

4579

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Earl Blackwell and Mike Blackwell 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 same, then and there to answer the complaint of P. J. Steigerwald, doing business as Foley Laundry and Dry Cleaner.

Witness my hand this 1st day of February, 1961.

Deane J. Duck
Clerk

P. J. STEIGERWALD, doing
business as FOLEY LAUNDRY
and DRY CLEANER,

Plaintiff,

vs.

EARL BLACKWELL and MIKE
BLACKWELL,

Defendants.

X
X
X
X
X
X
X
X
X

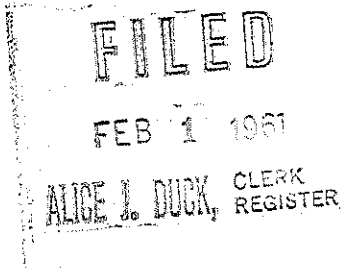
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Three Hundred Dollars (\$300.00) as damages for that on, to-wit: June 17, 1960 at a point on Alabama Highway No. 59, a public highway in Baldwin County, Alabama, near the Spinning Wheel Drive-in in Foley, Alabama, the Defendant Earl Blackwell acting by and through his agent, servant or employee the Defendant Mike Blackwell, who was then and there acting within the line and scope of his employment as such agent, servant or employee, negligently drove an automobile into or against the motor vehicle owned by the Plaintiff and as a proximate result of the negligence of such Defendants the motor vehicle owned

by the Plaintiff was damaged in this: its left front fender was bent and torn, its grill was damaged, the front bumper was bent, the front bumper guard was damaged, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.



Sharon Stone
Attorneys for Plaintiff

120.4577
P. J. STEIGERWALD, doing
business as FOLEY LAUNDRY
AND DRY CLEANER,

Plaintiff,

vs.

EARL BLACKWELL and MIKE
BLACKWELL,

Defendants

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

SUMMONS AND COMPLAINT

* * * * *

Received 1 day of Feb 1961
and on 2 day of Feb 1961

I served a copy of the within S & C
on Earl Blackwell
and Mike Blackwell

By service on _____

TAYLOR WILKINS, Sheriff

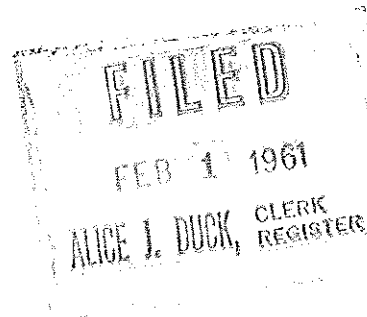
By Carlisle Childress D.S.

Sheriff claims 72 miles at

Ten Cents per mile Total \$ 7.20

TAYLOR WILKINS, Sheriff

BY Carlisle Childress
DEPUTY SHERIFF



CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

P. J. STEIGERWALD, doing
business as FOLEY LAUNDRY
and DRY CLEANER,

Plaintiff,

-VS-

EARL BLACKWELL and MIKE
BLACKWELL,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ANSWER

Comes the defendants in the above styled cause and in answer to the complaint heretofore filed therein shows separately and severally the following:

1. That they are not guilty of the matters charged.
2. The defendants say that the plaintiff ought not to recover in this case for that on the occasion complained of the driver or operator of the vehicle of the plaintiff, hence the plaintiff, was guilty of negligence proximately contributing to the alleged injuries and damages in this, that the driver or operator of the vehicle was operating said vehicle at an excessive rate of speed and while under the influence of intoxicating liquors or beverages, and the said operator of said vehicle in such condition and at such rate of speed on said occasion contributing to the plaintiffs said alleged injuries and damages, hence, the plaintiff ought not to recover in this suit.
3. For further answer to said count, the defendants say that the plaintiff ought not to recover in this case for that on the occasion complained of the agent, servant or employee of the plaintiff who was driving or operating the vehicle of the plaintiff was doing so at a rate of speed in excess of thirty miles per hour in violation of an ordinance regularly and duly adopted by the City of Foley and in force as an ordinance of the City of Foley at the time and on the date of the collision and in violation of said ordinance the plaintiff acting by and through his agent, servant or employee did negligently and carelessly run the vehicle into, upon or against the vehicle of the defendants which said negligence and violation of ordinance proximately contributed to the

(first page)

plaintiffs injuries and damages. Hence, the plaintiff ought not to recover in this suit.

4. For further answer to the complaint by the defendant Earl Blackwell, the defendant Earl Blackwell states and shows that the defendant Mike Blackwell was not at the time and place of the collision acting as his agent, servant or employee within the line and scope of his employment as such agent, servant or employee, hence, the plaintiff should not recover against the said defendant Earl Blackwell.


Attorney for Defendants

FILED

APR 31 1966

ALICE J. DUCK, CLERK
REGISTER

FILED 4579

P. J. STEIGERWALD, doing
business as FOLEY LAUNDRY
and DRY CLEANER,

Plaintiff,

-VS-

EARL BLACKWELL and MIKE
BLACKWELL,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

MAR 3 1961

ALICE J. DUCK, CLERK
REGISTER

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

CECIL G. CHASON

ATTORNEY-AT-LAW

FOLEY, ALABAMA

March 2, 1961

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

Dear Mrs. Duck:

Enclosed herewith is Answer in the case of Steigerwald
Vs. Blackwell, with one copy to be delivered by you to the
attorney for the plaintiff.

CGC:s


Cecil G. Chason