

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 Marion L. Brown, Sr.

Witness my hand this 14 day of Dec, 1965.

Alvin J. Smith
Clerk

MARION L. BROWN, SR.,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

GAIL VANCE GIBBON,

X

AT LAW

CASE NO. 6791

Defendant.

X

COUNT 1:

The Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) 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 owned by the Plaintiff which said automobile was being driven by Ernest Clifton

Brown, a minor son of the Plaintiff, in which automobile Donald Keith Brown, a minor son of the Plaintiff, was riding and as a direct and proximate result and consequence of the negligence of the Defendant as aforesaid the Plaintiff suffered the following damages: his automobile was a total wreck; his minor sons above mentioned were injured and he was caused to incur large medical, dental and hospital expenses in and about their treatment 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

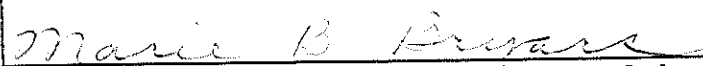
BALDWIN COUNTY

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.



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

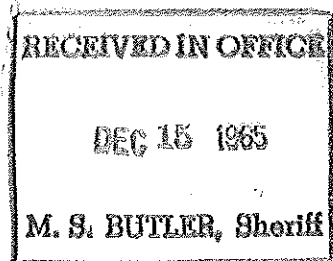

Notary Public, Baldwin County, Alabama
EX-12-15-65

FILED

DEC 14 1965

ALICE L. DICK, CLERK
REGISTERED

1672



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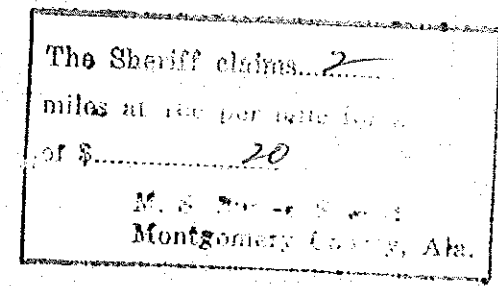
Executed by serving 3 copies of
the within on *Agnes Baggett*
Secretary of State of The State of
Alabama.

This the 15 day of Dec 1965

Sheriff of Montgomery County

M. S. Butler,

By *J. L. Romeo* D. S.



no. 6791

MARION L. BROWN, SR.,

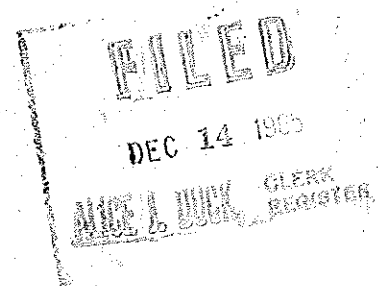
Plaintiff,

vs.

GAIL VANCE GIBBON,

Defendant.

SUMMONS AND COMPLAINT



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

MARION L. BROWN, SR.,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	
)	AT LAW
GAIL VANCE GIBBON,)	
Defendant.)	CASE NO. 6791

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

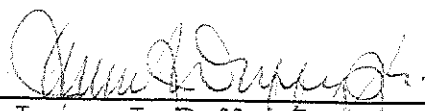
ALICE I. DICK, CLERK
REGISTER

MARION L. BROWN, SR.,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	
GAIL VANCE GIBBON,)	AT LAW
Defendant.)	CASE NO. 6791

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 please, separately and severally, to-wit:

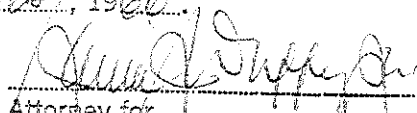
1. This defendant is not guilty.
2. This defendant denies each and every one of the material allegations therein contained.
3. Plaintiff ought not recover of this defendant for that at the time and place complained of in the complaint of the plaintiff, the plaintiff himself was guilty of contributory negligence which proximately contributed to the matters and things of which he complains.

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 10 1966
ALICE J. INCH, CLERK
REGISTER