

INGE & TWITTY

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

THOS. E. TWITTY
FRANCIS H. INGE
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.

MAILING ADDRESS:

P. O. BOX 1109
MOBILE, ALA.

CABLE ADDRESS:

TWINING
TELEPHONE:
HEMLOCK 3-5441

July 24, 1959

Mrs. Alice J. Duck, Circuit Clerk
Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: Joe N. Peavy vs. The Trailway
Bus Company, a corporation
Case No. 3634

Dear Mrs. Duck:

Enclosed herewith is an amendment to the plea of the
Defendant heretofore filed in your Court which we request that
you file in your Court and oblige.

With kindest regards,

Cordially,

INGE & TWITTY

By:


James J. Duffy, Jr.

JJD, Jr./mb
Enclosure

JOE N. PEAVY,	X	IN THE CIRCUIT COURT OF
PLAINTIFF.	X	BALDWIN COUNTY, ALABAMA
VS.	X	AT LAW.
TRAILWAYS BUS COMPANY,	X	NO. 3634
A CORPORATION,	X	
DEFENDANT.	X	

AMENDMENT TO COMPLAINT

Now comes the Plaintiff in the above styled cause and amends the Complaint heretofore filed by changing the name of the Defendant in said cause from the TRAILWAYS BUS COMPANY, a Corporation, to COLONIAL TRAILWAYS, a Corporation, so that the caption will read as follows:

JOE N. PEAVY,	X	IN THE CIRCUIT COURT OF
PLAINTIFF.	X	BALDWIN COUNTY, ALABAMA
VS.	X	AT LAW.
COLONIAL TRAILWAYS,	X	NO. 3634
A CORPORATION,	X	
DEFENDANT.	X	

HORNE, WEBB & TUCKER

BY: Frank J. Horne
Attorneys for Plaintiff

I certify that I have on this the 31st day of December, 1959 mailed a copy of the foregoing pleading to Inge & Twitty, Attorneys at Law, Merchants National Bank Building, Mobile, Alabama, attorneys for defendant by United States Mail, postage prepaid.

Frank J. Horne

no. 3634

*Copy for
Clara Gile*

FILED
AUG 6 1958
ALICE J. BUCK, Clerk

Law Offices of
Horne & Webb
Attorneys at Law
Atmore, Ala.

No. 3634

*Copy for
Hickel File*

FILED
AUG 6 1958
ALICE J. DUCK, Clerk

Law Offices of
Horne & Webb
Attorneys at Law
Atmore, Ala.

C I R C U I T C O U R T

STATE OF ALABAMA

X

BALDWIN COUNTY

X

TO: ANY SHERIFF OF THE STATE OF ALABAMA,
GREETING:

You are hereby commanded to summons The Trailway Bus Company, a corporation, to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama, to be held for said County at the place of holding same, then and there to answer, plead or demur to the complaint of Joe N. Peavy.

Witness my hand, this 6 day of August, 1958.

David J. Duck
CLERK

C O M P L A I N T

JOE N. PEAVY,

X

PLAINTIFF

X

IN THE CIRCUIT COURT OF

VS.

X

BALDWIN COUNTY, ALABAMA.

THE TRAILWAY BUS COMPANY,
A CORPORATION

X

LAW SIDE.

DEFENDANT

X

X

NO. _____

C O U N T O N E

Plaintiff claims of the Defendant the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for that, on to-wit, Monday, October 14, 1957, Plaintiff was riding as a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway running through Baldwin County, Alabama, when at a point on said public highway on the Fish River Bridge in Baldwin County, Alabama, the automobile in which Plaintiff was riding came in contact with a Trailway Bus traveling West and operated by a servant, agent or employee of Defendant, acting within the line and scope of the duty of his employment, as such agent of the Defendant and as a result of said collision, Plaintiff's body was bruised, mutilated and

injured; Plaintiff's right leg was broken in two places causing the bone of said leg to protrude through the flesh of Plaintiff's leg just below the hip; Plaintiff's hip was pulled out of joint; Plaintiff suffered a severe skull injury; Plaintiff suffered a concussion of the brain; Plaintiff suffered a severe back injury; Plaintiff was made sick, sore and lame; Plaintiff has suffered and is suffering excruciating pain and anguish and will be disabled and incapacitated for the remainder of his life; Plaintiff's health and physical stamina were permanently impaired and Plaintiff has been permanently injured in parts of his body; Plaintiff was caused to incur and did incur large doctor, hospital and medical bills; Plaintiff was caused to lose much time from his employment; Plaintiff was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries hence this suit.

Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the servant, agent or employee of Defendant then and there in charge of said Trailway Bus for the Defendant and acting within the line and scope of his duty in the employment of the Defendant, in this, that said servant, agent, or employee negligently operated said Trailway Bus at the time and place of collision.

COUNT TWO

Plaintiff claims of the Defendant the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for that on, to-wit; Monday, October 14, 1957, while Plaintiff was riding in an automobile over which Plaintiff had no charge, direction or control, on a public highway in Baldwin County, Alabama, to-wit; U. S. Highway Number 90 at Fish River Bridge in said County and State, the Defendant's servant, agent, or employee, acting within the line and scope of his employment as such servant, agent, or employee, at said time and place ran a Trailway Bus against the said automobile in which Plaintiff was riding, as a passenger, and as a proximate consequence thereof, Plaintiff was injured and damaged as follows:

Plaintiff's body was bruised, mutilated and injured; Plaintiff's right leg was broken in two places causing the bone of said

limb to protrude through the flesh of Plaintiff's leg just below the hip; Plaintiff's hip was pulled out of joint; Plaintiff suffered a severe skull injury; Plaintiff suffered a concussion of the brain; Plaintiff suffered a severe back injury; Plaintiff was made sick, sore and lame; Plaintiff has suffered and is suffering excruciating pain and anguish and will be disabled and incapacitated for the remainder of his life; Plaintiff's health and physical stamina were permanently impaired; and Plaintiff has been permanently injured in parts of his body; Plaintiff was caused to incur and did incur large doctor, hospital and medical bills; Plaintiff was caused to lose much time from his employment; Plaintiff was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries hence this suit.

And Plaintiff avers that the Defendant's said servant, agent or employee acting within the line and scope of his employment as such agent, servant, or employee, at said time and place, wantonly injured Plaintiff by wantonly running a Trailway Bus of the Defendant against the said car in which Plaintiff was riding at said time and place, and as a proximate consequence of said wanton conduct Plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of and set out, etc.

COUNT THREE

Plaintiff claims of the Defendant the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for that, on to-wit, Monday, October 14, 1957, Plaintiff was riding as a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway, in Baldwin County, Alabama, when at a point on said public highway at the Fish River Bridge in said Baldwin County, Alabama, the agent, servant or employee of Defendant while acting within the line and scope of his employment with Defendant, drove a Trailway Bus West on said highway carelessly and heedlessly in wilful and wanton disregard of the rights or safety of others, and with knowledge that he would very likely injure or damage the Plaintiff and as a proximate consequence wantonly ran Defendant's Trailway Bus into collision or against the automobile in which Plaintiff was then injured and there riding as a passenger and wilfully and wantonly injj

Plaintiff in this:

Plaintiff's body was bruised, mutilated and injured; Plaintiff's right leg was broken in two places causing the bone of said leg to protrude through the flesh of Plaintiff's leg just below the hip; Plaintiff's hip was pulled out of joint; Plaintiff suffered a severe skull injury; Plaintiff suffered a concussion of the brain; Plaintiff suffered a severe back injury; Plaintiff was made sick, sore and lame; Plaintiff has suffered and is suffering excruciating pain and anguish and will be disabled and incapacitated for the remainder of his life; Plaintiff's health and physical stamina were permanently impaired and Plaintiff has been permanently injured in parts of his body; Plaintiff was caused to incur and did incur large doctor, hospital and medical bills; Plaintiff was caused to lose much time from his employment; Plaintiff was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries hence this suit.

HORNE, WEBB & TUCKER

By *Frank S. Horne*
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE, WEBB & TUCKER

By *Frank S. Horne*
ATTORNEYS FOR PLAINTIFF

JOE N. PEAVY) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY, ALABAMA
vs.)
THE TRAILWAY BUS) AT LAW NO. 3634
COMPANY, a corporation,)
Defendant.)

NOTICE OF DEPOSITION

TO: Messrs. Horne, Webb & Tucker
Attorneys at Law
Atmore, Alabama

You are hereby notified that the defendant in the above styled cause will take the pretrial discovery deposition of W. A. Smith, whose address is 2348 Delwood Avenue, Jacksonville 4, Florida, on Friday, August 21, 1959, at 2:00 P.M., said deposition to be taken at 825 Florida Title Building located at the intersection of Forsyth and Laura Streets, Jacksonville, Florida, before Mr. Sam Rosenfeld or some other officer authorized by law to take depositions, in accordance with and under the provisions of Act No. 375, Legislature of Alabama, 1955. Said deposition shall continue from day to day until the completion of same.

You are invited to attend and cross-examine.


Attorneys for Defendant

JOE N. PEAVY,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
vs.)	
	)	AT LAW
COLONIAL TRAILWAYS, a)	
corporation,)	
)	
Defendant.	)	CASE NO. 3634

NOTICE OF DEPOSITION

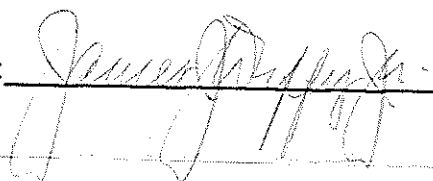
TO: Clerk, Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Messrs. Horne, Webb & Tucker
Attorneys at Law
Atmore, Alabama

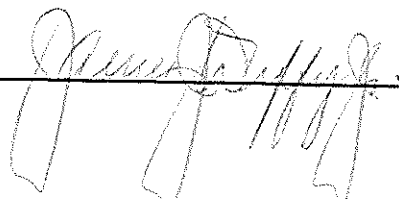
Please be advised that the defendant, COLONIAL TRAILWAYS, a corporation, in the above styled cause will take the pretrial discovery deposition of Mr. William Nelson, Montgomery, Alabama, in the offices of Messrs. Fisher & Hepner, 406 Florida National Bank Building, Pensacola, Florida, at 9:30 A.M., on Thursday, March 10th, 1960, pursuant to the provisions of Act No. 375 of the Legislature of Alabama of 1955, before a Notary Public or some other officer authorized by law to take depositions.

You are invited to attend and cross-examine.

INGE, TWITTY & DUFFY

By: 

I certify that I have served a copy of the foregoing Notice of Deposition on the plaintiff in the above styled cause by mailing a copy thereof to Messrs. Horne, Webb & Tucker, attorneys of record for plaintiff, this, the 4th day of March, 1960, by certified mail properly addressed to their offices in Atmore, Alabama, postage prepaid.



JOE N. PEAVY) IN THE CIRCUIT COURT OF
Plaintiff, (BALDWIN COUNTY, ALABAMA
vs.)
THE TRAILWAY BUS (AT LAW NO. 3634
COMPANY, a corporation,)
Defendant. (

NOTICE OF DEPOSITIONS

TO: Messrs. Horne, Webb & Tucker
Attorneys at Law
Atmore, Alabama

You are hereby notified that the defendant in the above styled cause will take the pretrial discovery deposition of Martha Louise Gray, whose residence is 3819 Hollywood Avenue, Jackson, Mississippi, on Thursday, August 6, 1959, at 1:00 p.m., said deposition to be taken in the offices of Messrs. Lipscomb, Ray & Barksdale located at 301 Lamar Life Building, Jackson 5, Mississippi, and will be continued from day to day until the completion of same.

You are further notified that the defendant in the above styled cause will take the pretrial discovery deposition of Reverend J. C. McLendon, whose address is P.O.Box 115, Baskin, Louisiana, on Friday, August 7, 1959, at 10:00 a.m., said deposition to be taken in the offices of Messrs. Thompson, Thompson & Sparks, located at 520 Bernhard Building, Monroe, Louisiana, and will continue from day to day until the completion of same.

Both of the foregoing depositions shall be taken in accordance with and under the provisions of Act No. 375 of the Alabama Legislature of 1955, as amended.

You are invited to attend and cross-examine.

FILED
JUN 29 1959
ALICE L. DEK, CLERK
REGISTER

Greg Purdy
Attorneys for Defendant

INGE & TWITTY
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

January 5, 1960

THOS. E. TWITTY
FRANCIS H. INGE (1902-1959)
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.

MAILING ADDRESS:

P. O. BOX 1109
MOBILE, ALA.

CABLE ADDRESS:

TWINING
TELEPHONE:
HEMLOCK 3-5441

Mrs. Alice Duck
Clerk, Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

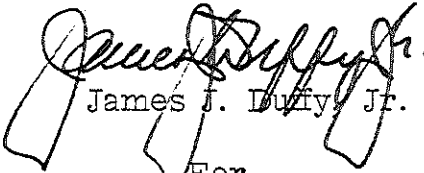
Re: Case No. 3634
Joe N. Peavy vs. Trailways Bus Company

Dear Mrs. Duck:

We forward herewith the defendant's motion to dismiss or
strike plaintiff's complaint as amended, and request that the same
be filed.

With kindest regards,

Cordially,


James J. Duffy, Jr.
For

INGE & TWITTY

JJDjr/m
Enclosure

JOE N. PEAVY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.)	
	)	AT LAW NO. 3634
TRAILWAYS BUS COM-)	
PANY, a corporation,)	
Defendant.)	

NOTICE OF DEPOSITION

TO: Messrs. Horne, Webb & Tucker
Attorneys at Law
Atmore, Alabama

You are hereby notified that the Defendant in the above styled cause will take the pretrial discovery deposition of T. R. Richter, whose address is Reserve Life Insurance Company, 106 East 4th Street, Panama City, Florida, on Thursday, August 27, 1959, at 2:00 P.M., said deposition to be taken at the offices of Messrs. Barron & Hilton, 210 Harrison Avenue, Panama City, Florida, and will continue from day to day until the completion of same. This deposition shall be taken in accordance with and under the provisions of Act No. 375 of the Alabama Legislature of 1955.

You are invited to attend and cross-examine.

Huge & Twitty

Attorneys for Defendant

JOE N. PEAVY,

Plaintiff,

vs.

TRAILWAYS BUS COMPANY,
a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
NO. 3684

NOTICE OF DEPOSITION

TO: Messrs. Horne, Webb & Tucker
Attorneys at Law
Atmore, Alabama

You are hereby notified that the Defendant in the above styled cause will take the pretrial discovery deposition of the following named witness under the provisions of Act No. 375 of the Alabama Legislature of 1955, as amended, said deposition to be taken on Tuesday, September 8th, 1959, commencing at 7:30 p.m., and to continue from day to day until the completion of same: Mrs. Louise Martin, at the residence of J. D. Martin located at Route 1, Burney, Missouri.

You are invited to attend and cross-examine.

James J. Duffy, Jr.
Inge & Twitty
Attorneys for Defendant

Law Offices of
Horne, Webb & Tucker

Attorneys at Law

Atmore, Ala.

August 5, 1958

FRANK G. HORNE
DOUGLAS S. WEBB
J. R. TUCKER

TELEPHONE 49

Alice J. Duck
Clerk of Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed are three copies of a Complaint we wish
filed in the Circuit Court of your County.

With kindest personal regards, I remain,

Sincerely,

HORNE, WEBB & TUCKER,

BY: 

FGH/mb

Encl.


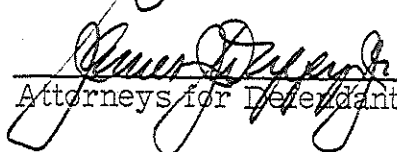
JOE N. PEAVY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.)	
TRAILWAYS BUS COMPANY,)	
a corporation,	)	AT LAW NO. 3634
Defendant.)	

NOTICE OF DEPOSITION

TO: Messrs. Horne, Webb & Tucker
Attorneys at Law
Atmore, Alabama

You are hereby notified that the Defendant in the above styled cause will take the pretrial discovery depositions of the following named witnesses under the provisions of Act No. 375 of the Alabama Legislature of 1955, as amended, said depositions to be taken on Friday, September 4, 1959, commencing at 9:00 A.M., and to continue from day to day until the completion of same: Mr. Edward H. Tietgen, whose address is Summerdale, Alabama; Mrs. Clementine Tietgen, whose address is Summerdale, Alabama; Mr. Daniel J. Lassiter, whose address is Route 1, Summerdale, Alabama; Mr. Jack Price, whose address is Loxley, Alabama; Mr. E. L. Lassiter, whose address is Summerdale, Alabama; Mr. Sammy Ard, whose address is Robertsdale, Alabama.

All of said depositions are to be taken in the Courthouse of Baldwin County, Alabama, located at Bay Minette, Alabama. You are invited to attend and cross-examine.



 Attorneys for Defendant

JOE N. PEAVY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	LAW SIDE
THE TRAILWAY BUS COMPANY,	)	NO. 3634
A Corporation,)	
Defendant.)	

ANSWER TO COMPLAINT

Comes now the Defendant and for answer to the complaint and to each count thereof, separately and severally, files the following separate and several pleas:

1. Not guilty.
2. Defendant denies each and every one of the material allegations thereof.
3. Defendant says that the Plaintiff himself was guilty of negligence which proximately contributed to his injuries and damage in this: At the time and place of the matters and things complained of, the Plaintiff was riding in an automobile as a paid passenger of the driver of said automobile, that the said driver then and there negligently operated said automobile, and that such negligence proximately contributed to the injuries and damage of the Plaintiff; therefore, the Plaintiff ought not to recover.


Attorneys for Defendant

Of Counsel:

Inge & Twitty
1309 Merchants National Bank Bldg.
Mobile, Alabama

Filed
9-3-58

JOE N. PEAVY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
THE TRAILWAY BUS COM-	)	NO. 3634
PANY, a corporation,)	
Defendant.)	

AMENDMENT TO PLEA

Comes now the Defendant in the above styled cause and amends its separate and several pleas heretofore filed to the complaint of the Plaintiff and to each count thereof, separately and severally, by adding the following separate and several pleas:

4. Defendant says that at the time and place complained of in the complaint, the motor vehicle in which the Plaintiff was an occupant was being driven and operated by Edward Tietgen who was then and there an agent, servant or employee of Plaintiff, acting within the line and scope of his authority as such; and Defendant avers that said agent of the Plaintiff, while acting within the line and scope of his authority as such, then and there so negligently operated the vehicle in which Plaintiff was an occupant as to cause or allow it to collide with the vehicle of the Defendant referred to in the complaint and that such negligence of Plaintiff's said agent proximately contributed to the injuries and damages of which Plaintiff complains, wherefore, Plaintiff ought not to recover therefor.

5. Defendant avers that at the time and place complained of in the complaint, the motor vehicle in which Plaintiff was then and there an occupant was then and there being driven by Edward Tietgen, who was then and there engaged in a joint venture with the Plaintiff; and Defendant avers that said Edward Tietgen then and there so negligently operated the same as to cause or permit said motor vehicle to collide with the motor vehicle

of the Defendant referred to in the complaint, and that said negligence of said Edward Tietgen proximately contributed to the injuries and damages of which Plaintiff complains, wherefore, Plaintiff ought not to recover therefor.

Sege & Tarity

Attorneys for Defendant

Filed 7-25-59
Alice J. Kunk
clerk

THE TRAILWAY BUS COMPANY,
a Corporation,
Defendant.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

LAW SIDE
No. 3634

DEMURRER

Comes the Plaintiff in the above styled cause and demurs to plea number three of the answer filed by the Defendant in the above styled cause and for grounds of demurrer assigns the following:

1. That the Plea does not state a defense to this cause of action.
2. That the Plea does not allege the contributory negligence complained of with the degree of particularity required by Law.
3. That said Plea is vague and indefinite.
4. That said Plea states no defense against the rights sought in the Complaint.
5. That the averments of the Plea are merely the conclusions of the pleader.
6. That the acts asserted as constituting contributory negligence were the acts of a driver of a vehicle in which the Plaintiff was riding as a paying passenger and it does not appear that the Plaintiff participated in said negligent acts.

Filed
9-11-58

Frank Lytton
ATTORNEYS FOR PLAINTIFF.

✓ reply to amended plan

JOE N. PEAVY,	X	IN THE CIRCUIT COURT OF
PLAINTIFF.	X	BALDWIN COUNTY, ALABAMA
VS.	X	AT LAW.
TRAILWAYS BUS COMPANY,	X	NO. 3634
A CORPORATION,	X	
DEFENDANT.	X	

AMENDMENT TO COMPLAINT

Now comes the Plaintiff in the above styled cause and amends the Complaint heretofore filed by changing the name of the Defendant in said cause from the TRAILWAYS BUS COMPANY, a Corporation, to COLONIAL TRAILWAYS, a Corporation, so that the caption will read as follows:

JOE N. PEAVY,	X	IN THE CIRCUIT COURT OF
PLAINTIFF.	X	BALDWIN COUNTY, ALABAMA
VS.	X	AT LAW.
COLONIAL TRAILWAYS,	X	NO. 3634
A CORPORATION,	X	
DEFENDANT.	X	

HORNE, WEBB & TUCKER

BY: Frank J. Horne
Attorneys for Plaintiff

I certify that I have on this the 31st day of December, 1959 mailed a copy of the foregoing pleading to Inge & Twitty, Attorneys at Law, Merchants National Bank Building, Mobile, Alabama, attorneys for defendant by United States Mail, postage prepaid.

Filed
1-4-60

Frank J. Horne

Law Offices of
Horne, Webb & Tucker

Attorneys at Law

Atmore, Ala.

September 10, 1958

FRANK G. HORNE
DOUGLAS S. WEBB
J. R. TUCKER

TELEPHONE 49

Judge
Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Sir:

Enclosed herewith is a Demurrer which we desired
filed in the Peavy Vs. Trailway Bus Company case.

Yours very truly,

HORNE, WEBB & TUCKER

BY: 

FGH/mb

Encl.

JOE N. PEAVY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.)	
	)	AT LAW
TRAILWAYS BUS COM-)	
PANY, a corporation,	)	NO. 3634
Defendant.)	

MOTION TO DISMISS COMPLAINT
OR
STRIKE AMENDMENT

Now comes Defendant in the above styled cause and moves to dismiss the Plaintiff's complaint as last amended, and each and every count, part and paragraph thereof, separately and severally, and for grounds therefor avers that there has been a complete change of parties defendant.

If Defendant be mistaken as to the relief prayed for above, without waiving its motion to dismiss, Defendant moves to strike the amendment to Plaintiff's complaint and each and every count, part and paragraph thereof, separately and severally, on the grounds stated above.

INGE & TWITTY

By: James J. Duffy, Jr.
Attorneys for Defendant

I, James J. Duffy, Jr., certify that a copy of the foregoing Motion to Dismiss Complaint or Strike Amendment was served on Messrs. Horne, Webb & Tucker, attorneys for plaintiff, by depositing same in the United States Mails, postage prepaid, addressed to them at their address in Atmore, Alabama on this, the 5th day of January, 1960.

Filed
1-6-60

James J. Duffy, Jr.
James J. Duffy, Jr.

C I R C U I T C O U R T


STATE OF ALABAMA X

BALDWIN COUNTY X

TO: ANY SHERIFF OF THE STATE OF ALABAMA,
GREETING:

You are hereby commanded to summons The Trailway Bus Com-
pany, a corporation, to appear within thirty (30) days from the ser-
vice of this writ in the Circuit Court of Baldwin County, Alabama,
to be held for said County at the place of holding same, then and
there to answer, plead or demur to the complaint of Joe N. Peavy.

Witness my hand, this 6 day of August, 1958.


CLERK

Exp. 8-14-58

C O M P L A I N T

JOE N. PEAVY,

PLAINTIFF

VS.

THE TRAILWAY BUS COMPANY,
A CORPORATION

DEFENDANT

X

X

X

X

X

X

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

NO. _____

COUNT ONE

Plaintiff claims of the Defendant the sum of One Hundred
Thousand and No/100 (\$100,000.00) Dollars as damages for that, on
to-wit, Monday, October 14, 1957, Plaintiff was riding as a passenger
in an automobile traveling East on U. S. Highway Number 90 , a public
highway running through Baldwin County, Alabama, when at a point on
said public highway on the Fish River Bridge in Baldwin County, Ala-
bama, the automobile in which Plaintiff was riding came in contact
with a Trailway Bus traveling West and operated by a servant, agent
or employee of Defendant, acting within the line and scope of the
duty of his employment, as such agent of the Defendant and as a re-
sult of said collision, Plaintiff's body was bruised, mutilated and

injured; Plaintiff's right leg was broken in two places causing the bone of said leg to protrude through the flesh of Plaintiff's leg just below the hip; Plaintiff's hip was pulled out of joint; Plaintiff suffered a severe skull injury; Plaintiff suffered a concussion of the brain; Plaintiff suffered a severe back injury; Plaintiff was made sick, sore and lame; Plaintiff has suffered and is suffering excruciating pain and anguish and will be disabled and incapacitated for the remainder of his life; Plaintiff's health and physical stamina were permanently impaired and Plaintiff has been permanently injured in parts of his body; Plaintiff was caused to incur and did incur large doctor, hospital and medical bills; Plaintiff was caused to lose much time from his employment; Plaintiff was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries hence this suit.

Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the servant, agent or employee of Defendant then and there in charge of said Trailway Bus for the Defendant and acting within the line and scope of his duty in the employment of the Defendant, in this, that said servant, agent, or employee negligently operated said Trailway Bus at the time and place of collision.

COUNT TWO

Plaintiff claims of the Defendant the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for that on, to-wit; Monday, October 14, 1957, while Plaintiff was riding in an automobile over which Plaintiff had no charge, direction or control, on a public highway in Baldwin County, Alabama, to-wit; U. S. Highway Number 90 at Fish River Bridge in said County and State, the Defendant's servant, agent, or employee, acting within the line and scope of his employment as such servant, agent, or employee, at said time and place ran a Trailway Bus against the said automobile in which Plaintiff was riding, as a passenger, and as a proximate consequence thereof, Plaintiff was injured and damaged as follows:

Plaintiff's body was bruised, mutilated and injured; Plaintiff's right leg was broken in two places causing the bone of said

limb to protrude through the flesh of Plaintiff's leg just below the hip; Plaintiff's hip was pulled out of joint; Plaintiff suffered a severe skull injury; Plaintiff suffered a concussion of the brain; Plaintiff suffered a severe back injury; Plaintiff was made sick, sore and lame; Plaintiff has suffered and is suffering excruciating pain and anguish and will be disabled and incapacitated for the remainder of his life; Plaintiff's health and physical stamina were permanently impaired; and Plaintiff has been permanently injured in parts of his body; Plaintiff was caused to incur and did incur large doctor, hospital and medical bills; Plaintiff was caused to lose much time from his employment; Plaintiff was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries hence this suit.

And Plaintiff avers that the Defendant's said servant, agent or employee acting within the line and scope of his employment as such agent, servant, or employee, at said time and place, wantonly injured Plaintiff by wantonly running a Trailway Bus of the Defendant against the said car in which Plaintiff was riding at said time and place, and as a proximate consequence of said wanton conduct Plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of and set out, etc.

COUNT THREE

Plaintiff claims of the Defendant the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for that, on to-wit, Monday, October 14, 1957, Plaintiff was riding as a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway, in Baldwin County, Alabama, when at a point on said public highway at the Fish River Bridge in said Baldwin County, Alabama, the agent, servant or employee of Defendant while acting within the line and scope of his employment with Defendant, drove a Trailway Bus West on said highway carelessly and heedlessly in wilful and wanton disregard of the rights or safety of others, and with knowledge that he would very likely injure or damage the Plaintiff and as a proximate consequence wantonly ran Defendant's Trailway Bus into collision or against the automobile in which Plaintiff was then and there riding as a passenger and wilfully and wantonly injured

Plaintiff in this:

Plaintiff's body was bruised, mutilated and injured; Plaintiff's right leg was broken in two places causing the bone of said leg to protrude through the flesh of Plaintiff's leg just below the hip; Plaintiff's hip was pulled out of joint; Plaintiff suffered a severe skull injury; Plaintiff suffered a concussion of the brain; Plaintiff suffered a severe back injury; Plaintiff was made sick, sore and lame; Plaintiff has suffered and is suffering excruciating pain and anguish and will be disabled and incapacitated for the remainder of his life; Plaintiff's health and physical stamina were permanently impaired and Plaintiff has been permanently injured in parts of his body; Plaintiff was caused to incur and did incur large doctor, hospital and medical bills; Plaintiff was caused to lose much time from his employment; Plaintiff was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries hence this suit.

HORNE, WEBB & TUCKER

By

[Signature]
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE, WEBB & TUCKER

By

[Signature]
ATTORNEYS FOR PLAINTIFF

Filed
8-6-58

Received 6 day of Aug 1958
d 14 of Aug 1958
served a copy of it within 24 C
n Trailway Bus Co
y service on C. White
TALOR WILKINS, Sheriff
By W. A. Albert D. S.
o mi

We the Jury
find for the
Defendant
J. J. Grubbs
Foreman

3634
Joe N. Peavy vs. Trailway Bus Co. A Corp.
FILED AUG 6 1958 ALICE L. DUCK, Clerk
Law Offices of Horne & Webb Attorneys at Law Almore, Ala.