

CECIL G. CHASON
ATTORNEY-AT-LAW
FOLEY, ALABAMA

August 24, 1965


Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Ella Mae Kinsey vs.
Harold E. Daughtry
Case No. 6047

Dear Mrs. Duck:

Enclosed is an Amended Complaint in the case mentioned above, a copy of which has been sent to the attorney for the Defendant.

~~Yours very truly,~~


C. G. Chason

CGC:jc

Encl.

cc/encl:

Mr. J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

no. 6047
 Ella Mae Kinsey vs. Harold E. Naughtley -

JURY LIST - DECEMBER 12, 1966

- ~~1. Allen, Norman W., Farmer, Gateswood~~
- ~~2. Andress, Herbert E., Farmer, Foley~~
- ~~3. Boros, Anthony J., Farmer, Elberta~~
- ~~4. Cane, P. Gray, Oil Distributor, Bay Minette~~
- ~~5. Childress, Guy, Farmer, Robertsdale~~
- ~~6. Clark, Percy, Mill Worker, Stockton~~
- ~~7. Gray, [unclear], Mechanic, Summerdale~~
- ~~8. Colgan, Ted, Farmer, Summerdale~~
- ~~9. Cooper, Grady, Farmer, Eleanora~~
10. Cooper, Nolan P., Merchant, Rosinton
- ~~11. Dubbo, James W., Govt. Emp., Gulf Shores~~
- ~~12. Gamble, L. Jack, Salesman, Bay Minette~~
- ~~13. Givson, Leon, Fishery, Mechanic, Bay Minette~~
- ~~14. Graham, James R., Laborer, Bay Minette~~
- ~~15. Grantham, Donald R., Farmer, Mag. Spgs.~~
- ~~16. Gwaltney, William H., Clerk, Robertsdale~~
17. Hoiles, Thomas E., Gulf Gas Agent, Robertsdale
- ~~18. Jenkins, Marvin E., Civil Service, Stapleton~~
- ~~19. Jones, George, Business Operator, Daphne~~
- ~~20. Kane, James, Farmer, Loxley~~
21. Kriss, Frank, Farmer, Silverhill
- ~~22. Langen, Stanley, Neighbor, Robertsdale~~
23. Lazzari, Joe, Jr., Farmer, Belforest
24. Lazzari, John, Farmer, Belforest
- ~~25. Mosley, Rufus, Farmer, Stapleton~~
26. Novoty, Milton J., Farmer, Robertsdale
- ~~27. Owen, L. D., Jr., Merchant, Bay Minette~~
- ~~28. Rhodes, Charles R., Farmer, Foley~~
- ~~29. Rhodes, Elbert H., Farmer, Summerdale~~
30. Rieben, Everett, Brookley, Bay Minette
- ~~31. Rieben, Ray, Paper Mill, Bay Minette~~
32. Roberson, Mutt, Laborer, Robertsdale
- ~~33. Robinson, Odell, Contractor, Bay Minette~~
- ~~34. Sedlock, Fred J., Farmer, Robertsdale~~
- ~~35. Sheppard, Lloyd, Farmer, Foley~~
- ~~36. Simon, Arthur, Farmer, Belforest~~
- ~~37. Smith, Columbus, Mill Worker, Stockton~~
- ~~38. Veal, Arthur, Attendant, Summerdale~~
- ~~39. Wilson, George, Libpert Oper., Foley~~
40. Wilsey, James, Clerk, Loxley
- ~~41. Yelding, Bailey, Sr., Carpenter & Bricklayer, Daphne~~
- ~~42. Mason, Jimmy, Salesman, Summerdale~~
43. Davidson, W.W., Turpentine Farmer, Bay Minette
- ~~44. Marino, Percy, Mobile Housing Board, Daphne~~
45. Heil, William, Farmer, Elberta
- ~~46. Bryans, Charles Henry, Jr., Farmer, Stockton~~
- ~~47. Childress, Mynatt, Farmer, Foley~~
- ~~48. Gock, John D., Merchant, Montrose~~
49. Cooper, Charles, Farmer, Rosinton
- ~~50. Estava, Clarence, Farmer, Mag. Spgs.~~
- ~~51. McLeod, George, State Emp., Gulf Shoes~~
- ~~52. Hodgeon, William H., Jr., Manufacturer, Bay Minette~~
- ~~53. [unclear], [unclear]~~

53	55
53	55
48	49
12	37
36	12
12	26
27	

P XXXXX XXXXX XIF

D XXXXX XXXXX XIF

CECIL G. CHASON
ATTORNEY-AT-LAW
FOLEY, ALABAMA

May 5, 1964

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Dear Mrs. Duck: Re: Elmer Kinsey, Sr., as father and
next friend of Ella Mae Kinsey, a
minor, Plaintiff

vs

Willie W. Daughtry and Harold E.
Daughtry, Defendants

I am enclosing original and two copies of the above
styled case. The Defendants may be served in Foley, Alabama

Yours very truly,


C. G. Chason

CGC:dc

Encl. 3

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Willie W. Daughtry and Harold E. Daughtry to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of Elmer Kinsey, Sr., as father and next friend of Ella Mae Kinsey.

WITNESS my hand this the 2 day of May, 1964.

Oliver J. Duck
Clerk

* * * * *

- COMPLAINT -

ELMER KINSEY, SR., as father)
and next friend of ELLA MAE)
KINSEY, a minor,) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY, ALABAMA
vs-) AT LAW
WILLIE W. DAUGHTRY and) *6047*
HAROLD E. DAUGHTRY,)
Defendants)

Count One

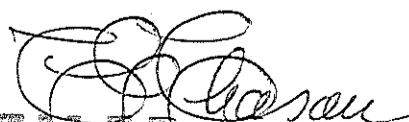
Comes the Plaintiff, suing by and through her father as her next friend, and claims of the Defendant, Harold E. Daughtry, FIFTY THOUSAND DOLLARS (\$50,000.00) as damages for that, on to-wit, the 12th day of May, 1963, in the City of Foley, Baldwin County, Alabama, the Plaintiff, Ella Mae Kinsey, was riding in an automobile driven by Harold E. Daughtry at or near the intersection of Cedar Street and Section Street in said City, a public street or highway and a busily traveled intersection, and then and there the said Harold E. Daughtry did willfully and wantonly fail to stop at a stop sign while traveling East on Section Street at the intersection of Cedar Street and Section Street, Cedar Street at that time being congested, and as the result of said Willful and wanton conduct, negligently ran the

automobile he was driving into, upon or against another automobile and thereby and as a proximate result and consequence thereof the said Ella Mae Kinsey received severe and permanent injuries in that she suffered cuts and abrasions on her face; that her knee or leg was severely injured; that her eye was injured by cutting and injury to the eyeball and that therefrom she will suffer permanent disfigurement and injury, all to her damage as aforesaid.

Plaintiff further shows that the Defendant, Harold E. Daughtry is under the age of twenty-one years and demands that a Guardian Ad Litem be appointed for him by the Court.

Count Two

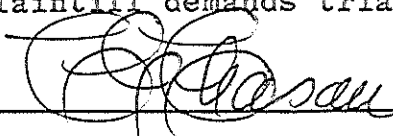
Comes the Plaintiff suing by and through her father as her next friend and claims of the Defendant, Willie W. Daughtry, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) in that on, to-wit, the 12th day of May, 1963, in the city of Foley, Baldwin County, Alabama, the Plaintiff, Ella Mae Kinsey, was riding in an automobile driven by Harold E. Daughtry, a minor, and the son of the Defendant, Willie W. Daughtry, who was known to said Willie W. Daughtry to be a dangerous and reckless driver and whose operating of a motor vehicle might probably result in injury to an occupant thereof and the said Harold E. Daughtry did Willfully and wantonly fail to stop at a stop sign while traveling East on Section Street at the intersection of Cedar Street and Section Street, Cedar Street at that time being congested, and as the result of said willful and wanton conduct, negligently ran the automobile he was driving into, upon or against another automobile, and as a proximate result and consequence thereof the said Ella Mae Kinsey received severe and permanent injury in that she suffered cuts and abrasions on her face; that her knee or leg was severely injured; that her eye was severely injured by cutting of the eye ball; and that she will suffer permanent disfigurement all to her damage as aforesaid.


Attorney for Plaintiff
FILED

Executed
May 20, 1964

MAY 7 1964

Plaintiff demands trial by jury.



W. I. DUCK, CLERK REGISTER

301

c. c. c.

6047

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

EIMER KINSEY, SR., as father
and next friend of ELLA MAE
KINSEY, a minor,

PLAINTIFF

-VS-

WILLIE W. DAUGHTERY and HAROLD
E. DAUGHTERY,

DEFENDANTS

SUMMONS AND COMPLAINT

FILED

MAY 7 1984

AUDRE J. WALKER, CLERK
REGISTRAR

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

Received 7 day of May 1984
at 26 day of May 1984
served a copy of the within
on Willie W. Daughtery & Harold E. Daughtery
Walter E. Daughtery
by service on _____

TAYLOR WILKINS, Sheriff
Baldwin County, Ala.
Taylor

Specific charges _____
Total Costs per mile Total \$ 144
TAYLOR WILKINS, Sheriff
BY _____ DEPUTY SHERIFF

(2)

ELMER KINSEY, SR., as father and)
 next friend of ELLA MAE KINSEY,)
 a minor,)
)
 Plaintiff,)
 VS.)
)
 WILLIE W. DAUGHTRY and)
 HAROLD E. DAUGHTRY,)
)
 Defendants.)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 AT LAW NO. 6047

DEMURRER TO COMPLAINT

Now come the defendants, Willie W. Daughtry and Harold E. Daughtry, each separately and severally, by their attorney, and demur to the complaint heretofore filed in this cause and to each and every count thereof, separately and severally, and as grounds of such demurrer assign, separately and severally, the following:

1. It does not state a cause of action.
2. There is a misjoinder of causes of action.
3. There is a misjoinder of parties defendant.
4. The plaintiff does not seek to recover from each defendant under each count of the complaint.
5. No facts are alleged to show that the defendant, Willie W. Daughtry, wilfully and wantonly injured the plaintiff.
6. No facts are alleged to show that the defendant, Harold E. Daughtry, wilfully and wantonly injured the plaintiff.

FILED

MAY 27 1964

ALICE L. DICK, CLERK
 REG. 5788

J. B. Blackburn
 Attorney for Defendants

6047

DEMURRER TO COMPLAINT

ELMER KINSEY, SR., as father and
next friend of ELLA MAE KINSEY,
a minor,

Plaintiff,

VS.

WILLIE W. DAUGHTRY and HAROLD E.
DAUGHTRY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 6047

FILED

MAY 27 1904

ALICE L. MOY, CLERK
REGISTER

(3)

ELMER KINSEY, SR., as father and)
 next friend of ELLA MAE KINSEY,)
 a minor,)
)
 Plaintiff,)
 VS.)
)
 WILLIE W. DAUGHTRY and)
 HAROLD E. DAUGHTRY,)
)
 Defendants.)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 AT LAW NO. 6047

MOTION TO DISMISS FOR WANT OF PROSECUTION

Now come the defendants, by their attorney, and show unto the court that the defendants' demurrer to the plaintiff's original complaint was sustained on June 17, 1964, and to date hereof the plaintiff has failed to amend his complaint.

WHEREFORE, defendants move the court to dismiss this suit for the want of prosecution.

J. B. Blackburn
 Attorney for Defendants

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

I hereby certify that I mailed a copy of the above and foregoing motion to Cecil G. Chason, attorney for the plaintiff, Foley, Alabama, by first class mail, postage prepaid and properly addressed, on this the 13th day of January, 1965.

J. B. Blackburn
 Attorney for Defendants

FILED

JAN 13 1965

ALICE J. DUCK, CLERK
 REGISTER

(3)

ELMER KINSEY, SR., as father and
next friend of ELLA MAE KINSEY,
a minor,

Plaintiff,

VS.

WILLIE W. DAUGHTRY and
HAROLD E. DAUGHTRY,

Defendants,

)
)
)
) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
) AT LAW NO. 6047
)
)
)
)

AMENDED COMPLAINT

Comes the Plaintiff in the above styled cause and amends the Bill of Complaint heretofore filed therein by striking therefrom as a party defendant, Willie W. Daughtry.

Now comes the Plaintiff, suing by and through her father as her next friend, and claims of the Defendant, Harold E. Daughtry, Fifty Thousand Dollars (\$50,000.00) as damages for that, on to-wit, the 12th day of May, 1968, in the City of Foley, Baldwin County, Alabama, the Plaintiff, Ella Mae Kinsey, was riding in an automobile driven by Harold E. Daughtry at or near the intersection of Cedar Street and Section Street in said City, a public street or highway and a busily traveled intersection, and then and there the said Harold E. Daughtry did willfully and wantonly fail to stop at a stop sign while traveling East on Section Street at the intersection of Cedar Street and Section Street, Cedar Street at that time being congested, and as the result of said willful and wanton conduct, negligently ran the automobile he was driving into, upon or against another automobile, and thereby and as a proximate result and consequence thereof, the said Ella Mae Kinsey received severe and permanent injuries in that she suffered cuts and abrasions on her face; that her knee or leg was severely injured; that her eye was injured by cutting or injury to the eyeball and that therefrom she will suffer permanent disfigurement and injury, all to her damage as aforesaid.

Plaintiff further shows that the Defendant, Harold E. Daughtry is under the age of twenty-one years and demands that a Guardian Ad Litem be appointed for him by the Court.


Attorney for Plaintiff

FILED

1-21-65

MRS. I. DIX, CLERK

141

ELMER KINSEY, SR., as father and)
next friend of ELLA MAE KINSEY,)
a minor,)

Plaintiff,)

VS.)

HAROLD E. DAUGHTRY,)

Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 6047

DEMURRER TO AMENDED COMPLAINT

Now comes the defendant and demurs to the complaint as last amended (the amended complaint filed on January 21, 1965) and as grounds of such demurrer assign, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the amended complaint are vague, indefinite and uncertain.
3. The allegations of the amended complaint are vague, indefinite and uncertain in that it does not apprise the defendant of what acts of negligence he is called upon to defend.
4. The allegations of the amended complaint are conclusions of the pleader.
5. No facts are alleged to show any right on the part of the plaintiff to prosecute this action.
6. No facts are alleged to show that the said Ella Mae Kinsey is a minor.
7. No facts are alleged to show that the defendant willfully injured the plaintiff.
8. No facts are alleged to show that the defendant wantonly injured the plaintiff.
9. No facts are alleged to show that the defendant willfully or wantonly injured the plaintiff.

FILED

JAN 27 1965

ALICE J. DUCK, CLERK
REGISTER

J. B. Blackburn
Attorney for Defendant

151


ELLA MAE KINSEY,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW NO. 6047
HAROLD E. DAUGHTRY,)	
)	
Defendant.)	

AMENDED COMPLAINT

Comes the Plaintiff in the above styled cause and amends the Bill of Complaint heretofore filed therein by striking therefrom as a party defendant, Willie W. Daughtry.

Now comes the Plaintiff, suing by and through her father, Elmer Kinsey, Sr., as her next friend, and claims of the Defendant, Harold E. Daughtry, Fifty Thousand Dollars (\$50,000.00) as damages for that, on to-wit, the 12th day of May, 1963, in the City of Foley, Baldwin County, Alabama, the Plaintiff, Ella Mae Kinsey, was riding in an automobile driven by Harold E. Daughtry at or near the intersection of Cedar Street and Section Street in said City, a public street or highway and busily traveled intersection, and then and there the said Harold E. Daughtry did willfully and wantonly fail to stop at a stop sign while traveling East on Section Street at the intersection of Cedar Street and Section Street, and as the result of said willful and wanton conduct, negligently ran the automobile he was driving into, upon or against another automobile, and thereby and as a proximate result and consequence thereof, negligently injured the said Ella Mae Kinsey in that she received severe and permanent injuries; that she suffered cuts and abrasions on her face; that her knee or leg was severely injured; that her eye was injured by cutting or injury to the eyeball and that therefrom she will suffer permanent disfigurement and injury, all to her damage as aforesaid.

Plaintiff further shows that the Defendant, Harold E. Daughtry is under the age of twenty-one years and demands that a Guardian Ad Litem be appointed for him by the Court.



 Attorney for Plaintiff

FILED
 C. G. C. MAY 12 1963
 ALICE I. BUCK
 CLERK
 REGISTER

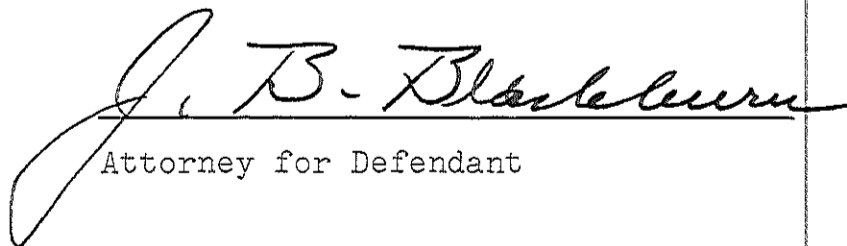
(6)

ELLA MAE KINSEY,)
)
Plaintiff,) IN THE CIRCUIT COURT OF
VS.)
) BALDWIN COUNTY, ALABAMA
HAROLD E. DAUGHTRY,) AT LAW NO. 6047
)
Defendant.)

DEMURRER TO AMENDED COMPLAINT

Now comes the defendant and demurs to the complaint as last amended (the amended complaint filed on March 12, 1965), and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the amended complaint are vague, indefinite and uncertain.
3. The allegations of the amended complaint are vague, indefinite and uncertain in that it does not apprise the defendant of what acts of negligence he is called upon to defend.
4. The allegations of the amended complaint are conclusions of the pleader.
5. No facts are alleged to show that the defendant willfully injured the plaintiff.
6. No facts are alleged to show that the defendant wantonly injured the plaintiff.
7. No facts are alleged to show that the defendant willfully and wantonly injured the plaintiff.


Attorney for Defendant

FILED

APR 8 1965

ALABAMA
COURT

ELLA MAE KINSEY,)		
	)	IN THE CIRCUIT COURT OF	
VS. Plaintiff,	)	BALDWIN COUNTY, ALABAMA	
	)	AT LAW	NO. 6047
HAROLD E. DAUGHTRY,)		
Defendant.)		

ORDER APPOINTING GUARDIAN AD LITEM

In this cause it has been made to appear to the court that the defendant is a minor, and the plaintiff having requested that a guardian ad litem be appointed to represent him and protect his interest in this cause, and it appearing to the court that J. B. Blackburn, an Attorney at Law, practicing in Baldwin County, Alabama, is in all respects a fit and proper person to be appointed guardian ad litem to represent the said minor defendant, the said J. B. Blackburn shall be and he is hereby appointed as guardian ad litem to represent the said defendant and to represent his interest in this cause.

DONE on this the 15th day of September, 1965.

Jessie J. Madeline
Judge

Filed 12-13-64
Arling J. Newk
Clerk

(7)

ELLA MAE KINSEY,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
vs	)	AT LAW NO 6047
)	
HAROLD E. DAUGHTRY,)	
)	
Defendant.)	

Now comes the Plaintiff suing by and through her father, Elmer Kinsey, Sr., as her next friend, and claims of the Defendant, Harold E. Daughtry, Fifty Thousand Dollars (\$50,000.00) as damages for that, on to-wit, the 12th day of May, 1963, in the City of Foley, Baldwin County, Alabama, the Plaintiff, Ella Mae Kinsey, was riding in an automobile driven by Harold E. Daughtry at or near the intersection of Cedar Street and Section Street in said City, a public street or highway, and busily traveled intersection, and then and there the said Harold E. Daughtry did willfully and wantonly fail to stop at a stop sign while traveling East on Section Street at the intersection of Cedar Street and Section Street, and as the result of said willful and wanton conduct, negligently ran the automobile he was driving into, upon or against another automobile, and thereby and as a proximate result and consequence thereof, willfully and wantonly injured the said Ella Mae Kinsey in that she received severe and permanent injuries; that she suffered cuts and abrasions on her face; that her knee or leg was severely injured; that her eye was injured by cutting or injury to the eyeball and that therefrom she will suffer permanent disfigurement and injury, all to her damage as aforesaid.

Plaintiff further shows that the Defendant, Harold E. Daughtry is under the age of twenty-one years and demands that a Guardian Ad Litem be appointed for him by the Court.



 Attorney for Plaintiff

FILED

MAY 7 1963

ALICE J. BINK, CLERK REGISTER

(8)

FILED

JUN 10 1965

CLERK OF DISTRICT COURT

ELLA MAE KINSEY,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW NO. 6047
HAROLD E. DAUGHTRY,)	
)	
Defendant.)	

DEMURRER TO AMENDED COMPLAINT

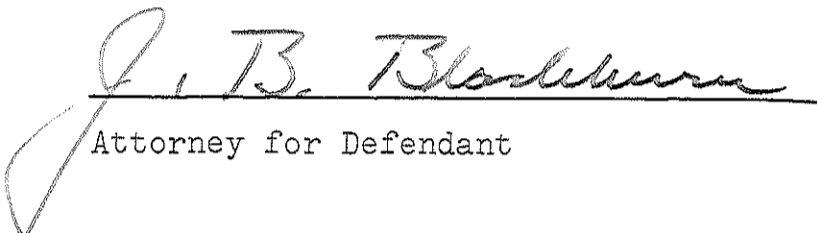
Now comes the defendant and demurs to the complaint as last amended (the amended complaint filed on May 7, 1965) and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the amended complaint are vague, indefinite and uncertain.
3. The allegations of the amended complaint are vague, indefinite and uncertain in that it does not apprise the defendant of what acts of negligence he is called upon to defend.
4. The allegations of the amended complaint are conclusions of the pleader.
5. No facts are alleged to show that the defendant willfully injured the plaintiff.
6. No facts are alleged to show that the defendant wantonly injured the plaintiff.
7. No facts are alleged to show that the defendant willfully and wantonly injured the plaintiff.
8. No facts are alleged to show how or in what way the plaintiff was permanently injured.
9. The amended complaint fails to aver or show sufficient causal connection between defendant's alleged breach of duty and plaintiff's injuries and damages.
10. The facts averred do not show willful or wanton conduct on the part of the defendant.
11. The amended complaint fails to aver sufficient facts to constitute willful or wanton conduct.

12. The willful or wanton conduct is averred in the amended complaint as the mere conclusion of the pleader without a sufficient averment of facts to support it.

13. The averment in said amended complaint of willful or wanton conduct characterizes the act and not the injury as willful or wanton.

14. It affirmatively appears from the allegations of the amended complaint that the negligence averred does not constitute willful or wanton negligence.



Attorney for Defendant

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ELLA MAE KINSEY, a Minor)	
acting by and through)	
Elmer Kinsey, Sr., her)	
father, as her next friend)	IN THE CIRCUIT COURT OF
)	
Plaintiff	)	BALDWIN COUNTY, ALABAMA
)	
vs	)	AT LAW NO 6047
)	
HAROLD E. DAUGHTRY,)	
)	
Defendant)	

AMENDED COMPLAINT

Now comes the Plaintiff suing by and through her father, Elmer Kinsey, Sr., as her next friend, and claims of the Defendant, Harold E. Daughtry, Fifty Thousand Dollars (\$50,000.00) as damages for that, on to-wit, the 12th day of May, 1963, in the City of Foley, Baldwin County, Alabama, the Plaintiff, Ella Mae Kinsey, was riding in an automobile driven by Harold E. Daughtry at or near the intersection of Cedar Street and Section Street in said City, a public street or highway, and busily traveled intersection, and then and there the said Harold E. Daughtry did so negligently operate said automobile that he willfully and wantonly injured the said Ella Mae Kinsey and as a proximate consequence and result thereof, she received severe and permanent injuries; that she suffered cuts and abrasions on her face; that her knee or leg was severely injured; that her eye was injured by cutting or injury to the eyeball and that therefrom she will suffer permanent disfigurement and injury, all to her damage as aforesaid.

Plaintiff further shows that the Defendant, Harold E. Daughtry is under the age of twenty-one years and demands that a Guardian Ad Litem be appointed for him by the Court.



 Attorney for Plaintiff

FILED
 MAY 20 1963
 313

(10)

ELLA MAE KINSEY,)
 Plaintiff,) IN THE CIRCUIT COURT OF
 VS.) BALDWIN COUNTY, ALABAMA
 HAROLD E. DAUGHTRY,) AT LAW NO. 6047
 Defendant.)

DEMURRER TO AMENDED COMPLAINT

Now comes the defendant and demurs to the complaint as last amended (the amended complaint filed on August 26, 1965) and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the amended complaint are vague, indefinite and uncertain.
3. The allegations of the amended complaint are conclusions of the pleader.
4. No facts are alleged to show that the defendant willfully injured the plaintiff.
5. No facts are alleged to show that the defendant wantonly injured the plaintiff.
6. No facts are alleged to show that the defendant willfully and wantonly injured the plaintiff.
7. No facts are alleged to show how or in what way the plaintiff was permanently injured.
8. The averment in the said amended complaint of willful and wanton conduct characterizes the act and not the injury as willful or wanton.
9. The facts averred do not show willful or wanton conduct on the part of the defendant.
10. The amended complaint fails to aver sufficient facts to constitute willful or wanton conduct.

J. B. Blashern

 Attorney for Defendant

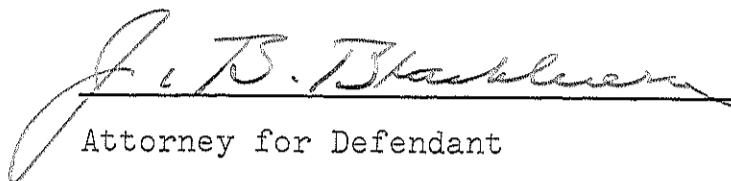
FILED

AUG 26 1965

CLERK REGISTER

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I hereby certify that I delivered a copy of the above and foregoing demurrer to Cecil G. Chason, attorney for the plaintiff, on this the 26th day of August, 1965.



Attorney for Defendant

ELLA MAE KINSEY ANDERSON,	Ø		
	Ø	IN THE CIRCUIT COURT OF	
Plaintiff,	Ø	BALDWIN COUNTY, ALABAMA	
VS.	Ø	AT LAW	NO. 6047
HAROLD E. DAUGHTRY,	Ø		
	Ø		
Defendant.	Ø		


PLEAS

Now comes the defendant, by his attorney and guardian ad litem, and for plea to the complaint as last amended assigns, separately and severally, the following:

1. The defendant, for answer to the complaint as last amended, says that the plaintiff's cause of action is barred by the statute of limitations of one year.
2. The defendant, for answer to the complaint as last amended, says that at the time and place alleged in the said complaint, the plaintiff was being transported as a guest in the automobile which was then and there being driven by the defendant, because of which the plaintiff should not recover in this cause.
3. The defendant, for answer to the complaint as last amended, says, "Not guilty."


 Attorney for Defendant and as his Guardian
 Ad Litem

I hereby certify that I delivered a copy of the above and foregoing pleas to Cecil G. Chason, attorney for the plaintiff, on the 13th day of December, 1966.


 Attorney for Defendant and as his Guardian
 Ad Litem

ELLA MAE KINSEY ANDERSON,)	
)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
)	
	)	BALDWIN COUNTY, ALABAMA
)	
vs.	)	AT LAW NO 6047
)	
)	
HAROLD E. DAUGHTRY,)	
)	
Defendant.)	

AMENDED COMPLAINT

Now comes Ella Mae Kinsey Anderson who is one and the same person as Ella Mae Kinsey, who was a minor at the time of the filing of the original complaint in this cause but through marriage has now reached her majority, and claims of the Defendant, Harold E. Daughtry, Fifty Thousand Dollars (\$50,000.00) as damages for that, on to-wit, the 12th day of May, 1963, in the City of Foley, Baldwin County, Alabama, the Plaintiff, Ella Mae Kinsey Anderson, was riding in an automobile driven by Harold E. Daughtry at or near the intersection of Cedar Street and Section Street in said City, a public street or highway, and busily traveled intersection, and then and there the said Harold E. Daughtry did so negligently operate said automobile that he willfully ^{and} wantonly injured the said Ella Mae Kinsey Anderson and as a proximate consequence and result thereof, she received severe and permanent injuries; that she suffered cuts and abrasions on her face; that her knee or leg was severely injured; that her eye was injured by cutting or injury to the eyeball and that therefrom she will suffer permanent disfigurement and injury, all to her damage as aforesaid.

FILED

DEC 12 1966

ALICE L. DUCK, CLERK REGISTER


Attorney for Plaintiff

No. 1000
We found for the
agenda of

H. E. Adams
Lawrence

FILED

DEC 19 1980

ALICE L. DUNN, CLERK
REGISTER

[Handwritten signature]