

SUMMONS

STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summons BROWN & ROOT, INC., and JAMES E. CARTER, 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, Alabama, at the place of holding same by ALPHONZO LEE.

Witness my hand this the 19 day of November, 1964.

Alice J. Luck
Clerk

* * * * *

COMPLAINT

ALPHONZO LEE, Executor of
the estate of MARIE LEE,
deceased,

PLAINTIFF,

VS:

BROWN & ROOT, INC. and
JAMES E. CARTER,

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

6311

COUNT I:

The Plaintiff, who sues as Executor of the estate of MARIE LEE, deceased, claims of the Defendants, the sum of SIXTY THOUSAND & 00/100 DOLLARS (\$60,000.00), as damages, for that, heretofore on to wit: the 28th day of November, 1963, at the intersection of Baldwin County Highway #27 and Baldwin County Highway #48, the Defendant, JAMES E. CARTER, as an agent, servant, or employee of the Defendant, BROWN & ROOT, INC., while acting in the line and scope of his employment, so negligently operated a 1962 Ford Station Wagon then and there as to cause said Ford Station Wagon to run over, upon or against a 1953 Chevrolet pickup truck in which MARIE LEE was riding and avers that as a proximate consequence thereof, the said, MARIE LEE was killed. Wherefor the Plaintiff sues.

COUNT II:

The Plaintiff, who sues as Executor of the estate of MARIE LEE, deceased, claims of the Defendants, the sum of SIXTY THOUSAND & 00/100 DOLLARS (\$60,000.00) as damages, for that, heretofore on to wit: the 28th day of November, 1963, at the intersection of Baldwin County

Complaint -

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Highway #27 and Baldwin County Highway #48, the Defendant, JAMES E. CARTER, as an agent, servant, or employee of the Defendant, BROWN & ROOT, INC., while acting in the line and scope of his employment, so negligently operated a 1962 Ford Station Wagon then and there as to cause said Ford Station Wagon to run over, upon or against a 1953 Chevrolet pickup truck in which MARIE LEE was riding and avers that as a proximate consequence thereof, the said MARIE LEE was killed.

And the Plaintiff avers that the death of his said testatrix was proximately caused by the wilful, wanton, or intentional conduct of the Defendant's agent or servant who was acting within the line and scope of his employment at the time, wherefore the Plaintiff sues.



Attorney for the Plaintiff
Forest A. Christian
P. O. Box 190
Foley, Alabama 36535

Plaintiff demands trial by jury.



Attorney for the Plaintiff.

Defendants' Address is:

Service agents, Fred S. Ball, Jr.
& Richard A. Ball
717 First National Bank Building,
Montgomery, Alabama

FILED

NOV 25 1964

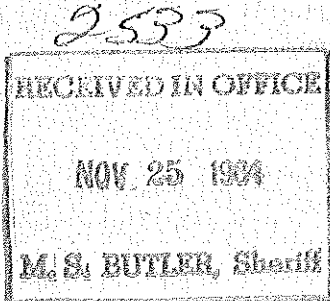
ALICE J. DUCK, CLERK
REGISTER

EX - 11-30-64

RECEIVED

NOV 24 1934

TAYLOR WILKINS
SHERIFF



EXECUTED BY SERVING A
COPY OF THE WITHIN

*on Fred S. Ball
in as agent
for Brown &
Root Inc*

This is 30 Nov 1934

M. S. Sheriff Montgomery County

By *Shaw*
Deputy Sheriff

The Sheriff claims 2
miles at 10¢ per mile for a total
of \$ 20

Mr. S. Butler, Sheriff,
Montgomery County, Ala.

6311

SUMMONS

ALPHONZO LEE, Executor of the
estate of MARIE LEE, deceased,

PLAINTIFF,

VS:

BROWN & ROOT, INC., and
JAMES E. CARTER,

DEFENDANTS.

Service Agents:
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717 First National Bank Building
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IN THE CIRCUIT COURT OF
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REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

ALPHONZO LEE, Executor of the
estate of MARIE LEE, deceased,

Plaintiff,

vs.

BROWN & ROOT, INC., and JAMES
E. CARTER,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6311

DEMURRER

Comes the Defendant, Brown & Root, Inc., and demurs to the
complaint filed in said cause and each count thereof, separately
and severally, and assigns the following separate and several
grounds, viz:

1. That said complaint does not state a cause of action.
2. That count "I" of the complaint does not allege that the
accident occurred on a public highway in Baldwin County, Alabama.
3. That the place where the accident occurred is not suf-
ficiently set out in count "I" of the complaint.
4. That said complaint does not allege any duty owing by
the Defendants to the Plaintiff.
5. Count "II" of the complaint does not sufficiently set
out where the accident occurred.
6. That Count "II" of the complaint does not allege that
the accident occurred on a public highway in Baldwin County, Ala-
bama.
7. That count "II" of the complaint attempts to combine a
count on simple negligence and a count on willful and wanton negli-
gence.
8. That count "II" of the complaint does not allege that
the Defendant willfully or wantonly injured the Plaintiff.
9. That count "II" of the complaint is vague and indefinite.

FILED

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Wason Stone & Wason
Attorneys for Brown & Root, Inc