

DEMURRER

5346

CRAWLEY B. STUCKEY

PLAINTIFF

VS.

ROY RODGERS and LUMMIE RODGERS,
Jointly and Individually

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

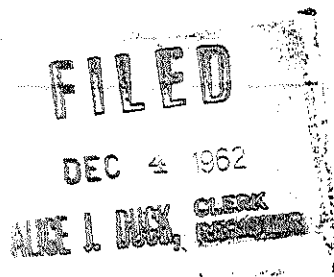
Comes the Defendants in this cause and demurs the complaint
filed herein and to each count separately and severally under the
following separate and several grounds:

1. The complaint does not state a cause of action.

W. C. Chen 104

Attorney for Defendants

*Copy mailed
to Hon. John B. Duck
Huntsville, Ala
Dec. 3, 1962
W. C. Chen 104*



ANSWER AND CROSS COMPLAINT

CRAWLEY B. STUCKEY

PLAINTIFF and CROSS
DEFENDANT

VS.

ROY RODGERS and LUMMIE RODGERS,

DEFENDANTS and CROSS
PLAINTIFFS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendants and for answer to the Complainant's complaint, and to each and every count thereof, separately and severally say:

1. That he is not guilty of the matters alleged therein.

COUNT I

Comes the Defendants in the original suit and the Cross Plaintiffs and claims of the Plaintiff and Cross Defendant, the sum of FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS as damages for that, on to-wit: the 5th day of April, 1962, at or about 9:45 A. M., on Baldwin County Road Number 24, also known as Underwood Road, at a point thereon .4 miles east of Magnolia Springs, , in Baldwin County, Alabama, the Plaintiff and Cross Defendant so negligently operated a motor vehicle, to-wit: 1961 Chevrolet 4-door, as to cause or allow it to collide in the rear with a motor vehicle owned by the Defendant and Cross Plaintiff, Lummie Rodgers and operated by Defendant and Cross Plaintiff, Roy Rodgers and as a proximate result of the negligence of said Plaintiff and Cross Defendant the motor vehicle owned by Defendant and Cross Plaintiff, Lummie Rodgers, and operated by Defendant and Cross Plaintiff, Roy Rodgers, was damaged in that the rear left fender was smashed, the rear bumper was smashed, bent, torn and otherwise damaged and that said automobile was otherwise bent, torn and damaged, all to the damage of the Defendants and Cross Plaintiffs in the sum mentioned above, hence this suit.

Cawley B. Stuckey may be served
at: Magnolia Springs, Alabama.

[Signature]
Attorney for Defendants and
Cross Plaintiffs

W. 5346

Cawley B. Stuckey
vs.

Roy Rogers et al.

Given 11 day of 12 1962
on 26 day of Mar 1962
I have a copy of the within Answer &
Cross Comp.

service on Cawley B. Stuckey

TAYLOR WILKINS, Sheriff
By William D. S.

Magdalena Sprague

Sheriff claims 34 miles at
Ten Cents per mile Total \$ 3.40
TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

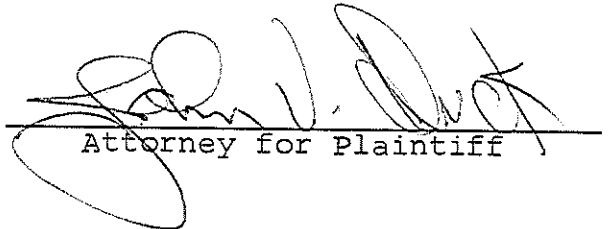
14.45
26.45
40.90

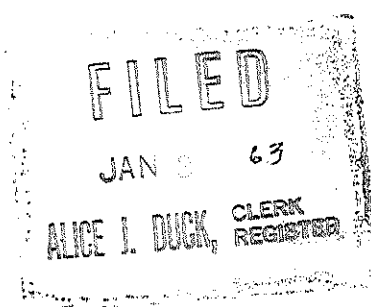
30 he served on
Cawley B. Stuckey
Magdalena Sprague, etc.

CAWLEY B. STUCKEY)	IN THE CIRCUIT COURT OF
Plaintiff and Cross)	BALDWIN COUNTY, AT LAW
Defendant)	
-VS-)	
ROY RODGERS and LUMMIE RODGERS,)	
Defendants and Cross)	
Plaintiffs)	
)	

Comes now the Plaintiff and Cross Defendant and for Plea to the Defendants cross bill herein assigns the following separately and severally.

As to Count One of the Cross Bill of Complaint, the Plaintiff says that he is not guilty of the matters alleged therein.


 Attorney for Plaintiff



CAWLEY B. STUCKEY

Plaintiff

-VS-

ROY RODGERS and LUMMIE RODGERS,
Jointly and Individually

Defendants

§
+
§
+
§
+
§
+
§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW:


COUNT ONE:

Plaintiff claims of the Defendant, ROY RODGERS, the sum of THREE HUNDRED SEVENTY-THREE and 97/100 (\$373.97) DOLLARS as damages for that, on to-wit: 5th day of April, 1962, at or about 9:45 AM, on Baldwin County Road Number 24, also known as Underwood Road, at a point thereon .4 miles east of Magnolia Springs, in Baldwin County, Alabama, the Defendant ROY RODGERS, so negligently operated a motor vehicle, to-wit: 1957 Chevrolet 4-door sedan, as to cause or allow it to collide with a motor vehicle owned by the Plaintiff and as approximate result of the negligence of such Defendant the motor vehicle owned by the Plaintiff was damaged in that the grill was smashed; the right front bumper was smashed, bent, torn and otherwise damaged; that the radiator was bent, torn, smashed, and otherwise damaged; that the hood on the said automobile was bent, torn, and otherwise damaged, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

COUNT TWO:

Plaintiff claims of the Defendants the sum of THREE HUNDRED AND SEVENTY-THREE and 97/100 (\$373.97) DOLLARS as damages for that, on to-wit the 5th day of April, 1962, at or about 9:45 AM on Baldwin County Road Number 24, also known as Underwood Road, at a point thereon .4 east of Magnolia Springs, in Baldwin County, Alabama, the Defendant, ROY RODGERS, as agent, servant or employee of the Defendant LUMMIE RODGERS, who is then and there acting within the line and scope of such agent, servant or employee, so negligently operated a motor vehicle, to-wit: one 1957 Chevrolet 4-door sedan, as to cause or allow it to collide with the motor vehicle owned by the Plaintiff and as approximate result of the negligence

of said Defendants, the motor vehicle owned by the Plaintiff was damaged in that the grill was smashed; the right front bumper was smashed, bent, torn, and otherwise damaged; that the radiator was bent, torn, smashed, and otherwise damaged; that the hood on the said automobile was bent, torn, and otherwise damaged, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.


Attorney for Plaintiff.

Defendants may be served at:

Route 1, Box 116
Foley, Alabama

Received 25 day of Oct 1962
and on 1 day of Nov 1962
I served a copy of the within Att
on Ray Rodgers & Lummie
Rodgers
By service on _____

Sheriff claims 168 miles at
Ten Cents per mile Total \$ 16.80
TAYLOR WILKINS, Sheriff
BY CC DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff

By Perkins D.S.

Magnolia Springs

CAWLEY B. STUCKEY
Plaintiff

-VS-

ROY RODGERS and LUMMIE RODGERS,
Jointly and Individually
Defendants

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

FROM THE LAW OFFICES OF
JOHN V. DUCK
FAIRHOPE, ALABAMA

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

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

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon ROY RODGERS and LUMMIE RODGERS, 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 ROY RODGERS and
LUMMIE RODGERS, Jointly and Individually-----, Defendant-----

by CAWLEY B. STUCKEY-----
-----, Plaintiff-----

Witness my hand this 25 day of Oct 1962

Alvin J. Stuckey-----, Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

CAWLEY B. STUCKEY

Plaintiffs

vs.

ROY RODGERS and LUMMIE RODGERS,

Jointly and Individually

Defendants

Summons and Complaint

FILED

Filed

19

OCT 25 1982

Clerk

**ALICE L. DUCK, CLERK
REGISTER**

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Route 1, Box 116
Foley, Alabama

Received In Office

_____, 19

Sheriff.

I have executed this summons

this _____ 19

by leaving a copy with

Sheriff.

Deputy Sheriff.

T
O

Mrs. Alice J. Duck
P. O. Box 239
Bay Minette, Alabama

F
R
O
M

JOHN V. DUCK
Attorney at Law
FAIRHOPE, ALABAMA

SUBJECT:

Stuckey -vs- Rodgers

DATE:

1/29/63

Message - Reply

FOLD A THIS IS NCR (NO CARBON REQUIRED) PAPER.

JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 17, New England Business Service, Inc., Townsend, Mass.

M
E
S
S
A
G
E

Dear Mrs. Alice:

Will you please forward a copy of the within to
Hon. Forrest Christian, Foley, Alabama.

JVD:og
Encl:

Sincerely,

SIGNED: 

DATE OF REPLY:

REPLY TO:

R
E
P
L
Y

SIGNED:

SENDER: MAIL RECIPIENT WHITE AND PINK SHEETS

COPY

FOREST A. CHRISTIAN
ATTORNEY AT LAW
FOLEY, ALABAMA

December 3, 1962

Mr. John V. Duck
Attorney at Law
Fairhope, Alabama

Re: Cawley B. Stuckey
Vs: Roy Rodgers and Lummie Rodgers,
Individually and Jointly

Dear John:

This afternoon the Defendants came to see me about this and the best that I could figure was that they were served about November 1, 1962.

I am filing the enclosed demurrer until I can have time to check into this case and I am writing for a highway patrolman's report.

If the facts are as stated by the Defendants, it appears that the Plaintiff was at fault in that he struck the rear end of the Defendants' automobile and we may decide to file a counter suit for damages. However, I will let you know more about this soon.

Cordially yours,

FILED

DEC 4 1962

JOHN V. DUCK, CLERK
RECEIVED

ORIGINAL SIGNED
FOREST A. CHRISTIAN
FOREST A. CHRISTIAN