

E. G. RICKARBY

392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA

March 9, 1960

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

Dear Mrs. Duck:

Re: W. R. Hamilton, Sr.
Vs: Elwood Trichler
and
Re: Mrs. W. R. Hamilton, Sr.
Vs: Elwood Trichler
Case # 4075
Case # 4084

Request these two cases be continued as we
have been negotiating towards settlement and
neither side is ready to go to trial.

Yours very truly,



EG^R/bs

cc: Mr. Ackerman

cc: dup. Mr. Parker

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

December 31, 1959

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

Dear Mrs. Duck:

we don't have your care #

Re: W. R. Hamilton, Sr.
Vs: Elwood R. Trichler

Enclosed find Pleas Please process and
oblige.

Yours very truly,



EGR/bs
Enclosure
cc: Mr. Parker
Mr. Harold Ackerman

HAROLD T. ACKERMAN

ATTORNEY AT LAW

827 FRANK NELSON BUILDING

BIRMINGHAM 3, ALABAMA

PHONE FA 3-7176

RES. AL 2-5627

December 1, 1959

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

RE: W.K. Hamilton, Sr.
VS Elwood R. Trichler

Dear Miss Duck:

Enclosed herewith is an original and one copy
of a Summons and Complaint in the above cap-
tioned matter.

I would appreciate it very much if you would
file this Summons and Complaint and indicate
the Case Number on the enclosed carbon copy.

Your kind cooperation in this matter is appre-
ciated.

Very truly yours,


Harold T. Ackerman

HTA:aw
Enclosures

E. G. RICKARBY

392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA

December 15, 1959

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

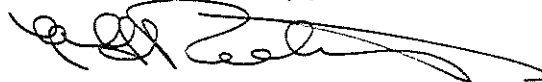
Dear Mrs. Duck:

Re: Mrs. W. K. Hamilton, Sr.
Vs: Elwood R. Trichler
Our File: 4961

Enclosed find Pleas in the above mentioned cause.

Please process.

Yours very truly,



EGR/ts

Encl. - Pleas

~~cc - Mr. Harold G. Ackerman~~

E. G. RICKARBY

392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA

December 15, 1959

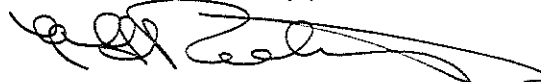
Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Mrs. W. K. Hamilton, Sr.
Vs: Elwood R. Trichler
Our File: 4961

Enclosed find Pleas in the above mentioned cause.
Please process.

Yours very truly,



EGR/ts
Encl. - Pleas
~~cc - Mr. Harold G. Ackerman~~

STATE OF ALABAMA ◊ IN THE CIRCUIT COURT OF BALDWIN COUNTY,
BALDWIN COUNTY ◊ ALABAMA - CASE NO. 4084
TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

You are hereby commanded to summon Elwood R. Trichler to appear before the Circuit Court of said county at the place of holding the same within thirty days of service of this process and then and there to answer the complaint of W.K. Hamilton, Sr.

Witness my hand this 2 day of ~~November~~ ^{July}, 1959.

Elwood R. Trichler
Clerk

W.K. HAMILTON, SR.,
PLAINTIFF

VS

ELWOOD R. TRICHLER,
DEFENDANT

COUNT ONE

Plaintiff claims of the defendant the sum of SEVEN THOUSAND FIVE HUNDRED AND NO/100 (\$7,500.00) DOLLARS as damages for that heretofore on, to-wit: the 19th day of May, 1959, the plaintiff's wife, Mrs. W.K. Hamilton, Sr., was riding as a passenger in a 1953 Oldsmobile automobile which was being operated on, to-wit: Alabama State Highway 59 South at or near its intersection with Michigan Road in the city of Foley, Baldwin County, Alabama, and at a place where they had a right to be, and at said time and place the defendant negligently injured the plaintiff's wife by negligently driving his 1950 DeSoto automobile into, upon or against the automobile in which the plaintiff's wife was riding as a passenger and as a proximate consequence thereof the plaintiff's wife was injured and damaged as follows:

Her head, face, and chin were bruised, contused and lacerated; both knees were bruised, contused and lacerated; the knuckles on her left hand were bruised, contused and lacerated; her right hip was bruised and contused; her right elbow was bruised and contused; she suffered a brain concussion; her head, neck, arms, legs and other parts of her body were bruised, contused, strained, wrenched and sprained; plaintiff was made sick and sore for a long period of time; plaintiff was permanently

injured; plaintiff was caused to suffer great physical pain and mental anguish; her nervous system was severely injured; she was prevented from engaging in her usual pursuits for a long period of time; she was caused to be confined to the hospital for a long period of time; she was caused to be confined to her home and to bed for a long period of time; she was caused to incur great expense in and about procuring doctors, medicines and medical care in and about her efforts to heal and cure herself.

The plaintiff avers that as a proximate consequence of the said injuries and damages of his said wife, plaintiff was injured and damaged as follows:

Plaintiff was put to great trouble, annoyance, inconvenience, and loss of time and great expense in and about procuring doctors, medicines and medical care, aid and attention, in and about his efforts to heal and cure the said wounds and injuries of his said wife; and plaintiff was caused to lose the services, society and consortium of his wife for a long period of time; and plaintiff was caused to suffer great mental anguish and anxiety.

Plaintiff avers that all of his said injuries and damages were the proximate consequence of the negligence of the defendant in the operation of his said motor vehicle at said time and place.

COUNT TWO

Plaintiff claims of the defendant the sum of SEVEN THOUSAND AND FIVE HUNDRED AND NO/100 (\$7,500.00) DOLLARS as damages for that heretofore on, to-wit: the 19th day of May, 1959, the plaintiff's wife, Mrs. W.K. Hamilton, Sr., was riding as a passenger in a 1953 Oldsmobile automobile which was being operated on, to-wit: Alabama State Highway 59 South at or near its intersection with Michigan Road in the city of Foley, Baldwin County, Alabama, and at a place where they had a right to be, and at said time and place the defendant wantonly injured the plaintiff's wife by wantonly driving his motor vehicle into, upon or against the motor vehicle in which plaintiff's wife was riding as a passenger and as a proximate consequence thereof plaintiff's wife was injured and damaged as follows:

Her head, face, and chin were bruised, contused and lacerated; both knees were bruised, contused and lacerated; the knuckles on her left hand were bruised, contused and lacerated; her right hip was bruised and contused; her right elbow was bruised and contused; she suffered a brain concussion; her head, neck, arms, legs and other parts of her body were bruised, contused, strained, wrenched and sprained; plaintiff was made sick and sore for a long period of time; plaintiff was permanently injured; plaintiff was caused to suffer great physical pain and mental anguish; she was prevented from engaging in her usual pursuits for a long period of time; her nervous system was severely injured; she was caused to be confined to the hospital for a long period of time; she was caused to be confined to her home and to bed for a long period of time; she was caused to incur great expense in and about procuring doctors, medicines and medical care in and about her efforts to heal and cure herself.

The plaintiff avers that as a proximate consequence of the said injuries and damages of his said wife, plaintiff was injured and damaged as follows:

Plaintiff was put to great trouble, annoyance, inconvenience, and loss of time and great expense in and about procuring doctors, medicines and medical care, aid and attention, in and about his efforts to heal and cure the said wounds and injuries of his said wife; and plaintiff was caused to lose the services, society and consortium of his wife for a long period of time; and plaintiff was caused to suffer great mental anguish and anxiety.

The plaintiff avers that all of his said injuries and damages were the proximate consequence of the wantonness of the defendant in the operation of his said motor vehicle at said time and place.


Attorney for Plaintiff

For trial of this cause plaintiff demands trial by jury.


125 Attorney for Plaintiff

FILED

DEC 2 1939

CLERK
ALICE J. DUCK, REGISTER

CASE NO. 11884

W.K. HAMILTON, SR.,

PLAINTIFF

VS

ELWOOD R. TRICHLER,

DEFENDANT

SUMMONS AND COMPLAINT

Plaintiff's address:
2813 North 31st Avenue
Birmingham 7, Alabama

Defendant's address:
Route 3
Foley, Alabama

Harold T. Ackerman
Attorney for Plaintiff
827 Frank Nelson Building
Birmingham 3, Alabama

FILED
DEC 2 1959

CLERK
REGISTER

Received 7 day of Dec 1959
and on 7 day of Dec 1959
I served a copy of the within
on Elwood R. Trichler
By service on _____

TAYLOR WILKINS, Sheriff

Sheriff claims 72 miles at
Ten Cents per mile Total 7.20
TAYLOR WILKINS, Sheriff
BY [Signature] DEPUTY SHERIFF

W. R. HAMILTON, SR.,
Plaintiff,

vs.

ELWOOD R. TRICHLER,
Defendant.

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

P L E A S

Comes the Defendant, and for answer to the Plaintiff's Complaint offers the following Pleas.

TO COUNT ONE AND TWO

PLEA ONE: Not guilty.

TO COUNT ONE


PLEA ONE: Further answering, the Defendant states that the damages complained of in the Plaintiff's Complaint, if any, were caused by the carelessness and negligence of MRS. W. K. HAMILTON, SR., in that she failed to exercise due care for her own safety by being in the car without protest and allowing herself to be driven at an illegal rate of speed, to-wit, a speed of over thirty (30) miles per hour in the City of Foley, Alabama, where the maximum rate, by municipal law, is thirty (30) miles per hour.

PLEA TWO: The Defendant states that the occupant of the car, MRS. W. K. HAMILTON, SR., is guilty of contributory negligence which bars the right of recovery for her injury and loss of time or loss of her society, in that this accident took place in the City of Foley, Alabama, where, by Municipal Law, the highest lawful rate of speed was thirty (30) miles per hour, and the car in which MRS. W. K. HAMILTON, SR., was driving just before the accident was going in excess of thirty (30) miles an hour, and notwithstanding the rate of speed at which the car was being driven, MRS. W. K. HAMILTON, SR., failed to protest against said speed, and did not request the driver to cease driving at such an unlawful rate of speed, and negligently continued to ride in said car while being so negligently driven.

And the Defendant further says that, as a direct and proximate result of the negligence of the driver in so driving said car at such an illegal and dangerous rate of speed the car collided with the Defendant's car causing the damages sustained in this Complaint.

And that the negligence of MRS. W. K. HAMILTON, SR., in failing to protest and object to the said driver's driving the car in which she was riding at an illegal and dangerous rate of speed as afore said, proximately contributed to the damages and injuries sustained in this case.

Filed
1-4-60



E. G. RICKABY, Attorney
for Defendant.

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JAN 4 1980
ALICE L. DUCK, CLERK
REGISTER

FIELD

JAN 4 1960

**ALICE L. DUCK, CLERK
REGISTER**

17084

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