

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 James W. Dunham 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 George D. Ealum.

Witness my hand this 18 day of December, 1963.

Blaise J. Luck
Clerk

GEORGE D. EALUM,

Plaintiff,

vs.

JAMES W. DUNHAM,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE

The Plaintiff claims of the Defendant the sum of Twenty Thousand Dollars (\$20,000.00) damages for that on, heretofore, to-wit: the 11th day of January, 1963, at a point in Baldwin County Alabama, on the Mobile Bay Causeway (U. S. Highway #90) approximately 4.9 miles East of the City Limits of Mobile, Alabama, the Defendant wantonly injured the Plaintiff by then and there so wantonly operating a motor vehicle in which the Plaintiff was riding as a passenger as to lose control of the same and cause the same to overturn, and as a proximate consequence and result of the wantonness of the Defendant, aforesaid, the Plaintiff was seriously and permanently injured in this: he suffered fractures of the transverse processes of the region of his spine known as the lumbar region, the muscles were torn away from the transverse processes in the lumbar region of his spine, the nerves in the lumbar region of the spine of the Plaintiff were injured, the

iliopsoas muscle was torn, he suffers from a condition known as torticollis, he was caused to suffer and did suffer, and continues to suffer much mental pain, anguish and discomfort as the result of his injuries, aforesaid, he was caused to lose a great amount of time from his work and did lose his job on account of said injuries, he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries, and he was permanently injured, damaged and disfigured, all as a proximate result of the wantonness of the Defendant, aforesaid; wherefore Plaintiff brings this suit and asks judgment in the above amount.

Respectfully submitted,

CHASON & STONE

By: 

Attorneys for Plaintiff

Plaintiff demands a trial of this cause
by a jury.

CHASON & STONE

By: 

Attorneys for Plaintiff

64-12-18-63

FILED
DEC 18 1963
ALICE L. DUCK, CLERK
REGISTER

Received 18 day of Dec. 1963
and on 18 day of Dec 1963
I served a copy of the within etc
on James W. Dunham

By service on _____

TAYLOR WILKINS, Sheriff

By Fred Seibert D. S.

C. D. McNeil

Copy

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY Fred Seibert

DEPUTY SHERIFF

Defendant's address:
Loxley, Alabama

GEORGE D. EALUM,

Plaintiff,

vs

JAMES W. DUNHAM,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

FILED
DEC 17 1963
ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

GEORGE D. EALUM,

Plaintiff,

vs.

JAMES W. DUNHAM,

Defendant.

I

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I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

No. 5875.

ANSWER:

Now comes the Defendant, by his Attorneys, and for answer to the Complaint heretofore filed in this cause, says as follows:

1. Not guilty.

MASHBURN AND OWENS,

By: 

Attorneys for Defendant.

FILED

JAN 11 1964

ALICE L. DUCK, CLERK
REGISTER

GEORGE D. EALUM, I
Plaintiff, I IN THE CIRCUIT COURT OF
vs. I
JAMES W. DUNHAM, I BALDWIN COUNTY, ALABAMA
Defendant. I AT LAW. NO: 5875.

DEMURRER:

Now comes the Defendant, by his Attorneys, and demurs to the complaint in this cause and as grounds therefor, assigns, the following, both separately and severally:

1. Said complaint does not state a cause of action.
2. Said complaint does not allege the time of day of the accident.
3. Said complaint does not allege with clarity, the duty, if any, owed by the Defendant to the Plaintiff.
4. The allegation contained in the complaint that the Plaintiff was a "passenger", is insufficient to apprise the Defendant of the status of the Plaintiff.
5. That said complaint does not allege any duty owed by the Defendant to the Plaintiff.

MASHBURN AND OWENS

By: 

Attorneys for Defendant.

FILED
JAN 3 1964
ALICE I. DUCK, CLERK
REGISTER