

JAMES E. NORDSTROM, JR., : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
WILLIAM P. BALDWIN, :
Defendant. : CASE NO. 5380

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.

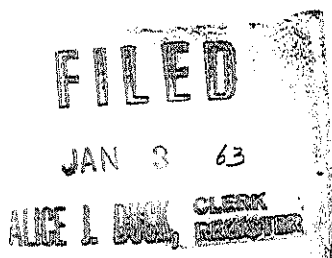
Of Counsel:

W. C. Boone
Attorney for Defendant

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. Boone

STATE OF ALABAMA


IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

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 James E. Nordstrom, Jr.

Witness my hand this 28 day of November, 1962.


Clerk

JAMES E. NORDSTROM, JR.,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

X

WILLIAM P. BALDWIN,

X

AT LAW

Defendant.

X

X

COUNT ONE:

The Plaintiff claims of the Defendant the sum of \$10,000.00 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 which the Plaintiff was driving and as a proximate result of the negligence of the Defendant the Plaintiff was injured in this: he received an injury to his lumbar vertebrae, and his spine was otherwise injured, his ribs were severely bruised, his left elbow was badly bruised and he was permanently injured; he suffered severe pain and mental anguish, he was caused to incur large medical bills, he lost time from his employment and will continue to lose time from his employment, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

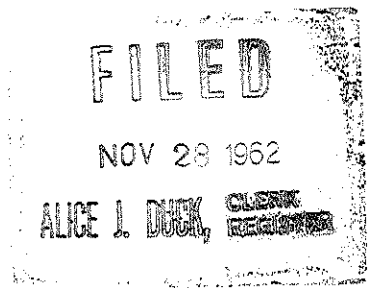
COUNT TWO:

The Plaintiff claims of the Defendant the sum of \$10,000.00 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 which the Plaintiff was driving and as a proximate result of the willful or wanton negligence of the Defendant the Plaintiff was injured in this: he received an injury to his lumbar vertebrae, and his spine was otherwise injured, his ribs were severely bruised, his left elbow was badly bruised and he was permanently injured; he suffered severe pain and mental anguish, he was caused to incur large medical bills he lost time from his employment and will continue to lose time from his 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



EA-12-18-62

NO. 5380

JAMES E. NORDSTROM, JR.,

Plaintiff,

vs.

WILLIAM P. BALDWIN,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

Received 28 day of Nov 1962
and on 18 day of Nov 1962
I served a copy of the within 2 & C
on William P. Baldwin

By service on _____

TAYLOR WILKINS, Sheriff
By PI Wcale D. S.

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

BY _____
DEPUTY SHERIFF

FILED

NOV 28 1962

ALICE L. [unclear] CLERK
REGISTER

Prestwood and Prestwood

ATTORNEYS AT LAW

Andalusia, Alabama

JAMES M. PRESTWOOD
ROGER A. PRESTWOOD
HUGH L. PRESTWOOD

March 12, 1963

PRESTWOOD BUILDING
TELEPHONE 222-1151

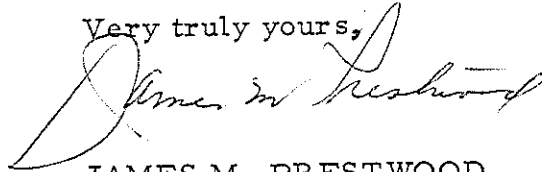
Mrs. Alice J. Duck
Circuit Clerk, Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Please file the enclosed plea.

Thanking you, I am,

Very truly yours,

A handwritten signature in cursive script, reading "James M. Prestwood". The signature is written in dark ink and is positioned above the printed name.

JAMES M. PRESTWOOD

JMP:jg

Enc