

DARREN WAYNE BURNETT, a minor  
suing by and through his father  
and next friend, J. C. BURNETT,

PLAINTIFF

VS

IRMAL R. HARRIS,

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6406

1.

The Plaintiff, Darren Wayne Burnett, a minor acting by and through his father and next friend, J. C. Burnett, claims of the Defendant the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) as damages for that heretofore on, to-wit, the 25th day of July, 1964, Darren Wayne Burnett, a minor, was riding in the vehicle which was being driven in an easterly direction along or upon Fairhope Avenue, a public street in Fairhope, Baldwin County, Alabama, at a point where Fairhope Avenue intersects Greeno Road; that at said time and place, the Defendant, Irmal R. Harris, who was driving an automobile in a northerly direction on Greeno Road, a public road in Fairhope, Baldwin County, Alabama, who so negligently operated her automobile as to cause it to run into and against the automobile in which Darren Wayne Burnett was riding and by reason thereof, and as a proximate result and consequence of said negligence, Darren Wayne Burnett was injured as follows: He received multiple abrasions and contusions on his body, his right clavicle was fractured, he got a piece of glass in one of his ears, he suffered much pain and discomfort as a result of said negligence, and he is permanently injured, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff, Darren Wayne Burnett, a minor acting by and through his father and next friend, J. C. Burnett, claims of the Defendant the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) as damages, for that heretofore on, to-wit, the 25th day of July, 1964, Darren Wayne Burnett, was riding in a vehicle which was being driven along or upon Fairhope Avenue, a public street in Fairhope, Baldwin County, Alabama, at a point where Fairhope Avenue intersects Greeno Road; that at said time and place, the Defendant, Irmal R. Harris, so negligently operated the vehicle she

was driving so as to cause it to collide with the vehicle in which Darren Wayne Burnett was riding and by reason thereof and as a proximate result of said negligence, Darren Wayne Burnett was injured as follows: He received multiple abrasions and contusions on his head and lacerations on his head, multiple contusions on his body, a fractured right clavicle and got a piece of glass in one of his ears. He suffered much pain and discomfort as a result of said negligence and he is permanently injured, all to the loss of the Plaintiff in the aforesaid amount.

3.

The Plaintiff, Darren Wayne Burnett, a minor acting by and through his father and next friend, J. C. Burnett, claims of the Defendant the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) as damages for that heretofore on, to-wit, July 25, 1964, the Plaintiff was riding in an automobile being operated in an easterly direction along and upon Fairhope Avenue, a public street in Fairhope, Baldwin County, Alabama, where Fairhope Avenue intersects Greeno Road; that at said time and place, the Defendant, Irmal R. Harris, who was driving an automobile in a northerly direction on Greeno Road, a public road in Fairhope, Baldwin County, Alabama, so wantonly operated her automobile as to cause it to wantonly run into and against the automobile Darren Wayne Burnett was riding in; <sup>as</sup> and/a direct proximate consequence and result of said wanton act, Darren Wayne Burnett was wantonly injured as follows: He received multiple abrasions and contusions on his head and lacerations on his head, multiple contusions on his body, a fractured right clavicle and got a piece of glass in one of his ears. He suffered much pain and discomfort as a result of said wanton act and he was permanently injured, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

By: Phyllis S. Nesbit

Attorney for Plaintiff

Plaintiff demands a trial by Jury.

Phyllis S. Nesbit  
WILTERS, BRANTLEY & NESBIT

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon IRMAL R. HARRIS - Foley, Alabama

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 -----

IRMAL R. HARRIS

-----, Defendant-----

by -----  
DARREN WAYNE BURNETT, a minor suing  
by and through his father and next  
friend, J. C. BURNETT

-----, Plaintiff-----

Witness my hand this 18 day of Feb 1965

EX-2-21-65

Arnell Jack

-----, Clerk

No. 6406

Page \_\_\_\_\_

**STATE of ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

DARREN WAYNE BURNETT, a minor  
suing by and through his father  
and next friend, J. C. BURNETT

Plaintiffs

vs.

IRMAL R. HARRIS

Defendants

**Summons and Complaint**

Filed

19

FEB 18 1965

Clerk

WILTERS, BRANTLEY & NESBIT

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

**RECEIVED**

Received In Office

FEB 18 1965

, 19

TAYLOR WILKINS  
SHERIFF

Sheriff.

I have executed this summons

this 20<sup>th</sup> Feb. 1965

by leaving a copy with

Irmal R. Harris

Shall attach 22 miles of

Don't forget to Total 2.20

TAYLOR WILKINS  
J. M. Eastland  
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

J. M. Eastland  
Foley, Ala

Deputy Sheriff.

DARREN WAYNE BURNETT, a minor    §  
suing by and through his father   §  
and next friend, J. C. BURNETT,   § IN THE CIRCUIT COURT OF  
  
Plaintiff,                   § BALDWIN COUNTY, ALABAMA  
  
vs.                           § AT LAW                   NO. \_\_\_\_\_  
  
IRMAL R. HARRIS,           §  
  
Defendant.               §

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every 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 said Complaint does not sufficiently set out where the accident occurred.
3. The allegation that the vehicle was being driven along or upon Fairhope Avenue does not sufficiently allege that the accident occurred on a public street or highway.
4. That said Complaint fails to allege in what manner the minor is permanently injured.
5. That Count 3 of the Complaint does not allege that the Defendant wantonly injured the minor.

  
Attorneys for Defendant

FILED

APR 15 1935

RECEIVED  
CLERK OF COURT  
BALDWIN COUNTY, ALABAMA

6406

DARREN WAYNE BURNETT,  
a minor, et al.,  
Plaintiff,

VS

IRMAL R. HARRIS,  
Defendant.

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DEMURRER

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