

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

3932

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. O. THOMAS and DONALD LEE THOMAS, 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 the same, then and there to answer the Complaint of L. D. OWEN.

WITNESS my hand, this 6th day of August, 1959.

Miss J. L. Mark
Clerk.

L. D. OWEN,	Ø	IN THE CIRCUIT COURT OF
	Ø	
Plaintiff,	Ø	
	Ø	BALDWIN COUNTY, ALABAMA
vs.	Ø	
J. O. THOMAS and	Ø	AT LAW.
DONALD LEE THOMAS,	Ø	
	Ø	
Defendants.	Ø	

COMPLAINT:

COUNT ONE:

The Plaintiff claims of the Defendant, Donald Lee Thomas, the sum of SEVEN HUNDRED FIFTY DOLLARS (\$750.00) as damages for that heretofore, on to-wit, May 19, 1959, Plaintiff was operating his automobile along and upon a public street in the City of Bay Minette, Alabama, on to-wit, United States Highway 31, at a point where it intersects with Hall Avenue, where he had a right to be, and while said automobile of the Plaintiff was stopped for a traffic light which is situated at the intersection at the said United States Highway 31 and Hall Avenue, an automobile which was being driven by the Defendant, Donald Lee Thomas, ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile: the rear bumper, the

trunk, the left fender, the rear axel, frame and other parts of Plaintiff's automobile were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, Donald Lee Thomas, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged as aforesaid.

COUNT TWO:

The Plaintiff claims of the Defendant, Donald Lee Thomas, the sum of FIVE THOUSAND DOLLARS (\$5,000.00) as damages for that heretofore, on to-wit, May 19, 1959, Plaintiff was operating his automobile along and upon a public street in the City of Bay Minette, Alabama, on, to-wit, United States Highway 31 at a point where the said highway intersects Hall Avenue, where he had a right to be, and while Plaintiff's automobile was stopped for a traffic light which is situated at the intersection of said United States Highway 31 and Hall Avenue, an automobile which was being driven by the Defendant, Donald Lee Thomas, ran upon, over or against the automobile of the Plaintiff, and as the result of said collision, Plaintiff's body was bruised, mutilated and injured; he was bruised and injured in his head, neck, back and chest and other parts of his body; he was bruised internally and was made sick and sore and has suffered and is suffering mental pain and anguish; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the Defendant, Donald Lee Thomas.

COUNT THREE:

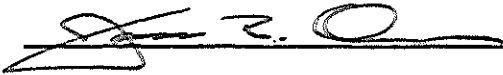
The Plaintiff claims of the Defendant, J. O. Thomas, the sum of SEVEN HUNDRED FIFTY DOLLARS (\$750.00) as damages for that heretofore, on to-wit, May 19, 1959, Plaintiff was operating his automobile along and upon a public street in the City of Bay Minette, Alabama, on to-wit, United States Highway 31, at a point

where it intersects with Hall Avenue, where he had a right to be, and while said automobile of the Plaintiff was stopped for a traffic light which is situated at the intersection at the said United States Highway 31 and Hall Avenue, an automobile which was owned by the Defendant, J. O. Thomas, and which was at that time and place being operated by the Defendant, Donald Lee Thomas, who was then and there an agent, servant or employee of the Defendant, J. O. Thomas, acting within the line and scope of his authority as such agent, servant or employee, ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to Plaintiff's automobile: the rear bumper, the trunk, the left fender, the rear axel, frame and other parts of Plaintiff's automobile were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the said agent, servant or employee of the Defendant, J. O. Thomas, who was then and there acting within the line and scope of his authority as such agent, servant or employee, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged as aforesaid.

COUNT FOUR:

The Plaintiff claims of the Defendant, J. O. Thomas, the sum of FIVE THOUSAND DOLLARS as damages for that heretofore on to-wit, May 19, 1959, Plaintiff was operating his automobile along and upon a public street in the City of Bay Minette, Alabama, on to-wit, United States Highway 31, at a point where the said highway intersects Hall Avenue, where he had a right to be, and while Plaintiff's automobile was stopped for a traffic light which is situated at the intersection of said United States Highway 31 and Hall Avenue, an automobile which was being driven by the Defendant, Donald Lee Thomas, who was then and there an agent, servant or employee of the Defendant, J. O. Thomas, acting within the line and scope of his authority as such agent, servant or employee, ran upon, over or against the automobile of the Plaintiff, and as the

result of said collision, Plaintiff's body was bruised, mutilated and injured; he was bruised and injured in his head, neck, back and chest and other parts of his body; he was bruised internally and was made sick and sore and has suffered and is suffering mental pain and anguish; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body; he has been put to great expense for hospital, doctor and medical bills, hence this suit. Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the Defendant, Donald Lee Thomas, who was then and there an agent, servant or employee of the Defendant, J. O. Thomas, acting within the line and scope of his authority as such agent, servant or employee.



Attorney for Plaintiff.

ALICE J. DUCK, Clerk
AUG 6 1959
FILED
FILED
AUG 6 1959
ALICE J. DUCK, Clerk

3932
4676

Received 6 day of Aug 1959
on 10 day of Aug 1959
served a copy of the within 10

J. O. Thomas
Donald Lee Thomas
service on _____

TAYLOR WILKINS, Sheriff
By W. D. Talbert D. S.
8 mi

SUMMONS AND COMPLAINT

L. D. OWEN,

Plaintiff,

vs.

J. O. THOMAS and DONALD
LEE THOMAS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

FILED
AUG 6 1959
ALICE J. DUCK, Clerk

JAMES R. OWEN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

L. D. OWEN,

Plaintiff,

vs.

J. O. THOMAS and DONALD
LEE THOMAS,

Defendants

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Come now the Defendants in the above styled cause, by their attorneys, and for answer to the complaint heretofore filed against them and to each count thereof, separately and severally, plead as follows:

1. Not guilty.

Respectfully submitted,

CHASON & STONE

FILED
APR 20 1960

ALICE J. DUCK, Clerk

By: 

3932

FILED
APR 20 1960

ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

L. D. OWEN,

Plaintiff,

vs.

J. O. THOMAS and DONALD
LEE THOMAS,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Come now the Defendants in the above styled cause, by their attorneys, and demur to the complaint heretofore filed against them and to each count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.

Respectfully submitted,

CHASON & STONE

By:


Attorneys for Defendants

Filed
9-3-59

3932

FILED

SEP 3 1959

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA