

ERNEST CLIFTON BROWN, a  
minor seventeen years of age, who  
sues by and through his father and  
next friend, MARION L. BROWN,  
SR.,

Plaintiff,

vs.

GAIL VANCE GIBBON,

Defendant.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
)

AT LAW

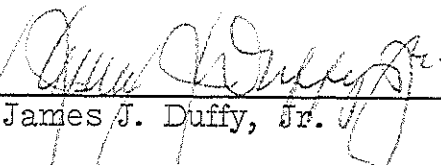
) CASE NO. 6790

Comes now the defendant in the above styled cause and, to  
the complaint of the plaintiff heretofore filed herein, and to each count  
thereof, separately and severally, files the following pleas, separately  
and severally, to-wit:

1. This defendant is not guilty.
2. This defendant denies each and every one of the material  
allegations therein contained.

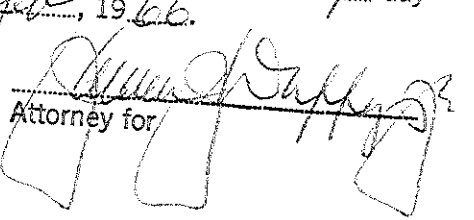
INGE, TWITTY, DUFFY & PRINCE

By:

  
James J. Duffy, Jr.

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 9th day  
of Feb, 1966.

  
Attorney for

FILED

FEB 16 1966

FILED BY CLERK  
RECORDED

ERNEST CLIFTON BROWN, a minor)	)	IN THE CIRCUIT COURT OF
seventeen years of age, who	)	
sues by and through his father	)	BALDWIN COUNTY, ALABAMA
and next friend, MARION L.	)	
BROWN, SR.,	)	
	)	AT LAW
Plaintiff,	)	
vs.	)	
GAIL VANCE GIBBON,	)	
	)	
Defendant.	)	CASE NO. 6790

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 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.

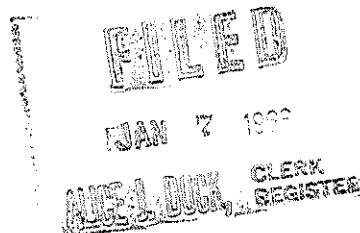
11. The averments thereof are conflicting and repugnant.

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.  
Designated Trial Attorney



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 Ernest Clifton Brown, a minor seventeen years of age who sues by and through his father and next friend, Marion L. Brown, Sr.

Witness my hand this 14 day of December, 1965.

Reice J. Smith  
Clerk

ERNEST CLIFTON BROWN, a minor X  
seventeen years of age, who X  
sues by and through his father X  
and next friend, MARION L. BROWN, X  
SR., X

Plaintiff, X

vs. X

GAIL VANCE GIBBON, X

Defendant. X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 6797

COUNT 1:

The Plaintiff claims of the Defendant the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) 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 which the said Ernest Clifton Brown was then and there driving and as a direct and proximate result and consequence of the negligence of such Defendant the Plaintiff suffered the following injuries and damages: his head was lacerated and bruised; his chest was injured; his knees were badly bruised; he suffered bruises and abrasions on his body; he suffered and continues to suffer serious pain and mental anguish; he was caused to incur medical expenses and his chest is permanently injured, 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.

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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.

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

  
Notary Public, Baldwin County, Alabama

64-12-15-65

FILED

DEC 15 1965

ALICE J. DUCK, CLERK  
REGISTER

1671

RECEIVED IN OFFICE  
DEC 15 1965  
M. S. BUTLER, Sheriff

3

Executed by serving 3 copies of  
the within on *Agnes Begett*  
Secretary of State of The State of  
Alabama.  
This the 15 day of Dec 1965

Sheriff of Montgomery County  
M. S. Butler,  
By *J. Thomas* D. S.

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

MD. 6790

ERNEST CLIFTON BROWN, a minor  
seventeen years of age, who  
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and next friend, MARION L.  
BROWN, SR.,

Plaintiff,

vs.

GAIL VANCE GIBBON,  
Defendant.

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SUMMONS AND COMPLAINT

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FILED  
DEC. 14 1965  
ALICE L. DUCK, CLERK  
REGISTER

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