

LAW OFFICES
BAILEY & LACEY
P. O. BOX 161
FAIRHOPE, ALABAMA

ERNEST M. BAILEY
RICHARD C. LACEY

July 2, 1962

TELEPHONES
WAVERLY 8-9759
WAVERLY 8-2393

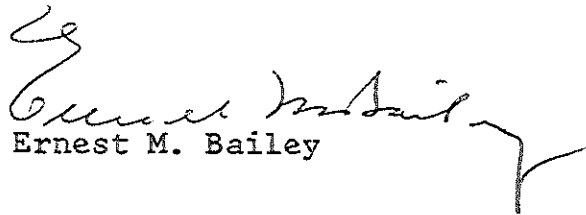
Mrs. Alice J. Duck, Clerk
Circuit Court
County Court House
Bay Minette, Alabama

Re: JARVIS, Norman Ottis, et al
Vs: SMITH & DOUGLAS
CASE NO. 5156 Civil

Dear Mrs. Duck:

Enclosed is a demand for jury trial in the above case.
Please enter this demand in this cause.

Sincerely,


Ernest M. Bailey

EMB/jl

Encl: a/s

ERNEST M. BAILEY

ATTORNEY AT LAW

221 FAIRHOPE AVE.

FAIRHOPE, ALABAMA

BOX 161

May 25th, 1962

Clerk Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck,

Please file and have service made on the
attached Bill of Complaints.

Thank you,

EMB
EMB

LAW OFFICES
BAILEY & LACEY
P. O. BOX 161
FAIRHOPE, ALABAMA

ERNEST M. BAILEY
RICHARD C. LACEY

TELEPHONES
WAVERLY 8-9759
WAVERLY 8-2393

June
27th
1962

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

Re: Jarvis vs Smith, et al
Case # 5156 Civil

Dear Mrs. Duck:

29878
In the above case you requested a better address for the defendants. William A. Smith lives east of Fairhope on Fairhope Avenue just west of Klumpp Airport. Sam Douglas lives just off of Oberg Road approximately two and one-half miles south of Morphy Avenue. Both of these parties are known at Wally's Grocery Store in the event further information is needed.

Very truly yours,


Ernest M. Bailey

EMB/w

NORMAN OTTIS JARVIS, a minor,
by his next of friend EUNICE
G. JARVIS and EUNICE G. JARVIS,
individually,

PLAINTIFFS

VS.

WILLIAM A. SMITH and
SAM DOUGLAS,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

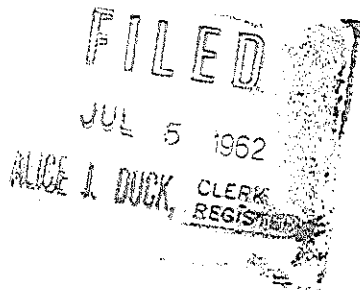
CASE NO. 5156 Civil

DEMAND FOR JURY TRIAL

Come the Plaintiffs in the above styled cause and demand a
trial by jury of this cause.

BAILEY & LACEY

BY: 
ATTORNEYS FOR THE PLAINTIFFS



NORMAN OTTIS JARVIS, a minor
by his next of friend EUNICE
G. JARVIS and EUNICE G.
JARVIS, individually,

Plaintiffs,

vs.

WILLIAM A. SMITH and SAM
DOUGLAS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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

1. That said complaint does not state a cause of action.
2. That there is a misjoinder of parties Plaintiff in said complaint.
3. That there is a misjoinder of causes of action in said complaint.
4. That each and every Plaintiff is not entitle to recover under each count of the complaint.
5. That "COUNT ONE" of the complaint does not allege that Norman Ottis Jarvis is a minor.
6. That "COUNT ONE" of the complaint does not allege which Plaintiff was in an automobile which was struck at the time of the accident.
7. That the place where the accident occurred is not sufficiently set out in either count of the complaint.
8. That it is not alleged in either count of said complaint which Plaintiff was the owner of the vehicle that was struck and damaged.
9. It is not alleged in "COUNT ONE" which Plaintiff spent large sums of money for medical expenses.
10. It is not alleged in "COUNT ONE" which Plaintiff claims damages as a result of the injuries complained of.

Filed
7-17-62

Harold A. Jones
Attorneys for Defendants

5156

NORMAN OTTIS JARVIS, a minor
by his next of friend EUNICE
G. JARVIS and EUNICE G.
JARVIS, individually,

Plaintiffs,

vs.

WILLIAM A. SMITH and SAM
DOUGLAS,

Defendants

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

DEMURRER

* * * * *

FILED

JUL 17 1962

ALICE J. DUCK, CLERK
REGISTER

NORMAN OTTIS JARVIS, a Minor)	
by his next friend, EUNICE)	IN THE
G. JARVIS and EUNICE G. JARVIS,)	
Individually,)	CIRCUIT COURT OF BALDWIN
)	
Plaintiffs,)	COUNTY, ALABAMA.
)	
VS.)	AT LAW.
)	
WILLIAM A SMITH and SAM DOUGLAS,)	
)	
Defendants.)	
)	

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause and amends his bill of complaint heretofore filed in this cause to read as follows:

NORMAN OTTIS JARVIS, a Minor)	
by his next friend, Eunice)	
G. Jarvis, his mother)	IN THE
)	
Plaintiff,)	CIRCUIT COURT OF BALDWIN
)	
VS.)	COUNTY, ALABAMA.
)	
WILLIAM A. SMITH and SAM)	AT LAW.
DOUGLAS,)	
)	NO: _____
Defendants.)	
)	

Plaintiff claims of the Defendants the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages, for that heretofore and on, -to-wit, the 10th day of August, 1961, in Baldwin County, Alabama, the defendant, Sam Douglas, agent, servant or employee of the defendant, William A. Smith, while acting within the line and scope of his employment, so negligently operated a motor vehicle on a public road, to-wit, at a point on the County road leading from Walley's Store on the Bell Forest Road to Greeno Road, approximately one-fourth mile east of Oberg Road, *one and one-half miles East of* ~~near~~ Fairhope, Baldwin County, Alabama, so as to allow or cause

said vehicle to run over, upon and against an automobile in which plaintiff was then and there occupying, and Plaintiff avers that as a direct and proximate result of the negligence of the defendants as aforesaid, plaintiff received injuries and damages in this: He was injured about the back, limbs and body; he sustained marked muscle spasms in the low back area, and the back of both thighs; he was made to have stiffness in the back and pain in both legs; he was caused to suffer great pain and he was permanently injured.


Attorney for Plaintiff

FILED

JUL 24 1932

ALICE J. DUCK, CLERK
REGISTER

NORMAN OTTIS JARVIS, a Minor	X		
by his next friend, Eunice	X		
G. Jarvis, his mother,	X	IN THE CIRCUIT COURT OF	
	X		
Plaintiff,	X	BALDWIN COUNTY, ALABAMA	
vs.	X		
	X	AT LAW	NO. _____
WILLIAM A. SMITH and SAM	X		
DOUGLAS,	X		
	X		
Defendants.	X		

DEMURRER

Come the Defendants in the above styled cause and demur to the amended complaint filed in said cause and assign the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That the place that the accident occurred is not sufficiently set out.
3. That said Complaint is vague and indefinite in regard to where the accident occurred.
4. That said Complaint does not sufficiently set out what injuries the Plaintiff received.
5. That said Complaint does not allege in what particular the Plaintiff is permanently injured.

FILED

JUL 25 1962

ALICE J. DUCK, CLERK
REGISTER

Lawrence Stone
Attorneys for Defendants

5156

NORMAN OTTIS JARVIS, a Minor
by his next friend, Eunice
G. Jarvis, his mother,

Plaintiff,

vs.

WILLIAM A. SMITH and SAM
DOUGLAS,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

* * * * *

DEMURRER

* * * * *

FILED
JUL 25 1962
ALICE J. DUCK, CLERK
REGISTER

NORMAN OTTIS JARVIS,
a minor by his next
friend, Eunice G.
Jarvis, his mother,

Plaintiff,

vs.

WILLIAM A. SMITH and
SAM DOUGLAS,

Defendants.

IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA

AT LAW

Come the Defendants in the above styled cause, separately
and severally, and assign the following separate and several
pleas to the amended complaint filed in said cause viz:

1. Not guilty.

2. That at the time and place complained of in the
amended complaint the Plaintiff was guilty of negligence which
was the proximate cause of his injuries and damages, hence he
cannot recover in this action.


Attorneys for Defendants

Filed
8-10-62

5156
PLEAS

* * * * *

NORMAN OTTIS JARVIS, a minor
by his next friend, Eunice G.
Jarvis, his mother,

Plaintiff,

vs.

WILLIAM A. SMITH and
SAM DOUGLAS,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

FILED

AUG 10 1962

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA)
)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WILLIAM A. SMITH and SAM DOUGLAS to appear and answer, plead or demur, within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, to be held at the place of holding the same, then and there to answer to the complaint of Norman Ottis Jarvis, a minor, by his next of friend Eunice G. Jarvis and Eunice G. Jarvis, individually.

WITNESS my hand this the 28 day of May, 1962.


CLERK OF CIRCUIT COURT

NORMAN OTTIS JARVIS, a minor,)
by his next of friend EUNICE)
G. JARVIS and EUNICE G. JARVIS,)
individually,)

Plaintiffs)

VS.)

WILLIAM A. SMITH and)
SAM DOUGLAS,)

Defendants)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE:

The Plaintiff, Norman Ottis Jarvis suing by his mother and next friend Eunice G. Jarvis, claims of the Defendants the sum of Fifteen Thousand and no/100 (\$15,000.00) Dollars as damages for that on, to-wit, the 10th day of August, 1961, in Baldwin County, Alabama, the Plaintiff was in an automobile on a public street where she had a right to be at a point of the County road leading from the Wally Store on the Belforrest Road to Greeno Road at a point, to-wit, approximately one-fourth mile east of Oberg Road near Fairhope, Baldwin County, Alabama, and then and there the Defendant Sam Douglas, agent, servant or employee of the Defendant William A. Smith, while acting within the line and scope of his said employment did negligently cause or allow a truck which he was then and there operating, to run upon, over, or against the

automobile of the Plaintiff; The Plaintiffs aver that as a proximate consequence thereof the Plaintiff, Norman Ottis Jarvis was injured about the back, limbs and body. In this, he sustained marked muscle spasms in the low back area and in the back of both thighs; He was made to have stiffness in the back and pain in both legs and Plaintiff was caused to spend large sums of money for doctors bills, for medical attention, and medical supplies in and about the healing of the injuries of the said Norman Ottis Jarvis all of which expenses continue in an amount not yet known by Plaintiff.

The Plaintiff alleges that said damages were proximately caused by the negligence of the Defendants and as a proximate consequence thereof the Plaintiffs were damaged as aforesaid.

COUNT TWO:

The Plaintiff claims of the Defendants the sum of Two Hundred Fifty and no/100 (\$250.00) Dollars as damages for that heretofore on, to-wit, August 10, 1961, the Plaintiffs automobile was being operated along and upon a public street or highway in Baldwin County, Alabama, to-wit, on a County road leading from Wally Store on Belforest Road to the Greeno Road near Fairhope, Baldwin County, Alabama at a point, to-wit, approximately one-fourth mile east of Oberg Road, where she had a right to be, and the Defendant Sam Douglas, an agent, servant or employee of the Defendant William A. Smith, while acting within the line and scope of his employment so negligently operated a motor vehicle then and there, as to cause said motor vehicle he was operating to run over, upon or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile; The rear of the automobile was broken, bent, smashed or otherwise damaged and injured and the rear axle was broken, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid.

The Plaintiff alleges that said damages were proximately caused by the negligence of the Defendants and as a proximate consequence thereof the Plaintiff was damaged as aforesaid.

BAILEY LACEY

BY: *Curran & Bailey*
ATTORNEYS FOR THE PLAINTIFFS

FILED

MAY 28 1962

ALICE J. DUCK, CLERK
REGISTER

Ex-6-28-62

41

~~Get Better Address~~

Received 28 day of June 1962
and on 28th day of June 1962
I served a copy of the within S & C
on William A. Smith
& Sam Douglas
By service on _____

TAYLOR WILKINS, Sheriff

By Fred Subal D. S.

Sheriff claims 140 miles at

Ten C. mile Total \$ 14.00

BY Shirley WILKINS, Sheriff
DEPUTY SHERIFF

no. 5156

BILL OF COMPLAINT

NORMAN OTTIS JARVIS, a minor
by his next of friend EUNICE
G. JARVIS and EUNICE G. JARVIS,
individually,

Plaintiffs

VS.

WILLIAM A. SMITH, Fairhope, Ala.
and
SAM DOUGLAS, Fairhope, Ala.

FILED

MAY 28 1962

ALICE J. DUCK, CLERK
REGISTER

ERNEST M. BAILEY

ATTORNEY AT LAW
FAIRHOPE, ALABAMA