

DEMURRER

WILLIAM LEON GADDY

Plaintiff

Vs.

SETH JOSEPH HEBERT; SAM STARK;  
GEORGE COLLIER, JR; AND J. C.  
REDMAN

Defendants

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

No. \_\_\_\_\_

FILED

MAY 21 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

*Copy mailed to  
Hon. Maurice G. Gandy*

## Defendants

IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA  
AT LAW

No.

COUNT ONE

The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, for that heretofor and on to wit; the 2nd day of May 1956, the defendants; Seth Joseph Hebert; Sam Stark, individually and George Collier, Jr; individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. D. Redman, did so negligently operate their motor vehicles on or along United States Highway 90 at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Mobile County, State of Alabama, so as to cause said vehicles to run over, upon or against a motor vehicle then and there owned and operated by the plaintiff; and as a proximate consequence of said negligence of said defendants, Seth Joseph Hebert; Sam Stark; individually, and George Collier, Jr., individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, the plaintiff was injured and damaged in that his automobile was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nausea, vomiting, numbness and to be weak in the right hand and the right leg. He received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused

to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

#### COUNT TWO

The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS for that heretofor and on to wit; the 2nd day of May 1956, the defendants Seth Joseph Hebert; Sam Stark; individually, and George Collier, Jr., individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Radman, while operating their respective motor vehicles on or along United States Highway 90, at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Mobile County, State of Alabama, did willfully or wantonly injure the plaintiff by will fully or wantonly driving their respective motor vehicles over, upon or against the motor vehicle then and there owned and operated by the plaintiff and as a proximate consequence of said willful and wanton act on the part of the defendants, the plaintiff was injured and damaged in that his motor vehicle was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nauses, vomiting, numbness and to be weak in the right hand and the right leg. He received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by

way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

  
MAURICE A. DOWNING, Attorney for  
the plaintiff.

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me the undersigned Notary Public personally appeared Maurice A. Downing, who is the attorney for the plaintiff in the above styled cause and after having been duly sworn to speak the truth did state as follows:

My name is Maurice A. Downing. I am the Attorney of Record for William Leon Gaddy and have my office at 507 First National Bank Building, Mobile, Alabama. I do further certify that the defendants, Seth Joseph Hebert and Sam Stark are non residents of the State of Alabama, Seth Joseph Hebert residing at 1270 Avenue D, Beaumont, Texas, and Sam Stark residing at 1515 Euclid Avenue, Miami, Florida. And I do certify that they were engaged in an automobile accident with the above plaintiff, William Leon Gaddy, while all of the parties were using said highway in the State of Alabama, and that this is a proper case to have service of process on the Secretary of State of Alabama, under Section 199, Title 7, Code of Alabama 1940.

  
Affiant

Subscribed and sworn to before me on this 29th day of April 1957

Defendants' Address:  
George Collier, Jr. and  
J. C. Redman  
Rt 2, Opp, Alabama

\_\_\_\_\_  
Notary Public, Mobile County, Alabama

May 6, 1957

WILLIAM LEON GADDY, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

VS

SETH JOSEPH HERBERT, et al, Defendants

CASE NO. 3224

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

I, Mary Texas Hurt, Secretary of State, hereby certify that on April 30, 1957  
I sent by registered mail in an envelope addressed as follows:

" Seth Joseph Herbert  
1270 Avenue D  
Beaumont, Texas"

"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:

" Seth Joseph Herbert  
1270 Avenue D  
Beaumont, Texas

You will take notice that on April 30, 1957 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: WILLIAM LEON GADDY, Plaintiff VS SETH JOSEPH HERBERT, et al,  
Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 3224 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 30  
day of April 1957

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 6, 1957 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Beaumont, Texas  
on 5-2-57

WITNESS MY HAND and the Great Seal of the State of Alabama this the 6 day  
of May 1957

*Mary Texas Hurt Garner*  
Mary Texas Hurt  
Secretary of State

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

cc: Honorable Maurice A. Downing, Attorney  
at Law  
507 First National Bank Building  
Mobile, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 2224

TERM, 19--

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

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

, Defendant.

by

, Plaintiff.

Witness my hand this

day of

19

Clerk

WILLIAM LEON GADDY	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff	:	BALDWIN COUNTY, ALABAMA
	:	
Vs	:	AT LAW.
	:	
SETH JOSEPH HEBERT; SAM STARK;	:	
GEORGE COLLIER, JR; AND J. C.	:	
REDMAN	:	
	:	
Defendants,	:	No.

COUNT ONE

The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, for that heretofore and on to wit; the 2nd day of May 1956, the defendants; Seth Joseph Hebert; Sam Stark, individually and George Collier, Jr; individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, did so negligently operate their motor vehicles on or along United States Highway 90 at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Baldwin County, State of Alabama, so as to cause said vehicles to run over, upon or against a motor vehicle then and there owned and operated by the plaintiff; and as a proximate consequence of said negligence of said defendants, Seth Joseph Hebert; Sam Stark; individually, and George Collier, Jr., individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, the plaintiff was injured and damaged in that his automobile was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nausea, vomiting, numbness and to be weak in the right hand and the right leg. He received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused

to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

#### COUNT TWO

The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS for that heretofore and to wit: the 2nd day of May 1956, the defendants Seth Joseph Hebert, Sam Stark, individually, and George Collier, Jr.,

and while acting in the line and scope of his employment as the servant or employee of the defendant J. C. Redman, while operating their respective motor vehicles on or along United States Highway 90 at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Baldwin County, State of Alabama, did willfully or wantonly injure the plaintiff by willfully or wantonly driving their respective motor vehicles over, upon or against the motor vehicle then and there owned and operated by the plaintiff,

and as a proximate consequence of said willful and wantonly injury on the part of the defendants, the plaintiff was injured and damaged in that his motor vehicle was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nausea, vomiting, numbness and to be weak in the right hand and the right leg. He



received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

*Maurice A. Downing*  
MAURICE A. DOWNING, Attorney for  
the Plaintiff.

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me the undersigned Notary Public personally appeared Maurice A. Downing, who is the attorney for the plaintiff in the above styled cause and after having been duly sworn to speak the truth did state as follows:

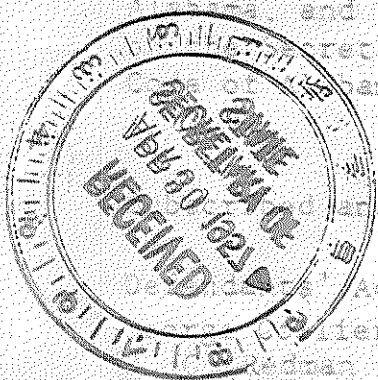
My name is Maurice A. Downing. I am the Attorney of Record for William Leon Gaddy and have my offices at 507 First National Bank Building, Mobile, Alabama. I do further certify that the defendants, Seth Joseph Hebert and Sam Stark are non residents of the State of Alabama. Seth Joseph Hebert residing at 4100 Ave. Beaumont, Texas, and Sam Stark residing at 1515 Euclid Avenue, Miami, Florida. And I do certify that they were engaged in an automobile accident with the above plaintiff, William Leon Gaddy, while all of the parties were using said highway in the State of Alabama, and that this is a proper case to have service of process by the Secretary of State of Alabama, under Section 199, Title 7, of the Code of Alabama 1940.

*Maurice A. Downing*  
Affiant

and sworn to before me on this 27th day of April 1957.

Address:  
Seth Joseph Hebert, Jr. and  
Sam Stark  
Mobile, Alabama

*James P. Ricketts, Jr.*  
Notary Public, Mobile County, Alabama  
My Comm. Expires 11-26-60



WILLIAM LEON GARNY  
Plaintiff

VS:

JOHN JOSEPH HENNET, SR.  
STAKE, GEORGE COLLINS, JR.,  
AND J. C. HENMAN  
Defendants

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

AT-LAW

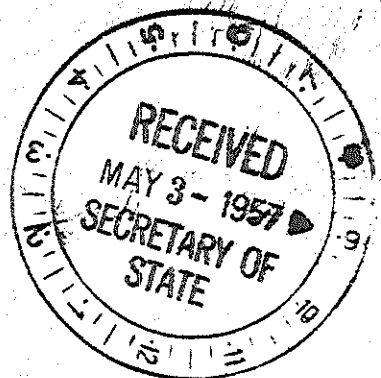
THE PLAINTIFF DEMANDS A JURY BY JURY.

FILED

APR 27 1957

ALICE L. DUCK, Clerk

*Maurice A. Downing*  
ATTORNEY FOR PLAINTIFF



May 6, 1957

WILLIAM LEON GADDY, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

VS

SAM STARK, et al, Defendants

CASE NO. 3224

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

I, Mary Texas Hurt, Secretary of State, hereby certify that on April 30, 1957  
I sent by registered mail in an envelope addressed as follows:

"  
Sam Stark  
1515 Euclid Avenue  
Miami, 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:

"  
Sam Stark  
1515 Euclid Avenue  
Miami, Florida"

You will take notice that on April 30, 1957 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: WILLIAM LEON GADDY, Plaintiff VS SAM STARK, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 3224 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 30  
day of April 1957

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 6, 1957 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Miami, Fla.  
on May 2-1957

WITNESS MY HAND and the Great Seal of the State of Alabama this the 6 day  
of May 1957

*Mary Texas Hurt Gainer*  
Mary Texas Hurt  
Secretary of State

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

cc: Honorable Maurice A. Downing  
Attorney at Law  
507 First National Bank Building  
Mobile, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon \_\_\_\_\_

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 \_\_\_\_\_

\_\_\_\_\_, Defendant.

by \_\_\_\_\_

\_\_\_\_\_, Plaintiff.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

*Archie J. Leach* \_\_\_\_\_, Clerk

WILLIAM LEON GADDY

Plaintiff

Vs

SETH JOSEPH HEBERT; SAM STARK;  
GEORGE COLLIER, JR; AND J. C.  
REDMAN

Defendant,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

No. 3224

COUNT ONE

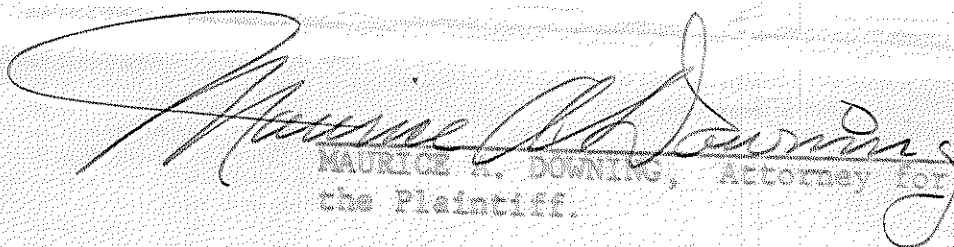
The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, for that heretofor and on to wit; the 2nd day of May 1956, the defendants; Seth Joseph Hebert; Sam Stark, individually and George Collier, Jr; individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, did so negligently operate their motor vehicles on or along United States Highway 90 at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Baldwin County, State of Alabama, so as to cause said vehicles to run over, upon or against a motor vehicle then and there owned and operated by the plaintiff; and as a proximate consequence of said negligence of said defendants, Seth Joseph Hebert; Sam Stark; individually, and George Collier, Jr., individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, the plaintiff was injured and damaged in that his automobile was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nausea, vomiting, numbness and to be weak in the right hand and the right leg. He received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused

to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

#### COUNT TWO

The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS for that heretofore and on to wit; the 2nd day of May 1956, the defendants Seth Joseph Hebert; Sam Stark; individually, and George Collier, Jr., individually and while acting in the line and scope of his employment as the agent servant or employee of the defendant J. C. Redman, while operating their respective motor vehicles on or along United States Highway 90, at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Baldwin County, State of Alabama, did willfully or wantonly injure the plaintiff by willfully or wantonly driving their respective motor vehicles over, upon or against the motor vehicle then and there owned and operated by the plaintiff, and as a proximate consequence of said willful and wanton act on the part of the defendants, the plaintiff was injured and damaged in that his motor vehicle was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nausea, vomiting, numbness and to be weak in the right hand and the right leg. He

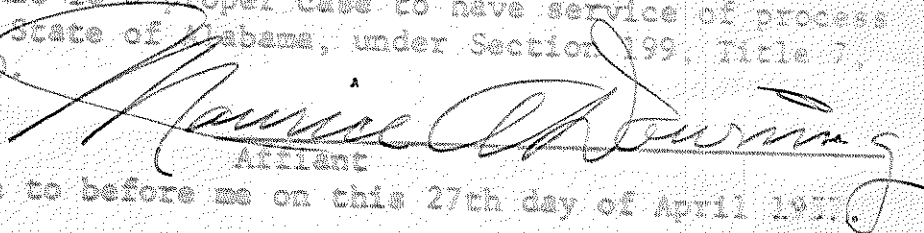
received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

  
MAURICE A. DOWNING, Attorney for  
the Plaintiff.

STATE OF ALABAMA  
COUNTY OF MOBILE


Before me the undersigned Notary Public personally appeared Maurice A. Downing, who is the attorney for the plaintiff in the above styled cause and after having been duly sworn to speak the truth did state as follows:

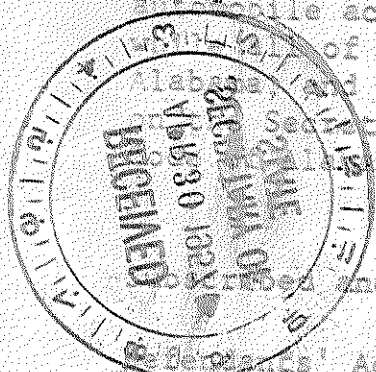
My name is Maurice A. Downing. I am the Attorney of Record for William Leon Gaddy and have my offices at 507 First National Bank Building, Mobile, Alabama. I do further certify that the defendants, Seth Joseph Habert and Sam Stark are non residents of the State of Alabama, Seth Joseph Habert residing at 2270 Avenue D, Beaumont, Texas, and Sam Stark residing at 1515 Euclid Avenue, Miami, Florida. And I do certify that they were engaged in an automobile accident with the above plaintiff, William Leon Gaddy, and that this is a proper case to have service of process described and sworn to before me on this 27th day of April 1937.

  
Affiant

Defendants' Address:

George Collier, Jr. and  
J. C. Redman  
Rt 2, Opp, Alabama

  
Notary Public, Mobile County, Alabama  
My Comm. Expires 11-26-60



William Leon GADSDY

Plaintiff

VS:

SMITH JOSEPH HERBERT, SAM  
STARK, GEORGE COLLIER, Jr.,  
AND J. C. REEDMAN  
DEFENDENTS

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

AT-LAW

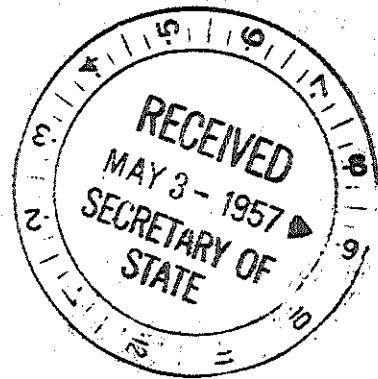
THE PLAINTIFF DEMANDS A TRIAL BY JURY.

*Maurice C. Gurney*  
ATTORNEY FOR PLAINTIFF

FILED

APR 27 1957

ALICE I. DUCK, Clerk







MARY TEXAS HURT  
SECRETARY OF STATE

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY 4, ALABAMA

May 27, 1957

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

Re: William Leon Gaddy VS Sam Stark, et al

Dear Mrs. Duck:

The Jury demand which I sent by registered mail on May 3, 1957, to defendant Stark was returned to me this date marked "UNCLAIMED."

Will you please advise me as to any further efforts you wish me to make in this matter?

Yours very truly,

*Mary Texas Hurt Garner*

Mary Texas Hurt Garner  
Secretary of State

JLP



MARY TEXAS HURT  
SECRETARY OF STATE

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY 4, ALABAMA

May 6, 1957

Hon. Alice J. Duck, Clerk  
Circuit Court Baldwin County  
Bay Minette, Alabama

Re: William Leon Gaddy VS Sam Stark, et al

Dear Mrs. Duck:

In accordance with your request of May 2, 1957, I sent by registered mail on May 3, 1957, one copy each of the Jury demand to Defendants Stark and Herbert. Upon receipt of the return cards, I shall forward same to you for your file.

Yours very truly,

*Mary Texas Hurt Garner*

Mary Texas Hurt Garner  
Secretary of State

JLP:nt

ARMBRECHT, JACKSON, McCONNELL & DEMOUY  
LAWYERS

WM. H. ARMBRECHT  
THEO. K. JACKSON, JR.  
JOHN W. McCONNELL, JR.  
MARSHALL J. DEMOUY  
WM. H. ARMBRECHT, III

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

May 23, 1957

MAILING ADDRESS:

P. O. BOX 254  
MOBILE, ALA.

CABLE ADDRESS:  
SEALAW

TELEPHONE:  
HEMLOCK 3-1891

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

Re: William Leon Gaddy  
Vs.  
Seth Joseph Hebert et al  
Case # 3224

Dear Mrs. Duck:

Enclosed herewith you will find the demurrers of  
the defendant, Seth Joseph Hebert, which we hereby file.

Very truly yours,

  
Marshall J. DeMouy

MJD:nab

Enclosure

W  
1  
9  
X  
WILLIAM LEON GADDY,

Plaintiff

versus

SETH JOSEPH HEBERT; SAM STARK;  
GEORGE COLLIER, JR.; and J.C.  
REDMAN,

Defendants

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY, ALABAMA.

: AT LAW

: NO. \_\_\_\_\_

M O T I O N

Comes the defendant, Sam Stark, individually, and moves the court to strike the plaintiff's demand for trial by jury and to transfer this cause to the non-jury docket on the grounds that the demand for a jury trial was not made in accordance with the provisions of Title 7, Section 260, of the Code of Alabama of 1940, as amended.

HAND, ARENDALL & BEDSOLE

By: W B Hand  
Attorneys for Defendant Sam Stark,  
individually

C E R T I F I C A T E

I hereby certify that I have caused a copy of the foregoing to be served on Maurice A. Downing, Esq., attorney for the plaintiff, by leaving a copy with him at his office, 507 First National Bank Building, Mobile, Alabama, this 12th day of July, 1957.

W B Hand  
W.B. Hand

I hereby accept service of a copy of the foregoing this 12th day of July, 1957.

Maurice A. Downing  
Maurice A. Downing

HAND, ARENDALL & BEDSOLE  
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

July 15, 1957

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEXANDER F. LANKFORD  
EDMUND R. CANNON, JR.  
LYMAN F. HOLLAND, JR.

MAILING ADDRESS

P. O. BOX 123  
MOBILE, ALA.

CABLE ADDRESS:  
HAB

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

Re: William Leon Gaddy v. Seth Joseph  
Hebert; Sam Stark; George Collier,  
Jr.; and J.C. Redman.

Dear Mrs. Duck:

I am advised by plaintiff's attorney that a special setting for the purpose of arguing demurrers to his complaint has been set for Wednesday, the 24th. Would you please cause the enclosed motion, service of which has been accepted by plaintiff, to be set for hearing on the same day?

Yours very truly,

*W. B. Hand*

for HAND, ARENDALL & BEDSOLE

WBH.dww

Encl.

CC: John Chason, Esq.  
J.B. Blackburn, Esq.  
Marshall DeMouy, Esq.  
Iowa Home Underwriters, Inc.

MAURICE A. DOWNING  
ATTORNEY AT LAW  
318-19-20 Annex First National Bank Building  
MOBILE, ALABAMA  
Telephone HEmlock 2-1218

Mrs. Alice Duck,  
Clerk, Circuit Court  
Baldwin County

Re: Leon Gaddy  
vs  
~~Hebert~~ Hebert et al.

Dear Mrs. Duck.

This case as been settled. Upon  
the payment of costs please  
dismiss this case

Maurice A. Downing  
Attorney of Record for Plaintiff

HAND, ARENDALL & BEDSOLE  
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

February 8, 1958

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEXANDER F. LANKFORD  
EDMUND R. CANNON, JR.  
LYMAN F. HOLLAND, JR.  
JAMES T. HINES, JR.

MAILING ADDRESS

P. O. BOX 123  
MOBILE, ALA.

CABLE ADDRESS:  
HAB

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

Re: William Leon Gaddy v. Seth Joseph Hebert;  
Sam Stark; George Collier, Jr.; and J.C.  
Redman, Case No. 3224.

Dear Mrs. Duck:

I am enclosing herewith copy of Notice to take the deposition of the plaintiff, William Leon Gaddy, which I have this day mailed to Maurice A. Downing, attorney for plaintiff. I would appreciate your causing same to be filed.

Yours very truly,

*W. B. Hand*

for HAND, ARENDALL & BEDSOLE

WBH.dww  
Encl.

WILLIAM LEON GADDY,

Plaintiff

versus

SETH JOSEPH HEBERT, SAM STARK,  
GEORGE COLLIER, JR., and J.C.  
REDMAN,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

NO. 3224

NOTICE

TO: Maurice A. Downing, Esq.  
Attorney for Plaintiff  
319 Annex First National Bank  
Mobile, Alabama

Please take notice that the defendant, Sam Stark, pursuant to the provisions of Title 7, Section 474 (1, et seq.), of the Code of Alabama of 1940, will take the testimony by deposition upon oral examination of the plaintiff, William Leon Gaddy, whose address is 528 North 4th Street, Garland, Texas, on the 13th day of February, 1958, at 2:00 o'clock in the afternoon of that day, or at such other time as the same may be continued at that time, in the offices of Ambrecht, Jackson, McConnell & DeMouy, 1301 Merchants National Bank Building, Mobile, Alabama, or at such other place as may be agreed upon by the parties immediately prior to the taking of said deposition, at which time and place you are notified to appear and to take such part in the examination as you deem mete and proper.

HAND, ARENDALL & BEDSOLE

By W B Hand  
Attorneys for Defendant Sam Stark,  
individually.





MARY TEXAS HURT  
SECRETARY OF STATE

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY 4, ALABAMA

May 13, 1957

Honorable Alice J. Duck, Clerk  
Circuit Court Baldwin County  
Bay Minette, Alabama

Re: William Leon Gaddy VS  
Seth Joseph Herbert (Hebert),  
Sam Stark, et al

Dear Mrs. Duck:

The enclosed return receipt card shows receipt by Seth Joseph Hebert on 5-8-57, of the Jury demand which I mailed to him at your request on May 3, 1957.

Yours very truly,

*Mary Texas Hurt Garner*

Mary Texas Hurt Garner  
Secretary of State

JLP:nt

MAURICE A. DOWNING  
ATTORNEY AT LAW  
318-19-20 Annex First National Bank Building  
MOBILE, ALABAMA

Telephone HEMlock 2-1218

June 9, 1958

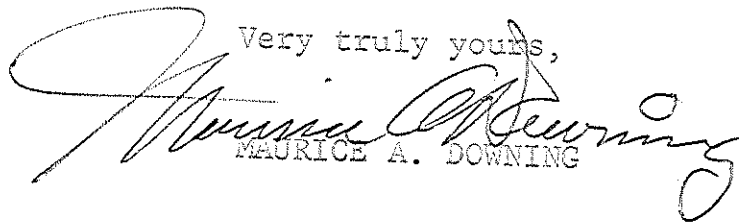
Miss Alice J. Duck  
Register and Clerk of the  
Circuit Court of  
Baldwin County  
County Courthouse  
Bay Minette, Alabama

Re: William Leon Gaddy  
Vs.  
Seth Joseph Hebert et al  
Case No. 3224 - At Law

Dear Miss Duck:

Please dismiss the case of Leon Gaddy vs.  
Seth Joseph Hebert, et al.

Very truly yours,

  
MAURICE A. DOWNING

MAD:msh

Plaintiff

SETH JOSEPH HEBERT, SAM  
STARK, GEORGE COLLIER, Jr.,  
AND J. C. REDMAN  
DEFENDENTS

AT-LAW

THE PLAINTIFF DEMANDS A TRIAL BY JURY.

FILED

APR 27 1957

ALICE J. DUCK, Clerk

ATTORNEY FOR PLAINTIFF

WILLIAM LEON GADDY	§	IN THE CIRCUIT COURT OF
Plaintiff	§	BALDWIN COUNTY, ALABAMA
Vs.	X	AT LAW.
SETH JOSEPH HEBERT; SAM STARK; GEORGE COLLIER, JR; AND J. C. REDMAN	§ §	
Defendants	X	No. _____

DEMURRER

Come George Collier, Jr. and J. C. Redman, Defendants in the above styled cause and demur to the complaint filed in said cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:


1. That said complaint does not state a cause of action.
2. That said complaint does not state which Defendants operated a motor vehicle at the time and place of the accident complained of.
3. For aught that appears from said complaint neither George Collier, Jr. nor J. C. Redman were the owners of or were operating any vehicle which was involved in the accident complained of.
4. That said complaint alleges that Highway 90 is a public highway in Baldwin County, Alabama but said complaint fails to allege that the point where said accident occurred was in Baldwin County, Alabama.
5. That said complaint fails to allege any duty owing by the Defendants George Collier, Jr. and J. C. Redman to the Plaintiff.
6. That said complaint is vague and indefinite.
7. That said complaint fails to allege that the Defendants George Collier, Jr. or J. C. Redman negligently injured the Plaintiff.
8. That said complaint fails to sufficiently set out the damages to the automobile owned by the Plaintiff.
9. That said complaint fails to allege how long the Plaintiff was confined to the hospital and his home.

10. That said complaint fails to allege the period of time that the Plaintiff lost from his place of employment.

11. That said complaint fails to allege that the Plaintiff was employed by anyone at the time of his accident.

12. That said complaint fails to allege the length of time that the Plaintiff lost the use of his motor vehicle.

13. That said complaint does not allege that the Plaintiff was using his motor vehicle in his business prior to the time it was damaged.

  
Attorneys for Defendants George Collier,  
Jr. and J. C. Redman.

*Filed May 21, 1957*

WILLIAM LEON GADDY  
Plaintiff

Vs.

SETH JOSEPH HEBERT; SAM STARK;  
GEORGE COLLIER, JR; AND J. C.  
REDMAN

Defendant

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

No. 3224

Comes now the defendant, Seth Joseph Hebert, one of the defendants in the above styled cause and demurs to the plaintiff's complaint as a whole and each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count does not aver sufficient facts to state a cause of action.
2. Said count does not allege sufficient facts to show that this Defendant was guilty of any wrongful act.
3. Said count does not aver sufficient facts to show that this Defendant was guilty of any actionable negligence.
4. Said count is so vague, indefinite and uncertain that this Defendant is <sup>not</sup> apprized of what he will be called upon to defend.
5. Because the allegations of said count are inconsistent and confusing.
6. Because the averments of said count attempt to allege trespass and trespass on the case in one and the same count.
7. Because said count seeks to join in one and the same count an action for simple negligence and action for wanton negligence.
8. Because said count contains inconsistent and contradictory averments.

9. Because there is no allegation of concurring negligence on the part of each Defendant therein.
10. Because there is a misjoinder of parties Defendant in said count.
11. Because there is a misjoinder of causes of action in said count.
12. Because said count does not allege sufficient facts to constitute a wilful or wanton injury.
13. The allegations of said count are vague, misleading and confusing in that the Plaintiff claims of the Defendant the sum of \$50,000.00 without alleging from which Defendant the Plaintiff is claiming said sum of money.
14. Because each count does not charge actionable negligence on the part of each Defendant therein.
15. It is impossible to tell from the allegations of said count whether at the time and place of said accident, Seth Joseph Hebert was acting as an agent, servant or employee of the Defendant, J. C. Redman, or was not so acting as an agent, servant or employee of the said J. C. Redman.
16. The allegations of said count with respect to the damage to Plaintiff's automobile are vague, indefinite and uncertain and do not apprise this Defendant of what he will be called upon to defend.

ARMBRECHT, JACKSON, McCONNELL AND DeMOUY

Filed May 24, 1957 By Marshall J. DeMouy  
Attorneys for Defendant  
Seth Joseph Hebert: George J. Jackson  
J. C. Redman

FILED  
MAY 24 1957  
U.S. DISTRICT COURT  
SOUTHERD DISTRICT OF CALIFORNIA

WILLIAM LEON GADDY,

Plaintiff,

vs.

SETH JOSEPH HERBERT, SAM STARK,  
GEORGE COLLIER, JR., AND J. C.  
REDMAN,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW. NO. 3224.

MOTION TO STRIKE PLAINTIFF'S DEMAND FOR JURY TRIAL

Now comes the Defendant, Seth Joseph Herbert, by his Attorneys and moves to strike the Plaintiff's demand for a jury trial of this cause, and as grounds of such motion assigns separately and severally the following:

1. The Plaintiff's said demand for a jury trial was not endorsed on the summons and complaint filed by him in this cause.
2. The Plaintiff's demand for a jury trial of this cause was not attached to the summons and complaint filed by him in this cause at the time the said summons and complaint was filed.
3. The Plaintiff has waived his right to a jury trial of this cause because he has failed to comply with the terms and provisions of Title 7, Section 260 of the 1940 Code of Alabama.
4. The Plaintiff did not file a written demand for a trial of this cause by a jury with the Clerk of this Court at the commencement of the suit.

*J. B. Blackburn*  
ARBRECHT, JACKSON, McCONNELL & DeMOUY

BY: *Marshall J. DeMouy*  
Attorneys for Defendant, Seth Joseph Herbert.

*Filed July 12, 1957*



WILLIAM LEON GADDY,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff	:	BALDWIN COUNTY, ALABAMA.
	:	
versus	:	
	:	
SETH JOSEPH HEBERT; SAM STARK;	:	AT LAW
GEORGE COLLIER, JR.; and J.C.	:	
REDMAN,	:	
	:	NO. _____
Defendants	:	

M O T I O N

Comes the defendant, Sam Stark, individually, and moves the court to strike the plaintiff's demand for trial by jury and to transfer this cause to the non-jury docket on the grounds that the demand for a jury trial was not made in accordance with the provisions of Title 7, Section 260, of the Code of Alabama of 1940, as amended.

HAND, ARENDALL & BEDSOLE

By: W B Hand  
Attorneys for Defendant Sam Stark,  
individually

C E R T I F I C A T E

I hereby certify that I have caused a copy of the foregoing to be served on Maurice A. Downing, Esq., attorney for the plaintiff, by leaving a copy with him at his office, 507 First National Bank Building, Mobile, Alabama, this 12th day of July, 1957.

W B Hand  
W.B. Hand

I hereby accept service of a copy of the foregoing this 12th day of July, 1957.

Maurice A. Downing  
Maurice A. Downing

*filed 7-16-57*  
*Alice J. Luck,*  
*clerk*

WILLIAM LEON GADDY,	)	IN THE CIRCUIT COURT OF
Plaintiff	(	BALDWIN COUNTY, ALABAMA
vs.	)	
	(	AT LAW
SETH JOSEPH HEBERT, SAM STARK,	)	
GEORGE COLLIER, JR., and J. C.	)	NO. <u>3224</u>
REDMAN,	(	
Defendants.	)	

Please take notice that the Defendant, Seth Joseph Hebert, will take the pre-trial cross examination of the Plaintiff in the above styled cause on to-wit, February 13, 1958, in the offices of Armbrecht, Jackson, McConnell & DeMouy, 1301 Merchants National Bank Building, Mobile, Alabama, or at such other time and place as may be mutually agreeable to the parties.

ARMBRECHT, JACKSON, McCONNELL & DeMOUY

By *Marshall J. DeMouy*  
Marshall J. DeMouy

J. B. BLACKBURN

By *J. B. Blackburn*  
J. B. Blackburn

*Filed Feb. 1, 1958*

WILLIAM LEON GADDY,

Plaintiff,

vs.

SETH JOSEPH HEBERT, SAM  
STARK, GEORGE COLLIER, JR.,  
and J. C. REDMAN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3224

NOTICE :

TO: Maurice A. Downing, Esq.  
Attorney for Plaintiff  
319 Annex First National Bank  
Mobile, Alabama.

Please take notice that the Defendants, George Collier, Jr., and J. C. Redman, pursuant to the provisions of Title 7, Section 474 (1, et seq.), of the Code of Alabama of 1940, will take the testimony by deposition upon oral examination of the Plaintiff, William Leon Gaddy, whose address is 528 North 4th Street, Garland, Texas, on the 13th day of February, 1958, at 2:00 o'clock in the afternoon of that day, or at such other time as the same may be continued at that time, in the offices of Armbrecht, Jackson, McConnell & DeMouy, 1301 Merchants National Bank Building, Mobile, Alabama, or at such other place as may be agreed upon by the parties immediately prior to the taking of said deposition, at which time and place you are notified to appear and to take such part in the examination as you deem meet and proper.

CHASON & STONE

By: 

Attorneys for Defendants  
George Collier, Jr., and J. C.  
Redman

*Filed Feb. 10, 1958*

WILLIAM LEON GADDY,  
Plaintiff

vs.

SETH JOSEPH HEBERT, SAM STARK,  
GEORGE COLLIER, JR., and J. C.  
REDMAN,

Defendants.

) IN THE CIRCUIT COURT OF  
( BALDWIN COUNTY, ALABAMA

) AT LAW  
(

) NO. 3224  
(  
)

Comes now the Defendants, Seth Joseph Hebert and Sam Stark, separately and severally, and move the Court to appoint a disinterested physician to examine the Plaintiff in this cause.

ARMBRECHT, JACKSON, McCONNELL & DeMOUY

By Marshall J. De Mouy

J. B. BLACKBURN

By J. B. Blackburn  
Attorneys for Defendant, Seth  
Joseph Hebert

HAND, ARENDALL & BEDSOLE

By W. B. Hand  
Attorneys for Defendant, Sam Stark

Service accepted by  
Marvin A. Lawrence  
Atty of Record for Plaintiff  
this 29 day of January 1958  
Filed Feb. 1, 1958

2/1/58  
Service accepted by  
Marvin A. Lawrence as  
Atty for George  
Collier Jr and  
J.C. Redman  
John Gibson

111

7. Said count is vague, indefinite, and uncertain as to whose negligence was the proximate cause of the complaints.

8. For aught appearing from said count this defendant's automobile did not collide with the plaintiff's automobile as alleged or in any way proximately contributed to the plaintiff's alleged injuries.

9. Said count fails to set forth facts sufficient to predicate liability on the part of this defendant as alleged.

10. For aught appearing from said count the plaintiff was at the time and place complained of a trespasser and this defendant owed the plaintiff no duty as alleged.

11. Said count attempts to set forth the quo modo of the alleged wilfulness or wantonness on the part of this defendant and the facts in and of themselves do not constitute such charge.

12. The allegations of said count are but conclusions of the pleader not supported by the facts alleged.

*Hand Overdall & Bedale*  
*by W.B. Hand*  
Attorneys for Sam Stark, individually

*Filed May 17, 1957*

WILLIAM LEON GADDY,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff	:	BALDWIN COUNTY, ALABAMA.
	:	
versus	:	
	:	
SETH JOSEPH HEBERT; SAM STARK;	:	AT LAW
GEORGE COLLIER, JR.; and J.C.	:	
REDMAN,	:	
	:	NO. _____
Defendants	:	

D E M U R R E R

Comes now the defendant, Sam Stark, individually, and demurs to the plaintiff's complaint and to each count thereof, and for separate and several grounds of demurrer separately and severally assigns the following:

1. Said count fails to state a cause of action.
2. Said count is vague, indefinite, and uncertain in its allegations of negligence on the part of this defendant.
3. Said count is vague and indefinite as it does not appear whether plaintiff is charging this defendant with being a servant, agent, or employee of another defendant.
4. It affirmatively appears from said count that there is a misjoinder of parties defendant.
5. Said count attempts to state the quo modo of the negligence complained and the facts in and of themselves do not support the conclusions of the pleader.
6. Said count attempts to set forth the quo modo of the negligence on the part of this defendant and the facts alleged do not in and of themselves constitute negligence the proximate cause of which was the injury to the plaintiff as alleged.

The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, for that heretofor and on to wit; the 2nd day of May 1956, the defendants; Seth Joseph Hebert; Sam Stark, individually and George Collier, Jr; individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, did so negligently operate their motor vehicles on or along United States Highway 90 at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Baldwin County, State of Alabama, so as to cause said vehicles to run over, upon or against a motor vehicle then and there owned and operated by the plaintiff; and as a proximate consequence of said negligence of said defendants, Seth Joseph Hebert; Sam Stark; individually, and George Collier, Jr., individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, the plaintiff was injured and damaged in that his automobile was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nausea, vomiting, numbness and to be weak in the right hand and the right leg. He received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused

WILLIAM LEON GADY	:	IN THE CIRCUIT COURT OF
Plaintiff	:	BALDWIN COUNTY, ALABAMA
VS	:	AT LAW.
SETH JOSEPH HERBERT; SAM STARK;	:	
GEORGE COLLIER, JR; AND J. C.	:	
REDMAN	:	
Defendants	:	No. <u>3224</u>
COUNT ONE	:	

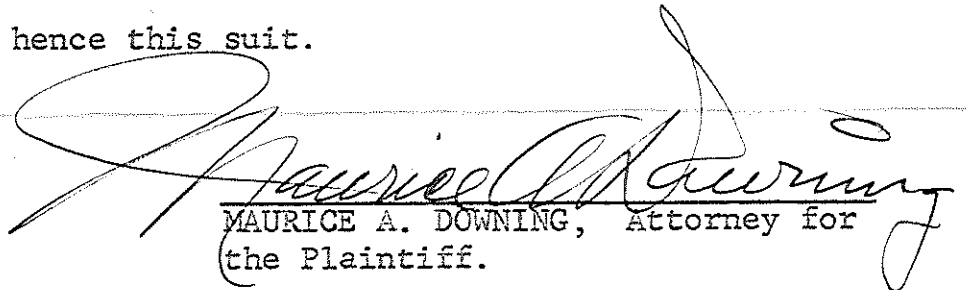
to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

COUNT TWO

The plaintiff claims of the defendants the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS for that heretofore and on to wit; the 2nd day of May 1956, the defendants Seth Joseph Hebert; Sam Stark; individually, and George Collier, Jr., individually and while acting in the line and scope of his employment as the agent, servant or employee of the defendant J. C. Redman, while operating their respective motor vehicles on or along United States Highway 90, at a point 2.7 miles west of the Apalachee River Bridge, said highway being a public highway in Baldwin County, State of Alabama, did willfully or wantonly injure the plaintiff by willfully or wantonly driving their respective motor vehicles over, upon or against the motor vehicle then and there owned and operated by the plaintiff, and as a proximate consequence of said willful and wanton act on the part of the defendants, the plaintiff was injured and damaged in that his motor vehicle was greatly bent, broken, damaged or destroyed; he was caused to suffer severe headaches, nausea, vomiting, numbness and to be weak in the right hand and the right leg. He



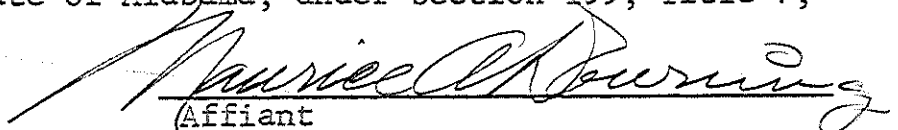
received a subdural hematoma over the left parietal area of his brain; was caused to have to undergo an operation on his brain by way of a craniotomy, wherein, a thick encapsulated subdural hematoma on the left side of his brain was found and removed by turning down a large bone flap; he was caused to suffer a severe injury to his brain with bleeding between the brain and skull; he was caused to spend a long time confined to his home and the hospital; was caused to lose a long period of time from his place of employment; was caused to spend money in and about doctor bills, hospital bills, nurses bills and medicine bills in the care and cure of said injuries; was caused to suffer both permanent and temporary disability and disfigurement; was caused to lose the use of his motor vehicle for a long period of time; and to suffer great physical and mental pain and anguish and to be made sick and sore, all to his injury and damage as aforesaid, hence this suit.

  
MAURICE A. DOWNING, Attorney for  
the Plaintiff.

STATE OF ALABAMA  
COUNTY OF MOBILE

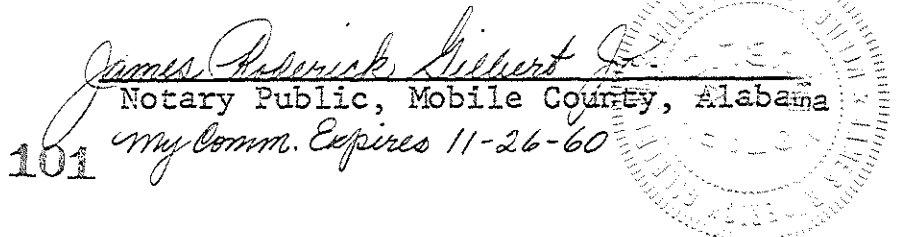
Before me the undersigned Notary Public personally appeared Maurice A. Downing, who is the attorney for the plaintiff in the above styled cause and after having been duly sworn to speak the truth did state as follows:

My name is Maurice A. Downing. I am the Attorney of Record for William Leon Gaddy and have my offices at 507 First National Bank Building, Mobile, Alabama. I do further certify that the defendants, Seth Joseph Hebert and Sam Stark are non residents of the State of Alabama, Seth Joseph Hebert residing at 1270 Avenue D, Beaumont, Texas, and Sam Stark residing at 1515 Euclid Avenue, Miami, Florida. And I do certify that they were engaged in an automobile accident with the above plaintiff, William Leon Gaddy, while all of the parties were using said highway in the State of Alabama, and that this is a proper case to have service of process on the Secretary of State of Alabama, under Section 199, Title 7, Code of Alabama 1940.

  
(Affiant)

Subscribed and sworn to before me on this 27th day of April 1957.

Defendants' Address:  
George Collier, Jr. and  
J. C. Redman  
Rt 2, Opp, Alabama

101   
Notary Public, Mobile County, Alabama  
My Comm. Expires 11-26-60

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon SETH JOSEPH HERBERT: SAM STARK:

GEORGE COLLIER, JR.: AND J.C. REDMAN

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 SETH JOSEPH HERBERT

SAM STARK: GEORGE COLLIER, JR.: AND J.C. REDMAN-----, Defendant-----

by WILLIAM LEON GADDY-----

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

Witness my hand this 29th day of April 1957

*Executed Apr. 30, 1957*  
*By Service on Sec. of State* W. L. Gaddy, Clerk

*Executed May 14, 1957 per George*  
*Collier, Jr. + J. C. Redman*

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon SETH JOSEPH HERBERT: SAM STARK:

GEORGE COLLIER, JR.: AND J.C. REDMAN

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 SETH JOSEPH HERBERT

SAM STARK: GEORGE COLLIER, JR.: AND J.C. REDMAN, Defendant.

by WILLIAM LEON GADDY

\_\_\_\_\_, Plaintiff.

Witness my hand this 29th day of April, 1957.

\_\_\_\_\_, Clerk