

ANDREW THOMAS SMITH, a minor,
by JOHNNIE SMITH ADAMS, his
next friend,

Plaintiff,

-vs-

ALNITA TILLMAN and JOSEPH
C. PHILLIPPI,

DEfendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

3560

AGREED STATEMENT OF FACTS

Now come the Plaintiff and the Defendants in the above styled cause, acting by and through their attorneys, and agree that the following is a true and correct statement of facts in said case:


On November 29, 1957, at approximately 1:00 9'clock P. M., Joseph C. Phillippi was driving the 1957 Buick Convertible, which was owned by Alnita Tillman, Northward on Highway No. 98, leading from Fairhope, Baldwin County, Alabama, toward Daphne, Spanish Fort and Mobile. This is a public highway in Baldwin County, Alabama. Alnita Tillman was a passenger in this said automobile, and Joseph C. Phillippi was acting as her agent, servant or employee, and the operation of the automobile was therefore under her direction and control. At a point approximately 300 feet North of Sea Cliff Drive, at which location there is a curve in U. S. Highway #98 to the right, the automobile driven by Phillippi and occupied by he and Alnita Tillman, crossed over the center line of the highway and struck the 1952 Ford driven by Andrew Thomas Smith, in which Robert G. Heberlein was riding as a passenger. Smith received multiple lacerations of the face and forehead with one large avulsion flap on the left cheek, and three (3) of his front teeth were broken off. Andrew Thomas Smith is twenty years of age, having been born on April 5, 1938. Johnnie Smith Adams is his mother, and was granted complete custody of Andrew Thomas Smith at the time of divorce from his father. The three broken teeth have been capped or replaced and other than for scars, Andrew Thomas Smith has fully

recovered from his injuries.

The above being a true and correct statement of facts in this cause, it is hereby agreed upon as such by the parties.

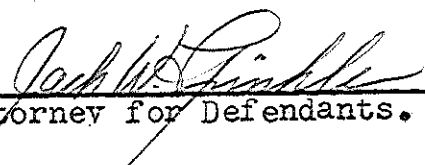
ANDREW THOMAS SMITH, by Johnnie Smith Adams, his next friend, Plaintiff,

BY


Attorney for Plaintiff

ALNITA TILLMAN and JOSEPH C. PHILLIPPI, Defendants,

BY


Attorney for Defendants.

ANDREW THOMAS SMITH, a minor,)
by JOHNNIE SMITH ADAMS, his)
next friend,)

Plaintiff,)

-VS-

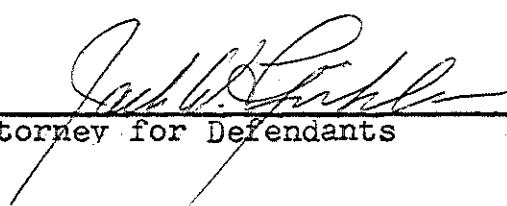
ALNITA TILLMAN and JOSEPH C.)
PHILLIPPI,)

Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

This day come the Defendants, Alnita Tillman and Joseph C. Phillippi, acting by and through their attorney, and acknowledge service of Summons and Complaint filed in said cause, and submit themselves to the jurisdiction of this Court.


Attorney for Defendants

ANDREW THOMAS SMITH, a minor,)
by JOHNNIE SMITH ADAMS, his)
next friend,)

Plaintiff,)

-vs-)

ALNITA TILLMAN and JOSEPH)
C. PHILLIPPI,)

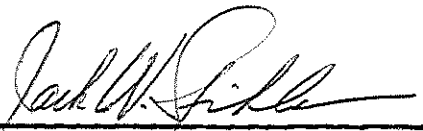
Defendants.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

Come the Defendants, Alnita Tillman and Joseph C. Phillippi,
and for answer to the Complaint heretofore filed in said cause,
saveth: They and each of them, are not guilty in the matters
alleged therein.



Attorney for Defendants

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Alnita Tillman and Joseph C. Phillippi to appear within thirty (30) 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 Andrew Thomas Smith, a minor, by Johnnie Smith Adams, his next friend.

WITNESS my hand this the 27 day of May, 1958.

Gerice L. Smith
Clerk

- COMPLAINT -

ANDREW THOMAS SMITH, a minor,)
by JOHNNIE SMITH ADAMS, his)
next friend,)

Plaintiff,)

-vs-)


ALNITA TILLMAN and JOSEPH)
C. PHILLIPPI,)

Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

The Plaintiff claims of the Defendants the sum of Five Hundred Dollars (\$500.00) as damages, for that heretofore, on, to-wit:- The 29th day of November, 1957, at approximately 1:00 O'clock, P. M., Plaintiff was operating his automobile on a public highway in Baldwin County, Alabama, viz:, U. S. Highway #98, approximately 300 feet North of Sea Cliff Drive, Fairhope, Alabama, where he had a right to be, and the Defendant, Alnita Tillman, who had driving for her, as her agent, servant or employee, the Defendant, Joseph C. Phillippi, who, acting within the line and scope of his employment, so negligently operating a motor vehicle then and there was to cause said motor vehicle she and he were operating as master and servant, respectively,

to run over, upon or against the automobile which the Plaintiff was then and there operating; and Plaintiff avers that as a proximate consequence thereof, he was injured about the face and body, in that his face and neck were cut, scarred, bruised and battered, and that three (3) of his front teeth were broken, all to his damage in the sum aforesaid. And the Plaintiff avers that all of his said injuries were proximately caused by the said negligence of the said Defendant, Alnita Tillman and her agent, servant and employee, Joseph C. Phillippi, who was acting within the line and scope of his employment as such agent, servant or employee, in and about the negligent operation of said motor vehicle at the time and place, and on the occasion aforesaid.



Attorney for Plaintiff

