

Johnston, Johnston & Nettles

Attorneys

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July 12, 1966

Samuel A. Johnston
William F. Johnston
Samuel A. Johnston, Jr.
Bert S. Nettles

Mailing Address
P. O. Box 550
Mobile, Alabama

Robert C. Kendall, III

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

Re: Mrs. A. W. Snyder, Plaintiff, vs.
Lamar Restaurant, et al
Circuit Court, at Law, Case No.
6637

A. W. Snyder vs. Lamar Restaurant
Circuit Court, at Law, Case No.
6638

Dear Mrs. Duck:

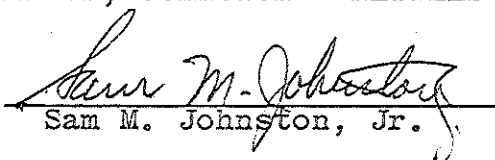
I represent the plaintiffs in the above styled law-suits, and wish to advise that the same have been settled, and would thank you to dismiss both of them and send the court costs bills to Mr. James J. Duffy, Jr., Attorney at Law, P. O. Box 1109, Mobile, Alabama.

I wish to thank you for this courtesy.

Yours very truly,

JOHNSTON, JOHNSTON & NETTLES

By


Sam M. Johnston, Jr.

SMJjr/am

cc: Mr. James J. Duffy, Jr.
P. O. Box 1109
Mobile, Alabama

Mr. Harry J. Wilters, Jr.
P. O. Box 968
Bay Minette, Alabama

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: 6638

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.

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

INGE, TWITTY, DUFFY & PRINCE

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.

By:

James J. Duffy, Jr.

Attorney for

FILED

SEP 17 1965

CLERK OF COURT
REGISTER

41

MRS. A. W. SNYDER,	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
LAMAR RESTAURANT, MR. & MRS.	X	AT LAW
LAMAR LITTLE, & JOHN DOE &	X	
XYZ CORP., etc.	X	CASE NO. 6638
Defendants	X	

Comes now Mrs. Lamar Little and demurs to the complaint of the Plaintiff heretofore filed against her 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 she is called upon to defend.

3.

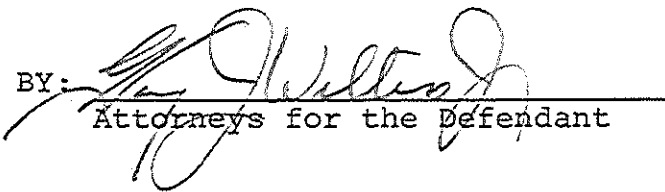
That it does not state facts that the Plaintiff sustain any damage or injury as a proximate result of any negligence or breach of duty on the part of the Defendant.

4.

That the averments contained in the complaint are conflicting.

WILTERS & BRANTLEY

BY:


Attorneys for the Defendant

FILED

SEP 30 1965

ALICE L. DICK, CLERK
REGISTER

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6638

MRS. A. W. SNYDER,

Plaintiff

VS

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

Defendants

WILTERS & BRANTLEY
Attorneys at Law
Bay Minette, Alabama

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

THOS. E. TWITTY
FRANCIS H. INGE (1902-1959)
RICHARD H. INGE
THOS. E. TWITTY, JR.
JAMES J. DUFFY, JR.
SYDNEY R. PRINCE, III

MAILING ADDRESS:

P. O. BOX 1109
MOBILE, ALA.
36601

CABLE ADDRESS:

TWINING
TELEPHONE
433-5441

September 15, 1965

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

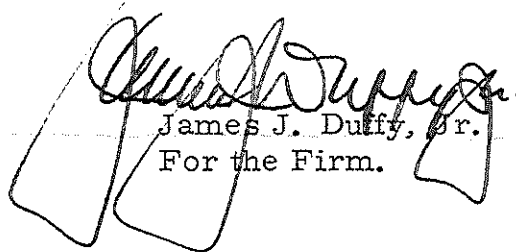
Re: Case No. 6637 and Case No. 6638.

Dear Mrs. Duck:

I am enclosing herewith my demurrer in each of the above captioned cases, with the request that you place the same on file in said cases, keeping me advised, if you do not mind, as to when the matter will be heard.

With much appreciation and best regards, I remain

Yours cordially,


James J. Duffy, Jr.
For the Firm.

JJD, jr:bc
Enclosures.

A. W. SNYDER,
Plaintiff,

vs.

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.

Defendant.

: IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA

:
: AT LAW

:
: CASE NUMBER: 6638

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 TWO THOUSAND and no/100 (\$2000.00) 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's wife entered said restaurant as an invitee and defendant so negligently maintained or conducted their business, that the plaintiff's wife fell and broke her left wrist and was permanently injured and damaged and she developed arthritis in her wrist, and the plaintiff was caused much expense for doctor bills for his said wife, and was

developed arthritis in her wrist, wherefore she brings
this suit and ask damages in the aforesaid amount.

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 13 1937

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 KYZ 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 A. W. Snyder.

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

EX-8-27-65

ATTEST:

Alice J. Duck
CLERK

SHERIFF'S RETURN

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

TAYLOR WILKINS

BY _____

A.W. SNYDER,

Plaintiff

VS:

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

Defendants

13 Aug 65
27 day of August - 65
I served a copy of the within Notice
on Lamar Restaurant

By service on Lamar Little

TAYLOR WILKINS, Sheriff
By Jm Eastburn
Gulf Shores -

Sheriff claims 300 miles at
Ten Cents per mile Total \$ 30.00
TAYLOR WILKINS, Sheriff
BY Jm Eastburn
DEPUTY SHERIFF

13 Aug 65
27 day of August - 65
I served a copy of the within Notice

Mr. Lamar Little
Mrs. Lamar Little
Mr. Lamar Little
Mrs. Lamar Little

TAYLOR WILKINS, Sheriff

By Jm Eastburn
Gulf Shores -

Johnston, Johnston & Nettles, Attys.