

EMERY G. NELSON, : IN THE CIRCUIT COURT OF
Plaintiff,

VS: : BALDWIN COUNTY, ALABAMA

THE AMERICAN FOOD COMPANY, INC.,
A Corporation, and WHITT SHIELDS,
Jointly and Individually,

AT LAW

Defendants.

::

NO. 5196

DEMURRER

Come the Defendants, jointly and individually in the above styled matter and demur to the complaint as heretofore filed and to each and every Count thereof separately and severally upon the following separate and several grounds:

1. The same fails to state a cause of action against the Defendants.
2. The same fails to state that the accident occurred at a place where the Plaintiff had a right to be.
3. The same fails to state whether damages are being claimed from either or both of the Defendants.
4. The same fails to state which Defendant is alleged to have been negligent.
5. From aught that appears from Count One of the Complaint one Defendant is alleged to be negligent and damages are being claimed from both Defendants.
6. The Defendants are not apprised of the location of the alleged accident in the complaint.

COLLINS, GALLOWAY & MURPHY

FILED

AUG 3 1962

ALICE L. DUCK, CLERK
REGISTER

By:

ATTORNEYS FOR DEFENDANTS

EMERY G. NELSON,	℥	
Plaintiff,	℥	IN THE CIRCUIT COURT OF
vs.	℥	
	℥	BALDWIN COUNTY, ALABAMA
THE AMERICAN FOOD COMPANY,	℥	
INC., A Corporation, and	℥	AT LAW
WHITT SHIELDS, jointly and	℥	
individually,	℥	
Defendants.	℥	
	℥	
		<u>PLEAS</u>

Comes now the Defendant, The American Food Company, Inc., a corporation, in the above styled cause, and for answer to the complaint heretofore filed in said cause pleads, separately and severally, as follows:

1. Not guilty.

2. That the Plaintiff was guilty of negligence at the time and place complained of in his complaint which proximately contributed to his alleged damages in that the Plaintiff so negligently operated a motor vehicle as to cause or allow the same to collide with a motor vehicle which was then and there being driven by the Defendant, Whitt Shields, hence he should not recover.

3. For further plea and by way of recoupment, the Defendant The American Food Company, Inc., a corporation, claims of the Plaintiff the sum of Four Hundred, Thirteen and 54/100 Dollars (\$413.54) as damages for that heretofore, on to-wit: December 8, 1961, at or about 7:00 A. M. at the intersection of Highway 90 and Belforest Road, at Malbis, in Baldwin County, Alabama, the Plaintiff so negligently operated a motor vehicle as to cause or allow the same to collide with a motor vehicle belonging to the Defendant The American Food Company, Inc., a corporation, and being driven by Whitt Shields, and as a proximate result of such negligence, the Defendant, The American Food Company, Inc., a corporation, was damaged in this: much of the cargo being carried in such Defendant's truck was smashed and ruined; such Defendant incurred the extra expense of reloading the cargo and making another delivery which ran up the salaries of its employees because of overtime

pay scales, the sign on the truck body was lost and destroyed, the 1962 truck tag was lost because it was non-transferable, all to the damages of such Defendant in the above sum, hence this suit.

CHASON & STONE

By: John Earle Chason
Attorneys for Defendant

FILED
DEC 4 1962
ALICE J. DUCK, CLERK
RECORDED

EMERY G. NELSON,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
THE AMERICAN FOOD COMPANY,	X	AT LAW
INC., A Corporation, and	X	
WHITT SHIELDS, jointly and	X	
individually,	X	
	X	
Defendants.	X	
	X	
		<u>PLEAS</u>

Comes now the Defendant, Whitt Shields, in the above styled cause and for answer to the complaint heretofore filed in said cause pleads, separately and severally, as follows:

1. Not guilty.

2. That the Plaintiff was guilty of negligence at the time and place complained of in his complaint which proximately contributed to his alleged damages, in that the Plaintiff so negligently operated his motor vehicle as to cause or allow the same to collide with the motor vehicle which was then and there being driven by the Defendant Whitt Shields, hence he should not recover.

3. For further plea, and by way of recoupment, the Defendant Whitt Shields, claims of the Plaintiff the sum of Two Thousand Dollars (\$2,000.00) as damages for that heretofore, on to-wit: December 8, 1961, at or about 7:00 A. M. at the intersection of Highway 90 and Belforest Road, at Malbis, in Baldwin County, Alabama, the Plaintiff so negligently operated a motor vehicle as to cause or allow the same to collide with a motor vehicle belonging to the Defendant The American Food Company, Inc., a corporation, and being driven by the Defendant, Whitt Shields, and as a proximate result of such negligence, the Defendant Whitt Shields was injured in this: he suffered bruises and contusions of the face, head, chest and ribs; he lost several teeth and was caused to incur medical and dental expenses for some time thereafter; he experienced much pain and suffering, and he was caused to lose time from his employment, all to the damage of said Defendant in the

above sum, hence this suit.

CHASON & STONE

By:

John Earle Chason
Attorneys for Defendants

FILED

Dec 4 1982

CLERK
REGISTER

EMERY G. NELSON,	§	
Plaintiff	§	IN THE CIRCUIT COURT OF
VS.	§	BALDWIN COUNTY, ALABAMA
THE AMERICAN FOOD COMPANY, INC.,	§	
A CORPORATION, AND WHITT SHIELDS,	§	AT LAW
JOINTLY AND INDIVIDUALLY,	§	
Defendants	§	

COUNT ONE

Plaintiff claims of the Defendant the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS, as damages for that, on to-wit, December 8, 1961, at or about 7:00 O'Clock a.m., at the intersection of Highway 90, at Malbis, in Baldwin County, Alabama, the Defendant, Whitt Shields, an agent, servant or employee of the American Food Company, Inc., who was then and there acting within the line and scope of his employment as such agent, servant or employee, so negligently operated a motor vehicle on said highway as to cause or allow it to collide, run into, or against the said motor vehicle of the plaintiff was driving, and as a proximate result of said negligence, the Plaintiff was injured, in that he suffered contusions, abrasions and fractures of the fifth, sixth, seventh, eighth and ninth ribs and that the left fifth metacarpal finger was fractured and that he was made otherwise sick, lame and sore, and was confined to a hospital for a long period of time and was and will continue in the future continue to suffer great physical pain and mental anguish and was permanently injured and plaintiff incurred and will in the future incur medical expenses of large sums.

Plaintiff further avers that at the time he became injured as a direct and proximate result of the negligence of the defendants, the plaintiff was incapacitated and prevented him from following his occupation for a long period of time and as a result thereof, plaintiff suffered a loss of earnings to his further damage from said negligent acts of the said defendants.

COUNT TWO

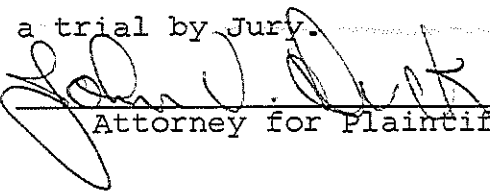
Plaintiff claims of the Defendant, Whitt Shields, the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, as damages for that on to-wit, the 8th day of December, 1961, at or about 7:00 O'clock a.m., at the intersection of Highway 90, Bell Forest Road, at Malbis in Baldwin County, Alabama, the Defendant, Whitt Shields, so negligently operated a motor vehicle as to cause or allow it to collide with a motor vehicle being driven by the Plaintiff and as a proximate result of the negligence of the Defendant, Whitt Shields, that the plaintiff was injured in that he suffered contusions, abraisions and fractures of the fifth, sixth, seventh, eighth and ninth ribs and that the left fifth metacarpal finger was fractured and that he was made otherwise sick, lame, and sore, and was confined to a hospital for a long period of time and was and will continue in the future to be disabled. He suffered and will in the future suffer great physical pain and mental anguish and was permanently injured and plaintiff incurred and will in the future incur medical expenses of large sums.

Plaintiff further avers that at the time he became injured as a direct and proximate result of the negilgence of the defendants, the plaintiff was incapacitated and prevented him from following his occupation for a long period of time and as a result thereof, plaintiff suffered a loss of earnings to his further damage from said negligent acts of said defendants, hence this suit.


Attorney for Plaintiff

Plaintiff respectfully demands

a trial by Jury.


Attorney for Plaintiff



AMERICAN PHOTOCOPY EQUIPMENT
COMPANY, A Corporation,

Plaintiff,

VS.

W. W. WILSON, Individually and
doing business as PLEDGE
ENTERPRISES,


Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

C O M P L A I N T

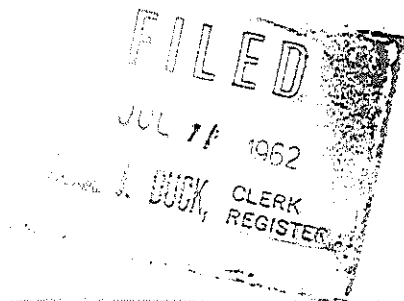
COUNT I

The Plaintiff claims of the Defendant the sum of SIX
HUNDRED NINETY-SEVEN AND 66/100 (\$697.66) DOLLARS due from
him by account on, to-wit, the 25th day of October, 1960;
which sum of money with interest thereon is still unpaid.



E. G. Rickarby, Attorney for Plaintiff

NOTE: The account sued on is evidenced by an itemized and
verified statement of account filed herewith.





E. G. Rickarby, Attorney for Plaintiff

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 THE AMERICAN FOOD COMPANY, INC., A CORPORATION

AND WHITT SHIELDS, JOINTLY AND INDIVIDUALLY

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 THE AMERICAN FOOD COMPANY,
INC., A CORPORATION, AND WHITT SHIELDS, JOINTLY AND INDIVIDUALLY
Defendant

by EMERY G. NELSON

Plaintiff

Witness my hand this 11 day of July 19 62

Clerk

Cham

No. 5196

Page

3271

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

EMERY G. NELSON

vs.

Plaintiffs

16th
THE AMERICAN FOOD COMPANY, INC.
A Corporation,
and WHITT SHIELDS Jointly and
individually

Defendants

SUMMONS and COMPLAINT

Filed

FILED

19

JUL 11 1962

Clerk

ALICE J. DUCK, CLERK
REGISTER

RECEIVED

JUL 13 1962

JOHN V. DUCKIE'S OFFICE

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
May be served at:
131 New Jersey St.
Mobile, Alabama
RECEIVED IN OFFICE

I have executed this summons

this July 16, 1962

by leaving a copy with

Mr. Lovett, President
American Food Company
Inc, a corp.

and
Whitt Shields

Ray L. Bridges Sheriff

L. Chambers Deputy Sheriff