

HENRY GANEY, JR., as father and
next friend of GARY LEE GANEY,
his deceased minor son,

Plaintiff,

VS.

MRS. H. J. MILLER,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO.

5277

COUNT ONE:

Plaintiff claims of the Defendant the sum of SEVENTY-FIVE THOUSAND and No/100 (\$75,000.00) DOLLARS as damages, for that heretofore and on, to-wit, the 21st day of June, 1962, the Defendant so negligently operated a motor vehicle westwardly on a public highway in Baldwin County, Alabama at a point approximately three and eight-tenths (3 & 8/10ths) miles east of the City limits of Fairhope, Alabama on Fairhope Avenue, so as to cause or allow said vehicle to run over, upon and against the person of GARY LEE GANEY, Plaintiff's minor son, four (4) years of age, who was then and there walking on said public highway at said time and place; and, as a direct and proximate result of the negligence of the Defendant as aforesaid, Plaintiff's minor son received injuries and damages from which he died.

COUNT TWO:

Plaintiff claims of the Defendant the sum of SEVENTY-FIVE THOUSAND and No/100 (\$75,000.00) DOLLARS as damages, for that heretofore and on, to-wit, the 21st day of June, 1962, the Defendant wantonly killed the Plaintiff's minor son, GARY LEE GANEY, who was then four (4) years of age, by so wantonly operating a motor vehicle on a public highway in Baldwin County, Alabama, at a point approximately three and eight-tenths (3 & 8/10ths) miles east of the City limits of Fairhope, Alabama, on Fairhope Avenue, so as to cause or allow said vehicle to run over, upon and against the person of GARY LEE GANEY, Plaintiff's minor son, four (4) years of age, who was then and there walking on said highway at said time and place; and, as a direct and proximate result of the wantonness of the Defendant as aforesaid, Plaintiff's minor son re-

ceived injuries and damages from which he died.

BAILEY & LACEY

BY:

Eugene M. Bailey
ATTORNEYS FOR PLAINTIFF.

Plaintiff respectfully requests a trial by jury.

BAILEY & LACEY

BY:

Eugene M. Bailey
ATTORNEYS FOR PLAINTIFF

Defendant, Mrs. H. J. Miller,
may be served at # 2 White
Avenue, Fairhope, Alabama

FILED

SEP 13 1962

ALICE L. DUCK, CLERK
REGISTER

Received 13 day of Sept 1962

and on 15th day of Sept 1962

I served a copy of the within

on Mrs. H. J. Miller

By service on _____

TAYLOR WILKINS, Sheriff

By Fred Hubert D. S.

Flyer

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff

By Seibert
DEPUTY SHERIFF

5277

HENRY GANEY, JR., as father
and next friend of GARY LEE
GANEY, his deceased minor son,

Plaintiff

VS.

MRS. H. J. MILLER,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CASE NO. _____

Defendant may be served at
2 White Ave., Fairhope, Ala.

FILED

SEP 18 1962

BAILEY & LACEY
Attorneys at Law
Fairhope, Alabama

CLERK
REGISTER

HENRY GANEY, JR., as father and
next friend of GARY LEE GANEY,
his deceased minor son,

Plaintiff,

VS.

MRS. H. J. MILLER,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. _____

AMENDED BILL OF COMPLAINT

Comes now the Plaintiff and amends the Bill of Complaint
heretofore filed in this cause to read as follows;

HENRY GANEY, JR., father of GARY
LEE GANEY, his deceased minor son

Plaintiff,

Vs.

MRS. H. J. MILLER,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. _____

COUNT ONE:

Plaintiff claims of the Defendant the sum of SEVENTY-FIVE
THOUSAND and No/100 (\$75,000.00) DOLLARS as damages, for that
heretofore and on, to-wit, the 21st day of June, 1962, the Defen-
dant so negligently operated a motor vehicle westwardly on a public
highway in Baldwin County, Alabama at a point approximately three
and eight-tenths (3 & 8/10ths) miles east of the City limits
(Greeno Road) of Fairhope, Alabama on Fairhope Avenue, so as to
cause or allow said vehicle to run over, upon and against the per-
son of GARY LEE GANEY, Plaintiff's minor son, four (4) years of
age, who was then and there walking on said public highway at said
time and place; and, as a direct and proximate result of the negli-
gence of the Defendant as aforesaid, Plaintiff's minor son received
injuries and damages from which he died.

COUNT TWO:

Plaintiff claims of the Defendant the sum of SEVENTY-FIVE
THOUSAND and No/100 (\$75,000.00) DOLLARS as damages, for that
heretofore and on, to-wit, the 21st day of June, 1962, the Defen-
dant wantonly killed the Plaintiff's minor son, GARY LEE GANEY,
who was then four (4) years of age, by so wantonly operating a
motor vehicle on a public highway in Baldwin County, Alabama, at

a point approximately three and eight-tenths (3 & 8/10ths) miles east of the City limits (Greeno Road) of Fairhope, Alabama, on Fairhope Avenue, so as to cause or allow said vehicle to run over, upon and against the person of GARY LEE CANEY, Plaintiff's minor son, four (4) years of age, who was then and there walking on said highway at said time and place; and, as a direct and proximate result of the wantonness of the Defendant as aforesaid, Plaintiff's minor son received injuries and damages from which he died.

BAILEY & LACEY

BY: *James H. Bailey*
ATTORNEYS FOR PLAINTIFF.

Plaintiff respectfully requests a trial by jury.

BAILEY & LACEY

BY: *James H. Bailey*
ATTORNEYS FOR PLAINTIFF

Chason & Stone
Attorneys for Defendant

FILED

DEC 20 1939

ALICE I. DUCK, CLERK
REGISTER

5277

AMENDED BILL OF COMPLAINT

HENRY GANEY, JR., as father and
next friend of GARY LEE GANEY,
his deceased minor son,

Plaintiff

vs.

MRS. H. J. MILLER,

Defendant

Bailey & Lacey
Attorneys for Plaintiff

HENRY GANEY, JR., as the
Father and next friend of
GARY LEE GANEY, his de-
ceased minor son,

Plaintiff,

vs.

MRS. H. J. MILLER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and to 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 the place where the accident occurred is not sufficiently set out.
3. That it is affirmatively shown that the accident did not occur within the City limits of Fairhope, but is alleged to have occurred upon Fairhope Avenue.
4. That the suit is not filed in the name of a proper party Plaintiff.
5. That such suit is filed by a next friend without any authority for doing so.
6. That the Laws of the State of Alabama do not authorize the filing of a death claim by a next friend.
7. That "COUNT ONE" of the complaint does not allege that the Defendant negligently caused the death of the Plaintiff's minor son.
8. That "COUNT TWO" of the complaint does not allege that the Defendant wantonly caused or allowed the motor vehicle that she was driving to run into or against the Plaintiff's minor son.
9. That said complaint does not allege any duty owing by the Defendant to the Plaintiff or his minor son.

FILED

OCT 5 1962

ALICE L. DUCK, CLERK
RECEIVED

Charles E. Stone
Attorneys for Defendant

5277

HENRY GANEY, JR., AS THE
Father and next friend of
GARY LEE GANEY, his deceased
minor son,

Plaintiff,

vs.

MRS. H. J. MILLER,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

FILED

OCT 5 1962

ALICE L. DICK, CLERK
REGISTER

HENRY GANEY, JR., father
of GARY LEE GANEY, his
deceased minor son,

Plaintiff,

vs.

MRS. H. J. MILLER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes the Defendant in the above styled cause and demurs to the amended 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 said complaint is vague and indefinite.
3. That the place where the accident occurred is not sufficiently set out in either count of the complaint.
4. That it is not alleged in either count of the complaint on what public highway the Defendant was operating a motor vehicle at the time the accident occurred.
5. That each count of the complaint affirmatively shows that the accident occurred more than three miles East of the City Limits of Fairhope, Alabama, yet alleges that it occurred on Fairhope Avenue.
6. That said complaint does not allege any duty owing by the Defendant to the Plaintiff's intestate.
7. That count "TWO" of the complaint does not allege that the Defendant wantonly caused or wantonly allowed the motor vehicle that she was driving to run into, over or against the Plaintiff's intestate.

Chas. A. Stone
Attorneys for Defendant

FILED

JAN 8-63

ALICE L. DICK, CLERK
REGISTER

HENRY GANEY, JR., father
of GARY LEE GANEY, his
deceased minor son,

Plaintiff,

vs.

MRS. H. J. MILLER,

Defendant

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5277

* * * * *

DEMURRER

* * * * *

FILED

JAN 8-63

ALICE L. DICK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5277

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Mrs. H. J. Miller, to appear and plead,
answer or demur, within thirty days from the service hereof, to the

Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama,
in Equity, by HENRY GANEY, JR., as father and next friend of GARY LEE
GANEY, his deceased minor son, as Complainant.

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 _____

Mrs. H. J. Miller, Defendant.---

by Henry Ganey, Jr., as father and next friend of Gary Lee

Ganey, his deceased minor son, Plaintiff.---

Witness my hand this 13 day of September 1962

Deane E. Henshaw, Clerk

Deputy Sheriff

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

December 19th, 19⁶²

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

Re: Ganey Vs. Miller

Dear Mrs. Duck:

I am enclosing herewith Amended Bill of Complaint
in the above cause.

Very truly yours,

BAILEY & LACEY

By: Ernest M. Bailey

EMB/w

Incl: