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ATTORNEY AT LAW  
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BAY MINETTE, ALABAMA

WALTER S. PATTON, ASSOCIATE

TELEPHONE NO. 937-4661

February 1, 1966

Mrs. Alice J. Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

Subject: Loper vs. Betsiaros  
Case #6336

Dear Mrs. Duck:

This is with reference to the above styled matter and to request that you please enter the name of J. Connor Owens, Jr., as associate attorney with Mr. William H. Card Jr., attorneys for defendants.

Thank you for your aid and consideration in this matter.

Sincerely yours,

*Walter S. Patton*

Walter S. Patton,  
Associate.

WSP:am

FILED  
FEB 1 1966  
BAY MINETTE, ALA.

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IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. AT LAW.

NO. 6336

Examination by Mrs. Nesbit.

A. Yes sir.

A. Yes sir.

A. Eight Mile, Alabama, 4807 Whistler Street.

A. Yes mam, I do.

A. It happened on the causeway.

A. Tensaw River.

A. Yes sir.

A. That is right.

A. Well I pulled in from Wind's Station over to the road and

(page 1)

and I pulled in the Street and bounced to the right side and started down the road and I had go up to a speed of 40 or 45 miles an hour when he hit me from the back.

Q. Do you know who hit you?

A. Yes; Peter George Betsiaros.

Q. How was your car damaged?

A. It was hit straight in the back.

Q. Mr. Loper, have you bought and sold cars in your life time?

A. Not but a few.

Q. Do you know the value of cars?

A. Yes mam, I do.

Q. What was the value of this car that you were driving before it was wrecked?

A. I would say about \$2,000.00.

Q. What was the value afterwards?

A. It was a total loss; they offered me a salvage of \$400.00.

Q. What kind of car was this?

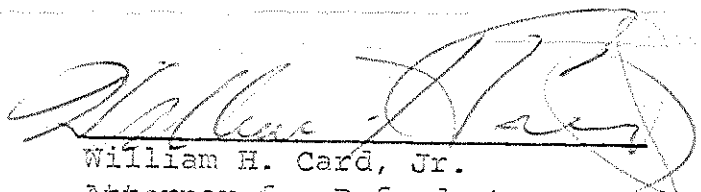
A. 1960 Chevrolet Impala.

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WINSTON MAPRY LOPER : IN THE CIRCUIT COURT OF  
Plaintiff : BALDWIN COUNTY, ALABAMA  
VS. : AT LAW  
MIKE ANTHONY BETSIAROS and : CASE NO. 6336  
PETER GEORGE BETSIAROS  
Defendants

Comes now the defendants and demurres to the complaint filed by the plaintiff, and files the follow separate and several demurrers to each count thereof separately and severally and assigns the follow separate and several grounds:

1. The complaint fails to state a cause of action.
2. The complaint fails to state a cause of action against both of the defendants.
3. The plaintiff's allegation of negligence is insufficient to state a cause of action.
4. The plaintiff's allegation of agency is insufficient to state a cause of action.
5. The complaint avers no fact from which a duty on the defendants part arises.
6. The plaintiff has not avered in his pleading a state of facts as to show that the defendants did omitt there duty to the plaintiff.
7. For ought it appears that the plaintiff's allegation of negligence is a conclusion of pleader.
8. For ought it appears that the pleading fails to show any duty oweing by the defendants to the plaintiff and a breach thereof.
9. Said counts fails to show where the alleged negligence of the defendants consisted.

  
William H. Card, Jr.  
Attorney for Defendants

FILED

JUL 26 1967

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mike Anthony Betsiaros and Peter George Betsiaros to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of Winston Mapry Loper.

WITNESS my hand this 9 day of December, 1964.

Aline J. Duck  
Clerk

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WINSTON MAPRY LOPER,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
MIKE ANTHONY BETSIAROS and	X	AT LAW
PETER GEORGE BETSIAROS,	X	CASE NO. <u>6336</u>
Defendants.	X	

1.

The Plaintiff claims of the Defendant, Peter George Betsiaros, the sum of NINE HUNDRED NINTY-ONE AND 50/100 (\$991.50) DOLLARS, as damages for that heretofore on to-wit, December 26, 1963, the Plaintiff's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on to-wit, U. S. Highway #90, across from Winds Service Station, at a point approximately .7 mile East of the Mobile-Baldwin County line on the Mobile Causeway, where he had a right to be, and while said automobile was being operated and driven along said highway, the automobile being driven by Peter George Betsiaros ran upon, over or against the automobile of the Plaintiff causing great damages and injuries to the Plaintiff's automobile, to-wit: the rear end was bent, broken and damaged and the frame was bent and twisted, all to the damage of the Plaintiff in the aforesaid amount. The Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, Peter George Betsiaros, in that he negligently caused, allowed or permitted

said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, Plaintiff's automobile was damaged and injured as aforesaid.

2.

The Plaintiff claims of the Defendant, Peter George Betsiaros, the sum of NINE HUNDRED NINTY-ONE AND 50/100 (\$991.50) DOLLARS, as damages for that heretofore on to-wit, December 26, 1963, the Plaintiff's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on to-wit, U. S. Highway #90, at a point approximately .7 of a mile East of the Baldwin-Mobile County line and opposite Wind's Service Station on the Mobile Causeway. At said time and place, the Defendant, Peter George Betsiaros, willfully and wantonly ran or operated his automobile so as to cause it to collide with the automobile of the Plaintiff which was then and there on said highway and as a proximate consequence and result thereof, the Plaintiff's automobile was wantonly damaged as follows, to-wit: the rear end was bent, broken and damaged and the frame was bent and twisted, all to the damage of the Plaintiff in the aforesaid amount.

3.

The Plaintiff claims of the Defendants, Mike Anthony Betsiaros and Peter George Betsiaros, the sum of NINE HUNDRED NINTY-ONE AND 50/100 (\$991.50) DOLLARS, as damages for that heretofore on to-wit, December 26, 1963, the Plaintiff's automobile was being operated along or upon a public highway in Baldwin County, Alabama, to-wit, U. S. Highway #90, at a point approximately .7 of a mile East of the Mobile-Baldwin County line and opposite the Wind's Service Station on the Mobile Bay Causeway, at a point where he had a right to be, and while said automobile was being operated at said time and place, an automobile which was being driven by the Defendant, Peter George Betsiaros, agent, servant or employee of the Defendant, Mike Anthony Betsiaros, while acting within the line and scope of his employment, so negligently operated said

motor vehicle then and there as to cause said motor vehicle which he was driving to run over, upon or against the automobile of the Plaintiff, causing damages to the Plaintiff's automobile as follows: the rear end was bent, broken and damaged and the frame was bent and twisted, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff avers that all of the injuries to his automobile was proximately caused by the negligence of said Defendant, Peter George Betsiaros, an agent, servant or employee of the Defendant, Mike Anthony Betsiaros, while acting within the line and scope of his employment as such agent, servant or employee, in and about the negligent operation of said motor vehicle at the time and place and on the occasion aforesaid.

WILTERS, BRANTLEY & NESBIT

BY:

*Phillip S. Nesbit*  
Attorney for the Plaintiff

FILED

DEC 9 1964

ALICE J. DUCK, CLERK  
REGISTER

Executed  
Dec. 22, 1964

Tr. 6596

R.T.I. Box 418  
Daphne

Winston M. Loper

VS

Mike Anthony Betsiaros  
et al

Received 9 Dec 64  
Ind of 22 Day of Dec 64  
serve a copy of the within A & C  
Mike Anthony Betsiaros &  
Peter George Betsiaros  
by signature on

TAYLOR WILKINS, Sheriff

BY R. Randall

Spanish Court.

88 880

Cents per mile Total \$

TAYLOR WILKINS

BY

DEPUTY SHERIFF

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