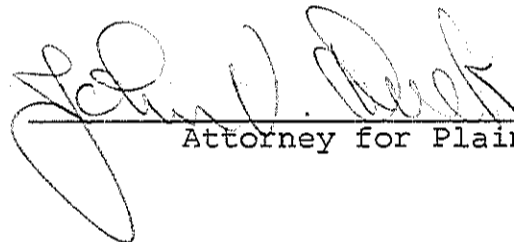


MELVIN HARRIS, JR., a minor	)	IN THE CIRCUIT COURT OF
suing by and through his next	)	
friend and father, MELVIN HARRIS,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	AT LAW CASE NO. 6106
vs.	)	
COLONIAL TRAILWAYS, INC., and	)	
LAWRENCE W. THAMES, jointly and	)	
severally,	)	
Defendants.	)	

AMENDED BILL OF COMPLAINT

Comes now the Plaintiff in the above styled cause and amends his Bill of Complaint filed in this cause to read as follows:

To change the name from the Defendants to read as COLONIAL TRAILWAYS, INC., a Corporation, and LAWRENCE W. THAMES, jointly and severally.

  
\_\_\_\_\_  
Attorney for Plaintiff

FILED  
FEB 9 1965  
ALICE L. DICK, CLERK  
REGISTER

MELVIN HARRIS, JR., a minor suing by )  
and through his next friend and )  
father, MELVIN HARRIS, )

PLAINTIFF, )

VS. )

CONTINENTAL TRAILWAYS BUS COMPANY, )  
INC., a Corporation, and LAWRENCE )  
W. THAMES, jointly and severally, )

DEFENDANTS )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

710-6105

Plaintiff, a minor, who sues by his next friend and father, Melvin Harris, claims of the Defendants the sum of TWO THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$2,500.00), as damages for that heretofore, and on to-wit, the 20th day of September, 1963, Plaintiff was riding as a passenger in an automobile on U. S. Highway No. 31 at the intersection of Malbis Cut-Off, which was then and there a public highway in Baldwin County, Alabama, and the Defendant, Lawrence W. Thames, as agent, servant or employee of the Defendant, CONTINENTAL TRAILWAYS BUS COMPANY, INC., and who was then and there acting within the line and scope of his authority, so negligently operated a motor vehicle so as to allow it to run into, upon or against the vehicle in which said Plaintiff was riding, and as a proximate result of the negligence of the Defendants as aforesaid, Plaintiff was injured in that he suffered multiple contusions and abrasions, that he had a laceration of the chin, that he suffered severe glass cuts, and his back was injured, and that he was made otherwise sick, sore and lame, and that he was required to expend large sums of money in and about the treatment of his wounds, and that he was permanently injured, all as a result of the negligence of the Defendants, as aforesaid; hence, this suit.

  
ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands trial by jury.

  
ATTORNEY FOR PLAINTIFF

FILED

SEP 10 1964

ALICE L. DICK, CLERK  
REGISTER

20 miles  
Charles Szemard

Excluded this the  
20th day of July  
1964 by sending a  
copy of the within  
to Lawrence W. Thaine

Charles Szemard  
By C. S. Watson  
P. S.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

Circuit Court, Baldwin County

STATE OF ALABAMA  
BALDWIN COUNTY

No. ....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon LAWRENCE W. THAMES and CONTINENTAL  
TRAILWAYS BUS COMPANY, INC., a Corporation

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 CONTINENTAL  
TRAILWAYS BUS COMPANY, INC., a Corporation, and LAWRENCE W. THAMES,  
jointly and severally..... Defendant.....

by MELVIN HARRIS, JR., a minor suing by and through his next friend  
and father, MELVIN HARRIS,..... Plaintiff.....

Witness my hand this 10.....day of July..... 1964

E. F. - 7-14-65

William J. ... Clerk

111  
No. 6115.....

Page 2291.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MELVIN HARRIS, JR., a minor  
suing by and through his next  
friend and father, MELVIN HARRIS  
Plaintiffs

14 vs.  
CONTINENTAL TRAILWAYS BUS COMPANY,  
INC., a Corporation, & LAWRENCE W.  
THAMES, jointly & severally

Defendants

SUMMONS AND COMPLAINT

FILED

Filed ..... 19.....

JUL 10 1964

CLERK  
ALICE L. DUGA, REGISTER

DUCK AND LACEY  
Fairhope, Alabama

Plaintiff's Attorney

RECEIVED

Defendant's Attorney

JUL 13 1964

SHERIFF'S OFFICE

See inside

Defendant lives at

Route 1  
Frisco City, Alabama

Received In Office

7/10 1964

..... Sheriff

I have executed this summons

this July 14 1964  
by leaving a copy with

Mr. Budick, manager  
Continental  
Trailways Bus Company  
Inc.

7-14-64  
Residence of  
Not found in my County and  
sent for on and in my  
RAY D. BRIDGES, Sheriff

By C. J. Miller, D. S.

Ray D. Bridges Sheriff

C. J. Miller Deputy Sheriff

MELVIN HARRIS, JR., a minor	)	IN THE CIRCUIT COURT OF
suing by and through his next	)	
friend and father, MELVIN HARRIS,	)	BALDWIN COUNTY, ALABAMA
	)	
Plaintiff,	)	
	)	AT LAW
vs.	)	
	)	
CONTINENTAL TRAILWAYS BUS	)	
COMPANY, INC., a corporation,	)	
and LAWRENCE W. THAMES,	)	
jointly and severally,	)	
	)	
Defendants.	)	CASE NO. 6105

DEMURRER

Come now Colonial Trailways, Inc., a corporation, which has been improperly designated in the complaint herein as Continental Trailways Bus Company, Inc., a corporation, and Lawrence W. Thames, separately and severally, and demur to the complaint of the plaintiff herein and for grounds of demurrer set down and assign the following, separately and severally, that is to say:

- 1) For that it does not state facts sufficient to constitute a cause of action.
- 2) For that negligence is therein alleged merely as a conclusion of the pleader.
- 3) For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence this defendant is called upon to defend.
- 4) For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
- 5) For that it does not appear with sufficient certainty wherein this defendant violated any duty it may have owed to the plaintiff.
- 6) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which this defendant negligently failed to perform.
- 7) For that there does not appear sufficient causal connection between this defendant's alleged breach of duty and the plaintiff's

alleged injuries and damages.

8) For that no facts are alleged therein to show that the plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

9) For that it is not alleged with sufficient certainty where said accident occurred.

10) For that it is not alleged that the negligence complained of proximately caused the accident, the injuries and the damages complained of.

11) For that the averments thereof are conflicting and repugnant.

12) For that no causal connection appears between this defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

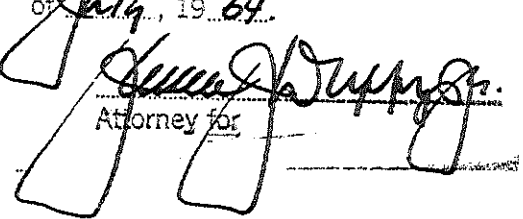
INGE, TWITTY, DUFFY & PRINCE

By: 

James J. Duffy, Jr. - Designated  
Trial Attorney

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 27<sup>th</sup> day of July, 1964.

  
Attorney for

REFILED

FEB 13 1965

ALICE J. DUCK, CLERK  
REGISTER

REFILED

SEP 2 1964

ALICE J. DUCK, CLERK  
REGISTER

- 2 -

FILED

JUL 28 1964

ALICE J. DUCK, CLERK  
REGISTER

767