

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon William P. Baldwin to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Margaret B. Gautney.

Witness my hand this 28 day of November, 1962.

Alvin J. Smith
Clerk

MARGARET B. GAUTNEY,
Plaintiff,

vs.

WILLIAM P. BALDWIN,
Defendant.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 5378

COUNT ONE:

The Plaintiff claims of the Defendant the sum of \$25,000.00 as damages for that, on to-wit: September 6, 1962, at a point on County Highway 64, at its intersection with County Highway 27, in Belforest, Baldwin County, Alabama, the Defendant negligently drove an automobile into or against a pickup truck in which the Plaintiff was then and there riding, and as a proximate result of the negligence of the Defendant the Plaintiff was injured in this: she received a torn ligament in her right knee which required an operation, she received a cracked rib on her left side, her right hand was injured, the left side of her head was injured, she received severe bruises on her left knee and left leg, she suffered severe pain and mental anguish, she was caused to remain in a hospital for about two weeks and she was required to remain in bed at home for several weeks, she is permanently injured, she was caused to incur large medical and hospital bills, she lost more than two months from her employment and she is still partially disabled and

MARGARET B. GAUTNEY,
Plaintiff,

vs.

WILLIAM P. BALDWIN,
Defendant

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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SUMMONS AND COMPLAINT

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will continue to lose time from her employment, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

COUNT TWO:

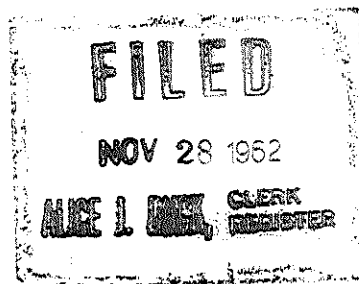
The Plaintiff claims of the Defendant the sum of \$25,000.00 as damages for that, on to-wit: September 6, 1962, at a point on County Highway 64, at its intersection with County Highway 27, in Belforest, Baldwin County, Alabama, the Defendant willfully or wantonly injured the Plaintiff by willfully or wantonly driving an automobile into or against a pickup truck in which the Plaintiff was then and there riding, and as a proximate result of the willful and wanton negligence of the Defendant the Plaintiff was injured in this: she received a torn ligament in her right knee which required an operation, she received a cracked rib on her left side, her right hand was injured, the left side of her head was injured, she received severe bruises on her left knee and left leg, she suffered severe pain and mental anguish, she was caused to remain in a hospital for about two weeks and she was required to remain in bed at home for several weeks, she is permanently injured, she was caused to incur large medical and hospital bills, she lost more than two months from her employment and she is still partially disabled and will continue to lose time from her employment, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.


Attorneys for Plaintiff

Plaintiff respectfully demands a trial
of this cause by a jury.


Attorneys for Plaintiff

EX-12-18-62



no. 5378

MARGARET B. GAUTNEY,
Plaintiff,

vs.

WILLIAM P. BALDWIN,
Defendant

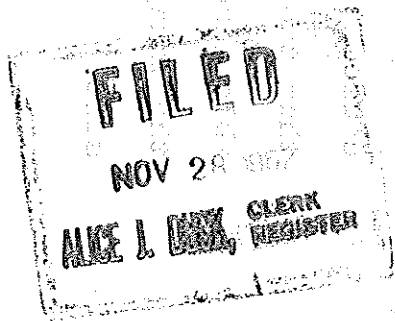
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

Received 28 day of Nov 1968
on 18 day of Nov 1968
erved a copy of the within A & C
William P. Baldwin
service on _____

TAYLOR WILKINS, Sheriff
By R. H. Dale

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY _____
DEPUTY SHERIFF



MARGARET B. GAUTNEY, : IN THE CIRCUIT COURT OF
Plaintiff :
vs. : BALDWIN COUNTY, ALABAMA
WILLIAM P. BALDWIN, : AT LAW
Defendant. :
CASE NO. _____

D E M U R R E R

Comes now the defendant in the above styled cause and demurs to the complaint heretofore filed, and each count thereof, 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 negligence is therein alleged merely as a conclusion of the pleader.
- 3) For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
- 4) For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.
- 5) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.
- 6) It is not alleged with sufficient certainty where said accident occurred.

7) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

8) For that each injury complained of in the alternative could not result from each alternative act allegedly causing such injury.

9) For that each alternative averment does not state facts sufficient to constitute a cause of action against this defendant.

10) It is not alleged that the wanton conduct complained of proximately caused the accident and injuries and damages complained of.

11) The alternative averments of said count are inconsistent.

12) For that each alleged alternative proximate result is inconsistent with the other alternative averred.

13) For that each alleged alternative proximate result does not impose a legal duty or liability on this defendant.

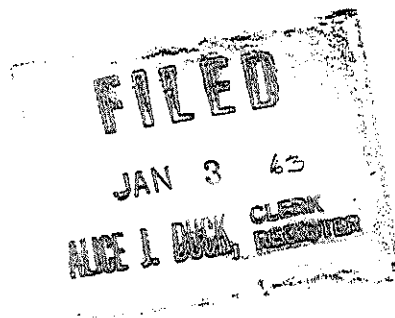
14) For that there is no allegation as to where the plaintiff was at the time and place of said accident.

15) For that there is no allegation as to whether the plaintiff was the driver of said vehicle which she occupied, or a passenger in same, at the time of the accident complained of.


Attorney for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON



C E R T I F I C A T E

I hereby certify that I have mailed a true and correct copy of the foregoing Demurrer to Chason & Stone, Attorneys for the Plaintiff by depositing a copy of same in the United States Mail, postage prepaid to Messrs. Chason & Stone at their office in Bay Minette, Alabama on this 2nd day of January, 1963.

W. C. Bonef