

RONALD L. GUNNISON)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
_VS-)	AT LAW.
HARVEY L. STANTON,)	<i>Mc. 6152</i>
Ind. and d/b/a)	
STANTON CONSTRUCTION COMPANY)	
Defendant)	

COUNT ONE:

Plaintiff claims of the Defendant the sum of TWENTY THOUSAND DOLLARS (\$20,000.00), as damages, for that, heretofore, and on to-wit:

The 23rd day of August, 1963, the Defendant was engaged in the business of constructing a telephone line east of Fairhope, Alabama, on Highway No. 27, in front of premises of the Plaintiff, and as a part of said business, dug a ditch in front of Plaintiff's said premises, and the Plaintiff avers that the Defendant then and there negligently allowed the said ditch to remain open overnight without lights or warning of any kind, and the Plaintiff, on said day and date, tripped into the said ditch, and by reason thereof and as the proximate result and consequence thereof, received personal injuries in this, to-wit:

He suffered a back injury, in the lower posteria rib area; that his left elbow was swollen, and fluctuant, and that he was permanently injured, that he was caused to spend large sums of money in and about the treatment of his injuries, that he was forced to lose time from his employment, and that he will continue to lose time from his employment, and will continue to spend sums of money in and about the treatment of his injuries, for all of which he claims damages as aforesaid.

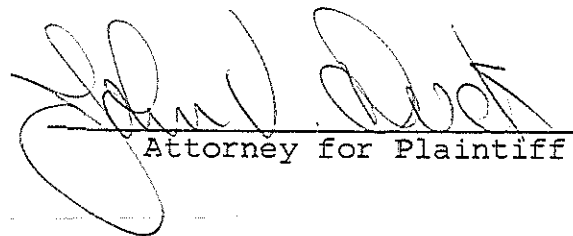
COUNT TWO:

Plaintiff claims of the Defendant TWENTY THOUSAND DOLLARS (\$20,000.00) as damages for that, on, to-wit, the 23rd day of August, 1963, the Defendant was engaged in the business of a construction company, and as a part of the operation of

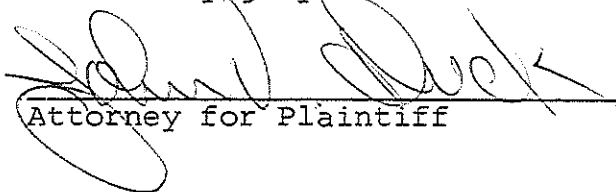
said business, dug a ditch along which the public was accustomed to pass, in front of Plaintiff's premises on Highway 27 East of Fairhope, Alabama, and the Plaintiff stepped into a deep hole or cut, abutting upon an enclosed proximity to his property, injuring him in this , to-wit:

He suffered a back injury, in the lower posteria rib area; that his left elbow was swollen, abd fluctuant, and that he was permanently injured, that he was caused to spend large sums of money in and about the treatment of his injuries, that he was forced to lose time from his employment, and that he will continue to lose time from his employment, and will continue to spend sums of money in and about the treatment of his injuries, for all of which he claims damages as aforesaid.

Plaintiff further avers that all of his said injuries and damages were the proximate result of the neglect, carelessness, or unsillfulness of an agent, officer, or employee of the Defendant, engaged in work therefore, acting within the line and scope of his or their authority in allowing the said ditch or cut to remain in such close proximity to and about upon the premises of the Plaintiff, and in that there was no warning signal or device provided or displayed at or in close proximity to the said ditch or cut, so that persons walking or driving along said highway could or would be appraised and informed of the presence of such ditch or hole or cut, hence this suit.


Attorney for Plaintiff

Plaintiff respectfully demands
a trial by jury.


Attorney for Plaintiff

Defendant may be served at:
854 Pettus St.
Mobile, Alabama

FILED
AUG 13 1964
ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon HARVEY L. STANTON, Ind. and d/b/a

STANTON CONSTRUCTION COMPANY, 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 Harvey L. Stanton,
Ind and d/b/a Stanton Construction Co., Defendant.

by RONALD L. GUNNISON

-----, Plaintiff.

Witness my hand this 18 day of Aug 1964

Ex-9-15-64

Elmer J. Luck

-----, Clerk

No. 615-2

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The State of Alabama

Baldwin County

CIRCUIT COURT

RONALD L. GUNNISON

Plaintiffs

vs.

HARVEY L. STANTON, Ind.

& d/b/a Stanton Construction Co.

Defendants

Summons and Complaint

FILED

Filed

19

AUG 18 1964

ALICE J. DUCK

CLERK
REGISTER

Clerk

RECEIVED

SEP 14 1964

SHERIFF'S OFFICE

Duck & Lacey
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
*% 854 Pettus St.

Mobile, Alabama

Received In Office

19

, Sheriff

I have executed this summons

this

Sept 15 1964

by leaving a copy with

Harvey L. Stanton, Ind.
& d/b/a
Stanton Construction
Co.

Rayford Mudge Sheriff

L. Chambers Deputy Sheriff

RONALD L. GUNNISON,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
HARVEY L. STANTON, Ind. and)	6152
d/b/a STANTON CONSTRUCTION)	
COMPANY,)	
Defendant.)	

Comes now the Plaintiff in the above styled cause, and amends his bill of complaint filed heretofore to read as follows:

COUNT ONE

Plaintiff claims of the Defendant the sum of TWENTY THOUSAND DOLLARS (\$20,000.00) as damages, for that, heretofore, and on, to-wit: the 23rd day of August, 1963, the Defendant was engaged in the business of constructing a telephone line east of Fairhope, Alabama, on Highway No. 27, in front of premises of the Plaintiff, and as a part of said business, dug a ditch on public property in front of Plaintiff's said premises, and the Plaintiff avers that the Defendant then and there negligently allowed the ditch to remain open overnight without lights or warning of any kind, and the Plaintiff, on said day and date, tripped into the said ditch, and by reason thereof and as the proximate result and consequence of the negligence of the Defendant as aforesaid, received personal injuries in this, to-wit: He suffered a back injury in the lower posteria rib area; that his left elbow was swollen, and fluctuant, and that he was permanently injured, that he was caused to spend large sums of money in and about the treatment of his injuries, that he was forced to lose time from his employment, and that he will continue to lose time from his employment, and will continue to spend large sums in and about the treatment of his injuries, for all of which he claims damages as aforesaid.

COUNT TWO

Plaintiff claims of the Defendant TWENTY THOUSAND DOLLARS (\$20,000.00) as damages for that, on, to-wit: the 23rd

day of August, 1963, the Defendant was engaged in the business of a construction company, and as a part of the operation of said business, dug a ditch along which the public was accustomed to pass, in front of Plaintiff's premises on Highway 27 East of Fairhope, Alabama which was then and there a public highway in Baldwin County, Alabama, and the Plaintiff stepped into a deep hole or cut, abutting upon and in close proximity to his property, and as a direct and proximate result of the negligence of the Defendant as aforesaid, the Plaintiff was injured in this, to-wit: He suffered a back injury, in the lower posteria rib area; that his left elbow was swollen and fluctuant, and that he was permanently injured, that he was caused to spend large sums of money in and about the treatment of his injuries, that he was forced to lose time from his employment, and that he will continue to lose time from his employment, and will will continue to spend sums of money in and about the treatment of his injuries, for all of which he claims damages as aforesaid.

Plaintiff further avers that all of his injuries and damages were the direct and proximate result of the neglect, carelessness or unskillfulness of an agent, officer or employee of the Defendant, engaged in work therefore, acting within the line and scope of his of their authority in allowing the said ditch or cut to remain in such close proximity to and about the premises of the Plaintiff, and in that there was no warning signal or device provided or displayed at or in close proximity to the said ditch or cut, so that persons walking or driving along said highway could or would be appraised and informed of the presence of such ditch or hole or cut, hence this suit.


ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon. This the 25th day of August, 1965.


ATTORNEY FOR PLAINTIFF

RONALD L. GUNNISON,

Plaintiff,

vs.

HARVEY L. STANTON, Ind. and
d/b/a STANTON CONSTRUCTION
COMPANY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 6152

Now comes the Defendant in the above styled cause and demurs to the Complaint in said cause, as amended, and to each and every count thereof, separately and severally, and as grounds therefor assigns, separately and severally, all grounds for demurrer previously assigned to the original Complaint in said cause.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

BY

Alex T. Howard, Jr.
Attorneys for the Defendant

CERTIFICATE

I, Alex T. Howard, Jr., one of the attorneys for the Defendant in the above styled cause, hereby certify that I have served a copy of the above and foregoing Demurrer upon Mr. John Duck, attorney for the Plaintiff in said cause, by mailing a copy of same to him by First Class United States Mail, properly addressed and with postage prepaid on this 2nd day of September, 1965.

Alex T. Howard, Jr.
(Alex T. Howard, Jr.)

FILED
SEP 2 1965
MR. L. DUCK
CLERK
REGISTER

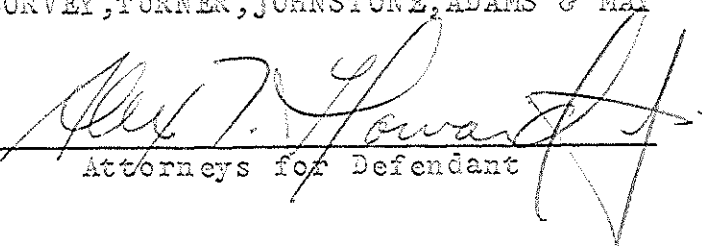
RONALD L. GUNNISON,
Plaintiff,
vs.
HARVEY L. STANTON, Ind. and
d/b/a STANTON CONSTRUCTION
COMPANY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - CASE NO. 6152

Now comes the Defendant in the above styled cause and demurs to the Complaint in said cause and to each and every count thereof, separately and severally, and as grounds therefor assigns, separately and severally, the following:

1. For that the Complaint fails to state a cause of action.
2. From aught that appears the Defendant owed no duty to the Plaintiff at the time and place complained of in the Complaint.
3. From aught that appears the Defendant has breached no duty which he owed to the Plaintiff at the time and place complained of in the Complaint.
4. For that the Defendant is not sufficiently advised as to where the accident complained of occurred.
5. From aught that appears the Defendant was under no duty to warn the Plaintiff of the existence of the ditch referred to in the Complaint.
6. From aught that appears the Defendant was under no duty to place lights about the ditch referred to in the Complaint.
7. From aught that appears the Plaintiff, himself, had full knowledge of the existence of the ditch referred to in the Complaint and any warning to him of the existence of such ditch would have been unnecessary.
8. From aught that appears the ditch referred to in the Complaint was allowed to remain open overnight due solely to the actions of the Plaintiff in prohibiting Defendant's employees from completing their work on said ditch on the same day it was begun.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

BY 
Attorneys for Defendant

FILED
OCT 15 1964
ALICE L. DUCK, CLERK
REGISTER