



AlaFile E-Notice

58-CV-2008-900262.00

To: M HERRING
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

EVERETT O'NEAL v. TRACY ST. JOHN
58-CV-2008-900262.00

The following complaint was FILED on 4/16/2008 1:57:56 PM

Notice Date: 4/16/2008 1:57:56 PM

MARY HARRIS
CIRCUIT COURT CLERK
SHELBY COUNTY, ALABAMA
POST OFFICE BOX 1810
COLUMBIANA, AL 35051

205-669-3760
mary.harris@alacourt.gov

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:
58-CV-200

Date of Filing:
04/16/2008



ELECTRONICALLY FILED
4/16/2008 1:57 PM
CV-2008-900262.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

GENERAL INFORMATION

**IN THE CIRCUIT OF SHELBY COUNTY, ALABAMA
EVERETT O'NEAL v. TRACY ST. JOHN**

First Plaintiff: Business Individual
 Government Other

First Defendant: Business Individual
 Government Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonnes
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture
Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP-Contempt of Court
- CONT-Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND- Equity Non-Damages Actions/Declaratory
Judgment/Injunction Election Contest/Quiet Title/Sale For
Division
- CVUD-Eviction Appeal/Unlawful Detainer
- FORJ-Foreign Judgment
- FORF-Fruits of Crime Forfeiture
- MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB-Protection From Abuse
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

ORIGIN: F **INITIAL FILING**

A **APPEAL FROM
DISTRICT COURT**

O **OTHER**

R **REMANDED**

T **TRANSFERRED FROM
OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? Yes No

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: HER037

4/16/2008 1:56:36 PM

/s M HERRING

MEDIATION REQUESTED: Yes No **Undecided**



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALBAMA

EVERETT O'NEAL, an individual)

PLAINTIFFS,)

V.)

CIVIL ACTION NO: _____

TRACY ST. JOHN, an individual;)

Fictitious Defendant A, B, and C thereby)

intending to refer to the individual who is)

the owner and/or operator of the vehicle)

that collided with the vehicle operated)

by the Plaintiff on the occasion described)

in this Complaint and made the basis of this)

lawsuit whose negligent and/or wanton)

conduct caused Plaintiff's damages;)

Fictitious Defendants D, E, and F, thereby)

intending to refer to the legal entity,)

person, firm or corporation for whose)

benefit Defendant, Tracy St. John was acting))

on the occasion made the basis of this)

lawsuit whose negligence and/or wanton)

conduct caused Plaintiff's damages; fictitious))

Defendants G, H, and I, thereby intending)

to refer to the legal entity, person, firm or)

corporation responsible for the state)

of repair of the vehicle occupied by the)

Defendant, Tracy St. John, on the occasion)

described in the Complaint made the)

basis of this lawsuit whose negligence)

and/or wanton conduct caused the Plaintiff's)

damages; fictitious Defendants J, K, and)

L, thereby intending to refer to the legal)

entity, person, firm or corporation who)

negligently and/or wantonly entrusted the)

Defendant driver with possession of their)

vehicle on the occasion described in the)

Complaint; fictitious Defendants M, N and)

O, thereby intending to refer to the legal)

entity, person, firm or corporation who)

negligently and/or wantonly caused,)

contributed to cause and/or allowed the)

accident to occur on or about April 16, 2008)

causing the Plaintiff's damages set forth)

herein; fictitious Defendants P, Q, and R)

being that entity or entities that provide)
 coverage under a policy of insurance for)
 this incident, whether it is through liability)
 or uninsured or underinsured motorist)
 coverage; all of those names which are)
 unknown to the Plaintiff at this time, but)
 will be added by amendment when)
 ascertained,)
)
 DEFENDANTS)

COMPLAINT

COME NOW the plaintiff and for his Complaint against the Defendant states as follows:

1. Plaintiff, Everett O’Neal, is over the age of nineteen (19) years and a resident of Shelby County, Alabama.
2. Defendant, Tracy St. John, (hereinafter referred to as “St. John”) upon information and belief, is over the age of nineteen (19) years and a resident of Jefferson County, Alabama.
3. Fictitious Defendants, A, through R, are those individuals, entities, corporations, or partnerships who are unknown at this time, but will be added by amendment when ascertained.¹
4. On or about April 16, 2006, both Plaintiff and Defendant were traveling Highway 231 in Shelby County.
5. Defendant, Tracy St. John, and Fictitious Defendants failed to keep the car under control and allowed it to collide with the Plaintiff’s vehicle.
6. The wreck occurred in Shelby County, Alabama.
7. The Defendants, both named and fictitious, were negligent and wanton in the operation of the vehicle in allowing it to collide with the Plaintiff’s vehicle causing damages to it

¹ Hereafter, any referral to Defendants will be to all Defendants, named and fictitious.

and to the Plaintiff.

COUNT ONE
(NEGLIGENCE/WANTONNESS)

8. Plaintiff adopts and re-alleges paragraphs one through seven as if set forth fully herein.

9. The Defendants both named and fictitious were under a duty to drive the vehicle in a reasonably safe manner and to follow the rules of the road. The Defendants breached that duty when Tracy St. John failed to operate said vehicle safely and operated his vehicle in a negligent, careless, and/or reckless and wanton manner and allowed his vehicle to collide with the Plaintiff.

10. As the proximate result of the negligent and/or wanton and wrongful conduct on the part of the Defendants, both named and fictitious, the Plaintiff was caused to be injured and damaged as follows:

- a) The Plaintiffs were taken to the hospital by ambulance;
- b) The Plaintiffs suffered personal injuries and received medical treatment;
- c) The Plaintiffs suffered pain and mental anguish in the past and will suffer pain and mental anguish in the future, as a result of their injuries;
- d) The Plaintiffs incurred medical bills and expenses;
- e) The Plaintiffs suffered permanent injuries.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff demand compensatory and punitive damages against the Defendants in an amount to be determined by the trier-of-fact, including interest, costs, and any such other and further relief this Court deems appropriate.

/s/ M. Stan Herring (HER037)
Attorney for Plaintiff

OF COUNSEL:
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SERVE DEFENDANT BY CERTIFIED MAIL

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