

In the Matter of the Removal to
The District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

4652

JOHN H. NABORS,

Plaintiff,

vs.

LANDIS T. WALKER and ATLANTA
GUTTER SUPPLY, a corporation,

Defendants.

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CIVIL ACTION NO. _____

PETITION FOR REMOVAL OF CIVIL ACTION FROM THE CIRCUIT COURT
OF BALDWIN COUNTY IN THE STATE OF ALABAMA TO THE DISTRICT
COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

TO THE HONORABLE DANIEL H. THOMAS, JUDGE OF THE SAID DISTRICT
COURT OF THE UNITED STATES:

Come your Petitioners, Atlanta Gutter Supply Company,
Inc., and Landis T. Walker, and respectfully show unto the Court
as follows:

ONE

That heretofore and on, to-wit, March 24, 1961, a
Civil Action was brought and is now pending in the Circuit Court
of Baldwin County, Alabama, wherein John H. Nabors is the plain-
tiff and your Petitioners, Atlanta Gutter Supply Co., Inc., and
Landis T. Walker, are the defendants, service on the defendants
having been had on the Secretary of State of Alabama on March
27, 1961.

TWO

That the matter or amount in controversy in said action,
which is No. 4652 on the Law Docket of the Circuit Court of Bald-
win County, Alabama, exceeds the sum or value of \$10,000, exclu-
sive of interests and costs.

THREE

That said action is a Civil Action of which the District Courts of the United States have original jurisdiction, in that the said action is one to recover damages for injuries alleged to have been sustained in an automobile accident occurring in the Southern District of Alabama, namely in Baldwin County, Alabama.

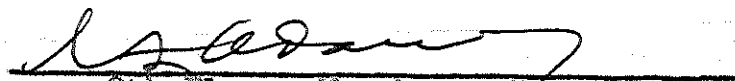
FOUR

That the controversy in said suit is between citizens of different states, in that your Petitioner, Landis T. Walker, is a resident citizen of Georgia, his address being 575 Evelyn Place, N. W., Atlanta, Georgia, your Petitioner, Atlanta Gutter Supply Company, Inc., being a corporation organized under the laws of the State of Georgia, and the plaintiff being a resident of Baldwin County, Alabama.

FIVE

Your Petitioners herewith present a good and sufficient bond as provided by statute, conditioned that your Petitioners, the defendants, will pay all costs and disbursements incurred by reason of the removal proceedings, should it be determined that the case was not removable or was improperly removed.

WHEREFORE, Petitioners pray that the said action No. 4652 may be removed from said State Court into this Court for trial and determination; that this Court accept said bond and make and enter an order of removal of said Action No. 4652.



9th Floor, Merchants National
Bank Building, Mobile, Alabama

As Attorney for Petitioners


OF COUNSEL:

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

STATE OF ALABAMA

COUNTY OF MOBILE

R. F. Adams, being duly sworn, deposes and says he is informed and believes, and on such information and belief, avers that the facts stated in the foregoing petition are true and correct.



Subscribed and sworn to before me on
this the 14th day of April, 1961.



Notary Public, Mobile County, Alabama

STATE OF ALABAMA
COUNTY OF MOBILE

KNOW ALL MEN BY THESE PRESENTS, that Landis T. Walker and Atlanta Gutter Supply Company, Inc., as principals and _____, as surety, are held and firmly bound unto John H. Nabors in the penal sum of FIVE HUNDRED DOLLARS (\$500.00) for the payment whereof, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

The condition of this bond is such that:

WHEREAS, the said Landis T. Walker and Atlanta Gutter Supply Company, Inc., simultaneously herewith have filed their petition in the United States District Court for the Southern District of Alabama, Southern Division, for the removal to this said Court of a certain cause of action pending in the Circuit Court of Baldwin County, Alabama, wherein the said Landis T. Walker and Atlanta Gutter Supply Company, Inc., are the defendants and the said John H. Nabors is the plaintiff.

NOW, THEREFORE, if said Petitioners shall pay or cause to be paid all costs and disbursements incurred by reason of this said removal proceeding should it be determined that this action was wrongfully or improperly removed to this said Court, then this obligation shall be void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, we, the above and undersigned named principals and surety, have hereunto set our hands and seals on this the 14th day of April, 1961.

LANDIS T. WALKER and ATLANTA GUTTER
SUPPLY COMPANY, INC.

By _____
As their attorney
Principals

Approved and accepted this
the _____ day of April, 1961.

United States District Judge

By _____
As surety

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

JOHN H. NABORS,

Plaintiff,

vs.

LANDIS T. WALKER and ATLANTA
GUTTER SUPPLY, a corporation,

Defendants.

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CIVIL ACTION NO. _____

TO: Wilters & Brantley
Attorneys at Law
Bay Minette, Alabama

Please take notice that Landis T. Walker and Atlanta Gutter Supply Company, Inc., defendants in the above styled cause, have on the 14th day of April, 1961, filed their petition to remove the above styled action to the United States District Court for the Southern District of Alabama, Southern Division, a copy of the said petition being attached to this said notice, and that said Landis T. Walker and Atlanta Gutter Supply Company, Inc., have on the 14th day of April, 1961, filed in the United States District Court a bond with good and sufficient surety conditioned as is provided by law with respect to said proceedings. You are hereby further notified that a copy of the said petition is being filed this day with Mrs. Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, wherein said cause is now pending, which shall effect the removal of said cause from said Court.

This said notice is given to you as attorneys for the plaintiff in compliance with the provisions of Title 28 U.S.C.A., Section 1446 (e).

Dated this 14th day of April, 1961.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By


Attorneys for Defendants

Plaintiff

Defendant

Atlanta Cutter Supply, a corporation,

Defendants

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1.

The Plaintiff claims of the Defendants the sum of \$125,000.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 90 crosses over the Louisville and Nashville Railroad tracks, overpass on the South side of Bay Minette, Ala.

The Defendant, Atlanta Cutter Supply, a corporation, while acting within the line and scope of his employment as such negligent driver, ran the motor vehicle he was driving into the motor vehicle the Plaintiff was operating, and as a direct approximate result of this negligence, the Plaintiff was injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the muscles, tendons, ligaments, nerves, etc. were bruised, stretched, sprained and torn, and he was permanently injured; and that his whole physical being was rendered in great pain and mental anguish. His nervous system was shocked and impaired, and he was caused to lose time from his regular and customary duties and activities, that the Plaintiff was

to incur great expenses in and about procuring medical aid and attention, and Hospital Care and treatment of the said injuries and that he will be required to do so indefinitely.

2.

The Plaintiff claims of the Defendants the sum of \$100,000.00. On or about the 9th day of September, 1940, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 90 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and that then and there the Defendant, Lucile T. Walker, a servant agent or employee of the Defendant, Atlanta Outer Supply, a corporation, while acting within the line and scope of his employment as such, did so negligently operate his motor vehicle as to cause it to suddenly

cross the Plaintiff's path, whereby the Plaintiff was instantly injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the neck, shoulders, hips and arms and legs were bruised, sprained, and torn, and he was permanently injured; that his whole physical being was shaken and injured, and that he was made sick and sore and was caused to suffer physical pain and mental anguish. His nervous system was greatly injured, and he was caused to lose sleep from his inability to perform duties and activities, that the Plaintiff was caused

to incur great expenses in and about procuring medical aid and attention, and Hospital care and treatment of the said injuries and that he will be required to do so indefinitely.

3.

The Plaintiff claims of the Defendants the sum of \$500.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 90 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment, negligently did run the motor vehicle he was driving into the motor vehicle of Plaintiff which was operating, and as a direct approximate consequence and result of said negligence, the Plaintiff's motor vehicle was damaged and broken; the left and right side of the vehicle was bent, crushed and broken; that the Plaintiff was deprived of the use of the motor vehicle for a long period of time, up to the time of the Plaintiff in the aforesaid amount. The Plaintiff avers that his said motor vehicle was used in his business, trade and occupation.

4.

The Plaintiff further avers that the Defendants Landis T. Walker and Atlanta Gutter Supply Company, a corporation, are and were on the date of said collision, to-wit, 9th day of September, 1960, non-residents of the State of Alabama. That their present addresses are respectively, 1012 Maize Street, East Point, Georgia, and 229 Hollywood Road, N.W., Atlanta, Georgia, and the Plaintiff prays that service of process upon these Defendants may be had in accordance with the provisions of the Code of 1940, Title 7, Section 199.

WILLIAM A. BRANTLEY

BY:

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

JOHN H. NABORS,

Plaintiff,

vs.

LANDIS T. WALKER and ATLANTA
GUTTER SUPPLY, a corporation,

Defendants.

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CIVIL ACTION NO. _____

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

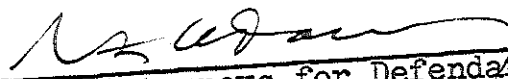
Pursuant to the provisions of law in such cases made
and provided, there is hereby filed with you a copy of the
petition of Landis T. Walker and Atlanta Gutter Supply Company,
Inc., the defendants in the above styled cause to remove said
cause to the United States District Court for the Southern
District of Alabama, Southern Division. The said petition,
accompanied by a bond with good and sufficient surety, condi-
tioned as is required by law, was on the 14th day of April,
1961, filed in the said United States District Court for the
Southern District of Alabama, Southern Division.

Written notice of the filing of said petition and bond
has this day been given to the attorneys for plaintiff herein,
and you are hereby notified that the filing of a copy of the
aforesaid petition with you as Clerk of the Circuit Court of
Baldwin County, Alabama, effects removal of said cause to the
said United States District Court.

Dated this 14th day of April, 1961.

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By



Attorneys for Defendants

April 18, 1961

JOHN H. NABORS, Plaintiff
 VS
 ATLANTA GUTTER SUPPLY, a
 corporation, et al, Defendants

IN THE CIRCUIT COURT OF BALDWIN
 COUNTY, ALABAMA

CASE NO. Not Given

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Bettye Frink, Secretary of State, hereby certify that on March 27, 1961
 I sent by registered mail in an envelope addressed as follows:

" Atlanta Gutter Supply
 829 Hollywood Road, N. W.
 Atlanta, Georgia"

"Registered Mail—
 Return Receipt Requested
 Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of
 the State of Alabama in words and figures as follows:

" Atlanta Gutter Supply
 829 Hollywood Road, N. W.
 Atlanta, Georgia

You will take notice that on March 27, 1961 the Sheriff of Montgomery
 County, Alabama, served upon me, in my official capacity, summons and complaint in a
 case entitled: JOHN H. NABORS, Plaintiff VS ATLANTA GUTTER SUPPLY, a
 corporation, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALA.

Case No. Not Given a true copy of which summons and complaint is attached hereto
 and the said service upon me as Secretary of State of the State of Alabama has the force and
 effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 27
 day of March 1961

Enclosure (1)

(Signed) Bettye Frink
 Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed
 as above set forth had attached to it a true copy of the summons and complaint in the above-styled
 cause.

I further certify that on April 3, 1961 I received the return card, showing
 receipt by the designated addressee of the aforementioned matter at Atlanta, Ga.
 on 3/31/61 Federal Annex

WITNESS MY HAND and the Great Seal of the State of Alabama this the 18 day
 of April 1961

Bettye Frink
 Bettye Frink
 Secretary of State

Enclosures: Return Receipt Card and copy
 of Summons and Complaint.
 cc: Honorable Tolbert M. Brantley
 Wilters & Brantley
 Attorneys at Law
 Bay Minette, Alabama



SUMMONS AND COMPLAINT

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4652

TERM, 19--

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

LANDIS T. WALKER & ATLANTA GUTTER SUPPLY,

A CORPORATION

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 LANDIS T. WALKER
& ATLANTA GUTTER SUPPLY, A CORPORATION

by JOHN H. HADORS, Defendant.

Witness my hand this 24 day of March 1961, Plaintiff.

Clerk

JOHN H. NABORS,

Plaintiff

vs

LANDIS T. WALKER and
ATLANTA GUTTER SUPPLY,
a corporation,

Defendants

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X

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X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. _____

1.

The Plaintiff claims of the Defendants the sum of \$125,000.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and that then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment as such, negligently did run the motor vehicle he was driving into the motor vehicle the Plaintiff was operating, and as a direct approximate result of said negligence, the Plaintiff was injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the muscles, tendons, legaments and nerves thereof were bruised, wrenched, sprained and torn, and he was permanently injured; and that his whole physical being was shaken and shocked, and he was made sick and sore and was caused to suffer great physical pain and mental anguish. His nervous system was greatly shocked and impaired, and he was caused to lose time from his usual and customary duties and activities, that the Plaintiff was caused

to incur great expenses in and about procuring Doctors, Medicine, Medical Aid and Attention, and Hospital Care and Treatment of the said injuries and that he will be required to do so indefinitely.

2.

The Plaintiff claims of the Defendants the sum of \$125,000.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and that then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment as such, did so wantonly operate his motor vehicle as to cause it to wantonly run into the motor vehicle the Plaintiff was operating, and as a result thereof, the Plaintiff was wantonly injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the muscles, tendons, ligaments and nerves thereof were bruised, wrenched, sprained, and torn, and he was permanently injured; that his whole physical being was shaken and shocked, and that he was made sick and sore and was caused to suffer great physical pain and mental anguish. His nervous system was greatly shocked and impaired, and he was caused to lose time from his usual and customary duties and activities, that the Plaintiff was caused to incur great expenses in and about procuring Doctors, Medicine, Medical Aid and Attention, and hospital care and treatment of the said injuries and that he will be required to do so indefinitely.

3.

The Plaintiff claims of the Defendants the sum of \$500.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment, negligently did run the motor vehicle he was driving into the motor vehicle the Plaintiff was operating, and as a direct approximate consequence and result of said negligence, the Plaintiff's motor vehicle was damaged and broken; the left and right side of the vehicle was bent, scraped and broken; that the Plaintiff was deprived of the use of his motor vehicle for a long period of time, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff avers that his said motor vehicle was used in his business, trade and occupation.

4.

The Plaintiff further avers that the Defendants Landis T. Walker and Atlanta Gutter Supply Company, a corporation, are and were on the date of said collision, to-wit, 9th day of September, 1960, non-residents of the State of Alabama. That their present addresses are respectively, 1012 Maine Street, East Point, Georgia, and 829 Hollywood Road, N.W., Atlanta, Georgia, and the Plaintiff prays that service of process upon these Defendants may be had in accordance with the provisions of the Code of 1940, Title 7, Section 199.

WILTERS & BRANTLEY

BY: S. Albert M. Brantley

April 18, 1961

JOHN H. NABORS, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

VS

LANDIS T. WALKER, ET AL, Defendants

CASE NO. Not Given

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Bettye Frink, Secretary of State, hereby certify that on March 27, 1961
I sent by registered mail in an envelope addressed as follows:

" Landis T. Walker
1012 Maine Street
East Point, Georgia"

"Registered Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of
the State of Alabama in words and figures as follows:

" Landis T. Walker
1012 Maine Street
East Point, Georgia

You will take notice that on March 27, 1961 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: JOHN H. NABORS, Plaintiff VS LANDIS T. WALKER, ET AL,
Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. Not Given a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 27
day of March 1961

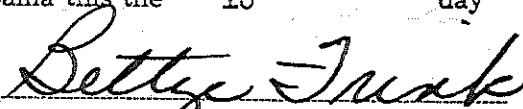
Enclosure (1)

(Signed) Bettye Frink
Secretary of State"

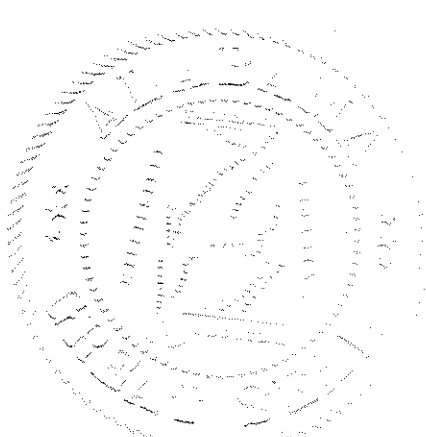
I further certify that the notice above set out which was so mailed in the envelope addressed
as above set forth had attached to it a true copy of the summons and complaint in the above-styled
cause.

I further certify that on Apr 7 1961 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Atlanta, Ga.
on Not Given

WITNESS MY HAND and the Great Seal of the State of Alabama this the 18 day
of April 1961


Bettye Frink
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.
cc: Honorable Tolbert M. Brantley
Wilters & Brantley, Attys. at Law
Bay Minette, Alabama



SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4652

TERM, 19--

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon LANDIS T. WALKER & ATLANTA GUTTER SUPPLY,

A CORPORATION

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 LANDIS T. WALKER

& ATLANTA GUTTER SUPPLY, A CORPORATION

Defendant

by JOHN H. NABORS

Plaintiff

Witness my hand this 24 day of March 1961

Alice J. Duck, Clerk

JOHN H. NABORS,

Plaintiff

vs

LANDIS T. WALKER and
ATLANTA GUTTER SUPPLY,
a corporation,

Defendants

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X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. _____

I.

The Plaintiff claims of the Defendants the sum of \$125,000.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama; at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and that then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment as such, negligently did run the motor vehicle he was driving into the motor vehicle the Plaintiff was operating, and as a direct approximate result of said negligence, the Plaintiff was injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the muscles, tendons, legaments and nerves thereof were bruised, wrenched, sprained and torn, and he was permanently injured; and that his whole physical being was shaken and shocked, and he was made sick and sore and was caused to suffer great physical pain and mental anguish. His nervous system was greatly shocked and impaired, and he was caused to lose time from his usual and customary duties and activities, that the Plaintiff was caused

to incur great expenses in and about procuring Doctors, Medicine, Medical Aid and Attention, and Hospital Care and Treatment of the said injuries and that he will be required to do so indefinitely.

2.

The Plaintiff claims of the Defendants the sum of \$125,000.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and that then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment as such, did so wantonly operate his motor vehicle as to cause it to wantonly run into the motor vehicle the Plaintiff was operating, and as a result thereof, the Plaintiff was wantonly injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the muscles, tendons, ligaments and nerves thereof were bruised, wrenched, sprained, and torn, and he was permanently injured; that his whole physical being was shaken and shocked, and that he was made sick and sore and was caused to suffer great physical pain and mental anguish. His nervous system was greatly shocked and impaired, and he was caused to lose time from his usual and customary duties and activities, that the Plaintiff was caused to incur great expenses in and about procuring Doctors, Medicine, Medical Aid and Attention, and hospital care and treatment of the said injuries and that he will be required to do so indefinitely.

3.

The Plaintiff claims of the Defendants the sum of \$500.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment, negligently did run the motor vehicle he was driving into the motor vehicle the Plaintiff was operating, and as a direct approximate consequence and result of said negligence, the Plaintiff's motor vehicle was damaged and broken; the left and right side of the vehicle was bent, scraped and broken; that the Plaintiff was deprived of the use of his motor vehicle for a long period of time, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff avers that his said motor vehicle was used in his business, trade and occupation.

4.

The Plaintiff further avers that the Defendants Landis T. Walker and Atlanta Gutter Supply Company, a corporation, are and were on the date of said collision, to-wit, 9th day of September, 1960, non-residents of the State of Alabama. That their present addresses are respectively, 1012 Maine Street, East Point, Georgia, and 829 Hollywood Road, N.W., Atlanta, Georgia, and the Plaintiff prays that service of process upon these Defendants may be had in accordance with the provisions of the Code of 1940, Title 7, Section 199.

WILTERS & BRANTLEY

BY: Seller & Brantley

JOHN H. NABORS,

Plaintiff

vs

LANDIS T. WALKER and
ATLANTA GUTTER SUPPLY,
a corporation,

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4652

1.

The Plaintiff claims of the Defendants the sum of \$125,000.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and that then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment as such, negligently did run the motor vehicle he was driving into the motor vehicle the Plaintiff was operating, and as a direct approximate result of said negligence, the Plaintiff was injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the muscles, tendons, ligaments and nerves thereof were bruised, wrenched, sprained and torn, and he was permanently injured; and that his whole physical being was shaken and shocked, and he was made sick and sore and was caused to suffer great physical pain and mental anguish. His nervous system was greatly shocked and impaired, and he was caused to lose time from his usual and customary duties and activities, that the Plaintiff was caused

to incur great expenses in and about procuring Doctors, Medicine, Medical Aid and Attention, and Hospital Care and Treatment of the said injuries and that he will be required to do so indefinitely.

2.

The Plaintiff claims of the Defendants the sum of \$125,000.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and that then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment as such, did so wantonly operate his motor vehicle as to cause it to wantonly run into the motor vehicle the Plaintiff was operating, and as a result thereof, the Plaintiff was wantonly injured as follows:

He sustained a concussion of the brain and was rendered unconscious, and his back and the muscles, tendons, ligaments and nerves thereof were bruised, wrenched, sprained, and torn, and he was permanently injured; that his whole physical being was shaken and shocked, and that he was made sick and sore and was caused to suffer great physical pain and mental anguish. His nervous system was greatly shocked and impaired, and he was caused to lose time from his usual and customary duties and activities, that the Plaintiff was caused to incur great expenses in and about procuring Doctors, Medicine, Medical Aid and Attention, and hospital care and treatment of the said injuries and that he will be required to do so indefinitely.

3.

The Plaintiff claims of the Defendants the sum of \$500.00 as damages for that on, to-wit, 9th day of September, 1960, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the City of Bay Minette, Alabama, at a point where U. S. Highway 31 crosses over the Louisville and Nashville Railroad by means of an overpass on the South side of Bay Minette, and then and there the Defendant, Landis T. Walker, a servant agent or employee of the Defendant, Atlanta Gutter Supply, a corporation, while acting within the line and scope of his employment, negligently did run the motor vehicle he was driving into the motor vehicle the Plaintiff was operating, and as a direct approximate consequence and result of said negligence, the Plaintiff's motor vehicle was damaged and broken; the left and right side of the vehicle was bent, scraped and broken; that the Plaintiff was deprived of the use of his motor vehicle for a long period of time, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff avers that his said motor vehicle was used in his business, trade and occupation.

4.

The Plaintiff further avers that the Defendants Landis T. Walker and Atlanta Gutter Supply Company, a corporation, are and were on the date of said collision, to-wit, 9th day of September, 1960, non-residents of the State of Alabama. That their present addresses are respectively, 1012 Maine Street, East Point, Georgia, and 829 Hollywood Road, N.W., Atlanta, Georgia, and the Plaintiff prays that service of process upon these Defendants may be had in accordance with the provisions of the Code of 1940, Title 7, Section 199.

WILLIERS & BRANTLEY

BY: S. M. Brantley

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4652

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon LANDIS T. WALKER & ATLANTA GUTTER SUPPLY,
A CORPORATION

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 LANDIS T. WALKER
& ATLANTA GUTTER SUPPLY, A CORPORATION, Defendant.

by JOHN H. NABORS

Plaintiff

Witness my hand this 24 day of March 1961

Clerk

No. 4652 Page

The State of Alabama

Baldwin County

CIRCUIT COURT

JOHN H. NABORS

Plaintiffs

vs.

LANDIS T. WALKER & ATLANTA

GUTTER SUPPLY, A CORPORATION
Defendants

Summons and Complaint

Filed March 24, 1961

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

599
Defendant lives at
RECEIVED IN OFFICE

MAR 27 1961

Received In Office

M. S. BUTLER, Sheriff

3/24/1961

_____, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

Executed by serving 6 copies of

the within on Bea G. Trump

Secretary of State of The State of

Alabama.

This the 27 day of March 1961

Sheriff of Montgomery County

M. S. Butler,

By Bea G. Trump D. S.

The Sheriff claims 2

miles at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff

Montgomery County, Ala

Deputy Sheriff

JOHN H. MAROIS VS MAROIS, T.B. MAROIS, et al.,

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee

☐ Show address where delivered

(Additional charges required for these services)

Not C.R.

RETURN RECEIPT

Received the numbered article described on other side

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Charles C. Walker

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DELIVER TO ADDRESSEE'S ORDER

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested on form #1)

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

RECEIVED
APR 19 1961
SECRETARY OF STATE
MONTGOMERY, ALABAMA

INSTRUCTIONS: Fill in the blank spaces and place the stamp on other side. The stamp should be placed on the front of article to be insured.

REGISTER NO. 1277	NAME OF SENDER
CERTIFIED NO.	STREET
INSURED NO.	CITY, ZONE AND STATE

POP. FORM 38 (11-59)