

WILLIE L. FERRILL, as surviving
dependent of Allen W. Ferrill,
Deceased, PLAINIFF

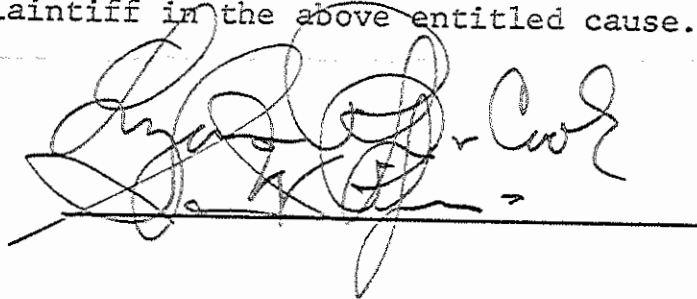
-vs-

ELY G. McMILLAN, DEFENDANT.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA.
)
)
)

) AT LAW NO. 3357.

Come now LYONS, PIPES & COOK, Attorneys, and appear as
additional attorneys for the plaintiff in the above entitled cause.

A handwritten signature, likely of an attorney, is written over a horizontal line. The signature is cursive and appears to read "Lyons, Pipes & Cook".

WILLIE L. FERRILL, as surviving)
dependent of Allen W. Ferrill,)
Deceased,)

Plaintiff,)

vs.)

ELY G. McMILLAN,)

Defendant.)

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

AT LAW

CASE NO. 3357

PLEA IN ABATEMENT

Comes now the defendant in the above cause and appears solely and specially for the purpose of filing the following plea in abatement and for no other purpose, and, pleading in abatement, said defendant does say the following:

1. That plaintiff cannot maintain this action or that plaintiff must elect whether to maintain this action inasmuch as, at the time of the bringing of this suit, there was pending in this court an action for the same cause and against this same defendant, said action being styled "Merchants National Bank of Mobile, as Executor under the Last Will and Testament of Allen W. Ferrill, Deceased, Plaintiff, versus Ely G. McMillan, Defendant," and being Case No. 3351.

HAND, ARENDALL & BEDSOLE

By: Paul W. Brock
Attorneys for said Defendant

STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me, Dorothy W. Williams, a Notary Public in and for said County in said State, personally appeared Paul W. Brock, who, being duly sworn, deposes and says that he is the attorney at

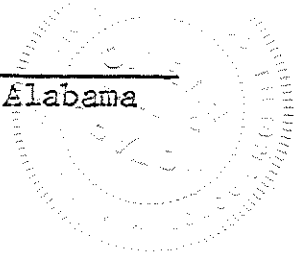
law for Ely G. McMillan, Defendant, and that he is informed and believes, and, based upon such information and belief, does say that the facts set forth in the above plea in abatement are true and are matters of record in this court.

Paul W. Brock

Subscribed and sworn to before me on this, the 14th day of
November, 1957.

Dorothy W. Williams

Notary Public, Mobile County, Alabama



IN THE CIRCUIT COURT
OF BALDWIN COUNTY,
ALABAMA
AT LAW

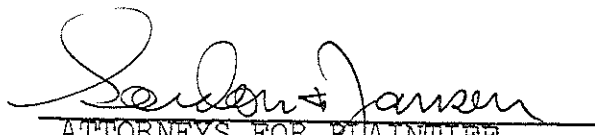
COUNT ONE

Plaintiff claims of the Defendant the sum of One Hundred Thousand (\$100,000.00) Dollars as damages for that on, to wit: the 19th day of October, 1955, the Defendant so negligently operated an automobile, truck or motor vehicle in a westwardly direction on and along U. S. Highway 90 in Baldwin County, Alabama, near Robertsedale, said highway being a public road in said State and County, as to cause or allow an automobile then and there being operated by Artie L. Smith in a westwardly direction on and along said Highway, to run into, upon or against the automobile of Plaintiff's husband, Allen W. Ferrill, in which Plaintiff's said husband was then and there riding, and as a proximate result of said negligence on the part of the Defendant, Plaintiff's said husband received personal injuries from which he died on, to wit: the 28th day of October, 1955; and Plaintiff avers that she is the sole dependent left surviving by the decedent, Allen W. Ferrill, who died of the injuries received by him on October 19, 1955, as aforesaid, arising out of and while he was acting in the course of his employment by Allied Mills, Inc., a corporation, and that at the time of receiving said injuries and at the time of his death, the said Allen W. Ferrill and his employer, Allied Mills, Inc. were subject to the Workmen's Compensation Laws of the State of Alabama.


COUNT TWO

Plaintiff claims of the Defendant the sum of One Hundred

Thousand (\$100,000.00) Dollars as damages for that the Defendant did on, to wit: October 19, 1955, at a point on and along U. S. Highway 90 in Baldwin County, Alabama, near Robertsdale, then and there willfully or wantonly injure the Plaintiff's said husband by willfully or wantonly causing or allowing an automobile to run into, upon or against the automobile in which Plaintiff's said husband was then and there riding, and as a proximate result of said willful or wanton acts of Defendant, the Plaintiff's said husband received injuries of which he died; and Plaintiff avers that she is the sole dependent left surviving by the decedent, Allen W. Ferrill, who died of the injuries received by him on October 19, 1957, as aforesaid, arising out of and while he was acting in the course of his employment by Allied Mills, Inc., a corporation, and that at the time of receiving said injuries and at the time of his death, the said Allen W. Ferrill and his employer, Allied Mills, Inc. were subject to the Workmen's Compensation Laws of the State of Alabama, wherefore this suit.


ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury in said cause.


ATTORNEYS FOR PLAINTIFF

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 3357

TERM, 1957.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Ely G. McMillan

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 _____

Ely G. McMillan

Defendant

by Willie L. Ferrill, as surviving dependant of Allen W. Ferrill, deceased

Plaintiff.....

Witness my hand this 17th day of October 1957

Alvin J. Smith, Clerk