

3423

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Evelyn Watts, a Notary Public, in and for said county of Baldwin, State of Alabama, personally appeared Harry J. Wilters Jr., who is known to me, and who after first being by me duly and legally sworn, do depose and say under oath as follows: that his name is Harry J. Wilters Jr., and that he is an attorney at law representing Floyd A. Ziglar in that certain action of Clare C. Wyman, Plaintiff, vs Floyd A. Ziglar, et al, Defendants, in the Circuit Court of Baldwin County, Alabama, at Law, Case No. 2423. The affiant further says that the defendant Floyd A. Ziglar is a member of the United States Army and that he is stationed at Fort Jackson, South Carolina in basic training.

Harry J. Wilters, Jr.

Sworn to and subscribed before me this 9th day of September, 1958.

Evelyn Watts  
Notary Public, Baldwin County, Alabama

*Filed*  
*9-9-58*

CLARE C. WYMAN,	0	IN THE CIRCUIT COURT OF
PLAINTIFF	0	BALDWIN COUNTY, ALABAMA,
VS	0	AT LAW
FLOYD A. ZIGLAR AND	0	CASE NO. 2423
JOHN H. ZIGLAR,	0	
DEFENDANTS	0	

Comes now the Defendants in the above styled cause and for answer to the Complaint heretofore filed against them pleads as follows:

1.

Not guilty.

2.

The Defendants allege that the Plaintiff was himself guilty of negligence at the time and place alleged in the complaint, which proximately contributed to his alleged injuries and damages in that he so negligently operated his motor vehicle at said time and place so as to cause or allow the same to run into, upon or against the vehicle of the Defendant was operating, thereby proximately contributing to his own alleged injuries and damages, hence he should not be allowed to recover in this suit.

Comes now the Defendant, Floyd A. Ziglar, as further answer files this his cross-complaint and says:

1.

Floyd A. Ziglar claims of Clare C. Wyman the sum of TEN THOUSAND (\$10,000.00) DOLLARS as damages for that on heretofore, to-wit, June 25, 1957, Clare C. Wyman so negligently operated a motor vehicle on U. S. Highway No. 90 in Baldwin County, Alabama, at a point 8.5 miles East of the city limits of Robertsdale, Baldwin County, Alabama, as to cause or allow the same to run into, upon and against an automobile, being then and there operated by Floyd A. Ziglar and as a proximate consequence and result of the negligence of Clare C. Wyman aforesaid Floyd A. Ziglar suffered serious personal injuries in this; he sustained various and sundry bruises and abrasions and great shock to his nervous system; that his left arm was fractured and broken at the elbow; that he received a deep laceration of the

left arm; that as a result of said accident his left arm was permanently injured he was rendered unconscious and he was caused to suffer and continues to suffer severe pain and mental anguish on account of said personal injuries.

Wilters & Brantley

BY *Sam J. Wilters, Jr.*  
Attorneys for the Defendants  
Floyd A. Ziglar and John H.  
Ziglar.

*Filed*  
*7-22-58*

CLARE C. WYMAN

PLAINTIFF

VS

FLOYD A. ZIGLAR AND  
JOHN H. ZIGLAR,

DEFENDANTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

Case No. 3423

Comes now the Defendants in the above styled cause and files the following demurrers to each and every count thereof separately and severally:

1.

The Complaint fails to state a cause of action.

2.

There is a misjoinder of causes of action.

3.

The Complaint is vague, indefinite and uncertain.

4.

The Complaint fails to allege what part of the damage he is claiming, is claimed for injuries to the automobile and what part is claimed for bodily injuries.

Wilters & Brantley

BY *Wm. J. Wilters, Jr.*  
Attorneys for the Defendants

*Filed*  
*1-15-58*

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 Floyd A. Ziglar and John H. Ziglar to appear within thirty 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 Clare C. Wyman.

Witness my hand this 9 day of ~~November~~ Dec, 1957.

Deice J. Seruek  
Clerk.

CLARE C. WYMAN,  
  
                    Plaintiff,  
  
vs.

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

FLOYD A. ZIGLAR and JOHN  
H. ZIGLAR,  
  
                    Defendants.

COUNT ONE:

The Plaintiff claims of the Defendant Floyd A. Ziglar the sum of Two Thousand Five Hundred Dollars (\$2500.00) as damages for that on, heretofore, to-wit; June 25, 1957, the Defendant Floyd A. Ziglar so negligently operated a motor vehicle on U. S. Highway No. 90 in Baldwin County, Alabama, at a point 8.5 miles East of the City Limits of Robertsedale, Baldwin County, Alabama, as to cause or allow the same to run into, upon and against an automobile, being then and there operated by the Plaintiff and as a proximate consequence and result of the negligence of the Defendant Floyd A. Ziglar, aforesaid, the Plaintiff suffered serious personal injuries in this; his chin was cut, his gums and jaw were bruised, he was caused to suffer bleeding from his right ear, his right knee was cut and bruised, he

received a severe blow in the chest and he was caused to suffer, and continues to suffer, severe pain and mental anguish on account of said personal injuries; and the Plaintiff's automobile, which he was then and there operating, was rendered a total loss; all to his damage aforesaid, wherefore he brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Two Thousand and Five Hundred Dollars (\$2500.00) as damages for that on, heretofore, to-wit the 25th day of June, 1957, on U. S. Highway No. 90 in Baldwin County, Alabama, at a point 8.5 miles East of the City Limits of Robertsdale, Alabama, the Defendant Floyd A. Ziglar willfully and wantonly injured the Plaintiff and willfully and wantonly damaged the automobile of the Plaintiff by then and there willfully and wantonly driving an automobile into, upon or against the automobile of the Plaintiff which he was then and there operating and as a proximate consequence and result of the willfulness and wantonness of the Defendant, aforesaid, the Plaintiff was damaged in this; his chin was cut, his gums and jaw were bruised, he was caused to suffer bleeding from his right ear, his right knee was cut and bruised, he received a severe blow in the chest and he was caused to suffer, and continues to suffer, severe pain and mental anguish on account of said personal injuries; and the Plaintiff's automobile, which he was then and there operating was rendered a total loss; all to his damage aforesaid, wherefore he brings this suit and asks judgment in the above amount.

COUNT THREE:

The Plaintiff claims of the Defendant John H. Ziglar the sum of Two Thousand Five Hundred Dollars (\$2500.00) as damages for that on, heretofore, to-wit: the 25th day of June, 1957, on U. S. Highway No. 90 in Baldwin County, Alabama, at a point 8.5 miles East of the City Limits of Robertsdale, Alabama, the Defendant John H. Ziglar, who was then and there acting by and through his agent, servant or

employee, Floyd A. Ziglar, who was then and there acting within the line and scope of his employment as such agent, servant or employee, so negligently operated an automobile as to cause or allow the same to run into, upon and against the automobile of the Plaintiff which he was then and there operating at said time and place and as a proximate consequence and result of the negligence of the agent, servant or employee of the Defendant, aforesaid, while acting within the line and scope of his employment as such the Plaintiff suffered serious personal injuries and damage to his automobile in this; his chin was cut, his gums and jaw were bruised, he was caused to suffer bleeding from his right ear, his right knee was cut and bruised, he received a severe blow in the chest and he was caused to suffer, and continues to suffer, severe pain and mental anguish on account of said personal injuries; and the Plaintiff's automobile, which he was then and there operating, was rendered a total loss; all to his damage aforesaid, wherefore he brings this suit and asks judgment in the above amount.

CHASON & STONE

By: Marion G. Stone, Jr.

Plaintiff respectfully demands  
a trial by jury of this cause.

CHASON & STONE

By: Marion G. Stone, Jr.  
Attorneys for Plaintiff.

*Filed*

*12-6-57*

CLARE C. WYMAN,

Plaintiff,

VS.

FLOYD A. ZIGLAR and JOHN  
H. ZIGLAR,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

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SUMMONS AND COMPLAINT

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FILED

DEC. 9 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

Received 9 day of Dec. 1957  
and on 16 day of Dec 1957  
served a copy of the within S/C.  
on Floyd A. Ziglar  
John H. Ziglar  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By Edleigh Steadham D. S.

Elsamor, Ala  
120 mi.

Sheriff claims 120 miles at

Ten Cents per mile Total \$ 12.00

TAYLOR WILKINS, Sheriff

BY Steadham  
DEPUTY SHERIFF



CLARE C. WYMAN,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
vs.	X	BALDWIN COUNTY, ALABAMA	
FLOYD A. ZIGLAR, ET AL.,	X	AT LAW	NO. 3423
Defendants.	X		
	X		

PLEAS:

Comes now the Plaintiff in the above styled cause and for answer to the Plea of Recoupment heretofore filed against him, says as follows:

1. Not guilty.

2. The Plaintiff alleges that the Defendant Floyd A. Ziglar was, at the time and place complained of in said Plea of Recoupment, guilty of negligence which proximately contributed to his alleged injuries and damages in that he so negligently operated his motor vehicle at said time and place as to cause or allow the same to run into, upon or against the motor vehicle being then and there operated by the Plaintiff, as a proximate consequence and result of his said negligence he contributed to his own alleged injuries and damages, hence he should not recover under said plea of recoupment.

CHASON & STONE

*Filed*  
*9-12-60*

By:

*M. Chason & J. Stone*  
Attorneys for Plaintiff

CLARE C. WYMAN,  
Plaintiff,  
VS.  
FLOYD A. ZIGLZR, ET AL.  
Defendants

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 3423

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PLEAS:

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*Filed 9-12-60  
Reid French  
Clerk*

LAW OFFICES  
**CHASON & STONE**  
BAY MINETTE, ALABAMA