

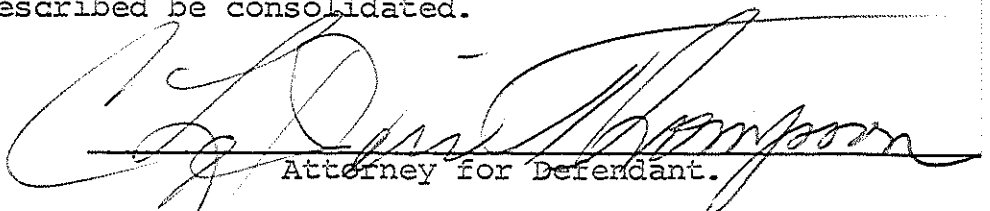
L. J. EARLY, JR.,	*	IN THE CIRCUIT COURT OF
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA.
VS	*	AT LAW.
CHARLES HENRY HUCKBODY	*	CASE NO. <u>3391</u>
DEFENDANT	*	

MOTION TO CONSOLIDATE

Now comes the Defendant and moves the court for an order consolidating the above entitled action and the action pending herein wherein Charles Henry Huckbody as Plaintiff and Eddie Frank Lambert and L. J. Early, Jr., individually and doing business as L. J. Early Lumber Company, is Defendant, number 3392 for trial as provided by the Code of Alabama of 1940, Title 7, paragraph 259 and for grounds of said motion respectfully shows:

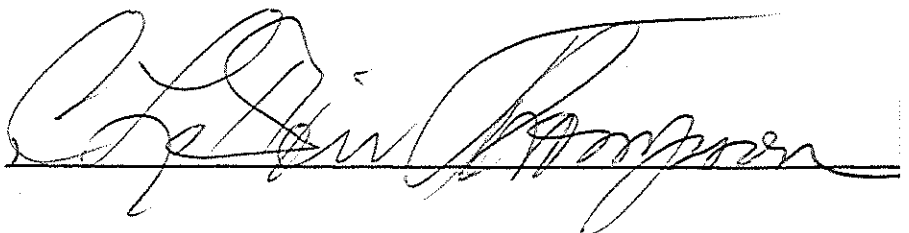
1. That both of the said actions are now pending in this court, are between the said parties, and might have been joined in one action;
2. That a consolidation will avoid unnecessary costs and delay in the trial of these suits.

The premises considered, the Defendant prays that said action hereinabove described be consolidated.


Attorney for Defendant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared, C. LeNoir Thompson, who being by me first duly sworn, deposes and says on oath that the allegations of the above motion are true and correct.



Sworn to and subscribed before me on this the 10th day of September, 1958.

Filed 9-10-58
Alice J. Luck
clerk


Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT . . LAW SIDE . .

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Charles Henry Huckbody to appear within thirty (3) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of L. J. Early, Jr.

WITNESS my hand this 8 day of November, 1957.

Bliss I. Duck
Clerk

- COMPLAINT -

L. J. EARLY, JR.,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
-vs-)	BALDWIN COUNTY, ALABAMA
CHARLES HENRY HUCKBODY,)	LAW SIDE
Defendant.)	

COUNT I

The Plaintiff claims of the Defendant Two Thousand Five Hundred Dollars (\$2,500.00), as damages for that, heretofore, on, to-wit, November 12, 1956, the Plaintiff's truck was being operated along and upon U. S. Highway #90 on the Mobile Bay Causeway, a public Highway, approximately 200 feet West of the Sea Ranch Restaurant, in Baldwin County, Alabama, and then and there the Defendant so negligently operated an automobile, which was pulling a trailer, that by reason thereof, and as a proximate result and consequence thereof, the automobile or trailer being operated by the Defendant ran into, upon or against the truck of the Plaintiff, and as a proximate consequence and result of the negligence of the Defendant, the Plaintiff's truck was caused great damage, in that it was bent, broken, smashed and rendered non-useable; that


the frame was bent, the cab smashed, the right side damaged and bent, and that it was otherwise injured and damaged, and that he was caused to lose the use thereof, all to the damage of the Plaintiff as aforesaid, and all said damage being proximately caused by the negligence of the Defendant, and being the proximate consequence and result of the negligent operation of the motor vehicle driven by the Defendant.

The Plaintiff further avers that the Defendant is not a resident of the State of Alabama, and that his address on the date of the collision causing his damages was, and to the best of his knowledge, information and belief, is now, 3012 Keaney Avenue, Racine, Wisconsin, and the Plaintiff prays that service of process upon the Defendant, Charles H. Huckbody, may be had in accordance with the provisions of Section 199, of Title 7, of the Code of Alabama of 1940.



Attorney for Plaintiff

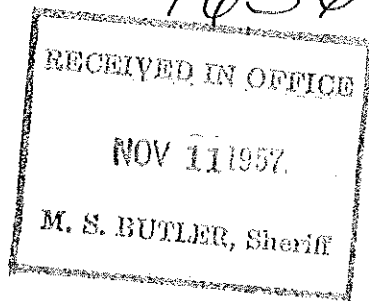
Plaintiff demands trial by Jury.



Attorney for Plaintiff

Filed Nov. 8, 1957
Alice J. Luck, Clerk
Executed Nov. 12, 1957
By service on Sec. of State

1656



Executed by serving 3 copies of
the within on Mary Texas Hurt,
Secretary of State of The State of
Alabama.

This the 12 day of Nov 1957

Sheriff of Montgomery County

M. S. Butler,

By Goodwyn U.S.

The Sheriff claims <u>2</u> miles at 10¢ per mile for a total of \$ <u>20</u> M. S. Butler Sheriff Montgomery County, Ala.
--

3391 ✓

SUMMONS AND COMPLAINT

L. J. EARLY, JR,

Plaintiff,

-VS-

CHARLES H. HUCKBODY,

Defendant.

(())(())(())(())(())(())(())(())(())(())

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

(())(())(())(())(())(())

FILED
NOV 8 1957
ALICE J. DUCK, Clerk

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

AMENDED

L. J. EARLY, JR.,	*	IN THE CIRCUIT COURT OF
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA.
VS	*	AT LAW.
CHARLES HENRY HUCKBODY	*	CASE NO. _____
DEFENDANT	*	

Now comes the Defendant, separately and severally, and for answer to the complaint, say:

1. Not guilty.

2. At the time and place alleged in the complaint the said Eddie Frank Lambert, agent, servant or employee of the said L. J. Early, Jr., was guilty of negligence which proximately contributed to his alleged injuries and damages, in that the plaintiff's agent, servant or employee, Eddie Frank Lambert, so negligently operated the automobile truck tractor and attached semi-trailer, which he was then and there driving as to cause it to run into, upon or against the automobile and attached trailer belonging to the defendant, Charles Henry Huckbody, which was then and there being operated by the defendant, Charles Henry Huckbody.

3. Comes the Defendant Charles Henry Huckbody and says that at the time this accident was commenced the Plaintiff L. J. Early, Jr., was indebted to him in the sum of Five Thousand (\$5,000.00) Dollars for that on to-wit the 12th day of November, 1956, at about 5:30 P. M., at a point on U. S. Highway Number 90 and 31, a public highway in Baldwin County, Alabama, about 1.7 miles east of the City Limits of Mobile, Alabama, and about 200 feet West of the Sea Ranch Restaurant, the defendant, Eddie Frank Lambert, who was then and there an agent, servant or employee of the plaintiff, L. J. Early, Jr., individually, and doing business as L. J. Early Lumber Company, while acting within the line and scope of his authority as such, negligently ran an automobile truck tractor and trailer into, upon or against defendant's trailer and automobile, and as a proximate result and consequence thereof, defendant's trailer and automobile was damaged, the left door, left rear fender, the left door and window, the left front fender, the left front and rear wheels and the frame were bent broken and damaged; a

trailer loaded with arcade equipment, to-wit: electronic gun and target equipment, and attached to said automobile was demolished; and the said electronic equipment was demolished; all to his great damage as aforesaid.

And Defendant avers that all of his damages as aforesaid were the direct and proximate consequence of the negligence of the said Eddie Frank Lambert, the agent, servant, or employee of the Plaintiff, L. J. Early, Jr., individually and doing business as L. J. Early Lumber Company, while acting within the line and scope of his employment as such, in and about the operation of the automobile truck as aforesaid to the defendant's demand as assessed which the defendant hereby offers to set off against the demand of the plaintiff and he claims judgment for the excess.

Filed 9-10-58
Alice J. Luck
clerk

THOMPSON & WHITE

BY: 

Attorneys for Defendant.

AMENDED

L. J. EARLY, JR.,	*	IN THE CIRCUIT COURT OF
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA
VS	*	AT LAW.
CHARLES HENRY HUCKBODY	*	CASE NO. _____
DEFENDANT	*	

Now comes the Defendant, separately and severally, and for answer to the complaint, say:

1. Not guilty.

2. At the time and place alleged in the complaint the said Eddie Frank Lambert, agent, servant or employee of the said L. J. Early, Jr., was guilty of negligence which proximately contributed to his alleged injuries and damages, in that the plaintiff's agent, servant or employee, Eddie Frank Lambert, so negligently operated the automobile truck tractor and attached semi-trailer, which he was then and there driving as to cause it to run into, upon or against the automobile and attached trailer belonging to the defendant, Charles Henry Huckbody, which was then and there being operated by the defendant, Charles Henry Huckbody.

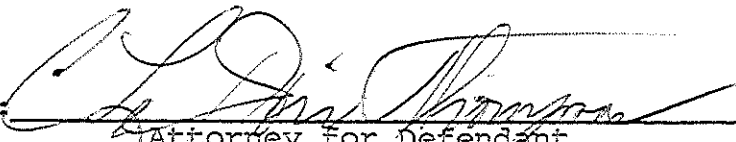
FILED

SEP 9 1958

ALICE I. DUCK, CLERK
REGISTER

THOMPSON & WHITE

BY:


Attorney for Defendant.

CECIL G. CHASON

ATTORNEY-AT-LAW

FOLEY, ALABAMA

November 8, 1957

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

Dear Mrs. Duck:

I am enclosing herewith original and three (3) copies of an action by L. J. Early, Jr., against Charles H. Huckbody, whose address is 3012 Kearney Avenue, Racine, Wisconsin. It is therefore necessary to obtain service through the Secretary of State.

I am sure that you are familiar with the mode of proceeding, and know that three (3) copies must go to the Secretary of State, through service by the Sheriff of Montgomery County.

I am also enclosing my check to the Secretary of State in the amount of \$3.00, which I request be sent along with the copies of the Summons and Complaint.

Yours very truly,



C. G. Chason

CGC:fm

encls. 5

November 26, 1957

L. J. EARLY, JR., Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA LAW SIDE

VS

CHARLES HENRY HUCKBODY, Defendant

CASE NO. 3391

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

I, Mary Texas Hurt, Secretary of State, hereby certify that on November 12, 1957
I sent by registered mail in an envelope addressed as follows:

"

Charles Henry Huckbody
3012 Keaney Avenue
Racine, Wisconsin"

"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:

"

Charles Henry Huckbody
3012 Keaney Avenue
Racine, Wisconsin

You will take notice that on November 12, 1957 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: L. J. EARLY, JR., Plaintiff VS CHARLES HENRY HUCKBODY,
Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE
Case No. 3391 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 12
day of November 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 November 25, 1957 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Racine, Wis.
on Nov 22, 1957

WITNESS MY HAND and the Great Seal of the State of Alabama this the 26 day
of November 1957

Mary Texas Hurt Garner
Mary Texas Hurt
Secretary of State

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

cc: Honorable C. G. Chason, Attorney at Law
Arcade Building
Bay Minette, Alabama



STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT . . LAW SIDE . .

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Charles Henry Huckbody to appear within thirty (3) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of L. J. Early, Jr.

WITNESS my hand this 9 day of November, 1957.

Archie F. Duck
Clerk

- COMPLAINT -

L. J. EARLY, JR.,
Plaintiff,
-vs-
CHARLES HENRY HUCKBODY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

COUNT I

The Plaintiff claims of the Defendant Two Thousand Five Hundred Dollars (\$2,500.00), as damages for that, heretofore, on, to-wit, November 12, 1956, the Plaintiff's truck was being operated along and upon U. S. Highway #90 on the Mobile Bay Causeway, a public Highway, approximately 200 feet West of the Sea Ranch Restaurant, in Baldwin County, Alabama, and then and there the Defendant so negligently operated an automobile, which was pulling a trailer, that by reason thereof, and as a proximate result and consequence thereof, the automobile or trailer being operated by the Defendant ran into, upon or against the truck of the Plaintiff, and as a proximate consequence and result of the negligence of the Defendant, the Plaintiff's truck was caused great damage, in that it was bent, broken, smashed and rendered non-useable; that

the frame was bent, the cab smashed, the right side damaged and bent, and that it was otherwise injured and damaged, and that he was caused to lose the use thereof, all to the damage of the Plaintiff as aforesaid, and all said damage being proximately caused by the negligence of the Defendant, and being the proximate consequence and result of the negligent operation of the motor vehicle driven by the Defendant.

The Plaintiff further avers that the Defendant is not a resident of the State of Alabama, and that his address on the date of the collision causing his damages was, and to the best of his knowledge, information and belief, is now, 3012 Keaney Avenue, Racine, Wisconsin, and the Plaintiff prays that service of process upon the Defendant, Charles H. Huckbody, may be had in accordance with the provisions of Section 199, of Title 7, of the Code of Alabama of 1940.

[Signature]

Attorney for Plaintiff

Plaintiff demands trial by Jury.

[Signature]
Attorney for Plaintiff

Defendant

CHARLES H. HUCKBODY

Plaintiff

JOHN J. EVERTS, JR.

SHIRLEY ANN GIBSON

1928-64

