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|-------------------------------|---|-------------------------|
| RUBY W. PENNINGTON | : | IN THE CIRCUIT COURT OF |
| Plaintiff | : | BALDWIN COUNTY, ALABAMA |
| vs | : | |
| THOMAS EDWARD DYER JR. and | : | AT LAW |
| THOMAS EDWARD DYER also known | : | |
| as TED DYER | : | |
| Defendants | : | CASE NO. 6212 |

Comes the plaintiff in the above entitled cause and amends the suit as heretofore filed so as to make it read as follows:

COUNT 1: The plaintiff claims of the defendants jointly and severally the sum of Twenty-five Thousand(\$25,000.00) Dollars as damages for this: That on to wit the 1 day of November, 1963, at a point on Greeno Road northwardly of Gayfer Avenue, both public ways in Fairhope, Baldwin County, Alabama, while the plaintiff was operating a motor vehicle, the property of the plaintiff, in a northwardly direction on the aforesaid Greeno Road, the defendant Thomas Edward Dyer, Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, while acting within the line and scope of his authority as such servant, agent or employee, so negligently operated a motor vehicle in a northwardly direction on the aforesaid Greeno Road, at the above said time and place, as to cause or allow the same to run onto, into or against, or to come into collision with the motor vehicle of the plaintiff, and as a direct and proximate consequence of the negligence of the defendant Thomas Edward Dyer Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, who was acting within the line and scope of his authority as such servant, agent or employee, the plaintiff suffered grave bodily injury both temporary and permanent, she suffered severe bruises and contusions in and about the right hip and right arm, she suffered muscular strain in and about the right arm, the back and the neck, she suffered severe contusion to the left temple and the forehead above the left eye, she was required to have the services of a physician and will so be required to have medical treatment in the future, all at great expense both present and future, and she suffered great physical pain and mental anguish, and the plaintiff's said motor vehicle was badly bent, crushed, smashed and otherwise destroyed, the right rear quarter panel was smashed, the rear bumper was bent, the right rear wheel and the right rear tail lamp assembly were destroyed, and other parts of the body and trim were smashed, all to the damage of the plaintiff as aforesaid in the sum of \$25,000.00, which

sum the plaintiff claims of the defendants.

COUNT 2: The plaintiff claims of the defendants jointly and severally the sum of Twenty-five Thousand (\$25,000.00) Dollars as damages for this: That on to wit the 1 day of November, 1963, at a point on Greeno Road, northwardly of Gayfer Avenue, both public ways in Fairhope, Baldwin County, Alabama, while the plaintiff was operating a motor vehicle, the property of the plaintiff, in a northwardly direction on the aforesaid Greeno Road, the defendant Thomas Edward Dyer, Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, while acting within the line and scope of his authority as such servant, agent or employee so wantonly and wilfully operated a motor vehicle in a northwardly direction on the aforesaid Greeno Road, at the above said time and place, as to cause or allow the same to run onto or into or against, or to come into collision with the motor vehicle of the plaintiff, and the defendant wantonly and wilfully injured the plaintiff, and as a direct and proximate consequence of the wantonness and wilfulness of the defendant Thomas Edward Dyer Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, who was acting within the line and scope of his authority as such servant, agent or employee, the plaintiff suffered grave bodily injury both temporary and permanent, she suffered severe bruises and contusions in and about the right hip and right arm, she suffered muscular strain in and about the right arm, the back and the neck, she suffered severe contusion to the left temple and the forehead above the left eye, she was required to have the services of a physician and will so be required to have medical treatment in the future, all at great expense both present and future, and she suffered great physical pain and mental anguish, and the plaintiff's said motor vehicle was badly bent, crushed, smashed and otherwise destroyed, the right rear quarter panel was smashed, the rear bumper was bent, the right rear wheel and the right rear tail lamp assembly were destroyed, and other parts of the body and trim were smashed, all to the damage of the plaintiff as aforesaid in the sum of \$25,000.00, which sum the plaintiff claims of the defendants.

Paul W. Brunson
Paul W. Brunson, attorney for plaintiff

The plaintiff respectfully demands a trial by jury.

Paul W. Brunson
Paul W. Brunson, attorney for plaintiff

I certify that I have served a copy of the Amended Complaint upon counsel for the defendants, Chason, Stone & Chason, Attorneys, by sending the same by U. S. Mail addressed to them at Bay Minette, Alabama, on January 5, 1965.

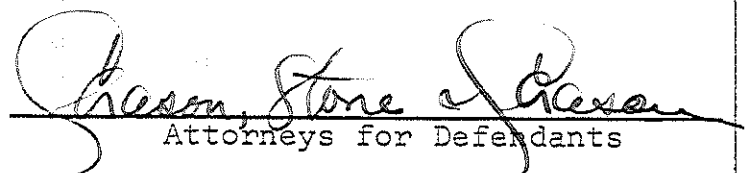
Paul W. Brunson

| | | | |
|--------------------------|---|-------------------------|----------|
| RUBY W. PENNINGTON, | ¶ | | |
| Plaintiff, | ¶ | IN THE CIRCUIT COURT OF | |
| vs. | ¶ | | |
| | ¶ | BALDWIN COUNTY, ALABAMA | |
| THOMAS EDWARD DYER, JR., | ¶ | | |
| and THOMAS EDWARD DYER, | ¶ | AT LAW | NO. 6212 |
| also known as TED DYER, | ¶ | | |
| Defendants. | ¶ | | |

DEMURRER

Come the Defendants in the above styled cause and demur to the complaint filed in said cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That the place where the accident occurred is not sufficiently set out.
3. That there is a misjoinder of parties Defendant.
4. That said complaint does not allege any duty owing by the Defendants to the Plaintiff.
5. That the injuries suffered by the Plaintiff are not sufficiently set out.
6. That said complaint claims speculative damages.
7. That count "2" of the complaint does not allege that the Defendants wantonly injured the Plaintiff.
8. That count "2" of the complaint does not state a cause of action for either wanton negligence or willful negligence.


 Attorneys for Defendants

FILED
 OCT 14 1964

ALICE L. DICK, CLERK
 REGISTER

RUBY W. PENNINGTON,

Plaintiff,

vs

THOMAS EDWARD DYER, JR.,
ET AL.,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. 6212

* * * * *

DEMURRER

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FILED
OCT. 19 1964
AUGUST 1964
CLERK
REGISTRAR

| | | |
|-------------------------------|---|-------------------------|
| RUBY W. PENNINGTON | : | IN THE CIRCUIT COURT OF |
| Plaintiff | : | BALDWIN COUNTY, ALABAMA |
| vs | : | |
| THOMAS EDWARD DYER JR. and | : | AT LAW |
| THOMAS EDWARD DYER also known | : | |
| as TED DYER | : | |
| Defendants | : | CASE NO. <u>6212</u> |

COUNT 1: The plaintiff claims of the defendants jointly and severally the sum of Twenty-five Thousand (\$25,000.00) Dollars as damages for this: That on to wit the 1 day of November, 1963, at a point on Greeno Road northwardly of Gayfer Avenue, both public ways in Fairhope, Baldwin County, Alabama, while the plaintiff was operating a motor vehicle, the property of the plaintiff, in a northwardly direction on the aforesaid Greeno Road, the defendant Thomas Edward Dyer Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, while acting within the line and scope of his authority as such servant, agent or employee, so negligently operated a motor vehicle in a northwardly direction on the aforesaid Greeno Road, at the above said time and place, as to cause or allow the same to run onto, into or against, or to come into collision with the motor vehicle of the plaintiff, and as a direct and proximate consequence of the negligence of the defendant Thomas Edward Dyer Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, who was acting within the line and scope of his authority as such servant, agent or employee, the plaintiff suffered grave bodily injury both temporary and permanent, she was required to have the services of a physician and will so be required to have medical treatment in the future, all at great expense both present and future, and she suffered great physical pain and mental anguish, and plaintiff's said motor vehicle was badly bent, crushed, smashed and otherwise destroyed, all to the damage of the plaintiff as aforesaid in the sum of \$25,000.00, which sum the plaintiff claims of the defendants.

COUNT 2: The plaintiff claims of the defendants jointly and severally the sum of Twenty-five Thousand (\$25,000.00) Dollars as damages for this: That on to wit the 1 day of November, 1963, at a point on Greeno Road northwardly of Gayfer Avenue, both public ways in Fairhope, Baldwin County, Alabama, while the

plaintiff was operating a motor vehicle, the property of the plaintiff, in a northwardly direction on the aforesaid Greeno Road, the defendant Thomas Edward Dyer Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, while acting within the line and scope of his authority as such servant, agent or employee, so wantonly and wilfully operated a motor vehicle in a northwardly direction on the aforesaid Greeno Road, at the above said time and place, as to cause or allow the same to run onto, into or against, or to come into collision with the motor vehicle of the plaintiff, and as a direct and proximate consequence of the wantonness and wilfulness of the defendant Thomas Edward Dyer Jr., a servant, agent or employee of the defendant Thomas Edward Dyer also known as Ted Dyer, who was acting within the line and scope of his authority as such servant, agent or employee, the plaintiff suffered grave bodily injury both temporary and permanent, she was required to have the services of a physician and will so be required to have medical treatment in the future, all at great expense both present and future, and she suffered great physical pain and mental anguish, and plaintiff's said motor vehicle was badly bent, crushed, smashed and otherwise destroyed, all to the damage of the plaintiff as aforesaid in the sum of \$25,000.00, which sum the plaintiff claims of the defendants.

Paul W. Brunson
Paul W. Brunson, attorney for plaintiff
64 So. Lafayette St, Mobile, Ala.

Address of defendants

Volanta Avenue, Fairhope, Ala.

FILED
SEP 30 1964
ALICE I. DICK CLERK
REGISTER

The plaintiff respectfully demands a trial by jury.

Paul W. Brunson

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6212

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Thomas Edward Dyer, Jr., and Thomas Edward Dyer,

also known as Ted Dyer

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 Thomas Edward Dyer, Jr.
and Thomas Edward Dyer, also known as Ted Dyer....., Defendant.....

by Ruby W. Pennington.....

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

Witness my hand this.....30th.....day of.....September.....1964.....

Alice J. Duck..... Clerk

No. 6212

Page

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

RUBY W. PENNINGTON

Plaintiffs

vs.

THOMAS EDWARD DYER, JR., and THOMAS
EDWARD DYER, also known as TED DYER

Defendants

SUMMONS AND COMPLAINT

Filed September 30, 1964

Alice J. Duck Clerk

PAUL W. BRUNSON

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

J. Hope

Received In Office

10/1 1964

Taylor Wilkins Sheriff

I have executed this summons

this 5/ OCT 1964
by leaving a copy with

Thomas Edward Dyer
Thomas Edward Dyer

140
1400
RR

Taylor Wilkins Sheriff

Roy Randall Deputy Sheriff

J. Hope

RUBY W. PENNINGTON,

Plaintiff

vs.

THOMAS EDWARD DYER JR. and
THOMAS EDWARD DYER also known
as TED DYER,

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6212

Come the defendants in the above styled cause and demur to the amended complaint filed in said cause, and each and every count thereof, and assign the following separate and several grounds, viz:

(1) That said amended complaint does not state cause of action;

(2) That said amended complaint does not accurately state the place where the accident occurred;

(3) That said complaint is vague and indefinite as to where the accident occurred;

(4) That said complaint claims speculative damages; and

(5) Count 2 of the complaint alleges that the defendant wantonly and willfully injured the plaintiff without stating which defendant is referred to.


Attorney for the Defendants

FILED

JAN 25 1965

RECEIVED

DEMURRER

RUBY W. PENNINGTON,

Plaintiff

vs.

THOMAS EDWARD DYER JR., et al,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6212