

4229

MARGARET ANN ROGERS, ) IN THE CIRCUIT COURT OF  
PLAINTIFF, ) BALDWIN COUNTY, ALABAMA  
VS. ) AT LAW.  
MARY B. BILL, )  
DEFENDANT. )

C O M P L A I N T

I.

The Plaintiff claims of the defendant the sum of Forty Five Thousand and No/100 (\$45,000.00) Dollars, as damages, for that heretofore on, to-wit: the 12th day of May, 1959, the Plaintiff was operating her automobile Northwestwardly on a public highway, viz: U. S. Highway No. 90, at a point in Baldwin County, Alabama, 1.1 miles North of the corporate limits of Robertsedale, Alabama, where she had a right to be, and the defendant, Mary B. Bill, so negligently operated a motor vehicle then and there as to cause said motor vehicle she was operating to twice run upon and against the automobile the Plaintiff was then and there operating; and Plaintiff avers that as a proximate consequence thereof, the Plaintiff was seriously and permanently injured, was made sick and sore, was caused to suffer great physical pain and anguish; and as a proximate consequence thereof the Plaintiff has been rendered permanently incapable of earning a normal income or following a regular livelihood, has suffered severe ligamentous and muscular strain, severe lumbosacral spine, activation and aggravation of pre-existing hypertrophic arthritic changes, trauma, lumbar sprain of the spine and muscles of the spinal column, severe pain from cervical extension, flexion injury producing a left brachial neuritis, and cerebral concussion. The Plaintiff has suffered and will continue to suffer permanent disability due to the aforesaid injuries sustained in this accident, and the Plaintiff was caused to incur expenses of doctors, nurses, x-rays, hospitals, and drugs, in and about the treatment of her injuries as aforesaid, and will likely incur additional expenses of like nature in the future; and in addition, the Plaintiff's automobile was greatly damaged and

rendered useless as a proximate consequence of the aforesaid negligence of the defendant; for all of which Plaintiff claims damages as aforesaid.

## II.

The Plaintiff claims of the defendant the sum of Forty Five Thousand and No/100 (\$45,000.00) Dollars, as damages, for that heretofore on, to-wit: the 12th day of May, 1959, the Plaintiff was operating her automobile Northwestwardly on a public highway, viz: U. S. Highway No. 90, at a point in Baldwin County, Alabama, 1.1 miles North of the corporate limits of Robertsdale, Alabama, where she had a right to be, and the defendant, Mary B. Bill, so wantonly operated a motor vehicle then and there as to cause said motor vehicle she was operating to twice run upon and against the automobile the Plaintiff was then and there operating; and Plaintiff avers that as a proximate consequence thereof, the Plaintiff was seriously and permanently injured, was made sick and sore, was caused to suffer great physical pain and anguish; and as a proximate consequence thereof the Plaintiff has been rendered permanently incapable of earning a normal income or following a regular livelihood, has suffered severe ligamentous and muscular strain, severe lumbosacral spine, activation and aggravation of pre-existing hypertrophic arthritic changes, trauma, lumbar sprain of the spine and muscles of the spinal column, severe pain from cervical extension, flexion injury producing a left brachial neuritis, and cerebral concussion. The Plaintiff has suffered and will continue to suffer permanent disability due to the aforesaid injuries sustained in this accident, and the Plaintiff was caused to incur expenses of doctors, nurses, x-rays, hospitals, and drugs, in and about the treatment of her injuries as aforesaid, and will likely incur additional expenses of like nature in the future; and in addition, the Plaintiff's automobile was greatly damaged and rendered useless as a proximate consequence of the aforesaid

wantonness of the defendant; for all of which Plaintiff claims damages as aforesaid.

SHELL, FLEMING & DAVIS

&

JAMES A. BRICE

ATTORNEYS FOR PLAINTIFF

BY:

  
OF COUNSEL

DEMAND FOR TRIAL BY JURY:

Plaintiff demands trial by Jury.

  
Of Counsel

MARGARET ANN ROGERS,

Plaintiff,

-vs-

MARY B. BILL,

Defendant.

\* IN THE CIRCUIT COURT OF

\* BALDWIN COUNTY, ALABAMA

\* AT LAW

\* CASE NO. 4229

\*

Comes now the defendant in the above styled cause and for answer to the complaint and the separate and several Count I and Count II thereof, files the following separate and several plea 1:

1. Not guilty.

Comes now the defendant in the above styled cause and for further answer to the separate and several Count I of the complaint, files the following separate and several plea 2:

2. The defendant avers that at the said time and place alleged in the complaint the plaintiff was herself guilty of negligence which proximately contributed to plaintiff's alleged injuries and damages, in that the plaintiff so negligently operated her said motor vehicle, at the time and place referred to in the complaint, as to cause or allow it to collide with the automobile being operated, at the time and place referred to in the complaint, by the defendant, wherefore, the plaintiff should have and recover nothing of the defendant.

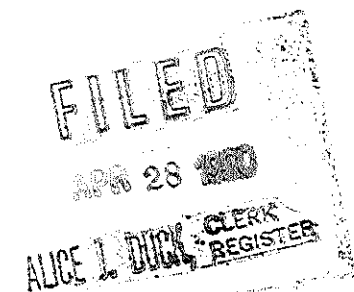
Comes now the defendant in the above styled cause and for further answer to the complaint files the following separate and several plea 3:

3. The defendant claims of the plaintiff the sum of, to-wit, Ten Thousand and No/100 (\$10,000.00) Dollars, as damages, for that heretofore on, to-wit: the 12th day of May, 1959, the plaintiff so negligently operated an automobile on and along U. S. Highway No. 90 at a point in Baldwin County, Alabama, 1.1 miles North of the corporate limits of Robertsdale, Alabama, which said highway at said point was at said time a public highway in Baldwin County, Alabama, as to cause the same to collide

with a motor vehicle of the defendant which was then and there being operated along said public highway by the defendant; and the defendant avers that as a proximate result of said negligence of the plaintiff at said time and place said automobile of the defendant was damaged in that the front fenders, hood and bumper were bent, broken and torn and said automobile was otherwise bent, broken and torn and the defendant lost the use thereof for a great length of time and was put to expense in and about the repair of the same; and the defendant further avers that as a result of said negligence of the plaintiff at said time and place the defendant suffered personal injuries in this; she suffered acute shock, contusions and lacerations of her upper and lower jaws, contusions and lacerations of her left and right knees and a strain of her sacro-iliac. The defendant further alleges that as a proximate result of said negligence of the plaintiff at said time and place she has suffered and will continue to suffer great physical pain and mental anguish as a result of the aforesaid injuries sustained in this accident and the defendant was caused to incur expenses for doctors, nurses, x-rays, hospitals, and drugs, in and about the treatment of her said injuries as aforesaid and will likely incur additional expenses of like nature in the future and will suffer permanent injury to her back as a result of said sacro-iliac sprain; for all of which the defendant claims damages as aforesaid.

FOREMAN & BROWN

By Alexander Foreman  
Attorneys for the Defendant  
214 First National Bank Annex  
Mobile, Alabama



JAMES A. BRICE  
ATTORNEY AT LAW  
FOLEY, ALABAMA

POST OFFICE BOX 298

April 6, 1960

WHITEHALL 3-3601

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

Re: Margaret Ann Rogers  
vs: Mary B. Bill

Dear Mrs. Duck:

I am enclosing initial pleadings on behalf of the  
Plaintiff in the above styled cause of action.

The defendant may be served at Robertsedale, Alabama.

Thank you.

Very truly yours,

  
James A. Brice

JAB/vd

Enclosures

cc: Shell, Fleming & Davis  
Attorneys at Law  
P. O. Box 1505  
Pensacola, Florida

FOREMAN & BROWN  
ATTORNEYS AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
ALTON R. BROWN, JR.  
KEENER T. BLACKMARR

September 23, 1960

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

Re: Margaret Ann Rogers  
vs  
Mary B. Bill  
At Law, Case No. 4229  
Our File No. 60-4091-F

Dear Mrs. Duck:

Enclosed herewith you will please find Aenta Insurance Company's draft No. 89-30-04, payable to your order in the amount of Three Thousand Five Hundred Seventy Eight and 95/100 (\$3,578.95) Dollars in payment of the judgment and costs in connection with the above referred to case. Please furnish us with a certificate that the judgment and costs have been paid in full.

Yours very truly,

FOREMAN & BROWN

AFjr/r  
enclosure

By:   
Alexander Foreman, Jr.

cc: Mr. James Brice  
Attorney at Law  
Foley, Alabama

FOREMAN & BROWN  
ATTORNEYS AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
ALTON R. BROWN, JR.  
KEENER T. BLACKMARR

September 19, 1960

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

Re: Margaret Ann Rogers vs. Mary B. Bill  
Case No. 4229  
Our File No. 60-4091-F

Dear Mrs. Duck:

Please let us have a court cost bill, in connection with the above-captioned case, at your earliest opportunity and we will then forward you the amount of court costs and judgment in the amount of \$3,500.00.

Your courtesy in this will be appreciated.

Yours very truly,

FOREMAN & BROWN

AFjr/r

By:   
Alexander Foreman, Jr.



MARGARET ANN ROGERS,                    ) IN THE CIRCUIT COURT OF  
Plaintiff                                    ) BALDWIN COUNTY, ALABAMA  
Vs.    ) AT LAW  
MARY B. BILL,                                ) CASE NO. 4229  
Defendant                                    )

Comes now the plaintiff in the above styled cause and for replication to pleas two and three of the defendant heretofore filed in this cause, separately and severally says the following:

1. The plaintiff joins issue on plea two.
2. Plaintiff joins issue on plea three.
3. For further replication to plea three, the plaintiff says at the time and place complained of in said plea, the defendant so negligently operated her automobile as to cause or allow the same to collide with the automobile of the plaintiff, and that said defendant thereby proximately contributed to her alleged damages.

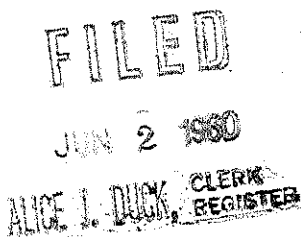
SHELL, FLEMING & DAVIS;

JAMES A. BRICE;

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON;

ATTORNEYS FOR PLAINTIFF

BY: W.C. Boone Jr.  
OF COUNSEL



FOREMAN & BROWN  
ATTORNEYS AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
ALTON R. BROWN, JR.  
KEENER T. BLACKMARR

April 27, 1960

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

Re: Margaret Ann Rogers vs.  
Mary B. Bill  
Case No. 4229

Dear Mrs. Duck:

Enclosed herewith you will please find the original and a copy of the answer of Mrs. Mary B. Bill which we shall appreciate your causing to be properly filed in the above styled cause. We shall also appreciate your causing the copy thereto to be properly served on the defendant for the plaintiff.

It is the writers recollection that the next jury term will be in September and your advice in this regard will be appreciated.

Yours very truly,

FOREMAN & BROWN

By:   
Alexander Foreman, Jr.

AFJr/bd  
Enclosure

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON, JR.  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
W. C. BOONE, JR.  
DONALD F. PIERCE

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAB

TELEPHONE:  
HEMLOCK 2-5514

June 1, 1960

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

Re: Rogers v. Bill, Case No. 4229

Dear Mrs. Duck:

Enclosed is an answer for the plaintiff to the plea of recoupment previously filed, which I would appreciate your filing.

Thank you for your assistance.

Yours very truly,



For the Firm

WCB:cc  
Enc.

4229  
Margaret A. Royle  
Mary Bill

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. Baring, 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. Mathews, Charles E., Furniture, Bay Minette~~
- ~~22. McKenzie, Elroy, JR., Farmer, Fairhope~~
- ~~23. Mitchel, 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, W. Silsby, Jr., Plumber, Bay Minette~~
- ~~43. Langston, Shelby, Brookley Field, Bay Minette~~
- ~~44. Crawford, Russell M., Electrician, Bay Minette~~
- ~~45. Howard, Oscar, Merchant, Bay Minette~~
- ~~46. Johnson, Manford, Newport, Bay Minette~~
- ~~47. Walker, W. Kirby, Railroad, Bay Minette~~
- ~~48. Gray, Cane P., Oil Distributor, Bay Minette~~
- ~~49. Wrenn, Walter P., Fleet, Bay Minette~~
- ~~50. Zehner, Charles K., Health Dept., Bay Minette~~
- ~~51. Murrah, Wendel A., Production, Bay Minette~~
- ~~52. Moorer, Uhle, Newport, Bay Minette~~
- ~~53. Miller, Ernest, Ala. Power Co., Bay Minette~~
- ~~54. McKinney, Fred, A.P.C., Bay Minette~~
- ~~55. McGill, Jake M., Insurance, Bay Minette~~
- ~~56. Lynd, Joe E., Plumber, Bay Minette~~
- ~~57. Knight, Robert W., Clerk, Bay Minette~~
- ~~58. Lyles, O.C., Real Estate, Bay Minette~~
- ~~59. Easley, Ted, Baldwin Pole & Piling Co., Bay Minette~~

P XXXXX XXXXX XXXXX

D XXXXX XXXXX XXXXX

FOREMAN & BROWN  
ATTORNEYS AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
ALTON R. BROWN, JR.  
KEENER T. BLACKMARR

June 3, 1960

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

Re: Margaret Ann Rogers vs.  
Mary B. Bill  
Case No. 4229

Dear Mrs. Duck:


Enclosed herewith you will find the original and three copies of the rejoinder of the defendant, Mary B. Bill, which we shall appreciate your causing to be filed in the above styled cause. We shall also appreciate your causing the copies thereof be properly served on the various attorneys for the plaintiff.

Your courtesies in this regard will be appreciated.

Yours very truly,

FOREMAN & BROWN

By:

  
Alexander Foreman, Jr.

AFJr/r  
Enclosures

MARGARET ANN ROGERS,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
MARY B. BILL	)	CASE NO. 4229
Defendant	)	

Comes now the defendant in the above styled cause and for rejoinder to the separate and several replication 3 of the plaintiff says that she joins issue on said plea.

FOREMAN & BROWN

BY: Alexander Foreman, Jr.  
Alexander Foreman, Jr.  
Attorneys for the Defendant  
214 First National Bank Annex  
Mobile, Alabama

FILED  
JUN 6 1960  
ALICE J. DICK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon

MARY B. BILL

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 MARY B. BILL

-----, Defendant-----

by MARGARET ANN ROGERS

-----, Plaintiff-----

Witness my hand this

8

day of

Apr

19 60

-----, Clerk

*Deirdre Luck*

**STATE of ALABAMA**

Baldwin County

**CIRCUIT COURT**MARGARET ANN ROGERS

Plaintiffs

vs.

MARY B. BILL

Defendants

**Summons and Complaint**

Filed

**FILED**

19

**APR 8 1961**

Clerk

**ALICE L. DUCK, CLERK  
REGISTER**SHELL, FLEMING & DAVISJAMES A. BRICE

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

Received In Office

4/8, 1960

Sheriff.

I have executed this summons

this 4-13 1960

by leaving a copy with

Mary B. BillSheriff claims 50 miles atTen Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY

62  
DEPUTY SHERIFFTaylor Wilkins

Sheriff.

Edna Strachan  
Deputy Sheriff.Robert Dale, aka