ANNA BARTELS WEAVER, as χ Administratrix of the Estate of : χ ANTOINE BARTELS, deceased, Plaintiff, χ IN THE CIRCUIT COURT OF vs. χ. BALDWIN COUNTY, ALABAMA, JOHN CECIL DAVIDSON and X, Y χ and Z, the owner or operator of the vehicle involved in the acci- X AT LAW CASE NO. 6747 dent made the basis of this suit, whose name or names is otherwise X unknown to Plaintiff at this time but will be added by amendment when ascertained, individually and jointly, Defendants. Υ

## DEMURRER

Comes the Defendant, John Cecil Davidson, and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

- 1. That said Complaint does not state a cause of action.
- 2. That there is a misjoinder of causes of action in said Complaint.
- 3. That there is a misjoinder of parties defendant in said Complaint.
- 4. That said Complaint fails to allege whether this Defendant is being sued as a principal or as an agent.
- 5. That said Complaint alleges that this Defendant and the Defendants X, Y and Z negligently operated a motor vehicle without alleging which of said Defendants was actually driving such vehicle.
- 6. That said Complaint fails to allege whether the Plaintiff's intestate was on or off of the main paved portion of

of the highway when he was struck by the automobile.

7. That said Complaint does not allege any duty owing by this Defendant to the Plaintiff's intestate.

I, John Chason, as one of the Attorneys of record for John Cecil Davidson, do hereby certify that I have this day mailed a copy of the foregoing Demurrer to Cunningham, Bounds & Byrd, as Attorneys for the Plaintiff, by U. S. Mail, postage prepaid, addressed to their office at 1350 Dauphin Street in Mobile, Alabama, on this the 10th day of November, 1965.

NOV 10 1965

Attorney for John

## ANNA BARTELS WEAVER

VS.

JOHN CECIL DAVIDSON, et al,

DEMURRER

\*\*\*\*\*\*\*\*\*\*\*

ANNA BARTELS WEAVER, as Administratrix of the Estate of		)	
ANTOINE BARTELS, deceas	<del>-</del> -	)	
Pla	intiff.	)	IN THE CIRCUIT COURT
-vs-		)	OF BALDWIN COUNTY,
JOHN CECIL DAVIDSON and and Z, the owner or ope	· ·	).	ALABAMA.
the vehicle involved in dent made the basis of	the acci-	)	AT LAW.
whose name or names is unknown to Plaintiff at	f at this time y amendment	)	CASE NO. <u>6747</u>
but will be added by am when ascertained, indiv		)	
jointly,	~	)	
Def	endants.	)	

## COUNT ONE

Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, damages, for that heretofore and on, to-wit, July 2, 1965, the Defendants so negligently operated a motor vehicle on U. S. Highway 98 at a point, to-wit, 2.5 miles West of the West end of the Lillian Bridge, said U. S. Highway 98 being a public road in Baldwin County, Alabama, as to cause said motor vehicle to collide with Plaintiff's intestate who was then and there a pedestrian on said U. S. Highway 98, and as a direct and proximate result and consequence of the negligence of the Defendants as aforesaid, Plaintiff's intestate suffered injuries which proximately caused his death.

NOV A THES

CUNNINGHAM, BOUNDS & BYRD ATTORNEYS FOR PLAINTIFF

RICHARD BOUNDS

Plaintiff demands a trial by jury.

RICHARD BOUNDS

TRIAL ATTORNEYS:

Richard Bounds

Robert T. Cunningham

Address of Defendant:

John Cecil Davidson P. O. Box 517 Robertsdale, Alabama

Roberton 1965

AUG 1000 CLERK REGISTER

SITE OF ALABAMA	Circuit Court, Baldwin Cou	nty = a
STATE OF ALABAMA (	7	**************************************
Baldwin County ( No.:.		m² :
	TEF	M - 10
	er en	474, 17
TO ANY SHERIFF OF THE STATE OF ALABA	MA:	
You Are Hereby Commanded to Summon John Co	ecil Davidson et- al	
d d	***************************************	***************************************
<u> </u>		***************************************
	· · · · · · · · · · · · · · · · · · ·	e e e e e e e e e e e e e e e e e e e
		3
And the second s	and the second s	***************************************
in the Circuit Court of Baldwin County, State of Alabam	na, at Bay Minette, against	······································
oom cecii bavidson, et a.	L (**)	efendant
by Anna Bartels Weaver, as Ac	lm. of the Estate of Antoir	e Bartels, decease
	Region Comments	***************************************
	- Company of the Comp	Plaintiff
10+	No.	· :
Witness my hand this	November 19 65	b)

	5747		2	=
	STATE O	**	AMA	
	Baldv	vin County		. i
	CIRCUI	T COU	RT	
		· ·		•
NA	BARTELS WEA	AVER, as A	dm. of the	•
. 4 4-	e of ANTOIN	יים די מוד מוד מו	dooooco	4
الخلا	e or Amioir	e danielo	Plaintiff	
		vs.		
OHN	CECIL DAVII	SON et al		
			Defendant	s
	SUMMONS A	AND CORE	OT A INT	=
	SOMMAONS A	MD COME	HAMIN I	= :
	(E.)			
	November		ु. .ू 19.65	. 13 
iled				
iled		<u>.</u>	<del>-</del> i :	
iled	Alice J.	Duck	Clerl	<b>s</b>
iled		Duck	Clerl	\$ 1
iled		Duck		<b>s</b> 19
iled		Duck	Clerl	•
Filed		Duck		<b>x</b> 199

Cunningham, Bounds & Byrd- P.O. Box 4486

Plaintiff's Attorney

Defendant's Attorney

Mobile, Ala.

			- :		
Sin	odiff clai	- <u>-                                  </u>	0	ភិដ្ឋិទូ ភូ	Ť.
	n Cents ;	er mile i	Total S	5	٥
<i>8</i> 7.	Cai	liste	J Chi	lds	en
: -	`.:	ACHER MASS IN TO	STANDART .		
: _		3 (1) (2)		:	
		<u>,</u> 5			
	Tien	4	1		
/		, //			Sheriff
<i>/</i> .	(O)U.s.k	andrike	<del>2/11/2/</del> 4E	eputy	Sheriff
	R	nOa	ه		
	-91	à 			

Defendant lives at

P.O. Box 517- Robertsdale, Ala.

I have executed this summons

by leaving a copy with