

STATE OF ALABAMA OFFICE OF SECRETARY OF STATE

MONTGOMERY 4. ALABAMA

November 25, 1957



Honorable Douglas S. Webb Horne & Webb, Attorneys at

Horne & Webb, Attorneys at Re: Captain Sisby Holley VS Ronald Jack Fry

Law

Atmore, Alabama

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on October 31, 1957, I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

ENS Ronald Jack Fry, USNR, 605886 U. S. Naval Air Station Corpris Christi, Texas

On November 25, 1957, this letter (Registered No. 56269) was returned to me with reason for non-delivery given as "REFUSED " and "MAN SAYS HE BELIEVES FOR SOME OTHER OFFICER WITH APPROX. SAME NAME."
Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours,

Many Jexas Hurt Jamen

Mary Texas Hurt Garner

Secretary of State

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By: UJamie L. Pettigrew

Administrative Assistant

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

CIRCUIT COURT

STATE OF ALABAMA									
Salar Sa	6.	TO:	ANY	SHERIFF	OF	THE	STATE	OF	ALABAMA,
BALDWIN COUNTY	ğ			GI	REE	PING:		, -	

You are hereby commanded to summons Ronald Jack Fry to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama to be held for said County at the place of holding same, then and there to answer, plead or demur to the complaint of Captain Sisby Holley.

Witness my hand, this 21 day of September, 1957.

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CAPTAIN SISBY HOLLEY,	ă	
•	x	IN THE CIRCUIT COURT OF
PLAINTIFF.	X	BALDWIN COUNTY, ALABAMA
vs:	Ĩ	LAW SIDE.
RONALD JACK FRY,	Ĩ	
DEFENDANT.	Ž.	NUMBER:
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(l)

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Plaintiff suffered a severe brain unjury; Plaintiff suffered permanent injury to his brain; plaintiff suffered multiple lacerations over much of his body; plaintiff suffered multiple fractures of his ribs. Plaintiff's left side of his body was severely and permanently injured; plaintiff's nervous

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* * * * * * * * * * * * *

CAPTAIN SISBY HOLLEY,	Ĭ					
PLAINTIFF.	~	IN THE CIRCUIT COURT OF				
VS:	Â	BALDWIN COUNTY, ALABAMA				
RONALD JACK FRY,	Î	LAW SIDE.				
DEFENDANT.	3	NUMBER:				

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system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs; plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

(2)

The plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this, that on, to-wit; the 7th day of November, 1956 plaintiff was driving an automobile and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and while so driving and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama, where plaintiff had a right to be and to drive, the defendant wilfully and wantonly drove an automobile traveling West into, over upon or against the automobile plaintiff was then and there driving and wilfully and wantonly injured plaintiff in this;

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Plaintiff avers that his said injuries were the proximate consequence of said wilful and wanton conduct on the part of the said defendant at the said time and place.

(3)

Plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 while plaintiff was driving an automobile East over U. S. Highway Number 90, a public highway in Baldwin County, Alabama at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama the defendant at said time and place ran a motor vehicle against the automobile being then and there driven East by plaintiff and as a proximate consequence thereof, plaintiff was injured and damaged as follows:

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into, over, upon or against the automobile plaintiff was then and there driving and as a proximate consequence of said wanton conduct plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out, etcⁿ

HORNE & WEBB

BY:

ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE & WEBB

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ATTORNEYS FOR PLAINTIFF.

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Sheriff of Tankgomery County

M. S. Builte By Audelwyn, D. B.

The Sheriff claims. 2 at 10c per cults for a total M 3 Rutler, Bheriff Montgomery County, Ah.

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FILED SEP 21 1957

AUGE L MICK, CLAR

Law Offices of Horne & Webb Altorneys at Law Atmore, Ala.

CIRCUIT COURT

STATE OF ALABAMA	I						
		TO:	ANY	SHERIPP	OF THE	STATE	OF ALABAMA,
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Witness my hand, this 2/day of September, 1957.

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CONPLAINT

CAPTAIN SISBY HOLLEY,		THE STATE OF THE S
PLAIMPINE.		IN THE CIRCUIT COURT OF BALDWIN GOUNTY, ALABAMA
ROMALD JACK FRY,		LAW SIDE.
DEFENDANT.	X	WOMBER:

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HORNE & WEBB

ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

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23 day of Aug 1097 copy of the within A 2 cop NO 3343 FILED SEP 21 1957' Aux L wick, Giris Law Offices of

Law Offices of Horne & Webb Attorneys at Law Atmore, Ala.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF ALABAMA Most the except pass for ead levelved in chie estima

SOUTHERN DIVISION

exceeds the one of Three Thousend and No/100 (33,000,00) bellers, CAPTAIN SISBY HOLLEY, 2 as d costs: That your partitioned has filed Administrator of the Estate of : Mary Agnes Holley, deceased, the state of the first than the state of the state of

willia which your p**rintiff**, is allowed by Lew to file his said

VS. CIVIL ACTION NO.

RONALD JACK FRY, Zero peclolomen ettaches

hoveto se Behilpis '**Defendant**sbeet a part barevi, a copy of all

proces, plandings, and ordere proported to here been served upon PETITION OF DEFENDANT RONALD JACK FRY FOR REMOVAL TO UNITED STATES DISTRICT COURT

4. Parto the honorable judge of said court: to shake floring

on the ground of diversity of citiescubity existing therein between Comes now your petitioner, Ronald Jack Fry, defendant in the above-styled cause, and, appearing specially and for the sole of Mary Agraes Bolley, deceased, and the periodecer in province purpose of filing this petition for removal, respectfully shows to the Acce of Congress in thes behalf provided. Peringon become unto this Honorable Court as follows: fore files and offers herestic bond with good and safficious surery

1. That the defendant, Ronald Jack Fry, is now and was at the time of the commencement of this suit a citizen and resident of the State of Pennsylvania, being a member of the armed forces and temporarily stationed in Bermuda; that this is an action brought by Captain Sisby Holley, as Administrator of the Estate of Mary Agnes Holley, deceased, said Administrator being a citizen 5. Patricians impresses that prosperly upon the filling of and resident of the State of Alabama, against your petitioner, a citizen and resident of the State of Pennsylvania, and is one stall give welters notice thereof to the adverse party and shall which can be fully determined between them. Alle a copy of the peninton with the Cloth of the Civeta Tours of

2. That this is a suit to recover damages for the alleged wrongful death of the said Mary Agnes Holley and property damage which the plaintiff claims has been incurred as a result of the alleged negligence of the defendant.

WHEREFORE, your petitioner prays that the said bond filed herewith be accepted as good and sufficient and that this court will enter such order or orders as may be proper in the premises.

DATED this 4th day of October, 1957.

Alexander F. Lankford

Attorney for Ronald Jack Fry

Defendant

Room 622 First National Bank Building Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL & BEDSOLE

- 3. That the amount sued for and involved in this action exceeds the sum of Three Thousand and No/100 (\$3,000.00) Bollars, exclusive of interest and costs; that your petitioner has filed no pleading in said cause in the state court; that the time within which your petitioner is allowed by law to file his said petition for removal has not expired, and that your petitioner has a good defense to said cause. Your petitioner attaches hereto as Exhibit "A", and makes a part hereof, a copy of all process, pleadings, and orders purported to have been served upon him in such action.
- 4. Petitioner desires to remove this action to this Court on the ground of diversity of citizenship existing therein between the plaintiff, Captain Sisby Holley, as Administrator of the Estate of Mary Agnes Holley, deceased, and the petitioner in pursuance to the Acts of Congress in that behalf provided. Petitioner heretofore files and offers herewith bond with good and sufficient surety to the penal sum of Five Hundred and No/100 (\$500.00) Dollars, conditioned that the petitioner will pay all costs and disbursements incurred by reason of this said removal proceedings should it be determined that this action was wrongfully or improperly removed to this court.
- 5. Petitioner represents that promptly upon the filing of this petition and the said bond filed herewith, this petitioner shall give written notice thereof to the adverse party and shall file a copy of the petition with the Clerk of the Circuit Court of Baldwin County, Alabama, wherein said action is now pending.

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

CAPTAIN SISBY HOLLEY, as Administrator of the Estate of Mary Agnes Holley, deceased.

Plaintiff,

VS.

RONALD JACK FRY,

Defendant.

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

Pursuant to the provisions of law in such cases made and provided, there is hereby filed with you a copy of the petition of the defendant in the above entitled cause (being Civil Action No. 3342) to remove said cause to the United States District Court for the Southern Division of the Southern District of Alabama. The said petition, accompanied by bond with good and sufficient surety conditioned as is required by law, has been this day filed in the said United States District Court for the Southern Division of the Southern Division of the Southern District of Alabama.

Written notice of the filing of the aforesaid petition and bond has been this day given to the attorney for the plaintiff herein by this day mailing such notice, together with a copy of the said petition for removal, to Frank G. Horne, Esquire, attorney for the plaintiff, at the address of said attorney at Atmore, Alabama, postage prepaid, by registered mail, return receipt requested, and you are hereby notified that the filing of the copy of the aforesaid

petition with you as Clerk of the Circuit Court of Baldwin County, Alabama, affects the removal of said cause to the aforesaid United States District Court.

Dated this 4th day of October, 1957.

Alexander F. Lankford

Attorney for Defendant First National Bank Building

Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL & BEDSOLE

STATE OF THE PROPERTY OF THE P

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CANAGA COUNTE 1

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MENNEY. LAN BLAKE.

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The Timestic, Captain Diety Molley, as saministrator. of the estate of Herry Equips Holley, Decembed, elating of the optimizant-

and the bould the 7th day of Hoverbor, 1956 plaintiff's described was a passenger in an establish traveling heat on U. S. The county December 90, a public bighway in Beldwin County, Alabasa and at to postate and small to biginess in Baldwin County, Alabama approximately Said and A/20 willow weat of the town of Louist, Alchama where plainings by

EXTERIT A

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The Plainties, Captain Sing Holler, as addinated to the defendant for the defendant

positive late, over, upon or equinos the matemobile in which successful the interest was an expectation of an expectation of the color of plaintiff's interest to the defendant at said the said plaintiff every that the defendant at said the said plaintiff a interest to by mentionly receipt to the color of mentionly receipt plaintiff's interest in thing of passenger at said time and place, and as a presence of said wanter conduct plaintiff's factors that his interest concequence of said wanter conduct plaintiff's factors his interest concequence of said wanter conduct plaintiff's after his interest was consed to senter and did surface in-

Sealt A

The plaintiff, Ceptain Slowy Molley, as administrator of the established Monday Molley, Deceased, claims of the sefections was Monday and Deceased and Deceased (1900,000,000) Delians as demages for the set of the day of Devember, 1956 plaintiff's continue to the first and the first and the second to the secon

Alabema when at a point on said public highway in Daldwin Country, alabema approximately four and 9/10 miles went of the tone of Louley, Alabema where plaintiff's intentate had a right to be and to travel the defendant wilfully and sentently drove as subcaptile 12.20, ever upon or against the settmobile in which plaintiff's intentate was then and their riding as a passenger and wilfully and 12.20. Plaintiff areas that the death of his intentate was the part of the said defendant at the said wilful and wanter conduct on the part of the said defendant at the said wilful and place.

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The plaintiff, Captain Slaby Holley, as administrator of the action of Eary Agua Helley, decembed, claims the further and additional can other than the escents elained in events one through Three of this complaint for Thomsend and No/100 (\$2,000.00) bellers to develop for that heretofore on, to-ult; Nevenber 7, 1956 the plaintiff's intentate's automobile was being operated along and wood a public bighout in Boldwin County, Alebana, on, bo-wit; I. A. Mighany Ramber 90 at a point on said public highway approximerciy four and 9/10 miles west of the town of Louis, Alabama where plaintiff's intertate's sufcesolie had a right to be end while said missecolic use being operated and drives along the said public highway sa automobile which was being driven by the defendant ren agrees, ever of against the entemptile of pleatiff's intestate causing langes and injuries to plaintiff's intestate's extemptile in this; the top, redictor, front axie, front medic, frome, sides, motor, Sires, fonders and other parts of plaintiff's intestate's entomobile

the desegos of the plaintiff's intestate as aforesaid. The plaintiff allows that his intestate's fail damages to her said automobile were predicablly couldn't the negligance of the defendant, in that the feel said stated, allowed or permitted his said sustance its run upon, over or against the sustancehile of plaintiff's intestate that a previous to open thereof, the plaintiff's intestate that a previous consequence thereof, the plaintiff's intestate.

The estate of Mary Agues Holley, deceased, claims the further and additional our (other than that claimed in counts one through three of this equiplaint) of Two Thousand and No/100 (02,000.00) Dollars as Camages for that heretafore on, to-wits November 7, 1956 the plaintiff's intestate's entemobile was being operated along and upon a public highway in Baldwin County, Alabama, on, to-wit; V. S. Highway Number 70 at a point on said public highway approximately four and 9/10 miles West of the town of Lowley, Alabama where plaintiff's intestate's automobile had a right to be and wille said envenebile was being operated and driven along the said public highway the defendant wilfully and wantonly drove an entemphile he was them and there driving into, over, upon or against the embemobile of plaintiff's intestate and whitelly and wentenly injured plaintiff's intertate's extemobile in this; the top, redictor, fromt and, front whoels, frame, sides, motor, tires, fenders and other parts of plaintiff's sutemobile were broken, bent, muched or otherwise damaged and injured all to the damage of plaintiff's intertate as aforesaid. The plaintiff alleges that his intestate's said damages to her said and construction of the contract of the contract contract contract acoligance of the defendant in that defendant whiculy and wantenly drove his said astrophile into, ever upon or against the automobile of plaintiff's intestate and se a proximate consequence thereof, plaintiff's intestate's automobile was wilfully and wantonly demaged and injured as afgressis.

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Plaintiff demands a total by jury of the issues involved in this cause.



STATE OF ALABAMA OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

June 1, 1958

Honorable Douglas S. Webb Horne and Webb Attorneys at Law Atmore, Alabama

Re: Captain Sisby Holley VS Ronald Jack Fry

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on April 4, 1958 , I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Compaint attached, to:

Lt. JG Ronald Jack Fry USN, VP L9 Fleet Post Office New York City. New York

, this letter (Registered No. 51093) was returned On June 2, 1958 to me with reason for non-delivery given as

Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours.

Mary Texas Hurt Garner Secretary of State

By: Jamie L. Pettigrew Administrative Assistant

cc: Honorable Alice J. Duck, Clerk Circuit Court of Baldwin Bay Minette , Alabama