

EDDIE JONES,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	
		AT LAW
CONTINENTAL TRAILWAYS BUS	)	
COMPANY, INC., a corporation,	)	
and LAWRENCE W. THAMES,	)	
jointly and severally,	)	
Defendants.	)	CASE NO. 6107

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's wife.

5) For that it does not appear with sufficient certainty wherein this defendant violated any duty it may have owed to the plaintiff's wife.

6) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff's wife 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.

*my name*

8) For that there does not appear sufficient causal connection between this defendant's alleged breach of duty and the plaintiff's wife's alleged injuries and damages.

9) 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.

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

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

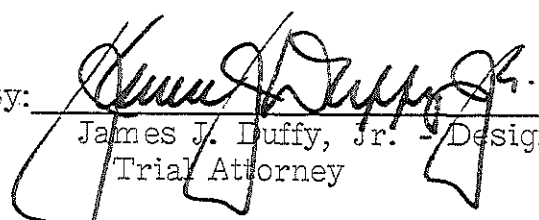
12) For that it is not alleged that the negligence complained of proximately caused the accident, the injuries and the damages complained of.

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

14) 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

SEP 4 1964

ALICE J. DUCK, CLERK  
-RECEIVED

FILED

JUL 28 1964

ALICE J. DUCK, CLERK  
-RECEIVED

EDDIE JONES,  
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  
)

) No. 6107  
)

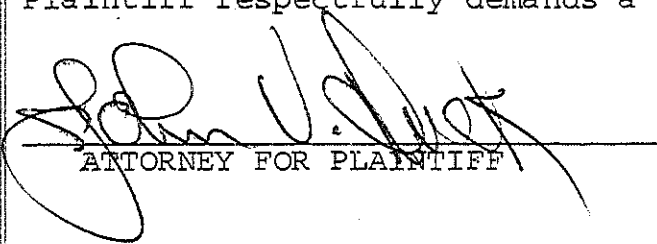
ONE

Plaintiff claims of the Defendants the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) as damages for that heretofore, and on to-wit, the 20th day of September, 1963, said Plaintiff's wife was riding as a passenger in an automobile, at the intersection of U. S. Highway No. 31 and Malbis Cut-Off, which was then and there a public highway in Baldwin County, Alabama, and then and there, LAWRENCE W. THAMES, as agent, servant or employee of the Defendant, CONTINENTAL TRAILWAYS BUS COMPANY, INC., while acting within the line and scope of his employment, so negligently operated a motor vehicle as to allow it to run into, upon or against the automobile in which said Plaintiff's wife was riding as a passenger, and by reason thereof, and as the proximate result of said negligence of the Defendants as aforesaid, Plaintiff's wife received severe personal injuries in this, to-wit: She suffered shock, she had a 20% pneumothorax on the right, that her fifth rib on the right was fractured; that her eleventh and twelfth ribs on the right were fractured, there was a laceration of the chin of approximately one and a half inches long, that she suffered other lacerations of the right arm and in the axilla.

And Plaintiff avers that as the proximate result and consequence of the injuries to his said wife, that the Plaintiff was caused to incur great expenses for medicines, surgical and hospital treatment, the taking of X-rays, nurses attention, doctors, etc., in and about the treatment of his said wife, and will probably have to incur further expenses in the future, and Plaintiff lost and continues to lose the society, consortium, and services of his said wife; for all of which he claims damages; hence, this suit.

  
ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands a trial by jury.

  
ATTORNEY FOR PLAINTIFF

FILED

JUL 10 1964

ALVIN J. DUCK, CLERK  
REGISTER

20 miles

Charlie Azemare SH

Executed This 20th

day of July 1964

by serving a copy of  
the within on

Lawrence W. Hemo

Charlie Azemare SH

L. P. Watson J. 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 CONTINENTAL TRAILWAYS BUS COMPANY, INC.

a corporation & Lawrence W. Thames

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 EDDIE JONES

....., Plaintiff.....

Witness my hand this.....10.....day of.....July..... 19..64

....., Clerk

64-7-14-64

No. 6167

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STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

EDDIE JONES

Plaintiffs

vs.

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

SUMMONS AND COMPLAINT

FILED

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

JUL 10 1964

MADE I. DUCK, CLERK  
MADE I. DUCK, REGISTER

Clerk

DUCK AND LACEY  
Fairhope, Alabama

Plaintiff's Attorney

RECEIVED

Defendant's Attorney

JUL 13 1964

SHERIFF'S OFFICE

see inside

Defendant lives at

Mobile, Alabama

Received In Office

7/10

1964

Sheriff

I have executed this summons

this July 14 1964

by leaving a copy with

Mr Burdick manager  
Continental Trailways  
Bus Company Inc

RETURNED 7-14-64  
Ray D. Bridges  
Not found in my County after in-

gent ser ca and inquiry.

RAY D. BRIDGES, Sheriff

By William D. S.

Ray D. Bridges Sheriff

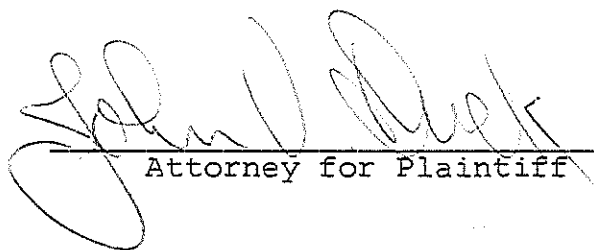
William D. S. Deputy Sheriff

EDDIE JONES, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) BALDWIN COUNTY, ALABAMA  
vs. ) AT LAW CASE NO. 6106<sup>7</sup>  
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 TRAILWAY,S INC., a Corporation, and LAWRENCE W. THAMES, jointly and severally.

  
Attorney for Plaintiff

FILED

SEP 9-65

AUGUST L. DUCK, CLERK  
BALDWIN COUNTY