

3891

WOODROW W. GROSS )  
Plaintiff )  
VS. )  
IRA J. CRAPO )  
Defendant )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

COUNT ONE

The plaintiff claims of the defendant \$12,000.00 as damages for that on, to-wit, July 7, 1958, in the Town of Summerdale, Baldwin County, Alabama, the plaintiff was driving his automobile along or upon a public street at or near the intersection of Broadway Street at Third Street, both of which are public streets in said town of Summerdale, Baldwin County, Alabama and then and there the defendant negligently ran another automobile into, upon and against the plaintiff's said automobile, and thereby and as the proximate result and consequence thereof, the plaintiff's said automobile was greatly damaged or rendered less valuable, and the plaintiff received severe personal injuries in this, to-wit: he was bruised and lacerated about the scalp, limbs and body; he was made sick, sore and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

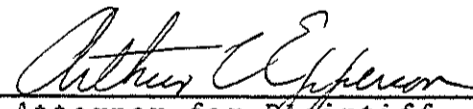
COUNT TWO

The plaintiff claims of the defendant \$12,000.00 as damages for that on, towit, July 7, 1958, in the Town of Summerdale, Baldwin County, Alabama, the plaintiff was driving his automobile

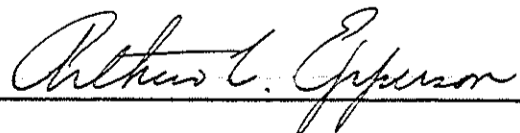
(Continued on next page.....)

Continued.....

along or upon a public street at or near the intersection of Broadway Street at Third Street, both of which were public streets in said Town of Summerdale, Baldwin County, Alabama, and then and there the agent, servant or employee of the defendant being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff's car and the occupant thereof, wilfully or wantonly ran another automobile into, upon or against the plaintiff's said automobile, and thereby and as the proximate result and consequence thereof the plaintiff's said automobile was greatly damaged or rendered less valuable, and the plaintiff received severe personal injuries in this, to-wit: He was bruised and lacerated about the scalp, limbs and body; he was made sick, sore and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

  
Attorney for Plaintiff

Plaintiff demands a trial by jury in this cause.



Defendant's Address:

Ira J. Crapo  
Summerdale, Ala.

389  
CIRCUIT COURT OF  
BALDWIN COUNTY, ALA.  
AT LAW

WOODROW W. GROSS  
PLAINTIFF

VS:

IRA J. CRAPO  
DEFENDANT

BILL OF COMPLAINT

FILED

JUL 8 1960

ALICE L. DUCK, CLERK  
REGISTER

ARTHUR C. EPPERSON  
ATTORNEY AT LAW  
FOLEY, ALA.

The Tuttle Law Print, Publishers, Rutland, Vt.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 3891

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon IRA J. CRAPO

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

IRA J. CRAPO

, Defendant

by

~~WOODROW W. GROSS~~

WOODROW W. GROSS

, Plaintiff

Witness my hand this

6th

day of

July

1959

Alice J. Duck, Clerk

No. 3891 Page         

The State of Alabama  
Baldwin County

CIRCUIT COURT

WOODROW W. GROSS

Plaintiffs

vs.

IRA J. CRAPO

Defendants

Summons and Complaint

Filed July 6th 19 59

Alice J. Duck Clerk

FILED

JUL 6 1959

ALICE J. DUCK, Register

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Summersdale

Received In Office

July 6 19 59

Sheriff

I have executed this summons

this 21 July 19 59

by leaving a copy with

Ira J. Crapo

Sheriff claims 60 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY CC  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Charles L. Duck Sheriff

Summersdale

WOODROW W. GROSS  
Plaintiff

-vs-

IRA J. CRAPO  
Defendant

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

TO WOODROW W. GROSS PLAINTIFF IN THE ABOVE STYLE CAUSE  
NOTICE OF ORAL EXAMINATION FOR DISCOVERY IN CRAPO CASE:

You are hereby notified that the defendant, pursuant to the provisions of Act 375, enacted by the 1955 Legislature of Alabama, (Title 7, Section 474 (1), 1940 Code of Alabama, as amended), desires to and will take the testimony of each of you at the courthouse at Bay Minette, Alabama at 3:00 o'clock P. M. on the 15th, day of December, 1959, before Louise Dusenbury, a Notary Public and Court Reporter of the Twenty-eighth Judicial Circuit of Alabama.

You are further requested to produce at that hearing all evidence you have of all sums expended or incurred for medical treatment, hospital care, nursing and medicines in and about the treatment of the alledged injury incurred in the accident, the bases of the cause.

Dated this 1st day of December, 1959.

  
ATTORNEY FOR DEFENDANT

Mr. Woodrow W. Gross can be located at Summerdale, Baldwin County, Alabama.

FILED  
DEC 3 1959

ALICE J. DUCK, Clerk

WOODROW W. GROSS  
Plaintiff

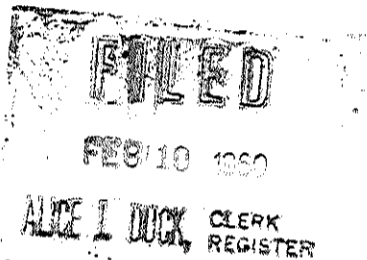
-vs-

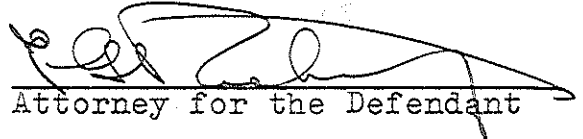
IRA J. CRAPO  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
CASE # 3891 AT LAW.

MOTION TO DISMISS FOR WANT OF PROSECUTION

Comes the Defendant in the above styled cause  
and shows to the court that the Plaintiff has failed or  
refused to amend his Complaint in accordance with the  
rules and practices of this court.



  
Attorney for the Defendant

WOODROW W. GROSS  
Plaintiff

-vs-

IRA J. CRAPO  
Defendant


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

DEMURRER

Comes the Defendant and demurs to the Plaintiff's complaint and assigns the following grounds:

1. To Counts one and two- That said counts state that the Plaintiff was on a public street in Summerdale but fails to show on what street he was driving.

2. To count 2- That said count does not show that the Defendants agent was acting in the line or scope of his employment or was acting for said Defendant.

  
E. G. Rickarby  
Attorney for Defendant

*Filed*  
*8-31-59*

WOODROW W. GROSS  
Plaintiff  
VS  
IRA J. CRAPO  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
CASE NO. 3891

DEMURRERS TO AMENDED COMPLAINT

Comes the Defendant and offers the following  
Demurrers to the Plaintiff's Complaint as amended:

TO COUNTS ONE AND TWO

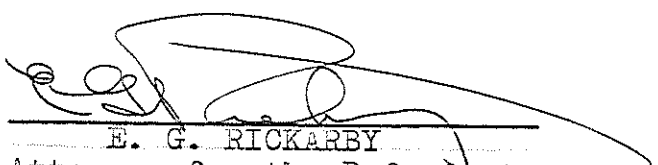
Seperately and Severally

1. Because both of said counts claim property  
damages and damage for personal injuries in the same count.

2. Because said counts are vague and indefinite  
in not specifying what damages were done, what limbs were  
lacerated, and where he was hurt internally or what clothing  
was damaged, how much time he lost from his work, or whether  
he was gainfully employed.

TO COUNT TWO

Because said count does not show that the actions  
of the "agent, servant or employee of the defendant" were  
in the line or scope of his employment.

  
E. G. RICKARBY  
Attorney for the Defendant

FILED  
OCT 24 1960  
ALICE J. DUCK, CLERK  
REGISTER

WOODROW W. GROSS,

Plaintiff,

- VS -

IRA J. CRAPO,

Defendant.

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

P L E A S

Comes the defendant in the above styled cause and offers  
the following pleas to the plaintiff's complaint:

PLEA ONE. To Counts One and Two as amended.

Not Guilty.

PLEA TWO. To Count One.

For further answer the defendant says that  
the plaintiff ought not to recover for that on the occasion  
complained of, the plaintiff was himself guilty of negligence  
proximately contributing to his alleged injuries and damages,  
in this, that at the time of and immediately preceding said  
accident, the plaintiff was driving his said automobile at a  
speed in excess of forty miles per hour, which speed was con-  
trary to the laws of the Municipality of Summerdale, Alabama,  
and the defendant avers that the plaintiff, in so driving his  
automobile, collided with the automobile of the defendant and  
that the excessive and illegal rate of speed of the plaintiff,  
as aforesaid, contributed to the plaintiff's injuries and  
damages.

FILED

AUG 29 1960

ALICE L. DUCK, CLERK  
REGISTER

  
Attorney for Defendant.

WOODROW W. GROSS)	IN THE CIRCUIT COURT OF
PLAINTIFF )	
VS: )	BALDWIN COUNTY, ALABAMA
IRA J. CRAPO )	
DEFENDANT )	IN EQUITY
	CASE NO. _____

Comes the Plaintiff in the above-styled cause and amends his complaint as follows:

The Plaintiff claims of the defendant \$12,000.00 as damages for that on, to-wit, July 7, 1958, in the Town of Summerdale, Baldwin County, Alabama, the Plaintiff was driving his automobile along on or upon Broadway Street at or near the intersection of West Third Street, both of which are public streets in said town of Summerdale, Baldwin County, Alabama and then and there the defendant negligently ran another automobile into, upon and against the Plaintiff's said automobile, and thereby and as the proximate result and consequence thereof, the Plaintiff's said automobile was greatly damaged or rendered less valuable, and the Plaintiff received severe personal injuries in this, to-wit: He was bruised and lacerated about the scalp, limbs and body: he was made sick, sore and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

#### COUNT TWO

The Plaintiff claims of the defendant \$12,000.00 as damages for that on, towit, July 7, 1958, in the Town of Summerdale, Baldwin County, Alabama, the Plaintiff was driving his automobile along or

(Continued on next page.....

Page Two  
Amendment of Complaint

upon Broadway Street at or near the intersection of West Third Street, both of which are public streets in said Town of Summerdale Baldwin County, Alabama, and then and there the agent, servant or employee of the defendant being conscious at the time that his conduct in so doing would probably result in injury to the Plaintiff's said automobile, and thereby and as the proximate result and consequence thereof the plaintiff's said automobile was greatly damaged or rendered less valuable, and the Plaintiff received severe personal injuries in this, to-wit: He was bruised and lacerated about the sclap, limbs and body; he was made sick, sore and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

*Arthur C. Epperson*  
\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

Plaintiff demands a trial by jury in this cause.

FILED  
FEB 2 1960  
ALICE J. DUCK, CLERK  
REGISTER

*Arthur C. Epperson*  
\_\_\_\_\_

Gross

vs.  
Camps

LAW  
Jury

AMENDED Complaint

FILED

2-16-60

ALICE J. DUCK, CLERK  
REGISTER

WOODROW W. GROSS )  
PLAINTIFF )  
VS )  
IRA J. CRAPO )  
DEFENDANT )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASENO. 3891

Comes the Plaintiff in the above styled cause and ammends  
his complaint heretofore filed as follows:

COUNT ONE

The Plaintiff claims of the defendant the sum of \$12,000.00 as damages for that heretofore on, to-wit, July 7, 1958, in the Town of Summerdale, Baldwin County, Alabama, the Plaintiff was driving his automobile along, on or upon Broadway Street which is also Baldwin County Road No. 34 and a public street and road, at or near the intersection of West Third Street in said Town of Summerdale, Baldwin County, Alabama, and then and there the Defendant negligently ran another automobile into, upon or against the Plaintiff's said automobile, and thereby and as the proximate result and consequence thereof, the Plaintiff's said automobile was damaged and rendered less valuable, and the Plaintiff received severe personal injuries in this to-wit: his left leg was bruised and severely injured; he was made sick, sore and lame; he was permanently injured; he suffered great mental anguish and physical pain; he was caused to expend sums of money for medical treatment, medicine and in obtaining hospital care; he was confined to a hospital; he lost much time from his work and income as a results thereof, he was rendered permanently less able to work, he lost the use of his automobile while being repaired for all of which he claims damages as aforesaid.

COUNT TWO

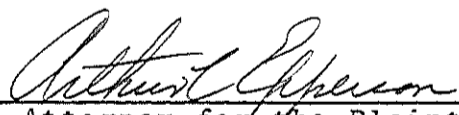
The Plaintiff claims of the Defendant the sum of \$12,000.00 as damages for that heretofore on, to-wit: July 7, 1958, in the Town of Summerdale, Baldwin County, Alabama, the Plaintiff was

( continued next page)

Page one.

Page Two  
(Amended Complaint Count two Cont.)

driving his automobile along, on or upon Broadway Street, which is also known as Baldwin County Road No. 34 and which is a public street and road, at or near the intersection of West Third Street in said Town of Summerdale, Baldwin County, Alabama, and then and there the defendant being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff's said automobile and occupant thereof, wilfully and wantonly ran another automobile into, upon or against the plaintiff's automobile, and thereby and as the proximate result and consequence thereof the plaintiff's said automobile was damaged or rendered less valuable, and the plaintiff received severe personal injuries in this to-wit: his left leg was bruised and severely injured; he was made sick, sore and lame; he was permanently injured; he suffered great mental anguish and physical pain; he was caused to expend sums of money for medical treatment, medicine and in obtaining hospital care; he was confined to a hospital; he lost much time from his work and income as a result thereof; he was rendered permanently less able to work; he lost the use of his automobile while it was being repaired, for all of which he claims damages as aforesaid.

  
Attorney for the Plaintiff

Plaintiff Demands a trial by Jury.

  
Attorney for Plaintiff

Filed 4-12-60  
Dee J. H. H. H.  
clerk

9-12-60  
use the jury find for the  
defendant.

Foreman  
Melvin. Leary Jr.

Filed 9-12-60  
Arthur C. Epperson  
Attorney at Law  
Foley, Ala.

JURY LIST - FALL SESSION  
SEPTEMBER 12, 1960

- ~~1. Boykie, William E., Laborer, Robertsdale~~
- ~~2. Bryant, Woodrow, Farmer, Stockton~~
- ~~3. Emmons, Isaac, Farmer, Silverhill~~
- ~~4. Bauer, John, Farmer, Summerdale~~
- ~~5. Clark, H.L., Brookley Field, Bay Minette~~
- ~~6. Allegri, V.J., Jr., Farmer, Belforest~~
- ~~7. Lovell, M.A., Jr., Farmer, Loxley~~
- ~~8. Eiland, Clarence S., Millman, Bay Minette~~
- ~~9. Cooper, Quitman, Bldg. Supply Dealer, Gulf Shores~~
- ~~10. Daring, Rudolph A., Merchant, Foley~~
- ~~11. Davidson, Jerry, Ala. Power Co., Bay Minette~~
- ~~12. Durant, Joe C., Farmer, Bay Minette~~
- ~~13. Durant, Percy N., Merchant, Bay Minette~~
- ~~14. Dutcher, Wilson, Jeweler, Fairhope~~
- ~~15. Dvorak, Joseph, Merchant, Silverhill~~
- ~~16. Dyass, Albert, Merchant, Stapleton~~
- ~~17. Laurendine, Leonard, Farmer, Mag Spgs.~~
- ~~18. Lyrene, George A., Farmer, Silverhill~~
- ~~19. Malone, T.E., Merchant, Fairhope~~
- ~~20. Mason, Jimmy, Salesman, Fairhope~~
- ~~21. Matthews, Charles H., Furniture, Bay Minette~~
- ~~22. McKenzie, Elroy, Jr., Farmer, Fairhope~~
- ~~23. Mitchell, Fred, Jr., Service Station, Stapleton~~
- ~~24. Mosley, A.A., Builder, Stapleton~~
- ~~25. Murphy, William R., Plant Manager, Robertsdale~~
- ~~26. Owen, L.D., Jr., Merchant, Bay Minette~~
- ~~27. Pearson, Donald, Farmer, Robertsdale~~
- ~~28. Roberts, Howard, Civil Service, Stapleton~~
- ~~29. Sirmon, Arthur, Farmer, Belforest~~
- ~~30. Sirmon, A.D., Farmer, Daphne~~
- ~~31. Schroeder, Walter, Painter, Elberta~~
- ~~32. Sheldon, Edward, Brick Layer, Fairhope~~
- ~~33. Stripline, Fred, Television Repair, Robertsdale~~
- ~~34. Straka, Fred, Trucker, Robertsdale~~
- ~~35. Suddith, Jack, Office Manager, Bay Minette~~
- ~~36. Trawick, Walter, Laborer, Bay Minette~~
- ~~37. Vasut, Charles F., Television Repair, Robertsdale~~
- ~~38. Waters, Orville, Clyde, Merchant, Bay Minette~~
- ~~39. Sewell, Devore, Businessman, Loxley~~
- ~~40. Lund, Geoffrey, Chemist, Spanish Fort - Daphne~~
- ~~41. Cooper, Nolan, Jr., Farmer, Robertsdale~~
- ~~42. Alexander, Walters, Jr., Plumber~~

42  
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P XXXX XXX

D XXXX XXI

LAW OFFICES  
E. G. RICKARBY  
392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

December 1, 1959

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

Dear Mrs. Duck:

*Gross vs Crapo*

Please have this subpoena served by the sheriff on  
Mr. Gross and oblige.

Yours very truly,

*E. G. Rickaby*

EGR/bs  
Enclosure

*issued*

*12-3-59*

LAW OFFICES  
E. G. RICKARBY  
392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

February 18, 1960

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Gross v. Crapo  
File: 4837

Please file and oblige.

Yours very truly,

EGR/bs  
cc: Mr. Epperson:

If you will name a convenient time  
for examination of Mr. Gross, I will work  
with you and arrange to take his testimony then.

Yours very truly,



EGR/bs  
cc: Mr. Parker

LAW OFFICES  
**E. G. RICKARBY**  
392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

February 8, 1960

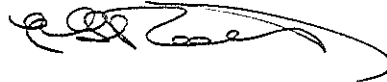
Mrs. Alice J. Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Gross # 3821  
Vs: Crapo

Please file this motion and oblige.

Yours very truly,



EGR/bs  
Enclosure  
cc: Mr. Epperson