

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 Charles H. Matthews.

Witness my hand this 28 day of November, 1962.

Chris J. Jones
Clerk

CHARLES H. MATTHEWS,
Plaintiff,
vs.
WILLIAM P. BALDWIN,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
No. 5379

COUNT ONE :

The Plaintiff claims of the Defendant the sum of \$2,000.00 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 owned by the Plaintiff and which then and there contained certain merchandise belonging to the Plaintiff and as a proximate result of the negligence of the Defendant, the Plaintiff's pickup truck was damaged in this: its left side was badly bent and broken, its frame was bent, the cab was bent, the front of the truck was damaged, its radiator and hood were damaged and the Plaintiff lost the use of his said truck, which he was then using in his business, for about two weeks. A television set was almost completely destroyed, a transistor radio was badly damaged and two rugs were torn and ruined, all to the damage of the Plaintiff in the sum above mentioned,

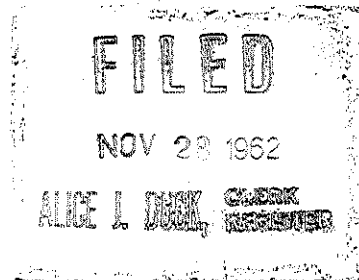
hence this suit.

Chambers
Attorneys for Plaintiff

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

Chambers
Attorneys for Plaintiff

Ex-11-28-62



No. 5379

CHARLES H. MATTHEWS,
Plaintiff,

VS.

WILLIAM P. BALDWIN,
Defendant *W.P. Baldwin*

Received 28 day of Nov 1962
and on 18 day of Nov 1962

I served a copy of the within 90
on William P. Baldwin

By service on _____

TAYLOR WILKINS, Sheriff
By *Richard L. ...* D. S.
R. L. ...

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

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

FILED
NOV 29 1962
ALICE J. DICK, CLERK
REGISTER

CHARLES H. MATTHEWS, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
WILLIAM P. BALDWIN, :
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 the accident.

MOTION TO STRIKE

Further comes the defendant in the above styled cause, and without waiving the Demurrer heretofore filed but expressly insisting upon same, respectfully moves the court to strike from Count One of the complaint the following

separate and several allegations thereof:

" . . . Which then and there contained certain merchandise belonging to the plaintiff . . ."

" . . . A television was almost completely destroyed, a transistor radio was badly damaged and two rugs were torn and ruined, . . ."

And as separate and several grounds of such Motion to Strike, defendant sets down and assigns the following, separately and severally:

- a. For that said allegations attempt to recover an illegal and improper measure of damage from this defendant.
- b. Said allegations attempt to recover for non-allowable elements of damage.
- c. Said allegations are immaterial.
- d. Said allegations are prolix.
- e. Said averments of said count attempt to recover speculative items of damage, not allowed by law.



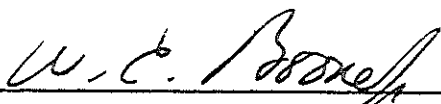
Attorney for Defendant

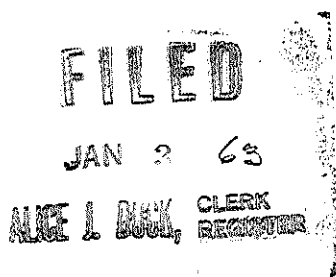
Of Counsel:

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.





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. BREVARO 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

January 2, 1963

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

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

Re: Margaret B. Gautney v. William P. Baldwin
Circuit Court, Baldwin County, Alabama

James E. Nordstrom, Jr. v. William P.
Baldwin, Circuit Court, Baldwin County, Alabama

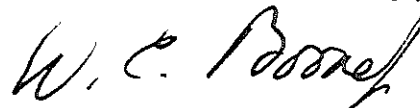
Charles H. Matthews v. William P. Baldwin,
Circuit Court, Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed please find Demurrers on the above cases which I would appreciate your having filed for me in the Circuit Court. Would you please acknowledge receipt and filing of these pleadings on the enclosed copy of this letter and return same to me in the self-addressed, stamped envelope?

Many thanks for your cooperation.

Yours very truly,



For the Firm

WCBjr.mbd