

CECIL G. CHASON
ATTORNEY-AT-LAW
FOLEY, ALABAMA

June 23, 1965

6555

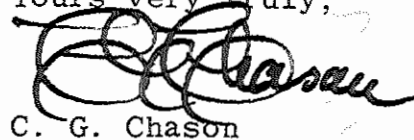
Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Hubbard vs. Louisville
& Nashville Railroad
Company

Dear Mrs. Duck:

The above action may be filed on R. E. Steiner,
R. E. Steiner, Jr., or R. E. Steiner, III, in the First
National Bank Building, Montgomery, Alabama.

Yours very truly,


C. G. Chason

CGC:jc

Return this
letter to Clark's
office

CECIL G. CHASON
ATTORNEY-AT-LAW
FOLEY, ALABAMA

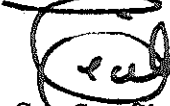
June 16, 1965

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

Dear Mrs. Duck:

Enclosed is original and copy of Summons and Complaint in the case of Bob Hubbard vs. Louisville & Nashville Railroad Company. Please mark file and hold until I find out the officer on which service can be had.

Yours very truly,

A handwritten signature in dark ink, appearing to be "C. G. Chason", enclosed within a circular scribble.

C. G. Chason

CGC:je

Encls.

BOB HUBBARD,	Y	
Plaintiff,	Y	IN THE CIRCUIT COURT OF
vs.	Y	BALDWIN COUNTY, ALABAMA
LOUISVILLE & NASHVILLE RAILROAD COMPANY,	Y	AT LAW NO. 6555
Defendant.	Y	
	Y	

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 Count I of said Complaint fails to state when the potatoes were delivered to the Defendant for shipment.
3. That Count I of said Complaint is vague and indefinite.
4. That Count I of the Complaint does not allege that there was any consideration passing from the Plaintiff to the Defendant.
5. Count I of the Complaint does not allege that the failure to deliver the potatoes was due to any fault on the part of the Defendant.
6. Count I of the Complaint does not allege any negligence on the part of the Defendant.
7. Count I of the Complaint does not allege that the Defendant agreed to deliver any potatoes within a reasonable time.
8. Count I of the Complaint fails to allege that the potatoes were damaged in shipment.
9. Count II of the Complaint fails to allege whether the contract referred to was oral or in writing.
10. Count II of the Complaint is vague and indefinite.
11. Count II of the Complaint fails to allege any con-

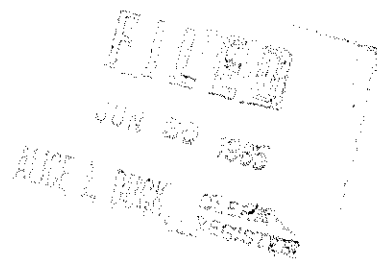
sideration for the alleged agreement.

12. Count II of the Complaint fails to allege that the delay in shipment was due to any negligence on the part of the Defendant.

13. Count II of the Complaint does not allege that the potatoes were in good condition when shipped by the Plaintiff.

14. From aught that appears from Count II of the Complaint, the damages of the Plaintiff were not caused by any negligence or breach of duty on the part of the Defendant.

Harry Stone Gerson
Attorneys for Defendant



STATE OF ALABAMA)
) IN THE CIRCUIT COURT . . . LAW SIDE
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:-

You are hereby commanded to summon LOUISVILLE & NASHVILLE RAILROAD COMPANY to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding same, within thirty (30) days from the service of this summons and complaint, thencand there to demur to or to plead to the complaint of BOB HUBBARD.

WITNESS my hand this 17 day of June, 1965.

[Signature]
Clerk

COMPLAINT

BOB HUBBARD,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	
-vs-)	BALDWIN COUNTY, ALABAMA
)	
LOUISVILLE & NASHVILLE)	AT LAW
RAILROAD COMPANY,)	
)	
Defendant.)	

COUNT I

The Plaintiff claims of the Defendant NINE HUNDRED SIX and 03/100 DOLLARS (\$906.03) damages for the failure to deliver, within a reasonable time, certain goods, viz:- irish potatoes in Car Number FHIK 41080 shipped from Summerdale, Alabama, and consigned to East Peoria, Illinois; Car Number FGEX 38255 shipped from Summerdale, Alabama and consigned to East Peoria, Illinois, and Car Number WFEX 73097 shipped from Summerdale, Alabama, and consigned to East Peoria, Illinois.

COUNT II

The Plaintiff claims of the Defendant NINE HUNDRED SIX and 03/100 DOLLARS (\$906.03) damages for breach of contract wherein the Defendant received from the Plaintiff in Summerdale, Alabama,

on, to-wit, the 12th day of June, 1964, two (2) cars of irish potatoes, and on the 15th day of June, 1964, one (1) car of irish potatoes, which Defendant agreed to ship and transport to East Peoria, Illinois, with reasonable dispatch, and which said agreement Defendant breached in that the cars of potatoes shipped on June 12, 1964, did not arrive at destination until June 22, 1964, and June 23, 1964, respectively, and the car of potatoes shipped June 15, 1964, did not arrive until June 25, 1964, and that all had badly deteriorated due to the delay in transit, all to Plaintiff's damage as aforesaid.



Attorney for Plaintiff

The Plaintiff demands trial
by Jury.



Attorney for Plaintiff

804

195

Ms. 6555

RECEIVED IN OFFICE
JUN 28 1965
M. S. BUTLER, Sheriff

Received day of June 1965
and on day of 19
I served copy of the within
Louisville & Nashville
Railroad
by service on

TAYLOR WILKINS, Sheriff

By D. S.

EXECUTED BY SERVING A
COPY OF THE WITHIN
on Robert E. Steiner
as agent for
Louisville & Nashville
Railroad Company

This the 27 day of June 1965
M. S. BUTLER
Sheriff Montgomery County
By Thompson
Deputy Sheriff

The Sheriff claims 2.2
miles at 100 per mile for a total
of \$220
M. S. Butler Sheriff
Montgomery County, Ala.

BOB HUBBARD,

Plaintiff,

-VS-

LOUISVILLE & NASHVILLE
RAILROAD COMPANY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

FILED
JUN 17 1965
ALICE J. DUCK, CLERK
REGISTER

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

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COPY OF THE WITHIN
on Robert E Steiner
as agent for
Louisville & Nashville
Railroad Company

This the 27 day of June 1965
M. S. BUTLER
Sheriff Montgomery County
By Thompson
Deputy Sheriff

The Sheriff claims 2
miles at 10c per mile for a total
of \$20
M. S. Butler Sheriff
Montgomery County, Ala.

BOB HUBBARD,

Plaintiff,

-VS-

LOUISVILLE & NASHVILLE
RAILROAD COMPANY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

FILED
JUN 17 1965
ALICE J. DUCK CLERK
RECORDED

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA