

EDNA B. WHITE,

Plaintiff,

vs.

JAMES McAFFEE and RANDOLPH
L. SELLARS,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5075

Come the Defendants in the above styled cause and demurs to the complaint filed in said cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not sufficiently set out where the accident occurred.
3. That said complaint does not allege that the accident occurred in Baldwin County, Alabama.
4. That said complaint does not sufficiently set out the injuries received by the Plaintiff.
5. That said complaint does not allege in what manner the Plaintiff is permanently injured.
6. That said complaint does not allege any duty owing by the Defendants to the Plaintiff.
7. That said complaint does not allege that the Defendants negligently injured the Plaintiff.
8. That count "TWO" of said complaint does not allege that the Defendants willfully or wantonly injured the Plaintiff.

Lynn Piles & Cook

Thomas Stone
Attorneys for Defendants

FILED

APR 17 1962

ALICE J. DUCK, CLERK
REGISTER

EDNA B. WHITE,

Plaintiff,

vs.

JAMES McAFFEE and RANDOLPH
L. SELLARS,

Defendants

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5075

* * * * *

DEMURRER

* * * * *

FILED

APR 17 1962

ALICE J. DUCK, CLERK
REGISTER.

AMENDED COMPLAINT

EDNA B. WHITE	X		
Plaintiff	()	IN THE CIRCUIT COURT OF	
vs	X	BALDWIN COUNTY, ALABAMA	
JAMES McAFFEE and	X	AT LAW	NO. <u>5075</u>
RANDOLPH L. SELLARS	X		
Defendants	X		

COUNT ONE:


The plaintiff claims of the defendants the sum of Forty Thousand (\$40,000.00) Dollars as damages, for that, heretofore, on to-wit, the 15th day of March, 1961, the plaintiff was operating an automobile pickup truck on a public highway, to-wit, U. S. Highway numbered 31 in Baldwin County, Alabama, approximately 12 miles East of the City Limits of Bay Minette, Alabama, Baldwin County, near the community of Perdido, where she had a right to be, and the defendant, Randolph L. Sellars, an agent, servant or employee of the defendant, James McAfee, while acting within the line and scope of his employment, so negligently operated his motor vehicle, to-wit, a truck tractor and trailer then and there, as to cause said motor vehicle, to-wit, a truck tractor and trailer, he was operating to run over, upon or against the automobile pickup truck in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she was injured severely about the legs, body and back suffering bruises and contusions; and suffering a permanent low back injury whereby she has been disabled and unable to perform her duties as a wife or housekeeper and unable to do gainful employment, being permanently injured, all to her damage in the sum aforesaid. And plaintiff avers that all of her said injuries were proximately caused by the said negligence of the said defendant, Randolph L. Sellars, an agent, servant or employee of the defendant, James McAfee, while acting within the line and scope of his employment as such agent, servant or employee in and about the negligent operation of said motor vehicle at the time and place and on the occasion aforesaid.

COUNT TWO:

The plaintiff claims of the defendants the sum of Forty Thousand (\$40,000.00) Dollars as damages, for that, heretofore, on to-wit, the 15th day of March, 1961, the plaintiff was operating an


automobile pickup truck on a public highway, to-wit, U. S. Highway numbered 31 in Baldwin County, Alabama, approximately 12 miles East of the City Limits of Bay Minette, Baldwin County, Alabama, near the community of Perdido, where she had a right to be, and on to-wit, said day and date, Randolph L. Sellars, an agent, servant or employee of defendant, James McAffee, while acting within the line or scope of his employment, with reckless disregard to consequences, being conscious at that time that his conduct in so doing would probably result in disaster, wilfully or wantonly injured plaintiff by running an automobile truck tractor and trailer into the automobile pickup truck which plaintiff was operating and as the proximate result and consequence of said wilful or wanton conduct, plaintiff received severe personal injuries in this, to-wit: she was injured severely about the legs, body and back, suffering bruises and contusions; and suffering a permanent low back injury whereby she has been disabled and unable to perform her duties as wife or as a housekeeper and unable to do gainful employment, being permanently injured, for all of which she claims damages in the sum aforesaid.

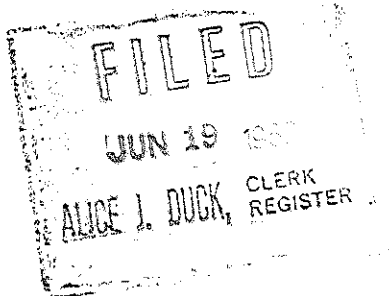
THOMPSON & WHITE

BY: 
Attorneys for plaintiff.

Plaintiff respectfully requests trial by jury.

THOMPSON & WHITE

BY: 
Attorneys for plaintiff.



EDNA B. WHITE

Plaintiff

vs

JAMES McAFFEE and
RANDOLPH L. SELLARS

Defendants

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 5475

COUNT ONE:

The plaintiff claims of the defendants the sum of Forty Thousand (\$40,000.00) Dollars as damages, for that, heretofore, on, to-wit, the 15th day of March, 1961, the plaintiff was operating an automobile pickup truck on a public highway, U. S. Highway numbered 31 approximately 12 miles East of the City Limits of Bay Minette, Baldwin County, Alabama, near the Community of Perdido, where she had a right to be, and the defendant, Randolph L. Sellars, an agent, servant or employee of the defendant, James McAfee, while acting within the line and scope of his employment, so negligently operated his motor vehicle, to-wit, a truck tractor and trailer then and there, as to cause said motor vehicle, to-wit, a truck tractor and trailer, he was operating to run over, upon or against the automobile pickup truck in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she was injured severely about the legs, body and back suffering bruises and contusions; and suffering a low back injury whereby she has been disabled and unable to perform her duties as a wife or housekeeper and unable to do gainful employment, being permanently injured, all to her damage in the sum aforesaid. And plaintiff avers that all of her said injuries were proximately caused by the said negligence of the said defendant, Randolph L. Sellars, an agent, servant, or employee of the defendant, James McAfee, while acting within the line and scope of his employment as such agent, servant, or employee in and about the negligent operation of said motor vehicle at the time and place and on the occasion aforesaid.

COUNT TWO:

The plaintiff claims of the defendants the sum of Forty Thousand (\$40,000.00) Dollars as damages, for that, heretofore, on, to-wit, the 15th day of March, 1961, the plaintiff was operating

an automobile pickup truck on a public highway, U. S. Highway numbered 31 approximately 12 miles East of the City Limits of Bay Minette, Baldwin County, Alabama, near the Community of Perdido, where she had a right to be, and the defendant, Randolph L. Sellars, an agent, servant or employee of the defendant, James McAffee, while acting within the line and scope of his employment, so wilfully and wantonly operated his motor vehicle, to-wit, a truck tractor and trailer then and there, as to cause said motor vehicle, to-wit a truck tractor and trailer, he was operating to run over, upon or against the automobile pickup truck in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she was injured severely about the legs, body and back suffering bruises and contusions; and suffering a low back injury whereby she has been disabled and unable to perform her duties as a wife or housekeeper and unable to do gainful employment, being permanently injured, all to her damage in the sum aforesaid. And plaintiff avers that all of her said injuries were proximately caused by the said wilfullness and wantonness of the said defendant, Randolph L. Sellars, an agent, servant, or employee of the defendant, James McAffee, while acting within the line and scope of his employment as such agent, servant or employee in and about the wilful and wanton operation of said motor vehicle at the time and place and on the occasion aforesaid.

THOMPSON & WHITE

BY:

C. L. Deir Thompson
Attorneys for plaintiff

Plaintiff respectfully requests trial by jury.

THOMPSON & WHITE

BY:

C. L. Deir Thompson
Attorneys for plaintiff

EDNA B. WHITE

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

JAMES MCAFFEE and
RANDOLPH L. SELLARS

X

AT LAW

NO. _____

Defendants

X

X

Comes the Plaintiff in the above styled cause and propounds the following interrogatories to the Defendant, Randolph L. Sellars:

1. State your correct name.
2. State your correct address.
3. What is your connection with Superior Trucking Lines?
4. Were you driving a truck tractor and trailer on U. S. Highway numbered 31 approximately 12 miles East of the City Limits of Bay Minette, Baldwin County, Alabama, near the Community of Perdido on March 15, 1961?
5. State the name of your employer on March 15, 1961.
6. Was the truck tractor and trailer you were driving owned by your employer on that date?
 - (a) If not, state the conditions under which you were operating the truck tractor and trailer as to ownership or lease.
7. Were you in an accident with an automobile pickup truck on that date?
8. At the time of your collision were you on the left hand side of the highway?
9. Did you make a report of the accident to any officer of the State of Alabama following the accident?
10. Did you inform your employer of the accident?
11. State the names of the driver and passengers in the automobile pickup truck with which you collided on March 15, 1961, at the time and place noted.

THOMPSON & WHITE

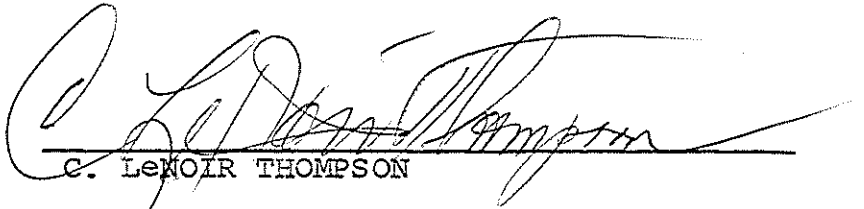
BY: 

Attorneys for plaintiff

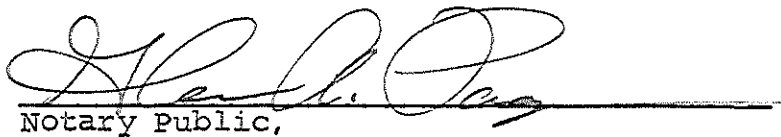
STATE OF ALABAMA

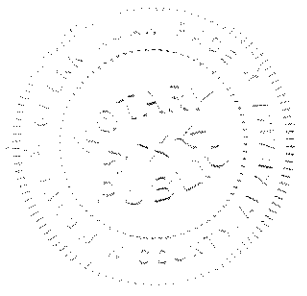
BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows: My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the Plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the Defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the Plaintiff on the trial of said cause.


C. LENOIR THOMPSON

Subscribed and sworn to before me by the said C. LeNoir Thompson on this 19th day of March, 1962.


Notary Public,



EDNA B. WHITE

Plaintiff

vs

JAMES McAFFEE and
RANDOLPH L. SELLARS

Defendants

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

Comes the Plaintiff in the above styled cause and propounds the following interrogatories to the Defendant, James McAfee:

1. State your correct name.
2. State your correct address.
3. What is your connection with Superior Trucking Lines?
4. Were you on March 15, 1961, the owner of a truck tractor and trailer being operated by Randolph L. Sellars?

(a) If your answer is "yes", were you the employer of Randolph L. Sellars?

5. State the name of the owner of the truck tractor and trailer which Randolph L. Sellars operated on March 15, 1961, at the time and place on U. S. numbered Highway 31 in Baldwin County that the accident took place.

6. Did your employee give you a report of the accident?

7. Did your employee give you the name of the driver and passengers in the automobile pickup truck with which his vehicle collided?

THOMPSON & WHITE

BY: 

Attorneys for plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows: My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the Plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the Defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.


C. LENOIR THOMPSON

Notary Public

ALICE L. BARK, Clerk
BARKS



SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.-----

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon James McAffee and Randolph L. Sellars

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 _____

James McAffee and Randolph L. Sellars, Defendant. S.

by Edna B. White

_____, Plaintiff.

Witness my hand this 13 day of March 1962.

Exp. 3-14-62 Alice J. Luck, Clerk

No. 5075 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT

EDNA B. WHITE

Plaintiffs

vs.

JAMES MCAFFEE

RANDOLPH L. SELLARS

Defendants

SUMMONS and COMPLAINT

Filed FILED, 19____

MAR 12 1962

, Clerk

ALICE J. DUCK, CLERK
REGISTER

Plaintiff's Attorney

Defendant's Attorney

467
Defendant lives at
Randolph L. Sellars, Rt. 2
Acworth, Georgia
James McAfee, Roswell, Ga.

RECEIVED IN OFFICE

MAR 14 1962

, 19____

6
M. S. BUTLER, Sheriff

, Sheriff

I have executed this summons

this _____, 19____

by leaving a copy with

Executed by serving 6 copies of
the within on Betty Smith
Secretary of State of The State of
Alabama.

This the 14 day of March 1962

Sheriff of Montgomery County

M. S. Butler,

By Remo D. S.

The Sheriff claims 2

miles at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff

Montgomery County, Ala. Sheriff

Deputy Sheriff

March 22, 1962

EDNA B. WHITE, Plaintiff
VS
JAMES McAFFEE, et al, Defendants

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

CASE NO. 5075

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

I, Bettye Frink, Secretary of State, hereby certify that on March 14, 1962
I sent by registered mail in an envelope addressed as follows:

" James McAfee
Roswell,
Ga."

"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:

" James McAfee
Roswell,
Ga."

You will take notice that on March 14, 1962 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: EDNA B. WHITE, Plaintiff vs JAMES McAFFEE, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 5075 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 14 day of

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 Mar 21 1962 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Rosw--- Ga.
on Mar 19 1962

WITNESS MY HAND and the Great Seal of the State of Alabama this the 22 day of March 1962

Bettye Frink
Bettye Frink
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Interrogatories
cc: Honorable C. Lemoir Thompson
Attorneys at Law
124 Court House Sq/
Bay Minette, Ala.

EDNA B. WHITE

Plaintiff

VS

JAMES McAFFEE and
RANDOLPH L. SELLARS

Defendants

X

X

X

X

X

X

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

COUNT ONE:

The plaintiff claims of the defendants the sum of Forty Thousand (\$40,000.00) Dollars as damages, for that, heretofore, on, to-wit, the 15th day of March, 1961, the plaintiff was operating an automobile pickup truck on a public highway, U. S. Highway numbered 31 approximately 12 miles East of the City Limits of Bay Minette, Baldwin County, Alabama, near the Community of Perdido, where she had a right to be, and the defendant, Randolph L. Sellars, an agent, servant or employee of the defendant, James McAfee, while acting within the line and scope of his employment, so negligently operated his motor vehicle, to-wit, a truck tractor and trailer then and there, as to cause said motor vehicle, to-wit, a truck tractor and trailer, he was operating to run over, upon or against the automobile pickup truck in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she was injured severely about the legs, body and back suffering bruises and contusions; and suffering a low back injury whereby she has been disabled and unable to perform her duties as a wife or housekeeper and unable to do gainful employment, being permanently injured, all to her damage in the sum aforesaid. And plaintiff avers that all of her said injuries were proximately caused by the said negligence of the said defendant, Randolph L. Sellars, an agent, servant, or employee of the defendant, James McAfee, while acting within the line and scope of his employment as such agent, servant, or employee in and about the negligent operation of said motor vehicle at the time and place and on the occasion aforesaid.

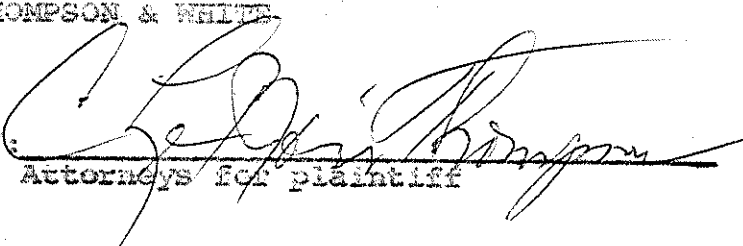
COUNT TWO:

The plaintiff claims of the defendants the sum of Forty Thousand (\$40,000.00) Dollars as damages, for that, heretofore, on, to-wit, the 15th day of March, 1961, the plaintiff was operating

an automobile pickup truck on a public highway, U. S. Highway numbered 31 approximately 12 miles East of the City Limits of Bay Minette, Baldwin County, Alabama, near the Community of Perdido, where she had a right to be, and the defendant, Randolph L. Sellars, an agent, servant or employee of the defendant, James McAfee, while acting within the line and scope of his employment, so wilfully and wantonly operated his motor vehicle, to-wit, a truck tractor and trailer then and there, as to cause said motor vehicle, to-wit a truck tractor and trailer, he was operating to run over, upon or against the automobile pickup truck in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she was injured severely about the legs, body and back suffering bruises and contusions; and suffering a low back injury whereby she has been disabled and unable to perform her duties as a wife or housekeeper and unable to do gainful employment, being permanently injured, all to her damage in the sum aforesaid. And plaintiff avers that all of her said injuries were proximately caused by the said wilfulness and wantonness of the said defendant, Randolph L. Sellars, an agent, servant, or employee of the defendant, James McAfee, while acting within the line and scope of his employment as such agent, servant or employee in and about the wilful and wanton operation of said motor vehicle at the time and place and on the occasion aforesaid.

THOMPSON & WHITE

BY:


Attorneys for plaintiff

Plaintiff respectfully requests trial by jury.

THOMPSON & WHITE

BY:


Attorneys for plaintiff

EDNA B. WHITE

Plaintiff

vs

JAMES McAFFEE and
RANDOLPH L. SELLARS

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

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1. State your correct name.
2. State your correct address.
3. What is your connection with Superior Trucking Lines?
4. Were you driving a truck tractor and trailer on U. S.

Highway numbered 31 approximately 12 miles East of the City Limits of Bay Minette, Baldwin County, Alabama, near the Community of Perdido on March 15, 1961?

5. State the name of your employer on March 15, 1961.

6. Was the truck tractor and trailer you were driving owned by your employer on that date?

- (a) If not, state the conditions under which you were operating the truck tractor and trailer as to ownership or lease.

7. Were you in an accident with an automobile pickup truck on that date?

8. At the time of your collision were you on the left hand side of the highway?

9. Did you make a report of the accident to any officer of the State of Alabama following the accident?

10. Did you inform your employer of the accident?

11. State the names of the driver and passengers in the automobile pickup truck with which you collided on March 15, 1961, at the time and place noted.

THOMPSON & WHITE


BY: 

Attorneys for plaintiff

STATE OF ALABAMA

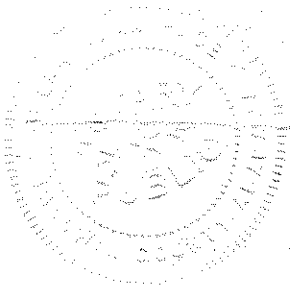
BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows: My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the Plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the Defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the Plaintiff on the trial of said cause.


C. LENOIR THOMPSON

Subscribed and sworn to before me by the said C. LeNoir Thompson on this 12th day of March, 1962.


Notary Public.



EDNA B. WHITE

Plaintiff

vs

JAMES McAFFEE and
RANDOLPH L. SELLARS

Defendants

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

Comes the Plaintiff in the above styled cause and propounds the following interrogatories to the Defendant, James McAfee:

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3. What is your connection with Superior Trucking Lines?
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(a) If your answer is "yes", were you the employer of Randolph L. Sellars?

5. State the name of the owner of the truck tractor and trailer which Randolph L. Sellars operated on March 15, 1961, at the time and place on U. S. numbered Highway 31 in Baldwin County that the accident took place.

6. Did your employee give you a report of the accident?
7. Did your employee give you the name of the driver and passengers in the automobile pickup truck with which his vehicle collided?

THOMPSON & WHITE

BY: 

Attorneys for plaintiff

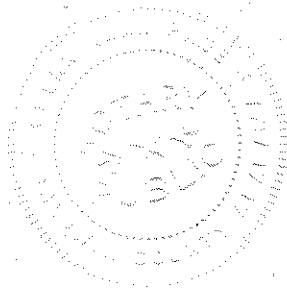
STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows: My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the Plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the Defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the Plaintiff on the trial of said cause.


C. LENOIR THOMPSON

Subscribed and sworn to before me by the said C. Lenoir
Thompson on this 12 day of March, 1962.

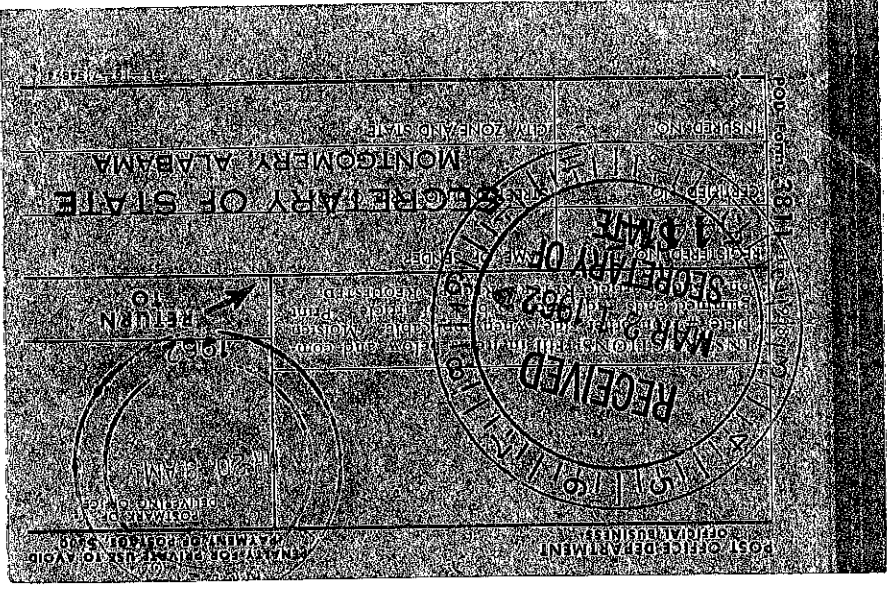

Notary Public

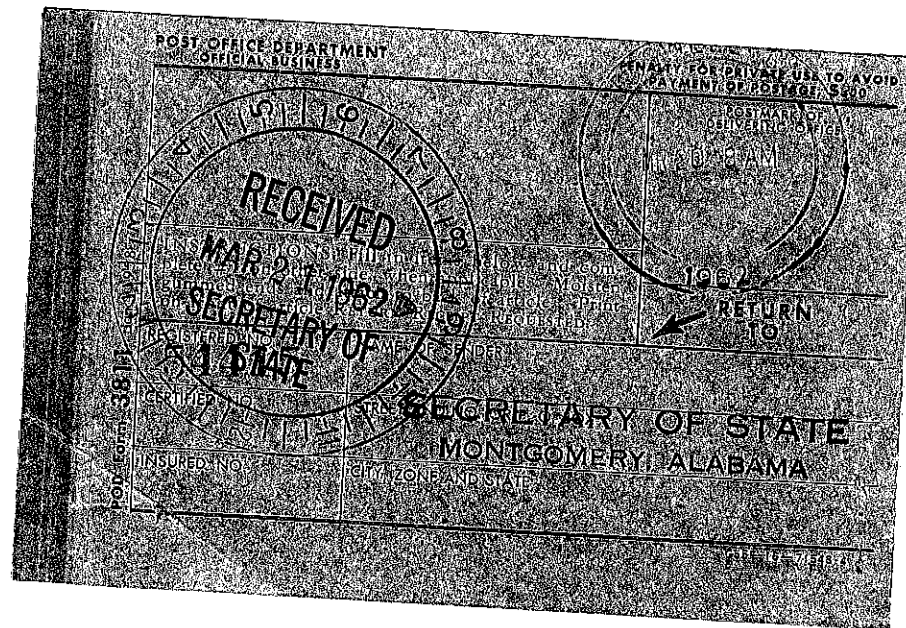


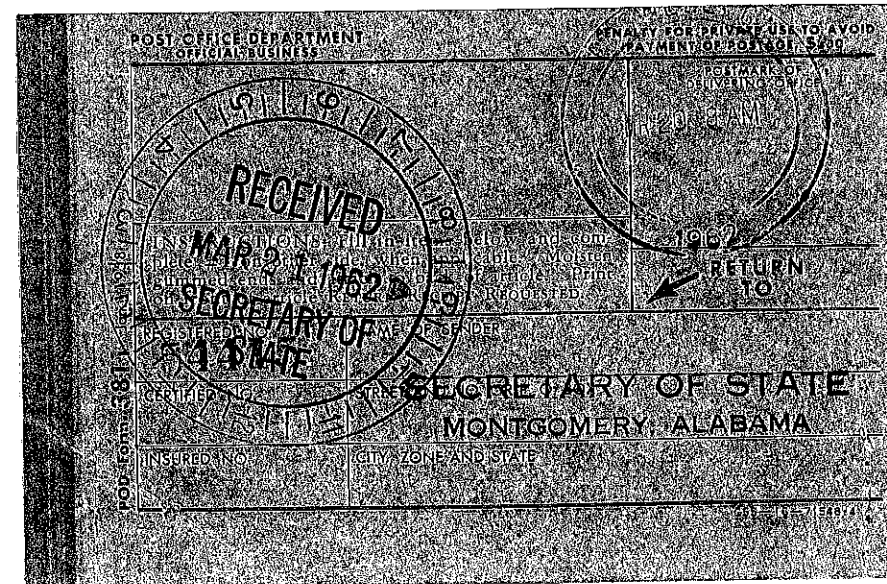
FILED

MAR 15 1962

REGISTERED
MAIL
CLERK







EDNA B. WHITE VS JAMES MCARTHEE, et al

#1 INSTRUCTIONS TO DELIVERING EMPLOYEE

☒ Deliver ONLY to ☐ Show address where delivered 5075
and attach the fees required for this service.

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (PRINT OR TYPE FULL NAME)

James McArthur

SIGNATURE OF ADDRESSEE'S AGENT (IF ANY)

DELIVER TO ADDRESSEE ONLY

DATE DELIVERED

MAR 19 1962

ADDRESS WHERE DELIVERED (PRINT OR TYPE FULL ADDRESS)

OFFICE OF THE ATTORNEY GENERAL