JOSEPH C. BEAR, ALBERT S. BEAR and ADELE A. BEAR, individually and doing business as BEAR ICE CREAM COMPANY, A Partnership,

Plaintiffs,

VS.

JESSIE LEE PEOPLES and QUINON GIVENS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 3535

PLEAS

0000000000

Come now JESSIE LEE PEOPLES AND QUINON GIVENS, defendants in the above styled cause, and, for answer to the complaint heretofore filed in this cause and to each and every count thereof, separately and severally, set down and assign the following separate and several pleas, viz:

l.

That they are not guilty.

2.

That on the occasion complained of, GEORGE ENGLISH BARNES, JR., who was then and there an agent, servant or employee of the plaintiffs, acting within the line and scope of his employment as such, was himself guilty of negligence which proximately contributed to to plaintiffs alleged injuries and damages, in this, that he so negligently operated an automobile truck, belonging to the plaintiffs, which he was then and there driving, as to cause, permit or allow the same to run into, upon or against the automobile truck which was then and there being driven by the defendant, JESSIE LEE PEOPLES; hence plaintiffs ought not to recover in this suit.

3.

ENGLISH BARNES, JR., who was then and there an agent, servant, or employee of the plaintiffs, acting within the line and scope of his employment as such, was himself guilty of wanton negligence which proximately contributed to plaintiffs' alleged injuries and damages, in this, that he wantonly operated an automobile truck, belonging to the plaintiffs, which he was then and there driving, and wantonly caused, permitted or allowed the same to run into, upon or against the automobile truck which was then and there being operated by the

defendant, JESSIE LEE PEOPLES; hence plaintiffs ought not to recover in this suit.

ATTORNEY FOR DEFENDANTS

I certify that I have served a copy of the above and foregoing Pleasm on the dark plaintiffs by personally handing a
copy thereof to Hop. Norborne C. Stone, Attorney for said
Plaintiffs on this the 2nd day of June, 1958.

ATTORNEY FOR DEFENDANTS

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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 Jessie Lee Peoples and Quinon Givens 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 Joseph C. Bear, Albert S. Bear and Adele A. Bear, individually and doing business as Bear Ice Cream Company, a partnership,

Witness my hand this the 8 day of April, 1958.

Ex. 5-17-58	_ le	Clerk Clerk
JOSEPH C. BEAR, ALBERT S. BEAR and ADELE A. BEAR, in-dividually and doing business as BEAR ICE CREAM COMPANY, a partnership,	X	
	X	
	Ï	IN THE CIRCUIT COURT OF
Plaintiffs,	X	DAT DUITN CONTINUE AT ADAMA
vs.	Ĭ	BALDWIN COUNTY, ALABAMA
JESSIE LEE PEOPLES and QUINON GIVENS,	X	AT LAW
	Ĭ	
Defendants.	Ĭ	
cc	I INT ONE	

The Plaintiffs claim of the Defendants the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on, heretofore, to-wit: the 8th day of July, 1957, the Defendant Jessie Lee Peoples, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant Quinon Givens, so negligently operated a motor vehicle in a Westerly direction on U. S. Highway No. 90, a public road in Baldwin County, Alabama, at a point thereon approximately 1800 feet West of the Seminole Fire Tower, as to cause or allow said motor vehicle to collide with a motor vehicle of the Plaintiffs which was then and there being operated by one George E. Barnes, Jr., and as a proximate consequence and result of the neg-

ligence of the Defendant Jessie Lee Peoples, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant Quinon Givens, aforesaid, the motor vehicle of the Plaintiffs', which was used in their business, was rendered a total loss and the contents thereof, consisting of ice cream and dairy products, were completely destroyed; wherefore the Plaintiffs bring this suit and ask judgment in the above amount.

CHASON & STONE

y: Attornous for Die

The Plaintiffs respectfully request a trial of this cause by a jury.

CHASON & STONE

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Jessie Lee People resides at Route 1, Elberta, Alabama. Quinon Givens resides at Robertsdale, Alabama.

<u>********************************</u> Received Lay 67 M. and on 12 day of 1994 served a copy of the within-

JESSIE LEE PEOPLES ET AL,

vs.

Defendants,

Plaintiffs,

JOSEPH C. BEAR ET AL,

Sheriff claims 12 Ten Cents per mile Trital

**************************** BALDWIN COUNTY, ALABAMA AT LAW

IN THE CIRCUIT COURT OF

SUMMONS AND COMPLAINT

ALCE L. SUCK, Clark MAY 8 1958:

CHASON & STONE LAW OFFICES

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BAY MINETTE, ALABAMA