indefinite and uncertain in that they fail to allege with sufficient particularity the damages to the automobile allegedly belonging to the Plaintiff.

13. The allegations of the amended complaint fail to allege with sufficient certainty the time at which the accident is supposed to have occurred.

14. The allegations of the amended complaint fails to allege that the injuries complained of were the proximate cause of the negligence of the Defendant Frank Burton Rhodes.

15. The allegations of the amended complaint fail to allege that the injuries therein complained of were the proximate consequence and result of any negligence on the part of the Defendant Burton G. Rhodes, acting by and through an agent, servant or employee who was then and there acting within the line and scope of his employment as such.

16. The allegations of count "2" of the amended complaint fail to allege which Defendant proximately caused the injuries therein complained of.

CHASON & STONE

By: 
Attorneys for Defendants

Filed
Feb 13, 1958

G. Rhodes at the time and place complained of.

10. The amended complaint fails to allege who was operating the automobile allegedly belonging to the Plaintiff.

11. The amended complaint fails to allege in what manner the automobile of the Plaintiff was damaged and injured.

12. The allegations of the amended complaint are vague, indefinite and uncertain in that they fail to allege with sufficient particularity the damages to the automobile allegedly belonging to the Plaintiff.

13. The allegations of the amended complaint fail to allege with sufficient certainty the time at which the accident is supposed to have occurred.

14. The allegations of the amended complaint fails to allege that the injuries complained of were the proximate cause of the negligence of the Defendant Frank Burton Rhodes.

15. The allegations of the amended complaint fail to allege that the injuries therein complained of were the proximate consequence and result of any negligence on the part of the Defendant Burton G. Rhodes, acting by and through an agent, servant or employee who was then and there acting within the line and scope of his employment as such.

16. The allegations of count "2" of the amended complaint fail to allege which Defendant proximately caused the injuries therein complained of.

CHASON & STONE

By: 

Attorneys for Defendants

Filed

Feb 13, 1958

JANNIE TEAL,

Plaintiff,

vs.

FRANK BURTON RHODES and
BURTON G. RHODES,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

FEB 13 1958

WACE A. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

AMENDED COMPLAINT

JANNIE TEAL,

Plaintiff,

VS.

FRANK BURTON RHODES and
BURTON G. RHODES,

Defendants.

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

Comes the plaintiff and amends her complaint, heretofore filed in this cause, by adding thereto "Count A", as follows:

C O U N T A.

Plaintiff claims of the defendants the sum of Five Thousand (\$5,000.00) Dollars as damages, for that, heretofore, on to-wit: the 15th day of July, 1956, at about 4:00 O'clock, P. M., on the Loxley-Bell Fountain Road, a Public Highway in Baldwin County, Alabama, at a point about 10.5 miles east of Loxley, Alabama, the defendant, Frank Burton Rhodes, who was then and there an agent, servant or employee of the defendant, Burton G. Rhodes, acting within the line and scope of his employment as such, so negligently operated an automobile truck, which he was then and there driving, as to cause or permit the same to run into, over or against an automobile in which said plaintiff was riding, and as a proximate result and consequence thereof, plaintiff received severe personal injuries, in this, to-wit: she suffered cuts, bruises and contusions in and about both her legs; her right arm was cut at the elbow, leaving a scar approximately 4 inches in length; she was cut on the right knee, leaving a scar approximately 2 inches in length; her right leg was cut and bruised and damaged from the knee to the hip; her right knee cap was cut, bruised and damaged; her left knee was bruised and damaged; she suffered cuts, bruises and lacerations about her face, head and forehead; and her nose, forehead and head were permanently scarred and disfigured; she was injured internally; she was permanently injured; she was made sick, sore, lame and disordered; she suffered and continues to suffer great mental anguish and physical pain; her nervous system was permanently injured; she was put to great expense for Doctors, hospital, nursing and medical expenses in and about the treatment of her injuries; all to her damage as aforesaid.

Filed Mar 8, 1958
Alice J. Luck, Clerk

C. L. Davis
ATTORNEY FOR PLAINTIFF. 36

AMENDED COMPLAINT

JANNIE TEAL	*	IN THE CIRCUIT COURT OF
	*	
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA
	*	
VS	*	AT LAW.
	*	
FRANK BERTON RHODES and	*	CASE NO. _____
BURTON G. RHODES	*	
	*	
DEFENDANTS	*	
	*	

Comes the Plaintiff in the above styled cause and amends her amended complaint heretofore filed in said cause as follows:

JANNIE TEAL	*	IN THE CIRCUIT COURT OF
	*	
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA.
	*	
VS	*	AT LAW.
	*	
FRANK BURTON RHODES and	*	CASE NO. _____
BURTON G. RHODES	*	
	*	
DEFENDANTS	*	
	*	

1.

~~Plaintiff claims of the Defendants, Five Thousand (\$5,000.00)~~

Dollars as damages for that on to-wit: July 15, 1956 Frank Burton Rhodes, the agent, servant, or employee of the Defendant, Burton G. Rhodes, while operating a 1950 1½ton Automobile truck on a public highway of Baldwin County, Alabama, to-wit: The Bell Fountain Road about 10.5 miles approximately East of Loxley in Baldwin County, Alabama, while acting within the line or scope of his employment as such agent, servant or employee negligently ran the said automobile truck into, over or against an automobile in which said Plaintiff was riding at the time and place alleged which place is a public highway in Baldwin County, Alabama and as the proximate result and consequence of the said negligence of the said Burton G. Rhodes, plaintiff received personal injuries in this to-wit: bruises, cuts and contusions on both legs; arm cut at the elbow leaving a scar approximately 4 inches in length, right knee cut and scarred leaving a scar approximately 2 inches; right leg bruised from knee to hip, right knee cap damaged bruised and injured, left leg injured about the knee; face cut bruised and damaged leaving a scar on the nose and forehead and a scar on the left side of Plaintiff's head; chest bruised injured made sore, plaintiff's body bruised, injured and made sore about the pelvic region and in addition to which other parts of her body were

bruised and injured, and she was made sick and sore and lost and continues to lose much time from her work, she was permanently injured, from which said injuries she suffered and continues to suffer great mental and physical pain for all of which she claims damages as aforesaid.

Filed March 6, 1958

Charles Thompson
Attorney for Plaintiff.

Jannie Teal,
Plaintiff

vs.

Frank B. Rhodes, et al,
Defendant

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALA.

No. 3218

PLEAS:

Come now the Defendants, by their attorneys, and for answer to the complaint as last amended, and pleads, separately and severally, as follows:

1. Not Guilty

2. That the Plaintiff herself was guilty of negligence at the time and place alleged in the amended complaint which proximately contributed to the alleged injuries complained of in that she, acting by and through her agent, servant or employee William H. Teal, who ~~was~~ was then and there acting within the line and scope of his employment as such, so negligently operated the automobile in which she was riding at the time and place complained of as to cause or allow the same to run into, upon or against the automobile truck being operated by the Defendant Frank B. Rhodes, hence she should not recover.

Filed 7/14/58

Alice J. Luck,
clerk

CHASON & STONE

By: Marborne C. Stone,
Attorneys For Defendants

JANNIE TEAL

Plaintiff,

Vs.

FRANK B. RHODES, ET AL

Defendants.

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY ALABAMA

I AT LAW.

I

I NO. 3218.

DEMURRER

Come now the Defendants in the above styled cause, by their attorneys, and demur to the complaint heretofore filed against them and to each count thereof separately and severally and assign the following separate and several grounds in support thereof:

1. The complaint fails to allege a duty owing from the Defendants to the Plaintiff and a breach thereof.

2. The complaint fails to allege that the Defendant, Frank Burton Rhodes, was the agent, servant or employee of the Defendant, Burton G. Rhodes, at the time and place complained of.

3. The allegations of the complaint are vague, indefinite and uncertain in that it does not sufficiently appear therefrom who was operating the motor vehicle which allegedly collided with the motor vehicle of the Plaintiff.

4. For ought that appears from the complaint the motor vehicle which allegedly collided with the motor vehicle of the Plaintiff was being operated by a third person not therein named.

5. The allegations of count two of the complaint fail to allege a cause of action against the Defendant Burton G. Rhodes.

6. The allegations of count two of the complaint fail to allege in what manner the automobile of the Plaintiff was damaged.

7. The allegations of the complaint are inconsistent.

Respectfully submitted,

CHASON & STONE

By:

Malone P. Stone

*Filed
May 24, 1957*

3218
JANNIE TEAL,
Plaintiff,

vs.

FRANK B. RHODES, ET AL,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEMURRER

FILED
MAY 24 1957
ALICE A. BUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

AMENDED

JANNIE TEAL

PLAINTIFF

VS

FRANK BURTON RHODES and
BURTON G. RHODES

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

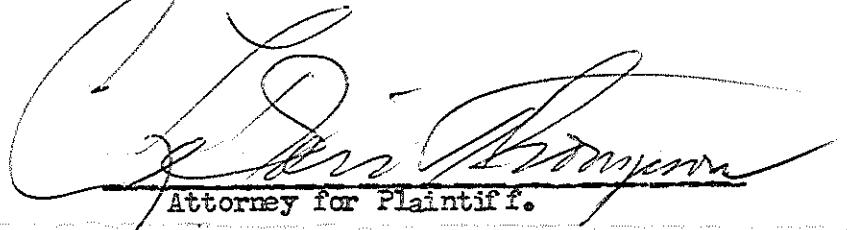
1.

Plaintiff claims of the Defendants Seven Thousand Five Hundred (\$7500.00) Dollars as damages for that on to-wit July 15, 1956 Frank Burton Rhodes, the agent, servant, or employee of the Defendant, Burton G. Rhodes, while operating a 1950 1/2 ton pickup automobile truck on a public highway of Baldwin County, Alabama, to-wit: The Bell Fountain road about 10.5 miles approximately East of Loxley in Baldwin County, Alabama, while acting within the line or scope of his employment as such agent, servant or employee negligently ran the said automobile pickup truck into, over or against an automobile in which said Plaintiff was riding at the time and place alleged which place is a public highway in Baldwin County, Alabama and by reason thereof and as the proximate result and consequence thereof plaintiff received personal injuries in this to-wit: bruises, cuts and contusions on both legs; arm cut at the elbow leaving a scar approximately 4 inches in length, right knee cut and scarred leaving a scar approximately 2 inches; right leg bruised from knee to hip, right knee cap damaged bruised and injured, left leg injured about the knee; face cut bruised and damaged leaving a scar on the nose and forehead and a scar on the left side of Plaintiff's head; chest bruised injured made sore, plaintiff's body bruised, injured and made sore in addition to which other parts of her body were bruised and injured, and she lost and continues to loss much time from her work, she was permanently injured, from which said injuries she suffered and continues to suffer great mental and physical pain for all of which she claims damages as aforesaid.

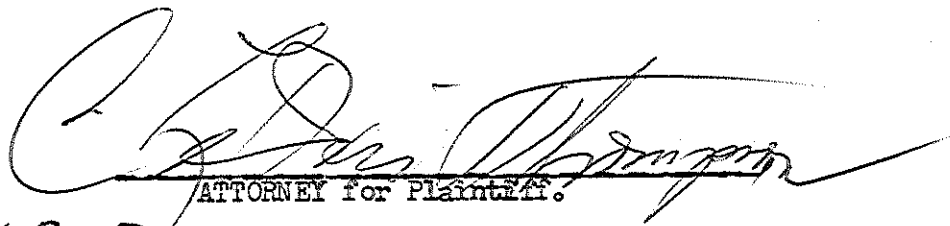
2.

Plaintiff claims of the Defendants Five Hundred (\$500.00) Dollars as damages for that she avers that on to-wit: July 15, 1956 Frank Burton Rhodes, in charge or control of the operation of an automobile pickup truck on a public road in Baldwin County, Alabama on to-wit: The Bell Fountain Road approximately 10.5 miles East of Loxley in Baldwin County, Alabama, negligently ran the said automobile pickup truck into, upon or against Plaintiff's automobile, and

thereby and as the proximate result and consequence thereof the Plaintiff's said automobile was demolished or greatly damaged or rendered less valuable all for which Plaintiff claims damages as aforesaid.


Attorney for Plaintiff.

Plaintiff demands trial by jury.


Attorney for Plaintiff.

Filed Aug. 9, 1957

JANNIE TEAL,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	
	I	BALDWIN COUNTY, ALABAMA
FRANK B. RHODES, ET AL.,	I	
Defendants.	I	AT LAW
	I	

DEMURRER TO AMENDED COMPLAINT

Come now the Defendants in the above styled cause, by their attorneys, and demur to the complaint as last amended, to each count thereof, separately and severally, heretofore filed against them and assign the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. The allegations of the complaint are vague, indefinite and uncertain.
3. The complaint fails to allege that the Defendant, Frank Burton Rhodes, was acting within the line and scope of his employment as the agent of the Defendant, Burton G. Rhodes.
4. For aught that appears from the complaint the Defendant, Frank Burton Rhodes, was not acting as the agent of the Defendant, Burton G. Rhodes, at the time and place complained of.
5. The complaint fails to allege that the Plaintiff was injured as a proximate consequence or result of the negligence of either Defendant.
6. The complaint fails to allege that the Plaintiff was injured as the proximate consequence or result of the negligence of the Defendant, Frank Burton Rhodes.
7. The complaint fails to allege that the Plaintiff was injured as the proximate consequence or result of the negligence of the Defendant, Burton G. Rhodes.
8. The complaint fails to allege a duty owing from the Defendants to the Plaintiff and a breach thereof proximately resulting in the alleged injuries complained of.

9. There is a misjoinder of causes of action.

10. COUNT ONE of the Complaint attempts to join trespass and case in the same count.

11. COUNT ONE of the complaint attempts to join two separate and distinct causes of action in the same count.

12. For aught that appears from the complaint the alleged injuries of the Plaintiff were the result of her presence in the automobile in which she was riding at the time and place complained of.

13. The allegations of the complaint are vague and uncertain in that they fail to allege how much time the Plaintiff lost from her work.

14. The allegations of the complaint are repetitious.

15. The complaint attempts to allege negligence in the alternative.

16. For aught that appears from the allegations of the complaint the Defendant, Frank B. Rhodes, was not operating an automobile at the time and place complained of.

17. The allegations of COUNT TWO of the complaint fail to allege a cause of action against the Defendant, Burton G. Rhodes.

18. The allegations of COUNT TWO of the complaint fail to allege that at the time and place complained of the Defendant, Frank B. Rhodes, was the agent, servant or employee of the Defendant, Burton G. Rhodes, acting within the line and scope of his employment as such.

19. The allegations of COUNT TWO fail to allege with sufficient certainty the damages to the automobile of the Plaintiff.

Respectfully submitted,

CHASON & STONE

By: 
Attorneys for Defendants

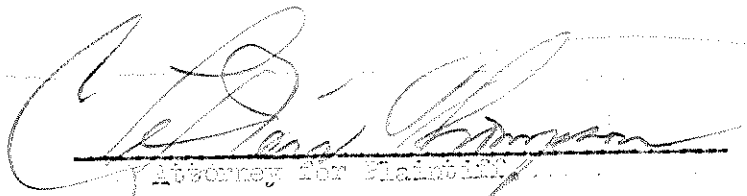
2.

Plaintiff claims of the Defendant, Burton G. Rhodes Seven Thousand Five Hundred (\$7500.00) Dollars as damages for that on to-wit July 15, 1956 Frank Burton Rhodes, the agent, servant, or employee of the Defendant, Burton G. Rhodes, while operating a 1950 light pickup automobile truck on a public highway of Baldwin County, Alabama, to-wit: The Bell Fountain Road about 10.5 miles approximately East of Loxley in Baldwin County, Alabama, while acting within the line or scope of his employment as such agent, servant or employee negligently ran the said automobile pickup truck into, over or against an automobile in which said Plaintiff was riding at the time and place alleged which place is a public highway in Baldwin County, Alabama, and as the proximate result and consequence of the said negligence of the said Burton G. Rhodes plaintiff received personal injuries in this to-wit: bruises, cuts and contusions on both legs; arm cut at the elbow leaving a scar approximately 4 inches in length, right knee cut and scarred leaving a scar approximately 2 inches; right leg bruised from knee to hip, right knee cap damaged leaving a scar on the nose and forehead and a scar on the left side of Plaintiff's head; chest bruised injured made sore, plaintiff's body bruised, injured and made sore in addition to which other parts of her body were bruised and injured, and she lost and continues to lose much time from her work, she was permanently injured, from which said injuries she suffered and continues to suffer great mental and physical pain for all of which she claims damages as aforesaid.

3.

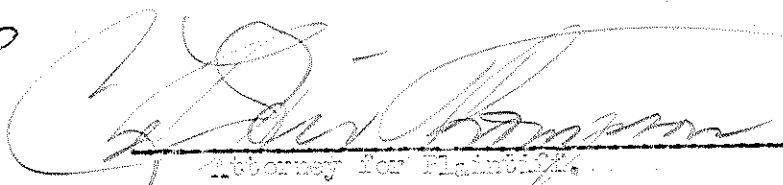
Plaintiff claims of the Defendants the sum of Five Hundred (\$500.00) Dollars as damages for that heretofore on, to-wit July 15, 1956, the Plaintiff's automobile was being operated along and upon a public road in Baldwin County, Alabama to-wit the Bell Fountain Road approximately 10.5 miles from the Town of Loxley in Baldwin County, Alabama toward the community of Bell Fountain in said County, where she had a right to be, and while said automobile was being operated and driven along said public road at the place and time complained of an automobile pickup truck which was being driven by Defendant Frank G. Rhodes, the agent, servant, or employee of Defendant Burton G. Rhodes in the line and scope of his employment, ran said automobile pickup truck upon, over or against the said automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile; The Plaintiff alleges that her said damages to his said automobile were proximately caused by the negligence of the defendant,

in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.


Attorney for Plaintiff

Plaintiff demands trial by jury.

Filed Sept. 12, 1957
Alice J. Luck,
Clerk


Attorney for Plaintiff

JANNIE TEAL,

Plaintiff,

vs.

FRANK BURTON RHODES,
et al.,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes now the Defendants in the above styled cause by their attorneys and demur to the Complaint heretofore filed against them at last amended and to each count thereof separately and severally and assign the following separate and several grounds as support thereof:

1. The Complaint fails to state a cause of action.
2. There is a misjoinder of causes of action in that County One and Two of the amended Complaint seek to recover severally on separate causes of action against different Defendants.
3. The cause of action declared on in Count Two of the amended Complaint involves no joint liability on the part of the Defendant Frank Burton Rhodes and there is therefore a misjoinder of causes of action.
4. There is a misjoinder of parties Defendant.
5. There is a misjoinder of causes of action in that the Plaintiff declares in Count One of the amended Complaint under a cause of action for joint liability and join the same with a count in which she declares against the Defendant Burton G. Rhodes, individually.
6. There is a misjoinder of parties Defendant in that the Complaint declares upon a tort fixing a joint liability on the part of both Defendants and includes counts for such joint cause of action along with counts for the several causes of action.
7. There is a misjoinder of causes of action in that the Complaint attempts to join a count for a joint cause of action with one for a several cause of action.
8. There is a misjoinder of counts which seek to recover severally on separate causes of action against different Defendants.

3218

JANNIE TEAL,

Plaintiff,

vs.

FRANK BURTON RHODES, et al.,

Defendant.

DEMURRER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

DEC 19 1957

ALICE J. BUCK, Register

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

JANNIE TEAL

PLAINTIFF

VS

FRANK BURTON RHODES and
BURTON G. RHODES

DEFENDANTS

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

Comes the Plaintiff by her Attorney of Record and moves this Honorable Court for default judgment in accordance with the provisions of Title 7, Section 486 of the 1940 Code of Alabama, and as basis for this motion assigns the following grounds:

1. That interrogatories were filed in said cause more than five months next preceding and despite oral action taken by the Plaintiff on regular pleading days, said interrogatories have not been answered.

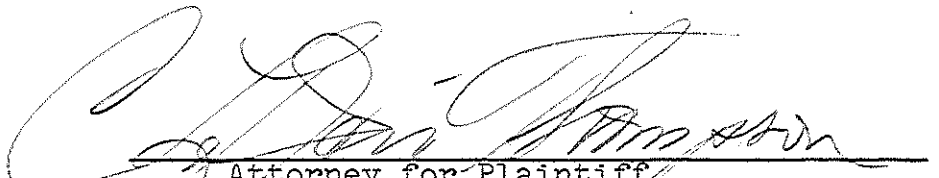
2. That said Plaintiff was forced to request a continuance at the last jury term of the Circuit Court of Baldwin County.

3. That the said Defendants willfully failed or refused to comply with the agreements made in open court to answer said interrogatories, hence this motion.


Attorney for Plaintiff.

I hereby certify that I have this day the 20th day of January, 1958 served a copy of the foregoing motion on the Honorables Chason and Stone, Attorneys for Defendants.

FILED
JAN 20 1958
ALICE J. BUCK, Clerk


Attorney for Plaintiff.

JANNIE TEAL

PLAINTIFF

VS

FRANK BURTON RHODES and
BURTON G. RHODES

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

1.

Plaintiff claims of the Defendants Seven Thousand Five Hundred (\$7500.00) Dollars as damages for that on to-wit July 15, 1956 Frank Burton Rhodes, the agent, servant, or employee of the Defendant, Burton G. Rhodes in charge or control of the operation of a 1950 $\frac{1}{2}$ ton pickup automobile truck on a public highway of Baldwin County, Alabama, to-wit: The Bell Fountain road about 10.5 miles approximately East of Loxley in Baldwin County, Alabama, while acting within the line or scope of his employment as such agent, servant or employee negligently ran the said automobile pickup truck into, over or against an automobile in which said Plaintiff was riding at the time and place alleged which place is a public highway in Baldwin County, Alabama and by reason thereof and as the proximate result and consequence thereof plaintiff received personal injuries in this to-wit: bruises, cuts and contusions on both legs; arm cut at the elbow leaving a scar approximately 4 inches in length, right knee cut and scarred leaving a scar approximately 2 inches; right leg bruised from knee to hip, right knee cap damaged bruised and injured, left leg injured about the knee; face cut bruised and damaged leaving a scar on the nose and forehead and a scar on the left side of Plaintiff's head; chest bruised injured made sore, plaintiff's body bruised, injured and made sore in addition to which other parts of her body were bruised and injured, and she lost and continues to loss much time from her work, she was permanently injured, from which said injuries she suffered and continues to suffer great mental and physical pain for all of which she claims damages as aforesaid.

2.

Plaintiff claims of the Defendants Five Hundred (\$500.00) Dollars as damages for that she avers that on to-wit: July 15, 1956 Frank Burton Rhodes, in charge or control of the operation of an automobile pickup truck on a public road in Baldwin County, Alabama on to-wit: The Bell Fountain Road approximately 10.5 miles East of Loxley in Baldwin County, Alabama, negligently ran the said automobile pickup truck into, upon or against Plaintiff's automobile, and

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No.

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Frank Burton Rhodes and Burton G. Rhodes

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 _____

Frank Burton Rhodes and Burton G, Rhodes, Defendant

by Jannie Teal

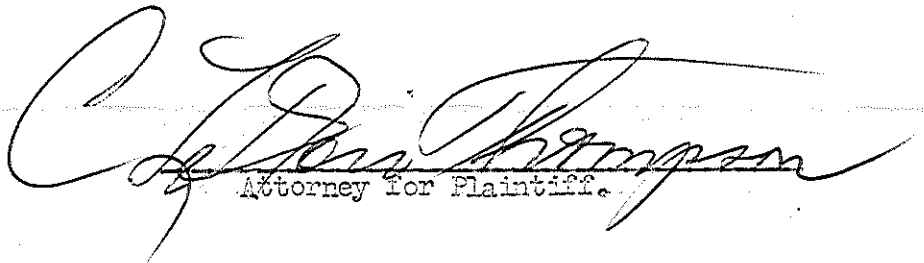
Plaintiff.....

Witness my hand this 23rd day of April 19 57....


Alice J. Duck, Clerk


Granted 4-25-57

thereby and as the proximate result and consequence thereof the Plaintiff's
said automobile was demolished or greatly damaged or rendered less valuable
all for which Plaintiff claims damages as aforesaid.


Attorney For Plaintiff.

Plaintiff Demands trial by jury.


Attorney For Plaintiff.

 Filed 4-23-57 