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ALABAMA.

CASE NO.

CASE NO. 4963

DEMURRER

Comes now each of the following defendants, separately and severally, Floyd Blackwell, d/b/a Shell Service Center and demurs to each count of the complaint filed herein, 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 is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
- 4) For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
- 5) For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

6) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7) For that the averments set up, if true, do not show any liability on the part of this defendant.

8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9) For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10) No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

11) It is not alleged with sufficient certainty where said accident occurred.

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

13) It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.

14) For that said count is duplicitous.

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

16) For aught that appears the plaintiff was a trespasser at the time and place complained of.

17) For aught that appears the plaintiff had no right to be where he was at the time and place complained of.

18) For aught that appears the defendant owed no duty to the plaintiff at the time and place complained of which he negligently failed to perform.

19) No wantonness is charged of this defendant, and yet for aught that appears the plaintiff was a trespasser at the time and place complained of.

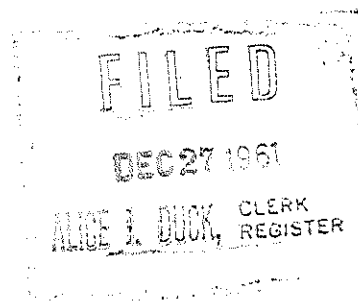
W. C. Boone  
Attorney for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant respectfully demands a trial by jury of this cause.

W. C. Boone



STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Floyd Blackwell d/b/a Shell Service Center, to answer and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Robert L. Morris.

Witness my hand this the 4 day of Dec, 1961.

Ex-12-9-61

Alice J. Duck  
Alice J. Duck, Clerk

ROBERT L. MORRIS

Plaintiff

VS

FLOYD BLACKWELL d/b/a  
SHELL SERVICE CENTER

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1963

1.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) as damages for that heretofore on to-wit; the 22nd day of April, 1961, at the Defendants place of business in the Town of Foley, Baldwin County, Alabama, the Defendant by and through his agents, servants or employees while acting within the line and scope of their employment, so negligently operated an automobile hydraulic lift so as to cause or allow an automobile resting on the lift to fall upon or against the Plaintiff and as a direct proximate consequence of the negligence of the Defendant's agents, servants or employees, the Plaintiff was injured in that, he was bruised about his body, he received a brain concussion; he was rendered unconscious; his spine was severely injured and he was otherwise caused suffering and anguish; that the Plaintiff was caused to lose time from his work and as a result of said injury he lost his job because of his physical disability and that he incurred and is still incurring medical expenses in and about the treatment of these injuries all to his damage aforesaid,

Therefore the Plaintiff brings this suit and asks judgment in the above amount.

FILED

DEC 4

1961

ALICE J. DUCK

CLERK  
REGISTER

*Comes now the Plaintiff  
and demands a trial  
by jury  
W. J. Wilton  
Att'y for Plaintiff*

WILTERS, BRANTLEY & NESBIT

BY:

*W. J. Wilton*  
Attorneys for the Plaintiff

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Received 4 day of Dec 1961  
and on 9 day of Dec 1961  
I served a copy of the within A & C  
on Floyd Blackwell  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By [Signature] D. S.

Sheriff claims 72 miles at  
Ten Cents per mile Total \$ 7.20  
TAYLOR WILKINS, Sheriff  
BY [Signature]  
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4963

ROBERT L. MORRIS

Plaintiff

VS

FLOYD BLACKWELL d/b/a  
SHELL SERVICE CENTER

[Signature]  
Defendant

FILED

DEC 4 1961

ALICE J. DUCK, CLERK  
REGISTER

WILTERS, BRANTLEY & NESBIT  
Attorneys at Law  
Robertsdale, Alabama

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. BREVARD 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

December 22, 1961

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAB

TELEPHONE:  
HEMLOCK 2-5514

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


Re: Robert L. Morris, Plaintiff v.  
Floyd Blackwell, d/b/a Shell  
Service Center, Defendant  
In the Circuit Court of Baldwin  
County, Alabama

Dear Mrs. Duck:

We enclose herewith the original and two copies  
of demurrer which we have just filed and which we  
would appreciate your placing of record for us. If  
you would mark receipt of this on the enclosed copy  
of this letter and send same back to me in the en-  
closed envelope I would appreciate it.

Many thanks for your cooperation.

Yours very truly,



For the Firm

WCBjr.mbd

Enclosures

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.  
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EDMUND R. CANNON, JR.  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
W. C. BOONE, JR.  
DONALD F. PIERCE

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAS

TELEPHONE:  
HEMLOCK 2-5514

March 7, 1962

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

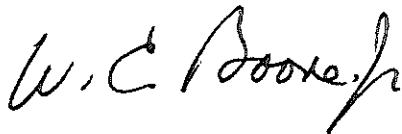
Re: Robert L. Morris vs. Floyd Blackwell

Dear Mrs. Duck:

I enclose herewith demurrer on behalf of the defendant to the amended complaint, which I would appreciate your placing of record. I have sent a copy of this demurrer to Mr. Wilters, attorney for the plaintiff.

Many thanks for your cooperation.

Yours very truly,



For the Firm

WCBjr.rw

cc: Harry Wilters, Esq.  
Attorney at Law  
Bay Minette, Alabama

ROBERT L. MORRIS

Plaintiff

VS

FLOYD BLACKWELL d/b/a  
SHELL SERVICE CENTER

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

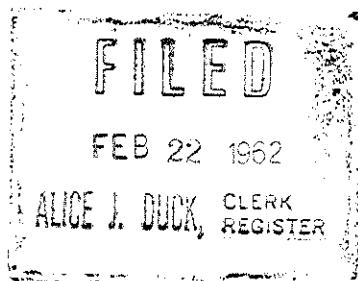
Comes now the Plaintiff in the above styled cause and amends his  
Complaint to read as follows:

1.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-  
FIVE THOUSAND DOLLARS (\$125,000.00) as damages for that heretfore on to-wit:  
the 22nd day of April, 1961, while the Plaintiff was having repair work done  
on his automobile, at the Defendants place of business in the Town of Foley,  
Baldwin County, Alabama, the Defendant by and through his agents, servants  
or employees while acting within the line and scope of their employment, so  
negligently operated an automobile hydraulic lift so as to cause or allow an  
automobile resting on the lift to fall upon or against the Plaintiff and as  
a direct proximate consequence of the negligence of the Defendant's agent,  
servants or employees, the Plaintiff was injured in that, he was bruised  
about his body, he received a brain concussion; he was rendered unconscience;  
his spine was severely injured and he was otherwise caused suffering and  
anguish; that the Plaintiff was caused to lose time from his work and as  
a result of said injury he lost his job because of his physical disability  
and that he incurred and is still incurring medical expenses in and about  
the treatment of these injuries all to his damage aforesaid, wherefore the  
Plaintiff brings this suit and asks judgment in the above amount.

WILTERS, BRANTLEY & NESBIT

BY: *[Signature]*  
Attorneys for the Plaintiff





IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4963

ROBERT L. MORRIS

Plaintiff

VS

FLOYD BLACKWELL d/b/a  
SHELL SERVICE CENTER

Defendant

AMENDED COMPLAINT

W. C. BOONE, JR.  
Mobile, Alabama  
Attorney for the Defendant

WILTERS, BRANTLEY & NESBIT  
Robertsdale, Alabama  
Attorneys for the Plaintiff

ROBERT L. MORRIS,	)	IN THE CIRCUIT COURT OF
	)	
PLAINTIFF	)	BALDWIN COUNTY
	)	
VS.	)	ALABAMA
	)	
FLOYD BLACKWELL,	)	
d/b/a SHELL SERVICE CENTER,	)	
	)	
DEFENDANT	)	

D E M U R R E R

Comes now the defendant in the above styled cause and demurs to the plaintiff's last amended complaint, and each count thereof, separately and severally, by interposing thereto those separate and several grounds of demurrer previously filed to the original complaint, separately and severally.

*W. C. Boone*

\_\_\_\_\_  
Attorney for Defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

