

WARREN GAUSE,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
Vs.	X	
	X	AT LAW
DEWEY GODWIN, et al,	X	
Defendants.	X	CASE NO. 5893

Comes now the Defendant, W. H. Gualtney, individually, and W. H. Gualtney d/b/a Gualtney Sheet Metal Shop, and files the following demurs to the Plaintiff's Complaint:

1.

The allegations of the Complaint are ambiguous.

2.

From the allegations of the Complaint, the Defendant does not know whether the furnace was installed or manufactured on January, 18, 1963.

3.

The allegations of this Complaint fail to show the date on which the dwelling burned.

4.

From the Plaintiff's Complaint, the Defendant does not know what he is called on to defend.

5.

The Complaint does not state a cause of action.

WILTERS, BRANTLEY & NESBIT

BY: *Thos. S. Nesbit*
Attorney for Defendant

Defendant demands a trial by jury.

WILTERS, BRANTLEY & NESBIT

BY: *Thos. S. Nesbit*

FILED

FEB 14 1964

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 5892

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Dewey Godwin, W.H. Gwaltney, Gwaltney Sheet Metal Works,
Bryant, Division of Carrier Corp., et al

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

Dewey Godwin, et al Defendant

by Grace Dickman
Plaintiff

Witness my hand this 17th day of January 1964

Alice J. Duck, Clerk

WARREN GAUSE,
Plaintiff,
vs

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEWEY GODWIN, et al
Defendants

Case No. _____

DEMURRER

Comes the defendant Dewey Godwin, and files these his demurrers to the Bill of Complaint heretofore filed in this cause, and demurs to the complaint, and to each and every count thereof, separately and severally, as follows, to-wit:

ONE: The complaint does not state a cause of action.

TWO: The complaint fails to allege how the defendant Dewey Godwin negligently installed or manufactured the furnace or heater named in the complaint.

THREE: The complaint fails to allege whether the installation causing the alleged fire was a furnace or heater.

FOUR: The complaint fails to allege what was done by the defendant Dewey Godwin to install or manufacture the alleged furnace or heater.

FIVE: The complaint fails to describe the injuries suffered by the plaintiff.

SIX: The complaint fails to show the right of the plaintiff to maintain this cause of action.

Kenneth Cooper
Attorney For Defendant, Dewey Godwin

Attorney For Plaintiff:

Hand, Arendall, Bedsole, Greaves & Johnston
Mobile, Alabama

Defendant Dewey Godwin demands a trial by jury in this cause.

Kenneth Cooper
Attorney for Defendant
Dewey Godwin

FILED
FEB 13 1964
CLERK
REGISTER

WARREN GAUSE,

: IN THE CIRCUIT COURT

Plaintiff,

: OF BALDWIN COUNTY,

vs.

: ALABAMA

DEWEY GODWIN; W. H. GWALTNEY;

: AT LAW

GWALTNEY SHEET METAL WORKS,

an individual, firm or corporation,

who installed the furnace or heater;

ABC, an individual, firm or cor-

poration, who installed the furnace

or heater, and whose correct name is

unknown but will be added by amend-

ment when ascertained; DEF, an

individual, firm or corporation,

who was the electrician for the home,

and whose correct name is unknown but

will be added by amendment when

ascertained; BRYANT, Division of

Carrier Corporation, an individual,

firm or corporation, who manufactured

the furnace or heater; XYZ, an individual,

firm or corporation, who manufactured

the furnace or heater, and whose correct

name is unknown but will be added by

amendment when ascertained; jointly and

severally,

Defendants.

: CASE NO. 5893

COUNT ONE

The plaintiff claims of the defendants, jointly and severally, Twenty Thousand and No/100 Dollars (\$20,000.00) as damages for that heretofore on, to-wit, January 18, 1963, the defendants so negligently installed or manufactured the furnace or heater in the dwelling of Grace Dickman in the City of Stockton, County of Baldwin, State of Alabama, at 722 Stockton Highway, as to cause or allow the furnace or heater to cause the dwelling and the contents to catch fire, and as a direct and proximate consequence and result of the aforesaid negligence the plaintiff was injured and damaged in that the plaintiff's real property was damaged and the plaintiff's personal property in said dwelling was destroyed; hence, this suit.

Louis E. Brantley

622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

FILED

JAN 17 1964

ALICE J. DUCK, CLERK
REGISTER

Received _____ day of _____ 19____
and on 24 day of Jan 1914
I served a copy of the within S+C
on W. D. Gwaltney
By service on _____

Carlisle
Serve there as
soon as
possible

TAYLOR WILKINS, Sheriff
By Carlisle
R. Wade

Received _____ day of _____ 19____
and on 24 day of Jan 1914
I served a copy of the within S+C
on Gwaltney sheet metal
work
By service on _____

TAYLOR WILKINS, Sheriff
By Carlisle
R. Wade

SUMMONS AND COMPLAINT

Circuit Court, Baldwin County

The State of Alabama,
Baldwin County.

No. 5893

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Dewey Godwin, W.H. GWALTNEY: GWALTNEY SHEET METAL WORKS,
BRYANT, Division of Carrier Corp., et al

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

Dewey Godwin, et al

Defendant

by WARREN GAUSE,

Plaintiff

Witness my hand this 17th day of January 19 64

Alice J. Duck, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

WARREN GAUSE

Plaintiffs

vs.

DEWEY GODWIN, W.H. GWALTNEY, ET AL

Defendants

Summons and Complaint

Filed Jan. 17, 1964

Alice J. Duck Clerk

RECEIVED

FEB 8 1964

SHERIFF'S OFFICE

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

42432

Received In Office

Jan 17, 1964

Sheriff.

I have executed this summons

this Jan 20 1964

by leaving a copy with

Dewey Godwin

RETURNED 2-5-64

Not found in my County after diligent search and inquiry.

RAY D. BRIDGES, Sheriff

By: J. W. Lloyd

Taylor Wilkins Sheriff.

W. O. Albert Deputy Sheriff.

Om

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 5893

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon DENEY GORVIN, W.E. GALLAGHER, GUALINEY SHEET METAL WORKS,

BRYANT, Division of Carrier Corp., et al

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

DENEY GORVIN, ET AL

..... Defendant.....

by

WARREN GAUSE,

..... Plaintiff.....

Witness my hand this

17th

day of

January

194

Alice J. Duck

....., Clerk

WARREN GAUSE,
Plaintiff,

5893

: IN THE CIRCUIT COURT
: OF BALDWIN COUNTY,
: ALABAMA

vs.

DEWEY GODWIN; W. H. GWALTNEY;
GWALTNEY SHEET METAL WORKS,
an individual, firm or corporation,
who installed the furnace or heater;
ABC, an individual, firm or cor-
poration, who installed the furnace
or heater, and whose correct name is
unknown but will be added by amend-
ment when ascertained; DEF, an
individual, firm or corporation,
who was the electrician for the home,
and whose correct name is unknown but
will be added by amendment when
ascertained; BRYANT, Division of
Carrier Corporation, an individual,
firm or corporation, who manufactured
the furnace or heater; XYZ, an individual,
firm or corporation, who manufactured
the furnace or heater, and whose correct
name is unknown but will be added by
amendment when ascertained; jointly and
severally,

: AT LAW

Defendants.

: CASE NO. _____

COUNT ONE

The plaintiff claims of the defendants, jointly and severally, Twenty Thousand and No/100 Dollars (\$20,000.00) as damages for that heretofore on, to-wit, January 18, 1963, the defendants so negligently installed or manufactured the furnace or heater in the dwelling of Grace Dickman in the City of Stockton, County of Baldwin, State of Alabama, at 722 Stockton Highway, as to cause or allow the furnace or heater to cause the dwelling and the contents to catch fire, and as a direct and proximate consequence and result of the aforesaid negligence the plaintiff was injured and damaged in that the plaintiff's real property was damaged and the plaintiff's personal property in said dwelling was destroyed; hence, this suit.

Louis E. Braswell

622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GRAVES & JOHNSTON

FILED

JAN 17 1964

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 5893

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon DEWEY GODWIN, W.H. GWALTNEY, GWALTNEY SHEET METAL WORKS,
BRYANT, Division of Carrier Corp., et al

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

DEWEY GODWIN, ET AL

Defendant

by WARREN GAUSE,

Plaintiff

Witness my hand this 17th day of January, 1964.

Alise D. Spick, Clerk

WARREN GAUSE,

Plaintiff,

vs.

DEWEY GODWIN; W. H. GWALTNEY;
GWALTNEY SHEET METAL WORKS,
an individual, firm or corporation,
who installed the furnace or heater;
ABC, an individual, firm or cor-
poration, who installed the furnace
or heater, and whose correct name is
unknown but will be added by amend-
ment when ascertained; DEF, an
individual, firm or corporation,
who was the electrician for the home,
and whose correct name is unknown but
will be added by amendment when
ascertained; BRYANT, Division of
Carrier Corporation, an individual,
firm or corporation, who manufactured
the furnace or heater; XYZ, an individual,
firm or corporation, who manufactured
the furnace or heater, and whose correct
name is unknown but will be added by
amendment when ascertained; jointly and
severally,

Defendants.

: IN THE CIRCUIT COURT

: OF BALDWIN COUNTY,

: ALABAMA

: AT LAW

: CASE NO. _____

COUNT ONE

The plaintiff claims of the defendants, jointly and severally, Twenty Thousand and No/100 Dollars (\$20,000.00) as damages for that heretofore on, to-wit, January 18, 1963, the defendants so negligently installed or manufactured the furnace or heater in the dwelling of Grace Dickson in the City of Stockton, County of Baldwin, State of Alabama, at 722 Stockton Highway, as to cause or allow the furnace or heater to cause the dwelling and the contents to catch fire, and as a direct and proximate consequence and result of the aforesaid negligence the plaintiff was injured and damaged in that the plaintiff's real property was damaged and the plaintiff's personal property in said dwelling was destroyed; hence, this suit.

Louis E. Brumell

622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HARD, ARENDALL, BEDSOLE, GRAVES & JOHNSTON

FILED

JAN 17 1904

ALICE L. DUCK, CLERK
REGISTER

property in the dwelling was destroyed; hence, this suit.

Louis E. Brunell

622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

*See page 10 of
case - 100-100-100-100
Baldwin
Hed*

FILED
JAN 17 1934
ALICE I. DICK, CLERK
REGISTER