

THE STATE OF ALABAMA }  
Baldwin  
Montgomery County

4729

To any Sheriff of the State of Alabama—GREETING:

You are Hereby Commanded to Summon

JOHN G. PETURIS

Baldwin

to appear for the Circuit Court of ~~Montgomery~~, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur or plead to the complaint of

And you are hereby commanded to execute this process instanter and make return as required by law.

Witness my hand this 7 day of

June

19 61

Ed-6-10-61

Clerk.

THE STATE OF ALABAMA Baldwin County, <del>Montgomery</del> , Alabama	COMPLAINT	Baldwin In the Circuit Court of <del>Montgomery</del> County
KENNETH H. RUSH	VS.	JOHN G. PETURIS
Plaintiff	COUNT I	Defendant
<del>The plaintiff claims of the Defendant</del>		

The Plaintiff claims of the Defendant, John G. Peturis, the sum of FORTY-FOUR THOUSAND FIVE HUNDRED FORTY-THREE AND 66/100 (\$44,543.66) DOLLARS as damages for that on, to-wit: The 25th day of July, 1960, while Plaintiff was proceeding on a motorcycle on U. S. Highway 31 approximately 1.7 miles north of Malbis Cut-off in Baldwin County, Alabama, the Defendant, John G. Peturis, then and there so negligently operated a motor vehicle so that it collided with or against the motorcycle on which Plaintiff was riding and as a proximate result and consequence of the negligence of the Defendant, Plaintiff was injured in this, to-wit: Plaintiff received compound dislocations of the second, third and fourth m.p. joints of his right hand; his face was deeply cut and lacerated; his right knee was severely sprained; there were abrasions on Plaintiff's left hand; these injuries caused a cast to be put on Plaintiff's right hand and arm, his face sutured, his right hand to become stiff, painful and sore, his right knee to suffer acute flexion and severe pain, a tender groove to be in the dorsum of Plaintiff's right forearm resulting from severe contusions and Plaintiff is unable to completely bend his right knee; there is contraction of the palmar fascia of Plaintiff's right hand; Plaintiff was caused to suffer severe pain and agony, to be permanently disabled and permanently restricted in his normal activity; he was caused to lose time from his work ; he will be caused to lose time from his work in the future; he will be disabled in the future; he will be permanently less able to enjoy recreation; he was caused to incur doctor bills, hospital bills and other medical bills due to his injuries; he will be caused to be less able to earn a livelihood in the future; he will be permanently abnormal; he will be permanently less able to participate in recreational activities; Plaintiff was caused to be sick, sore and lame and to suffer great mental anguish, hence this suit.

COUNT II

The Plaintiff claims of the Defendant, John G. Peturis, the sum of FORTY-FOUR THOUSAND FIVE HUNDRED FORTY-THREE AND 66/100 (\$44,543.66) DOLLARS as damages for that on, to-wit: The 25th day of July, 1960, while Plaintiff was proceeding on a motorcycle on U. S. Highway 31 approximately 1.7 miles north of Malbis Cut-off in Baldwin County, Alabama, the Defendant, John G. Peturis, then and there so wantonly operated a motor vehicle that it collided with a motorcycle which Plaintiff was operating and as a proximate result and consequence of the wanton conduct of the Defendant, Plaintiff was caused to be wantonly injured in this, to-wit: Plaintiff received compound dislocations of the second, third and fourth m.p. joints of his right hand; his face was deeply cut and lacerated; his right knee was severely sprained; there were abrasions on Plaintiff's left hand; these injuries caused a cast to be put on Plaintiff's right hand and arm, his face sutured, his right hand to become stiff, painful and sore, his right knee to suffer acute flexion and severe pain, a tender groove to be in the dorsum of Plaintiff's right forearm resulting from severe contusions and Plaintiff is unable to completely bend his right knee; there is contraction of the palmar fascia of Plaintiff's right hand; Plaintiff was caused to suffer severe pain and agony, to be permanently disabled and permanently restricted in his normal activity; he was caused to lose time from his work; he will be caused to lose time from his work in the future; he will be disabled in the future; he will be permanently less able to enjoy recreation; he was caused to incur doctor bills, hospital bills and other medical bills due to his injuries; he will be caused to be less able to earn a livelihood in the future; he will be permanently abnormal; he will be permanently less able to participate in recreational activities; Plaintiff was caused to be sick, sore and lame and to suffer great mental anguish, hence this suit.

HILL, ROBISON AND BELSER

By Joseph W. Phelps  
Attorneys for Plaintiff

Plaintiff demands a trial by jury in this cause.

HILL, ROBISON AND BELSER

By Joseph W. Phelps

FILED  
JUN - 7 - 1961  
ALICE L. DUCK, CLERK  
REGISTER

Received in office 15<sup>th</sup> day of

June 1961

Taylor Wicken Sheriff

Executed by serving \_\_\_\_\_ cop

of the within. Summons and Complaint on

Defendant this the 10 day of

John G. Peteris June 1961

Taylor Wilber Sheriff

By  
Edleigh Steadman

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00  
TAYLOR, WILKINS, Sheriff

BY Deakhan  
DEPUTY SHERIFF

Belforest. Ala

No. 4729

Kenneth H. Rush

VS.

John H. Petrusis

CIRCUIT COURT  
*Baldwin*  
OF MONTGOMERY COUNTY

Term, 19

# SUMMONS AND COMPLAINT

Filed in office this \_\_\_\_\_ day of \_\_\_\_\_

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A. D. 19

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**Clerk.**

ALICE J. DUCK, CLERK  
REGISTER

Plaintiff's Attorney.

THE PARAGON PRESS, MONTGOMERY

[illegible]

NO. 4727

JURY LIST - FALL SESSION - SEPT. 10, 1962

1. Barton, John, Sr., Merchant, Bay Minette
2. Beasley, Newton P., Mechanic, Bay Minette
3. Roley, Willie, Carpenter, Bay Minette
4. Keuler, Jake W., Farmer, Loxley
5. Knowles, Kenneth, Brookley Field, Bay Minette
6. Klein, John P., Farmer, Elberta
7. Knowles, J. Frank, Clerk, Bay Minette
8. Stimpson, Carl, Clay Products, Fairhope
9. Steele, Ira, Mail Clerk, Fairhope
10. Sturges, Frank III, Alcoa, Spanish Fort
11. Tindal, Kendrick N., Contractor, Bay Minette
12. Tindall, Horace A., Farmer, Gulf Shores
13. Trawick, Cecil, Farmer, Stapleton
14. Singleton, Art, Public, Rosinton
15. Nelson, Martin, Cleaners, Fairhope
16. Pacey, Paul G., Farmer, Fairhope
17. Morse, Wilson W., Civil Service, Foley
18. McKibbin, W.G., Woodhaven Dairy, Fairhope
19. Bishop, George O., Merchant, Fairhope
20. Booth, Robert E., Laborer, Fairhope
21. Byrd, Claude, Newport, Bay Minette
22. Cabiness, Marvin, Laborer, Bay Minette
23. Carlisle, D.C., Newport, Bay Minette
24. Chandler, Sidney, Bank Clerk, Silverhill
25. Cooper, Claude, Farmer, Rosinton
26. Cooper, Nolan P., Merchant, Rosinton
27. Creamer, Henry, City Employee, Fairhope
28. Deloach, Percy, Farmer, Bay Minette
29. Good, John, Jr., Farmer, Elberta
30. Hammond, Walter W., Grocery, Robertsdale
31. Hastie, Joe H., Merchant, Stockton
32. Hill, Calvin, Farmer, Belforest
33. Jackson, Thomas K., Farmer, Daphne
34. Johnson, Coy L., Laborer, Bay Minette
35. Jones, Clopton, Real Estate, Robertsdale
36. Kasuba, Stanley J., Insurance, Fairhope
37. Frank, George, Farmer, Elberta
38. Garner, Clifton, Carpenter, Bay Minette
39. Lunsford, Albert A., Teacher, Foley
40. McClain, Cecil E., Elec Co., Robertsdale
41. York, D.W., Farmer, Foley
42. Funstall, Solomon, Laborer, Stockton
43. Mund, Thos C., Fisherman, Gulf Shores
44. McDill, Sam C., Farmer, Bay Minette

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4729

Rush

vs

Peterson's

KENNETH H. RUSH, )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA  
JOHN G. PETURIS, ) AT LAW NO. 4729  
Defendant. )

ANSWER

1. Now comes the defendant and for answer to Count I of the complaint, says:

A. The defendant, for answer to the complaint, saith that he is not guilty of the matters alleged therein.

B. At the time and place alleged in the complaint the plaintiff was himself guilty of negligence which proximately contributed to his alleged injuries and damages, in that he then and there so negligently operated the motorcycle which he was then and there driving as to cause it to run into, upon or against the motor vehicle of the defendant.

2. Now comes the defendant and for answer to Count II of the complaint, says:

A. The defendant, for answer to Count II of the complaint, saith that he is not guilty of the matters alleged therein.

FILED

JUN 30 1961

ALICE L. DUCK, CLERK  
REGISTER

*J. B. Blashburn*  
Attorney for Defendant

ANSWER

KENNETH H. RUSH,

Plaintiff,

VS.

JOHN G. PETURIS,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 4729

FILED

JUN 30 1961

ALICE J. DUCK, CLERK  
REGISTER

KENNETH H. RUSH,  
Plaintiff  
-vs-  
JOHN G. PETURIS,  
Defendant

Y  
:  
Y  
:  
Y  
:  
Y  
:  
Y

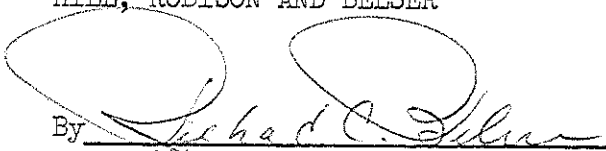
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW CASE NO. 4729

Comes now the plaintiff in the above entitled cause and for reply to Pleas 1(A) (B) and to Plea 2(A) of the defendant's answer, separately and severally, says:

1. The plaintiff joins issue on said plea.

HILL, ROBISON AND BELSER

By

  
Attorneys for Plaintiff

FILED  
JUL 10 1961

ALICE J. DUCK, Clerk