

LAW OFFICES  
JAMES A. BRICE  
FOLEY, ALABAMA

JAMES A. BRICE  
RICHARD C. LACEY

July 10, 1959

P. O. Box 298  
WHITEHALL 3-3601

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

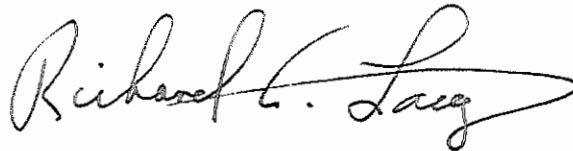
RE: Elmer P. Robinson  
VS: Moss-Thorton-Choron Construction Co.  
Case No. 3879

Dear Mrs. Duck:

The plaintiff hereby dismisses subject suit, please make this dismissal of record and notify us of court costs. Please notify us when subject dismissal is made of record.

Thank you very much.

Sincerely,



Richard C. Lacey

RCL/cc

SUMMONS

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA ----- GREETINGS:

You are hereby commanded to summons Moss, Thornton & Choron, Incorporated, to appear before the Circuit Court, to be held for said County at the place of holding same, within thirty (30) days' from service of this process, then and there to answer the complaint of Brutus L. Robinson, father and next friend of Elmer P. Robinson.

Witness my hand this 14 day of June, 1959.

Alice J. Duck  
CLERK

COMPLAINT

Elmer P. Robinson, a  
minor, by Brutus L.  
Robinson, next friend -  
Plaintiff )  
-vs- )  
Moss, Thornton & Choron,  
a corporation -  
Defendants )

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Count I.

The plaintiff, Elmer P. Robinson, a minor suing by his father and next friend, Brutus L. Robinson, claims of the defendant Five Thousand Dollars (\$5,000.00) as damages for that on, to wit, the 13th day of November, 1958 at Eight o'clock in the evening, in the city of Foley, Baldwin County, Alabama, plaintiff was proceeding on foot on the North side of Orchid Avenue, a public street or highway in said City and County, and then and there the defendants, their agents, servants or employees, did negligently park or did negligently leave standing, a ditch-digging machine upon said Orchid Avenue during the period of from one-half hour after sunset to one-half hour before sunrise without the same being equipped with proper lights on the front and rear of said ditch-digging machine as are required by law; and as a proximate result thereof, the plaintiff, while proceeding on foot in a Westerly direction on the North side of said avenue at said time, at about the hour of eight o'clock P. M., ran into said ditch-digging machine and as a proximate result thereof plaintiff received the following injuries: severe swelling of lower jaw, contusion of lower lip requiring sutures, contusions and abrasions of face, broken lower front teeth.

And plaintiff avers that by reason of said injuries which he sustained in said collision he was compelled to go to a hospital, employ surgeons, doctors and dentists at great expense, that he suffered great pain, mental anguish and suffering.

And plaintiff further avers that his injuries and damages as aforesaid were proximately caused by the defendants' negligence and its unlawful act in parking said ditch-digging machine upon said avenue; wherefore he sues.

James A. Brice  
James A. Brice

Richard C. Lacey  
Richard C. Lacey

Plaintiff demands trial by jury.

Richard C. Lacey

CD  
1643 NO. 3879 374

Elmer P. Robinson

VS.

Mass, Thornton & Chorus  
a corp.

24<sup>th</sup>  
Wade C.H. Shaw, off mgr

EXECUTED

This 24<sup>th</sup> day of June, 1959  
by serving a copy of the within on  
C.H. Shaw, as off mgr of  
Mass Thornton & Chorus Co

RAY D. BRIDGES, Sheriff

By W. Wade D.S.

EXECUTED

This 24<sup>th</sup> day of June, 1959  
by serving a copy of the within on  
C.H. Shaw as off mgr of  
Cotton Cast Co

RAY D. BRIDGES, Sheriff

By W. Wade D.S.

FILED

JUN 18 1959

ALICE J. DUCK, CLERK  
REGISTER