

MRS. A. W. SNYDER, : IN THE CIRCUIT COURT OF  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 vs. :  
 LAMAR RESTAURANT, MR. AND : AT LAW  
 MRS. LAMAR LITTLE, and JOHN :  
 DOE AND XYZ CORPORATION, or :  
 any other person, individual :  
 or corporation whose name is not :  
 known to the plaintiff, but who is :  
 responsible for the injuries she :  
 received on August 15, 1964, whose :  
 proper name will be added when same :  
 is ascertained. :  
 Defendant. : CASE NUMBER: 6637

Plaintiff claims damages of the parties described as defendants in the caption hereof, a further description of which parties other than as stated in the caption is unknown at this time but which, when ascertained, will be added by way of amendment. Plaintiff by this suit seeks to claim of that person, firm, corporation or entity operating under the style and name "Lamar Restaurant" in the conduct of a restaurant in the City of Gulf Shores, Alabama, on the occasion referred to in this complaint. For convenience hereafter any and all of the defendants, by whatever name properly known, are characterized herein as "defendant".

#### COUNT ONE

The Plaintiff claims of the defendant characterized as aforesaid, the sum of TEN THOUSAND and no/100 (\$10,000.00) DOLLARS for that on, to-wit August 15, 1964, the defendant operated and conducted a restaurant at or near Gulf Shores, Baldwin County, Alabama, and the plaintiff entered said restaurant as an invitee and defendant so negligently maintained or conducted their business, that the plaintiff fell and broke her left wrist and was permanently injured and damaged and she

caused much inconvenience in attending and nursing his wife in an effort to alleviate her condition, and the plaintiff lost the services of his wife and her companionship or consortium, all to the plaintiff's damages aforesaid, hence this suit.

JOHNSTON, JOHNSTON & NETTLES  
Attorneys for the Plaintiff

BY William E. Johnston  
WILLIAM E. JOHNSTON

Defendant may be served:

Gulf Shores, Alabama

Plaintiff demands a trial by jury in this cause.

William E. Johnston

FILED  
AUG 18 1935  
ALICE J. DUCK, CLERK  
REGISTER

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO SUMMON LAMAR RESTAURANT, MR. AND MRS. LAMAR LITTLE, and JOHN DOE AND XYZ CORPORATION, or any other person, individual or corporation whose name is not known to the plaintiff, but who is responsible for the injuries she received on August 15, 1964, whose proper name will be added when same is ascertained, to appear within thirty days from service of this process, in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of Mrs. A. W. Snyder,

WITNESS: Alice Duck, Clerk of said Court, this 13<sup>th</sup> day of August, 1965.

ATTEST:

Alice J. Duck  
CLERK

EX-8-27-65

SHERIFF'S RETURN

Received \_\_\_\_\_ day of \_\_\_\_\_, 1965, and on \_\_\_\_\_ Day of \_\_\_\_\_, 1965, I served a copy of the within \_\_\_\_\_ on \_\_\_\_\_ by service on \_\_\_\_\_.

Taylor Wilkins

BY \_\_\_\_\_

Gulf Shores

CASE NO. 6637

MRS. A.W. SNYDER,

Plaintiff,

VS:

LAMAR RESTAURANT, MR. & MR. LAMAR  
LITTLE, & JOHN DOE & XYZ CORP., etc.

Defendants,

Served 13 day of Aug 1965  
on 27 day of Aug 1965  
served a copy of the within Notice  
Lamar Restaurant

service on Lamar Little

TAYLOR WILKINS, Sheriff

By Jm Eastburn D. S.

Gulf Shores, Ala.

Served 13 day of Aug 1965  
on 27 day of Aug 1965  
served a copy of the within Notice  
Mr. Lamar Little  
Mrs. Lamar Little  
service on Mr. Lamar Little  
Mrs. Lamar Little

TAYLOR WILKINS, Sheriff

By Jm Eastburn D. S.

Gulf Shores, Ala.

Spent about 300 miles at

Ten Dollars per mile Total \$ 30.00

Traveler's Exp. Co. Receipt

By Jm Eastburn

Johnston, Johnston & Nettles, Attys.

MRS. A. W. SNYDER,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
LAMAR RESTAURANT, MR. AND	)	AT LAW
MRS. LAMAR LITTLE, and JOHN	)	
DOE AND XYZ CORPORATION, or	)	
any other person, individual	)	
or corporation whose name is not	)	
known to the plaintiff, but who is	)	
responsible for the injuries she	)	
received on August 15, 1964, whose	)	
proper name will be added when	)	
same is ascertained,	)	
Defendant.	)	CASE NUMBER: 6637

DEMURRER

Comes now E. Lamar Little, individually and doing business as Lamar's Restaurant, and demurs to the complaint of the plaintiff heretofore filed against him in this cause, and for grounds of demurrer sets down and assigns 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, and 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 he 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 the matters and things complained of occurred.

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

13. For that the allegation therein contained that "...the plaintiff entered said restaurant as an invitee and defendant so negligently maintained or conducted their business, that the plaintiff fell..." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

INGE, TWITTY, DUFFY & PRINCE

By:   
James J. Duffy, Jr.

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 15th day of Sept., 1965.

  
Attorney for

FILED

SEP 17 1965

ALICE L. DUCK, CLERK  
REGISTER

MRS. A. W. SNYDER,

Plaintiff

vs

LAMAR RESTAURANT, MR. & MRS.  
LAMAR LITTLE, & JOHN DOE &  
XYZ CORP., etc.

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6637

Comes now Lamar Little and demurs to the complaint of the Plaintiff heretofore filed against him in this cause, and for grounds of demurrer says:

1.

That it does not state the facts sufficient to constitute a cause of action.

2.

That it is vague, indefinite and uncertain and does not appraise the Defendant with sufficient certainty of what act or acts of negligence he is called upon to defend.

3.

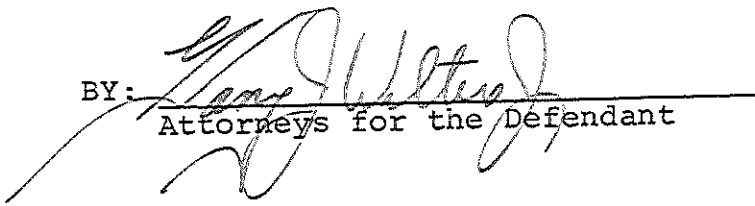
That it does not state facts that the Plaintiff sustain any damage or injury as a proximate result of any negligence or breach of duty on the part of the Defendant.

4.

That the averments contained in the complaint are conflicting.

WILTERS & BRANTLEY

BY:

  
Attorneys for the Defendant

FILED

SEP 30 1965

ALICE L. DUCK, CLERK  
REGISTER

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6637

MRS. A. W. SNYDER,

Plaintiff

VS

LAMAR RESTAURANT, MR. & MRS.  
LAMAR LITTLE, & JOHN DOE &  
XYZ CORP., etc.

Defendants

FILED  
SEP 30 1935  
ALICE DEMURE, CLERK  
J. D. DICK, REGISTER

WILTERS & BRANTLEY  
Attorneys at Law  
Bay Minette, Alabama