

WALTER DANA,

Plaintiff,

vs.

JACK PONDER, individually
and d/b/a PONDER PLUMBING
AND ELECTRICAL COMPANY,

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4318

PLEA

Comes now Jabez M. Ponder, by his attorneys, appearing specially for the purpose of filing this plea and for no other different object or purpose, and respectfully represents and shows unto this Court as follows:

That on, to-wit: July 18, 1960, he was served with a summons and a copy of the complaint in the above styled cause by the Sheriff of Baldwin County, Alabama. That he has never done business as Ponder Plumbing and Electrical Company and was not doing business under that firm name or style on July 18, 1960 or on March 14, 1960. That on March 14, 1960 and on July 18, 1960 he was operating a business in Fairhope, Alabama, under the firm name and style of Ponder Company.

WHEREFORE Jabez M. Ponder respectfully prays that this suit be abated and that he be discharged with his costs in this behalf expended.

Respectfully submitted,

CHASON & STONE

By:


Attorneys for Jabez M. Ponder

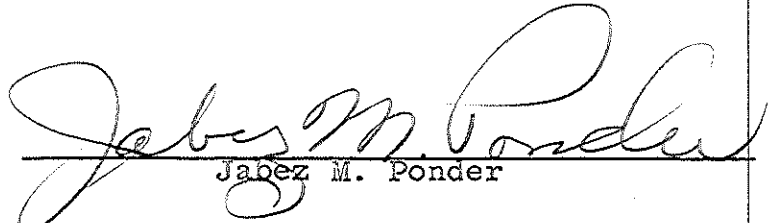
STATE OF ALABAMA

BALDWIN COUNTY

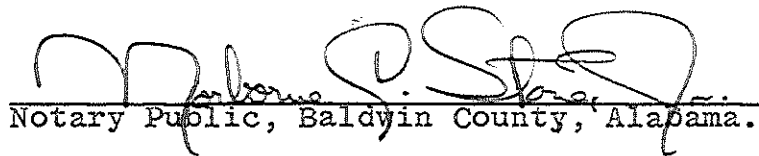
Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State personally appeared Jabez M. Ponder who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Jabez M. Ponder and that he has read the

foregoing plea and that the facts alleged therein are true and correct.


Jabez M. Ponder

Sworn to and subscribed before me on
this the 1st day of August, 1960.


Notary Public, Baldwin County, Alabama.

FILED
AUG 8 1960
ALICE J. DUCK, Clerk

WALTER DANA,

Plaintiff,

vs.

JACK PONDER, individually
and d/b/a PONDER PLUMBING
AND ELECTRICAL COMPANY,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4318

* * * * *

PLEA

* * * * *

FILED

AUG 8 1960

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4318

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon JACK PONDER, Ind. & d/b/a PONDER PLUMBING

& ELECTRICAL COMPANY

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 JACK PONDER, Ind. & d/b/a PONDER PLUMBING & ELECTRICAL COMPANY, Defendant

by WALTER DANA

Plaintiff

Witness my hand this 13th day of July 1960

Alice J. Luck, Clerk

No. 4318

Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

WALTER DANA

Plaintiffs

VS.

JACK PONDER, Ind. & d/b/a PONDER

PLUMBING & ELECTRICAL COMPANY

Defendants

Summons and Complaint

Filed July 13, 1960

Alice J. Duck

Clerk

George E. Stone, Jr.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

7/13, 1960

Sheriff.

I have executed this summons

this 18 July 1960
by leaving a copy with

Jack Ponder

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY W. O. Garner
DEPUTY SHERIFF

Taylor Wilkins
Sheriff.

W. O. Garner
Deputy Sheriff.

Shope

WALTER DANA, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
JACK PONDER, individually : NO. 4318
and d/b/a PONDER PLUMBING :
AND ELECTRICAL COMPANY, :
Defendant. :

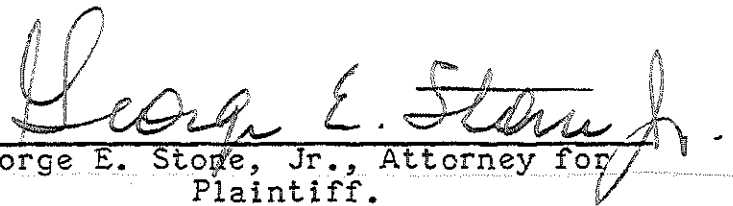
COUNT ONE

Plaintiff claims of Defendant the sum of Five Thousand and No/100ths (\$5,000.00) Dollars as damages for this, that heretofore on, to-wit, the 14th day of March, 1960, the agent or agents or servant or servants of Defendant, while the same were acting in line with and within the line and scope of their authority or employment as such so negligently operated a drag line or other similar heavy equipment as to cause or allow a heavy wire from the same to become entwined about the automobile being then and there driven near Zundel's, Baldwin County, Alabama. Plaintiff avers that as the direct and proximate result of the aforesaid negligence, he was badly bruised and injured, suffered an aggravation of a pre-existing hip injury, and was caused to have his automobile, which he was then and there driving, to be repaired, all as the proximate result and consequence of the aforesaid negligence; wherefore Plaintiff sues and asks damages in the aforesaid sum of Five Thousand and No/100ths (\$5,000.00) Dollars.

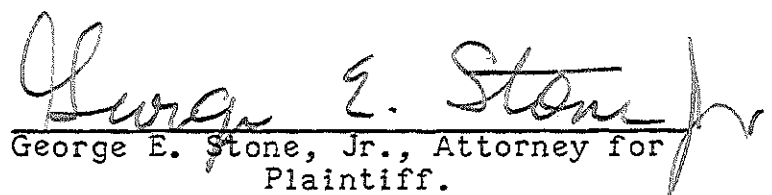
COUNT TWO

Plaintiff claims of Defendant the sum of Five Thousand and No/100ths (\$5,000.00) Dollars as damages for this, that heretofore on, to-wit, the 14th day of March, 1960, at or near a place in Baldwin County, Alabama, known

as Zundel's, the agent or agents or servant or servants of Defendant, while acting in line with and within the line and scope of their authority or employment as such, wantonly and intentionally injured Plaintiff in that as the proximate result of the aforesaid wanton and intentional conduct of the said agent or agents or servant or servants of Defendant, while acting in line with and within the line and scope of their employment as such, wantonly and intentionally bruised, lacerated and otherwise injured the Plaintiff, aggravated a pre-existing injury of Plaintiff, and caused Plaintiff to have his car, which he was then and there driving, repaired, all as the proximate result and consequence of the aforesaid wanton and intentional conduct; wherefore Plaintiff sues and asks damages in the sum of Five Thousand and No/100ths (\$5,000.00) Dollars.

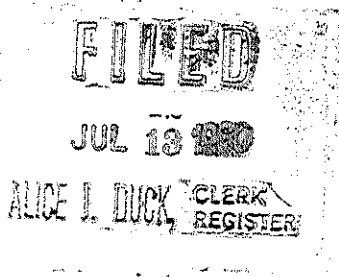

George E. Stone, Jr., Attorney for
Plaintiff.

Plaintiff demands trial by jury of the issues in this case.


George E. Stone, Jr., Attorney for
Plaintiff.

Note:

Defendant may be served
at the place of business
on Section Street,
Fairhope, Alabama.



GEORGE E. STONE, JR.
ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

July 12th,
1960

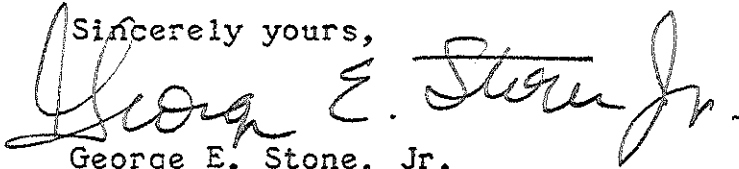
Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Sir:

Will you please be good enough to file the enclosed documents in the Circuit Court of Baldwin County, at law.

Thanking you for your consideration, I am

Sincerely yours,


George E. Stone, Jr.

GESJr:mas
Enclosures

WALTER DANA, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
JACK PONDER, individually : NO. _____
and d/b/a PONDER PLUMBING :
AND ELECTRICAL COMPANY, :
Defendant. :

INTERROGATORIES

Now comes the Plaintiff in the above entitled cause and propounds the following interrogatories to the Defendant, the answers to which, if well and truly answered, will be material evidence for Plaintiff upon his trial of this cause, namely:

1. Please state whether or not the name of the Defendant as set forth in the caption hereof is correct. If it is not correct, then please state the true and correct name of Defendant on or about March 14th, 1960.

2. Please state whether or not on or about March 14th, 1960, Defendant carried liability insurance against loss from casualty such as set out in the Complaint accompanying these interrogatories. If so, please state the name and address of such insurance company for the purpose of allowing Plaintiff to qualify the jury as to any possible interest in or bias toward said insurance company.

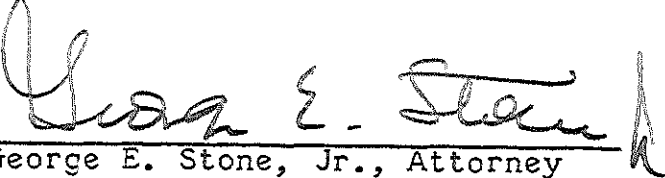
3. Please state whether or not on or about March 14th, 1960, a servant or servants or agent or agents of the Defendant, while acting in line with and within the line and scope of their authority as such, caused Plaintiff to be injured and his car to be damaged. If the answer to the foregoing be in the affirmative, then please state the

name or names of such servant or servants, agent or agents, and further state in what occupation they were engaged when the casualty occurred.

4. Please state whether or not it is a fact that the person for whom such work was being done, to-wit, Duncan Turnbull, had previously instructed the servant or servants or agent or agents of Defendant against carrying on the work involved in the manner in which it was then being done.

5. Please state whether or not the servant or servants, agent or agents of Defendant, while acting in line with and within the line and scope of their authority or employment as such, continued to conduct the work in which they were engaged in the same or substantially the same manner.

6. Please state whether or not the work in which the servant or servants or agent or agents of Defendant, while acting in line with and within the line and scope of their authority or employment as such, consisted of pulling of causing to be pulled a steel wire cable across a road or highway frequently traveled by motor vehicles. If the answer to the foregoing be in the negative, then please state in what work such person or people was or were engaged.


George E. Stone, Jr., Attorney
for Plaintiff.

STATE OF ALABAMA :

COUNTY OF BALDWIN :

Personally appeared before me, the undersigned authority, George E. Stone, Jr., who is known to me, and who after having been by me first duly sworn according to

law, doth depose and say upon his oath that he is the attorney of record for Walter Dana, the Plaintiff in this cause, and that the answers to the above and foregoing interrogatories, if well and truly made, will be material evidence for Plaintiff upon the trial of this cause.

George E. Stough

Subscribed and sworn to before
me this, the 12 day of July,
1960.

Mary Ann Strain Leland
Notary Public, Mobile County, Alabama.

Filed
7-13-60
Alice French
clerk

4318

INTERROGATORIES

WALTER DANA,

Plaintiff

vs

JACK PONDER, Ind. & d/b/a

PONDER PLUMBING & ELECTRICAL
COMPANY,

Defendant

Received 13 day of July 1968
and on 18 day of July 1968
I served a copy of the within Interrogatory
on Jack Ponder

By service on Jack Ponder

TAYLOR WILKINS, Sheriff

By W. O. Garner D.A.

Thompson

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY Garner
DEPUTY SHERIFF

WALTER DANA, : IN THE CIRCUIT COURT OF
 Plaintiff, : BALDWIN COUNTY, ALABAMA
 vs. :
 : AT LAW NO. 4318
 JACK PONDER, individually :
 and d/b/a PONDER PLUMBING :
 AND ELECTRICAL COMPANY, :
 Defendant. :

AMENDMENT

Now comes Walter Dana, Plaintiff in the above styled cause, by and through his attorney of record, and amends the title to the above styled cause so that the same shall read in words and figures as follows:

"WALTER DANA, : IN THE CIRCUIT COURT OF
 Plaintiff, : BALDWIN COUNTY, ALABAMA
 vs. :
 : AT LAW NO. 4318 "
 JACK PONDER, individually :
 and d/b/a PONDER COMPANY, :
 and PONDER COMPANY, INC., :
 a Corporation, :
 Defendants. :

George E. Stone Jr.
 George E. Stone, Jr., Attorney
 for Plaintiff.

*Copy sent to:
 Hon. Norbann Stone*

