

|                                 |   |                      |
|---------------------------------|---|----------------------|
| JAMES PRITCHETT NIXON, a minor, | ) | IN THE CIRCUIT COURT |
| by MARIE NIXON, his mother and  | ) |                      |
| next friend,                    | ) | OF BALDWIN COUNTY    |
|                                 | ) |                      |
| Plaintiff,                      | ) | ALABAMA              |
|                                 | ) |                      |
| vs.                             | ) | AT LAW               |
|                                 | ) |                      |
| LOUISE PETERS,                  | ) |                      |
|                                 | ) |                      |
| Defendant.                      |   | CASE NO. <u>5255</u> |

D E M U R R E R

Comes now the defendant and demurs to each count of the complaint filed herein, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

- 1) That it does not state facts sufficient to constitute a cause of action against this defendant.
  
- 2) For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
  
- 3) For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.
  
- 4) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.
  
- 5) For that the averments set up, if true, do not show any liability on the part of this defendant.
  
- 6) It is not alleged with sufficient certainty where said accident occurred.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

By: Paul W. Biale

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Attorneys for Defendant

FILED

SEP 19 1962

ALICE L. DUCK, CLERK  
REGISTER

BALDWIN COUNTY

You are hereby commanded to summon LOUISE PETERS 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 James Pritchett Nixon, a minor, by Marie Nixon, his mother and next friend.

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

CLERK OF CIRCUIT COURT

Vs.

Defendant

AT, LAW


CASE NO. 5-254

Plaintiff claims of the Defendant the sum of TEN THOUSAND and No/100 (\$10,000.00) Dollars as damages, for that, heretofore, on, to-wit; the 30th day of August, 1961, Plaintiff's minor son, of seven (7) years of age, was a pedestrian on Fels Avenue near the intersection of Fels Avenue and Bayview Drive in the City of Fairhope, County of Baldwin, State of Alabama, where he had a right to be and the Defendant, Louise Peters, so negligently operated a motor vehicle then and there, as to cause said motor vehicle she was operating to run into, upon or against Plaintiff's said minor son; and Plaintiff avers that as a proximate consequence thereof Plaintiff's minor son was injured in this, to-wit: he was cut about his face and body; a large hole was cut in his head causing a compound depressed skull fracture resulting in partial paralysis in the left leg; his left leg was injured; he suffered and continues to suffer great mental and physical pain; he was confined to his bed, and

confined to the hospital and remained there for several days.

And Plaintiff avers that as the result and consequence of said injuries sustained by her said minor son she was put to the expense of doctor bills, hospital expenses; and that Plaintiff's said minor son was permanently injured and that Plaintiff will be put to the expense of further doctor bills and hospital expenses; Plaintiff was forced to lose the services and companionship of her said minor son; all to the damage of the Plaintiff as aforesaid.

The Plaintiff alleges that the said damages to her said minor son were proximately caused by the negligence of the Defendant and as a proximate consequence thereof the Plaintiff was damaged as aforesaid.

  
JOHN V. DUCK  
Attorney for the Plaintiff

  
OF COUNSEL  
BAILEY & LACEY

Plaintiff demands trial by Jury.

FILED

AUG 28 1962

Alice I. Duck, CLERK  
REGISTER

Received 28 day of Aug 1962  
and on 29th day of Aug 1962  
I served a copy of the within file  
on Louise Peters  
By service on \_\_\_\_\_

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
BY Sheriff  
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff  
By Fred L. Lark D. S.  
Fairly

5255

JAMES PRITCHETT NIXON, a minor  
by MARIE NIXON, his mother  
and next friend,

Plaintiff

Vs.

LOUISE PETERS,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

CASE NO. \_\_\_\_\_

FILED

AUG 28 1962

ALICE L. DUCK, CLERK  
REGISTERED

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON, JR.  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
W. C. BOONE, JR.  
DONALD F. PIERCE

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAD

TELEPHONE:  
HEMLOCK 2-5514

September 18, 1962

Honorable Alice Duck, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: James Pritchett Nixon vs.  
Louise Peters; In the Circuit  
Court of Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed are demurrers filed in the above case  
by the defendant. If you would note these on the docket  
and return the enclosed receipt, I'd appreciate it. Also,  
at the same time please let me know the case number.

Yours very truly,



For the Firm

PB.rw

Encls.