

RUBY MERCHANT)
)
Plaintiff)
)
VS.)
)
JAMES H. OGWYNNS and)
GULF COAST TRUCK AND)
EQUIPMENT COMPANY, INC.)
Jointly and severally,)
)
Defendants)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

6618

Count One

The plaintiff claims of the defendants, jointly and severally and whose names are otherwise unknown to the plaintiff and if incorrect will be changed to the correct name by amendment when discovered by the plaintiff, the sum of Five Hundred Dollars (\$500;00) as damages for that heretofore, on, to-wit, the 28 th day of July, 1964, the plaintiff's automobile was lawfully on highway 59 at or near the intersection of said highway 59 with First Street^{Public Streets,} in the Town of Summerdale, Alabama, and that then and there James H. Ogwynns while acting within the line and scope of his employment as servant agent or employee of Gulf Coast Truck and Equipment Company, Inc. negligently ran a truck upon or against the plaintiff's automobile, as a proximate consequence ^{OF THE DEFENDANTS' SAID NEGLIGENCE,} ~~whereof,~~ plaintiff's automobile was damaged and the plaintiff lost the use thereof for a long period of time, all to her great damage as aforesaid, hence this suit.

Arthur C. Epperson
Attorney for the Plaintiff

The plaintiff demands
a trial by jury.

Arthur C. Epperson
Attorney for the Plaintiff

FILED

JUL 27 1965

ALICE J. DUCK, CLERK
REGISTER

We the jury find for the Plaintiff
and assess ~~the~~ damages at 325⁰⁰

Ira Lipscomb

Foreman

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6618

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon James H. OGwynns & Gulf Coast Truck & Equipment Co.

Inc., Jointly & Severally

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 James H. OGwynns &
Gulf Coast Truck & Equipment Co., Inc., Jointly & Severally....., Defendant.....

by Ruby Merchant.....
..... Plaintiff.....

Witness my hand this 27th day of July 19 65

Alice J. Luck....., Clerk

EX-8-4-65

Co 2756
Lb 9

No. 6618 Page.....

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

RUBY MERCHANT

Plaintiffs

vs.

JAMES H. OGWYNNS & GULF COAST TRUCK
& EQUIPMENT CO., INC., Jointly &
Severally

Defendants

SUMMONS AND COMPLAINT

Filed July 27, 1965

Alice J. Duck

Clerk

REC'D. SHERIFF DEPT.
MOBILE COUNTY, ALA.
JUL 29 6 43 AM '65

Arthur C. Epperson

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

7-28-1965

Sheriff

I have executed this summons

this Aug 4, 1965

by leaving a copy with

Mr. Lewis, Manager
Gulf Coast Truck
Equipment Co. &
James H. Ogwynn

Ruby D. Bridger Sheriff

H. Lewis Deputy Sheriff

A

RUBY MERCHANT,)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
Plaintiff,)	
)	AT LAW
vs.)	no 6618
)	
JAMES H. OGWYNNS and)	
GULF COAST TRUCK AND)	
EQUIPMENT COMPANY, INC.,)	
jointly and severally,)	
)	
Defendants.)	CASE NO. 6618

DEMURRER

Come now James H. Ogwynns and Gulf Coast Truck and Equipment Company, Inc., 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.

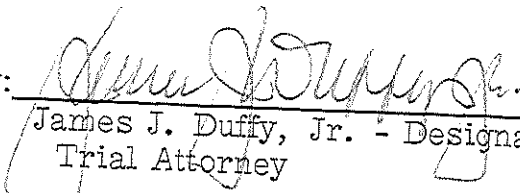
10. For that it is not alleged that the negligence complained of proximately caused the accident, the injuries and the damages complained of.

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. - 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 23rd day of June, 1965.


Attorney for


RUBY MERCHANT,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
JAMES H. OGWYNNS and GULF)	
COAST TRUCK AND EQUIPMENT)	
COMPANY, INC., jointly and)	
severally,)	
Defendants.)	CASE NO. 6618

ANSWER OF DEFENDANTS

Come now the defendants in the above styled cause, and in answer to the complaint of the plaintiff, and to each and every count thereof, separately and severally, files the following pleas, separately and severally, that is to say:

1. This defendant is not guilty.
2. This defendant denies each and every one of the material allegations therein contained.

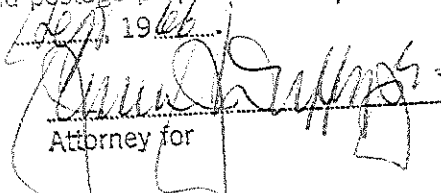
INGE, TWITTY, DUFFY & PRINCE

By: 
James J. Duffy, Jr.

*Filed: 9-15-66.
J. J. Madaleno*

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 15 day of Sept, 1966.


Attorney for