

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

G. SAGE LYONS

July 9, 1963

Clerk, Circuit Court of
Baldwin County, Alabama
Baldwin County Courthouse
Bay Minette, Alabama

Re: Thomas J. McCabe v. Richard A. Bingham, in the
Circuit Court of Baldwin County, Alabama,
Case No. 5450

Dear Mrs. Duck:

On behalf of the plaintiff, please enter a non-suit in
the above-styled cause, and submit Cost Bill at this
time.

Very truly yours,

LYONS, PIPES & COOK
Attorneys for the Plaintiff,
Thomas J. McCabe

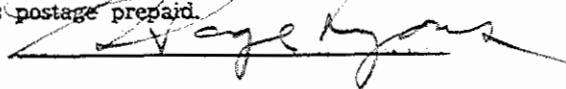
By:


G. SAGE LYONS

GSL/sab

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9th
day of July, 1963, served
copy of the foregoing pleading on counsel for the
parties to this proceeding by mailing the same
by United States mail, properly addressed, and
first class postage prepaid.



THOMAS J. McCABE,) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY, ALABAMA.
vs.) AT LAW CASE NO. _____
RICHARD A. BINGHAM,)
Defendant)

COMPLAINT

Plaintiff claims of the defendant the sum of One Thousand (\$1000.00) Dollars damages for that heretofore and on, to wit, February 7, 1962, the defendant so negligently operated an automobile on U. S. Highway 31, a public highway in the County of Baldwin, State of Alabama, at or near the Stapleton Radio Relay Tower, Stapleton, Alabama, that the said automobile then and there collided with an automobile owned by the plaintiff, which was then and there being operated on the said U. S. Highway 31 at or near the Stapleton Radio Relay Tower, Stapleton, Alabama, and as a direct and proximate consequence of the said negligent operation of the said vehicle at the said time and place, as aforesaid, the plaintiff was injured and damaged in this: his automobile was bent, smashed, broken and otherwise damaged and rendered permanently less valuable, and he was deprived of the use thereof: for all of which plaintiff claims damages as aforesaid.

LYONS, PIPES AND COOK
Attorneys for the plaintiff

● ●

G. Sage Lyons

Defendant may be served at:

421 West Cedar Street
Jackson, Alabama

LEED

FEB 4 1963

**CLERK
REGISTER**

THOMAS J. McCABE,) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY, ALABAMA.
vs.) AT LAW CASE NO. _____
RICHARD A. BINGHAM,)
Defendant)

C O M P L A I N T

10
17
36
Plaintiff claims of the defendant the sum of One Thousand (\$1000.00) Dollars damages for that heretofore and on, to wit, February 7, 1962, the defendant so negligently operated an automobile on U. S. Highway 31, a public highway in the County of Baldwin, State of Alabama, at or near the Stapleton Radio Relay Tower, Stapleton, Alabama, that the said automobile then and there collided with an automobile owned by the plaintiff, which was then and there being operated on the said U. S. Highway 31 at or near the Stapleton Radio Relay Tower, Stapleton, Alabama, and as a direct and proximate consequence of the said negligent operation of the said vehicle at the said time and place, as aforesaid, the plaintiff was injured and damaged in this: his automobile was bent, smashed, broken and otherwise damaged and rendered permanently less valuable, and he was deprived of the use thereof: for all of which plaintiff claims damages as aforesaid.

LYONS, PIPES AND COOK
Attorneys for the plaintiff

By: 
G. Sage Lyons

Defendant may be served at:

421 West Cedar Street
Jackson, Alabama

FILED

FEB 4

ALICE J. DUCK, CLERK
REGISTER

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES, III
WALTER M. COOK
FRANK T. POPE, JR.
GORDON B. KAHN
IRWIN W. COLEMAN, JR.
G. SAGE LYONS

February 1, 1963

Clerk
Circuit Court of Baldwin County, Alabama
Baldwin County Court House
Bay Minette, Alabama

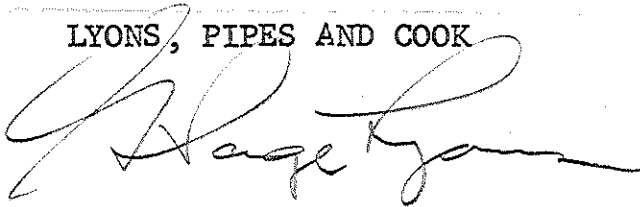
Re: Thomas J. McCabe vs. Richard A. Bingham
In the Circuit Court of Baldwin County, Alabama
Case No. _____

Dear Mrs. Duck:

Enclosed herewith please find the original and three
carbon copies of the Complaint in the above case, which
I ask that you file and acknowledge receipt to us.

Very truly yours,

LYONS, PIPES AND COOK



G. Sage Lyons

GSL/cg
Encls.

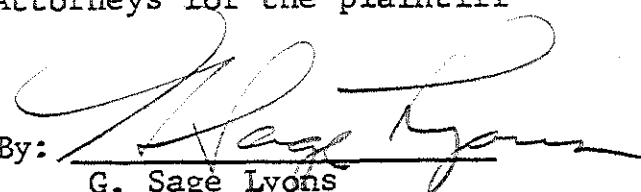
Repts Ex A for JH

THOMAS J. McCABE,)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA.
vs.)	AT LAW CASE NO. <u>5-450</u>
RICHARD A. BINGHAM,)	
Defendant)	

C O M P L A I N T

Plaintiff claims of the defendant the sum of One Thousand (\$1000.00) Dollars damages for that heretofore and on, to wit, February 7, 1962, the defendant so negligently operated an automobile on U. S. Highway 31, a public highway in the County of Baldwin, State of Alabama, at or near the Stapleton Radio Relay Tower, Stapleton, Alabama, that the said automobile then and there collided with an automobile owned by the plaintiff, which was then and there being operated on the said U. S. Highway 31 at or near the Stapleton Radio Relay Tower, Stapleton, Alabama, and as a direct and proximate consequence of the said negligent operation of the said vehicle at the said time and place, as aforesaid, the plaintiff was injured and damaged in this: his automobile was bent, smashed, broken and otherwise damaged and rendered permanently less valuable, and he was deprived of the use thereof: for all of which plaintiff claims damages as aforesaid.

LYONS, PIPES AND COOK
Attorneys for the plaintiff

By: 
G. Sage Lyons

Defendant may be served at:

421 West Cedar Street
Jackson, Alabama

Phone-246-3243

FILED

FEB 4 1963

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. _____

TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Richard A. Bingham

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 _____

Richard A. Bingham, Defendant

by _____

_____, Plaintiff

Witness my hand this 4 day of February 1963

Ed - 2-8-63

Richard A. Bingham, Clerk

No. 5450

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

THOMAS J McCABE

vs.

Plaintiffs

RICHARD A. BINGHAM

Defendants

SUMMONS and COMPLAINT

Filed 2-4, 19 62

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Feb 4, 19 63

, Sheriff

I have executed this summons

this 8 Feb, 19 63

by leaving a copy with

Richard A. Bingham

Sheriff

Deputy Sheriff

THOMAS J. McCABE,)
Plaintiff,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
RICHARD A. BINGHAM,) AT LAW NO. _____
Defendant.)

DEMURRER

Now comes the defendant and demurs to the complaint heretofore filed in this cause and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. No facts are alleged on which the relief sought can be granted.
3. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are conclusions of the pleader.
5. The allegations of the complaint are vague, indefinite and uncertain in that the injuries to the plaintiff are not sufficiently described.
6. The allegations of the complaint are vague, indefinite and uncertain in that it does not describe the damage to plaintiff's automobile.
7. No facts are alleged to show any right on the part of the plaintiff to damages for loss of use of his said automobile.

J. B. Blackburn
Gas. R. Owen
Attorneys for Defendant

Defendant demands a trial of said cause by jury.

J. B. Blackburn
Of counsel for defendant

FILED

MAR 5, 1963

ALICE J. DUCK, CLERK
REGISTER

any

DEMURRER

THOMAS J. McCABE,

Plaintiff,

VS.

RICHARD A. BINGHAM,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5450

FILED

MAR 5 1963

ALICE J. DICK, CLERK
REGISTER

no later than 5 o'clock on the day of the trial

Handwritten signature

Witnessed by (name)

(Signature)

(Signature)

(Signature)