

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

February 9, 1966

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

Re: Case Nos. 6789, 6790 and 6791
Brown, et al vs. Gail Vance Gibbon

Dear Mrs. Duck:

I am enclosing herewith pleas in each of the captioned cases. Please file the same upon receipt.

I have forwarded copy of each of the enclosed to John Chason, the plaintiff's attorney.

With much appreciation,

Yours very truly,


James J. Duffy, Jr.
For the Firm

JJD, jr:ns

Enclosures (3)

INGE, TWITTY, DUFFY & PRINCE

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January 6, 1966

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

Re: Case Nos. 6789, 6790 and 6791
Brown, et al vs. Gail Vance Gibbon

Dear Mrs. Duck:

Please find enclosed herewith a demurrer in each of the
above cases. Please file the same upon receipt.

I have forwarded copy of each demurrer to John Chason,
the plaintiff's attorney.

With much appreciation,

Yours very truly,


James J. Duffy, Jr.
For the Firm

JJD, jr:ns

Atts.

DONALD KEITH BROWN, a minor)	IN THE CIRCUIT COURT OF
seven years of age, who sues by)	
and through his father and next)	BALDWIN COUNTY, ALABAMA
friend, MARION L. BROWN, SR.,)	
)	
Plaintiff,)	AT LAW
)	
vs.)	
)	
GAIL VANCE GIBBON,)	
)	
Defendant.)	CASE NO. 6789
)	

DEMURRER

Comes now the defendant, Gail Vance Gibbon, in the above styled cause, and demurs to the complaint heretofore filed against him in said cause, and to each count thereof, separately and severally, and for grounds of demurrer sets down and assigns the following, separately and severally, to-wit:

1. 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, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty he may have owed to the plaintiff.
6. For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.
7. For that there does not appear sufficient causal connection between defendant's said breach of duty and the plaintiff's injuries and damages.

8. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant.

9. It is not alleged with sufficient certainty where said accident occurred.

10. It is not alleged that the negligence complained of proximately caused the accident, the injuries and damages complained of.

11. The averments thereof are conflicting and repugnant.

12. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

INGE, TWITTY, DUFFY & PRINCE

By: *James J. Duffy, Jr.*
James J. Duffy, Jr. - Designated
Trial Attorney

FILED

JAN 7 1966

ALICE L. DUCK, CLERK
REGISTER

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Gail Vance Gibbon to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of Donald Keith Brown, a minor seven years of age, who sues by and through his father and next friend, Marion L. Brown, Sr.

Witness my hand this 14 day of June,

1965.

Robert J. Wicks
Clerk

DONALD KEITH BROWN, a minor
seven years of age, who sues
by and through his father and
next friend, MARION L. BROWN, SR.,

Plaintiff,

vs.

GAIL VANCE GIBBON,

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 6789

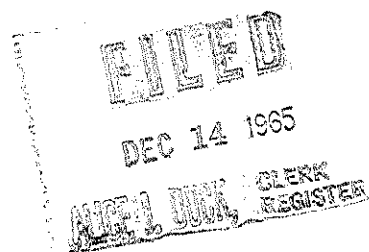
COUNT 1:

The Plaintiff claims of the Defendant the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) as damages for that heretofore and on, to-wit, August 8, 1965, the Defendant so negligently operated an automobile on U. S. Highway 98 at or near its intersection with Baldwin County Road No. 11, otherwise known

as Greeno Road, both of said roads being public roads in Baldwin County, Alabama, as to cause the same to collide with an automobile in which the said Donald Keith Brown was riding and as a direct and proximate result and consequence of the negligence of such Defendant the Plaintiff suffered the following injuries and damages: his four front lower teeth were knocked loose so that they extended forward; two other teeth were fractured or broken; his lower lip was badly cut and his lower gums were injured, being broken loose in two places; his right jaw bone was broken and he received a puncture wound in his chin; he was bruised and lacerated all over his body; he suffered pain and mental anguish and continues to suffer pain; his mouth was permanently injured; he was caused to incur medical and dental and hospital expenses in and about the treatment of his injuries and he will have dental expenses in the future in connection with such injuries, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.


(Attorneys for Plaintiff)

Plaintiff demands a trial of this cause by jury.



CERTIFICATE

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared John Chason, the Attorney of Record for the Plaintiff in the above styled cause and after being by me first duly and legally sworn did depose and say under oath as follows:

My name is John Chason and I am the Attorney of Record for the Plaintiff in the above cause. According to the best of my knowledge, information or belief the Defendant, Gail Vance Gibbon is a non-resident of the State of Alabama, his address being P. O. Box 1492, Davis, California, and said Defendant is over the age of twenty-one years.



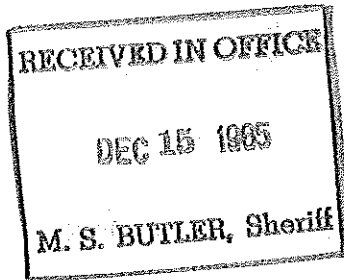
John Chason

Sworn to and subscribed before me this
the 14th day of December,
1965.

Marie B. Bryant
Notary Public, Baldwin County, Alabama

64-12-15-65

1670



Executed by serving 3 copies of
the within on *Agnes Baggott*
Secretary of State of The State of
Alabama.
This the 15 day of Dec 1966

Sheriff of Montgomery County

M. S. Butler,

By *J. H. Roscoe* D. S.

The Sheriff claims 2
miles at 100 per mile for a
of \$ 20
M. S. Butler,
Montgomery

No. 6789

DONALD KEITH BROWN, a minor
seven years of age, who sues
by and through his father and
next friend, MARION L. BROWN,
SR.,

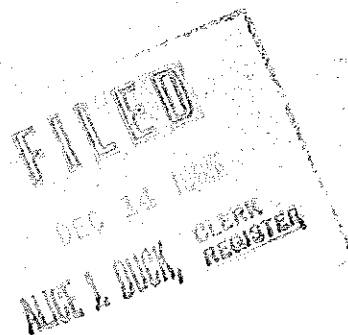
Plaintiff,

vs.

GAIL VANCE GIBBON,

Defendant.

SUMMONS AND COMPLAINT



CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120