

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Louisville and Nashville Railroad Company, a Corporation, 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 the same, then and there to answer the complaint of Warren Martin, a minor suing by James A. Martin as his father and next friend.

WITNESS my hand this 24 day of October, 1963.

Alice J. Luck
Clerk

* * * * *

WARREN MARTIN, a minor, suing by
James A. Martin, as his father and
next friend,

Plaintiff,

VS.

LOUISVILLE AND NASHVILLE RAILROAD
COMPANY, a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

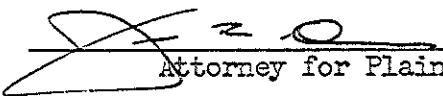
5735

C O M P L A I N T

COUNT ONE

The Plaintiff claims of the Defendant TEN THOUSAND DOLLARS (\$10,000.00) damages for that heretofore on to-wit, November 29, 1962, the Defendant was engaged in the business of operating a railroad in and through the Town of Robertsedale, Baldwin County, Alabama, for the carriage of freight for hire, and Plaintiff was rightfully in a freight car on Defendant's side track at Robertsedale, unloading certain freight that Plaintiff's employer had shipped to Robertsedale in said car over Defendant's said railroad; that it was customary for freight cars to be loaded or unloaded by customers of the Defendant, which said custom was well known at said time by the servants and agents of the Defendant. Plaintiff avers that while he was thus engaged in unloading said car, he fell through a hole in the floor of the said car which had been covered with a parcel of cardboard and as a proximate result of said fall the Plaintiff was injured as follows: He suffered abrasions to his leg and thigh; he suffered a twisting sprain of the paravertebral iliolumbar muscles; he was caused to suffer much pain of his back and continues to

suffer pain and discomfort in his lower back; he was caused to miss considerable work from his employment and was put to much expense in and about medical and hospital bills in an effort to heal his said injuries. Plaintiff avers that all of his injuries and damage were the proximate result of the negligence of the said defendant in maintaining a defect in the said freight car, hence this suit.


Attorney for Plaintiff

Plaintiff demands a trial of said cause by jury.


Attorney for Plaintiff

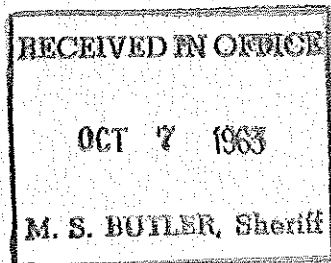
FILED

OCT 4 1963

ALICE L. DICK, CLERK
REGISTER

64-10-7-63

2037



EXECUTED BY SERVING A
COPY OF THE WITHIN ON

R.E. Steiner III
As agent for
Louisville &
Nashville RR. Co.

This the 7 day of Oct 1963

M. S. BUTLER
Sheriff Montgomery County

By *J. H. White*
Deputy Sheriff

The Sheriff claims 2
miles at 10¢ per mile for a total
of \$.20
M. S. Butler, Sheriff
Montgomery County, Ala.

5735 COMPLAINT

WARREN MARTIN, a minor, suing by
James A. Martin, as his father and
next friend,

Plaintiff,

VS.

LOUISVILLE AND NASHVILLE RAILROAD
COMPANY, a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED
OCT 7 1963
JAMES R. OWEN
JAMES R. OWEN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

WARREN MARTIN, a minor, suing
by James A. Martin, as his
father and next friend,

Plaintiff,

vs.

LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, a corpora-
tion,

Defendant.

¶

¶

¶

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5735

DEMURRER

Comes the Defendant in the above styled cause and demurs
to the complaint filed in said cause and assigns the following
separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not allege any duty owing by
the Defendant to the Plaintiff.
3. That said complaint does not allege that the Defendant
negligently injured the Plaintiff.
4. That said complaint does not allege that the Defendant
owned the railroad car referred to in said complaint.
5. That said complaint does not allege any knowledge on
the part of the Defendant that the car was defective.
6. That said complaint does not allege that the Defendant
knew, or should have known, that there was a hole in the floor of
the car.
7. That said complaint does not allege that the Defendant
or any of its agents, servants or employees covered the hole in
the floor of the car with cardboard.
8. For aught that appears from said complaint the car in
which the freight was loaded was not owned by the Defendant, had
not been loaded by it and the Defendant had no knowledge of any
defect in such car.

9. That said compliant fails to allege any facts out of which a duty by the Defendant to the Plaintiff would arise.

CHASON & STONE

By:

John Chason
Attorneys for Defendant

FILED

OCT 14

ALICE L. DUCK, CLERK
REGISTER

WARREN MARTIN, a minor,
suing by James A. Martin
as his father and next
friend,

Plaintiff,

vs

LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, a cor-
poration,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5735

* * * * *

DEMURRER

** * * * *