

EUGENE C. MEYER,

Plaintiff,

vs.

WOODROW BISHOP and ELLIOTT  
POWE, jointly and individually,

Defendants.

Y

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5907

DEMURRER

Come now the Defendants in the above styled cause, separately and severally, by their attorneys, and demur to the amended complaint heretofore filed by the Plaintiff and to each count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. That said Complaint does not state a cause of action against the Defendants.
2. That said Complaint is vague, indefinite and uncertain.
3. That the Complaint and each count thereof attempts to set out the quo modo of the negligence of the Defendants but fails to allege sufficient facts upon which such negligence could be based as a matter of law.
4. The Complaint fails to allege any duty on the part of either of the Defendants to the Plaintiff and a breach of that duty proximately resulting in the alleged damages.
5. That it affirmatively appears that an independent agency intervened and was the immediate and proximate cause of the injury alleged in said complaint.
6. It affirmatively appears from the allegations of the complaint that the Plaintiff's damages were the proximate result of the negligence of the driver of the automobile which allegedly collided with the Plaintiff's automobile.
7. The Complaint fails to allege that the collision with the Plaintiff's automobile was the proximate consequence and result of any negligence on the part of either of the Defendants.

8. It affirmatively appears that the party guilty of the negligence which was the proximate cause of the accident is not made a party defendant to the cause.

9. The allegation in said complaint that the Defendant's negligence caused the vehicle of Merle R. Wood to collide with the Plaintiff's automobile are the mere conclusions of the pleader.

Respectfully submitted,  
CHASON, STONE & CHASON

By: John Earle Chason  
Attorneys for Defendants

FILED

NOV 10 1964

ALICE J. DUCK, CLERK  
REGISTER

EUGENE MEYER,

Plaintiff,

vs.

WOODROW BISHOP and ELLIOTT  
POWE, jointly and individually,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5907

DEMURRER

Come now the Defendants in the above styled cause, separately and severally, by their attorneys, and file the following Demurrer to the Complaint heretofore filed by the Plaintiff and each count thereof, separately and severally, and set out the following separate and several grounds in support thereof:

1. That said Complaint does not state cause of action against the Defendants.
2. That said Complaint is vague, indefinite and uncertain.
3. That there is a misjoinder of parties in said Complaint.
4. That there is a misjoinder of counts in said Complaint.
5. That said Complaint does not allege the breach of any duty owing the Plaintiff from the Defendants.
6. That said Complaint fails to allege that the negligence of the Defendant was the proximate cause of the injury alleged in said Complaint.
7. That it affirmatively appears that an independent agency intervened and was the immediate cause of the injury alleged in said Complaint.
8. That the allegations in said Complaint that a vehicle "swerved to avoid colliding" and "swerved to avoid the plow or disc" are the mere conclusions of the pleader.

FILED

FEB 2 1964

ALICE J. DICK, CLERK  
REGISTER

422

CHASON, STONE & CHASON

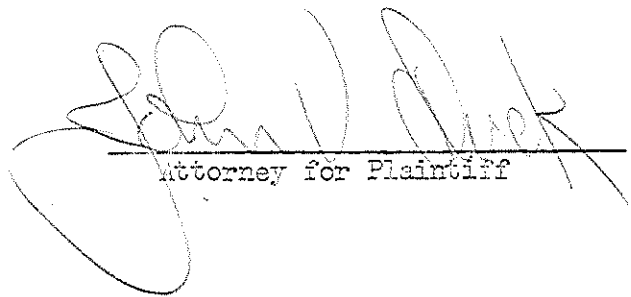
By: *John Earle Chason*

EUGENE C. MEYER,	*	IN THE CIRCUIT COURT
Plaintiff,	*	OF BALDWIN COUNTY,
Vs.	*	ALABAMA
WOODROW BISHOP and ELLIOTT POWE,	*	AT LAW
jointly and individually,	*	
Defendants.	*	CASE NO: _____
	*	

Comes now the Plaintiff and amends Count One of his Complaint heretofore filed herein, by changing said Count One to read as follows:

COUNT ONE

Plaintiff claims of the Defendants the sum of Five Hundred and no/100 (\$500.00) Dollars, as damages, for that, heretofore and on, to-wit, the 5th day of July, 1963, while Plaintiff's automobile was being operated on and along Highway Numbered U.S. 98, at a point thereon one half mile East of the intersection of Highway U.S. 98 and Greeno Road, said Highway U. S. 98 being at said time and place a public highway in Baldwin County, Alabama, the Defendant so negligently operated a farm tractor and a plow or disc, as to allow the said disc or plow to cause the vehicle of Merle R. Wood to collide with the Plaintiff's automobile, and as a direct and proximate result of the Defendants' negligence as aforesaid, the automobile of the Plaintiff was badly bent, broken, crushed and otherwise damaged, it depreciated greatly in value, the Plaintiff lost the use thereof for a long period of time, all to his damage in the sum aforesaid, hence this suit.

  
Attorney for Plaintiff

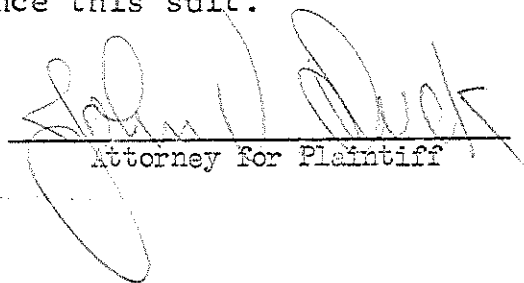
FILED  
SEP. 8 1964  
ALICE L. DICK, CLERK  
REGISTER

EUGENE C. MEYER,	*	IN THE CIRCUIT COURT
Plaintiff,	*	OF BALDWIN COUNTY,
VS	*	ALABAMA
WOODROW BISHOP and	*	AT LAW
ELLIOTT POWE,	*	
jointly and individually,	*	
Defendants.	*	CASE NO: _____

Comes now the Plaintiff and amends Count Two of his Complaint heretofore filed herein, by changing said Count Two to read as follows:

COUNT TWO

Plaintiff claims of the Defendant the sum of Five Hundred and no/100 (\$500.00) Dollars, as damages, for that, heretofore and on, to-wit, the 5th day of July, 1963, while Plaintiff's automobile was being operated on and along Highway Numbered U. S. 98, at a point thereon one-half mile East of the intersection of Highway U.S. 98 and Greeno Road, said Highway U. S. 98 being at said time and place a public highway in Baldwin County, Alabama; the Defendants and Merle R. Wood so negligently operated motor vehicles as to cause or allow the vehicle of Merle R. Wood to collide with Plaintiff's automobile, and as a direct and proximate result of the Defendants negligence as aforesaid, the automobile of the Plaintiff was badly bent, broken, crushed and otherwise damaged, it depreciated greatly in value, Plaintiff lost the use thereof for a long period of time, all to his damage in the sum aforesaid, hence this suit.

  
 Attorney for Plaintiff

FILED  
 SEP. 8 1964  
 ALICE J. DUCK, CLERK  
 REGISTER

EUGENE C. MEYER	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA,
-VS-	)	AT LAW.
WOODROW BISHOP & ELLIOTT POWE	)	5907
jointly & individually,	)	
Defendants	)	

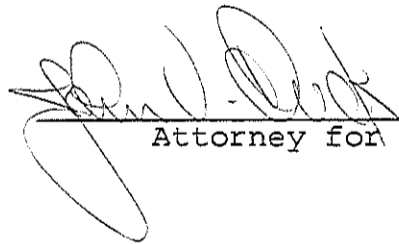
COUNT ONE:

Plaintiff claims of the Defendants the sum of FOUR HUNDRED and 10/100 DOLLARS (\$400.10) as damages, for that, heretofore on, to-wit: the 5th day of July, 1963, while Plaintiff's automobile was being operated along and upon Highway Numbered U.S. 98, traveling in a westwardly direction, at a point thereon one-half mile East of the intersection of Highway U. S. 98 and Greeno Road, which was then and there a public highway in Baldwin County, Alabama, where Plaintiff's automobile had a right to be, the Defendant Elliott Powe, as agent, servant or employee of the defendant, Woodrow Bishop, and while acting in the line and scope of his employment, so negligently operated a farm tractor that was pulling a plow or disc, as to cause or allow the plow or disc to become disengaged from the tractor, and as a proximate result of such negligence, a motor vehicle swerved to avoid colliding with said plow or disc, and allowed the said automobile to run into, upon or against Plaintiff's said automobile, and as a proximate result thereof, Plaintiff's automobile was damaged in that the left front fender was bent, smashed and broken, the bumper was bent and torn, the headlight was broken, bent and smashed, the windshield was broken, the front suspension was bent, smashed, and otherwise damaged, the left front wheel was bent and pushed over, and the Plaintiff's car was otherwise bent, smashed and torn, all as a proximate result of the negligence of the Defendants, as aforesaid.

COUNT TWO:

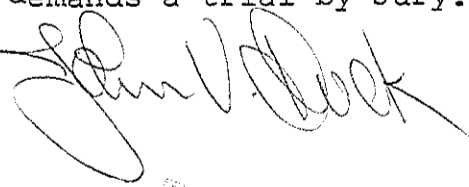
The Plaintiff claims of the Defendant, Elliott Powe, the sum of FOUR HUNDRED and 10/100 DOLLARS (\$400.10) as damages

for that heretofore and on to-wit: the 5th day of July, 1963, while Plaintiff's automobile was being operated along and upon highway No. U.S. 98, in a westwardly direction, at a point thereon one-half mile East of the intersection of Highway U.S. 98 and Greeno Road, which was then and there a public Highway in Baldwin County, Alabama, where Plaintiff's automobile had a right to be, the Defendant, Elliott Powe, so negligently operated a farm tractor upon said Highway as to allow a plow or disc which was being towed by the tractor driven by the Defendant Elliott Powe, to become disengaged from the tractor, and as a proximate result of said negligence, another vehicle swerved to avoid the plow or disc, and allowed his vehicle to run into or upon or against the Plaintiff's automobile, and as a proximate result of the negligence of the Defendant, Elliott Powe, the Plaintiff's automobile was damaged in that the left front fender was bent, smashed and broken, the bumper was bent and torn, the headlight was bent and smashed, the windsheild was broken, and the front suspension was bent, smashed and otherwise damaged, the left front wheel was bent and pushed over, and Plaintiff's car was otherwise bent, smashed, and torn, all as a proximate result of the negligence of the Defendant, Elliott Powe, hence this suit.



Attorney for Plaintiff

Plaintiff respectfully  
demands a trial by Jury.



FILED  
JAN 20 1964  
ALICE L. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 5907

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon WOODROW BISHOP & ELLIOTT POWE, jointly

and individually

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 -----

WOODROW BISHOP & ELLIOTT POWE, jointly & individually, Defendant-----

by -----EUGENE C. MEYER-----

-----, Plaintiff-----

Witness my hand this 27 day of Jan 1964

Alice J. Duck, Clerk

Ex-24-64

**STATE of ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

EUGENE C. MEYER

Plaintiffs

vs.

WOODROW BISHOP & ELLIOTT POWE

Jointly & Individually

Defendants

**Summons and Complaint**

Filed FILED 19      

JAN 27 1964

Clerk

**ALICE J. DUCK, CLERK  
REGISTER**

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Jan. 27, 1964

Sheriff.

I have executed this summons

this 4<sup>th</sup> day of Feb 1964  
by leaving a copy with

Woodrow Bishop &  
Elliott Powe

Sheriff claims 200 miles at  
Ten Cents per mile Total \$ 20.00

BY Deibert  
DEPUTY SHERIFF

Tagher Welkins Sheriff.  
Fred L. Lister  
Brennell Deputy Sheriff.