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| BARNETTE HALL, |) | |
| Plaintiff |) | IN THE CIRCUIT COURT OF |
| -VS- |) | BALDWIN COUNTY, ALABAMA |
| MABLE G. HOLMAN, |) | AT LAW |
| Defendant |) | |
| |) | |

5188

COUNT ONE:

Plaintiff claims of the Defendant the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages for that, on to-wit, August 30th, 1961, at or about 5:15 p.m., on Thompson-Hall Road, then and there being a public highway in Baldwin County, Alabama, at the intersection of Holman Dairy Road, the Defendant so negligently operated a motor vehicle on said road as to cause of allow it to collide, run into, or against the motor vehicle of the Plaintiff, and as a proximate result of said negligence, the Plaintiff was injured in that the Cervical muscles in her neck were injured, that she received an extension-flexion injury of her neck and that she was caused to be rendered unconscious for several hours; the plaintiff was taken to the hospital where she remained for a long period of time and was caused to expend great sums of money in and about the care and treatment of her said injury; that she was caused, is being caused, and will in the future be caused to suffer great pain and mental anguish in that she was further permanently and painfully injured about the head and body; that her automobile was then and there greatly damaged and that she was caused to lose time from her employment, all as a direct and proximate result of the negligence of the Defendant as aforesaid.

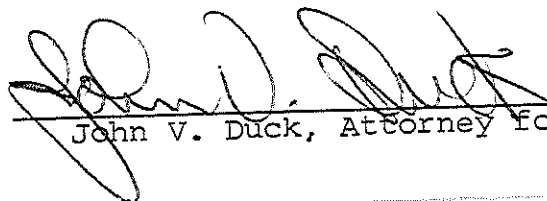
Hence this suit.

COUNT TWO:

Plaintiff claims of the Defendant the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS for that heretofore and on to-wit, August 30, 1961, the Defendant so willfully and wantonly operated an automobile at the intersection of Thompson-Hall Road, then and there being a public highway in Baldwin County, Alabama, at the intersection of Holman Dairy Road, as to cause or allow the said automobile to collide with an automobile then and there owned and operated by the Plaintiff, BARNETTE HALL, and as a direct and proximate result

of the willful and wanton negligence of the defendant as aforesaid, the Plaintiff was willfully and wantonly injured and was then and there rendered unconscious for several hours, received extensive injuries of her neck and head; and was extensively and permanently injured; the Plaintiff was taken to the hospital where she remained for a long period of time, and was caused to expend great sums of money in and about the care and treatment of her said injuries; that she was caused, is being caused, and will in the future be caused to suffer great pain and mental anguish and that she was further permanently and painfully injured about the neck and head; that her said automobile was then and there greatly damaged, and she was caused to lose long periods of time from her employment, all as a direct and proximate result of the willful and wanton negligence of the Defendant as aforesaid.

Hence this suit.


John V. Duck, Attorney for Plaintiff.

Plaintiff respectfully demands trial by jury.


Attorney for Plaintiff

The Defendant may be served at:
114 Fig Street
Fairhope, Alabama.

SUMMONS AND COMPLAINT

Baldwin Times

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 Mable G. Holman

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 Mable G. Holman

Defendant

by Barnette Hall

Plaintiff

Witness my hand this

19

day of

June

19 62

Clerk

No. 5178

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

BARNETTE HALL

vs.

Plaintiffs

MABLE G. HOLMAN

114 Fig St.

F'hope

Defendants

SUMMONS and COMPLAINT

Filed _____

FILED

JUN 19 1962

ALICE J. DUCK, CLERK
REGISTER

Clerk

John V. Duck

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

114 Fig Street
Fairhope, Alabama

RECEIVED IN OFFICE

6/19, 19*62*

Sheriff

I have executed this summons

this

20th of June, 19*62*

by leaving a copy with

Mable G. Holman

Sheriff claims _____

miles at

Ten Cents per mile Total \$ *7.00*

TAYLOR WILKINS, Sheriff

BY

Fred Seibert
DEPUTY SHERIFF

Sheriff

Deputy Sheriff

July 25, 1962

Honorable Hubert M. Hall
Judge, Circuit Court
Bay Minette, Alabama

Re: Barnette Hall, Plaintiff
VS- Mable G. Holman, Def.

Dear Judge Hall:

Would you please dismiss the above entitled cause and enter on the docket, "dismissed, settled between parties with cost taxed to defendant".

Sincerely yours,

John V. Duck
John V. Duck

JVD/ems

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

Honorable Walter M. Cook
Attorney at Law
1st National Bank Building
Mobile, Alabama

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LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

G. SAGE LYONS

July 25, 1962

5778

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

Re: Barnette Hall, Plaintiff vs Mable G. Holman
In the Circuit Court of Baldwin County Alabama

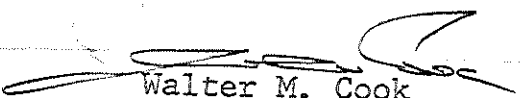
Dear Mrs. Duck:

A settlement agreement having been reached please advise us as to the amount of court costs through a dismissal, and we will appreciate your informing Judge Hall that the case has been settled.

With best wishes, I am

Sincerely yours,

LYONS, PIPES AND COOK


Walter M. Cook

WMC/a

LYONS, PIPES AND COOK
ATTORNEYS-AT-LAW
516-519 FIRST NATIONAL BANK BUILDING
HE 2-4484 P. O. BOX 265
MOBILE, ALABAMA

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES, III
WALTER M. COOK
FRANK T. POPE, JR.
GORDON B. KAHN
IRWIN W. COLEMAN, JR.
G. SAGE LYONS

July 25, 1962

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

Re: Barnette Hall, Plaintiff vs Mable G. Holman
In the Circuit Court of Baldwin County Alabama

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O
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as to the amount of court costs through a dismissal, and we
will appreciate your informing Judge Hall that the case has
been settled.

P
With best wishes, I am

Sincerely yours,

LYONS, PIPES AND COOK

Y
Walter M. Cook

WMC/a

JOHN V. DUCK
ATTORNEY AT LAW
FAIRHOPE, ALABAMA

July 25, 1962

Honorable Hubert M. Hall
Judge, Circuit Court
Bay Minette, Alabama

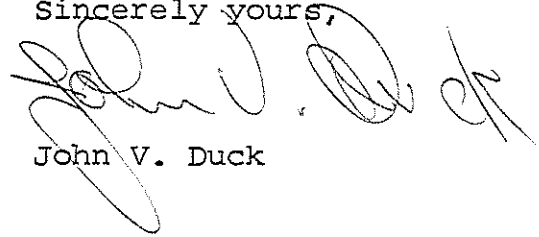
Re: Barnette Hall, Plaintiff
VS- Mable G. Holman, Def.

1128

Dear Judge Hall:

Would you please dismiss the above entitled cause and enter on the docket, "dismissed, settled between parties with cost taxed to defendant".

Sincerely yours,



John V. Duck

JVD/ems

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

Honorable Walter M. Cook
Attorney at Law
1st National Bank Building
Mobile, Alabama

| | | |
|------------------|---|-------------------------|
| BARNETTE HALL, | § | IN THE CIRCUIT COURT OF |
| Plaintiff, | | BALDWIN COUNTY, ALABAMA |
| -vs- | § | AT LAW |
| MABLE G. HOLMAN, | § | |
| Defendant. | § | CASE NO. _____ |

Comes now the defendant and demurs to the complaint as a whole and to each count thereof, separately and severally, upon the following separate and several grounds, to-wit:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.
5. For that the willful or wanton act alleged in said count characterizes the act and not the injury.
6. For that said count fails to allege facts showing willfullness or wantonness on the part of the defendant.
7. For that insufficient facts are alleged as to show that the defendant wantonly and willfully injured the plaintiff.

FILED

JUL 15 1962

Alice J. Duck

Clerk

LYONS, PIPES AND COOK
Attorneys for the Defendant.

By: _____

Walter M. Cook