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| TERRY PENN, a minor, |) | IN THE CIRCUIT COURT OF |
| suing by and through |) | BALDWIN COUNTY, ALABAMA |
| his next friend and |) | |
| mother, MARY WILLIAMS, |) | AT LAW |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| COLONIAL TRAILWAYS, INC. |) | |
| a corporation, and LAWRENCE |) | |
| W. THAMES, jointly and |) | |
| severally, |) | |
| Defendants. |) | CASE NO. 6174 |

DEMURRER

Come now Colonial Trailways, 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.*
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 4th day of Sept., 1964.

James J. Duffy, Jr.
Attorney for

FILED
SEP 8 1964
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