

LOWELL L. MULLENAX, a minor )  
etc., )  
PLAINTIFF, )  
-vs- )  
HARTLEY E. NELSON et al, )  
DEFENDANTS. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. 7013

Comes the Plaintiff in the above case and shows unto the Court  
as follows:

1. That the above case was dismissed by the Court on April  
18, 1968 and the costs taxed against the Plaintiff.
2. That the Plaintiff has a meritorious cause of action and  
desires to prosecute the same.

WHEREFORE the Plaintiff prays that the Court will reinstate  
said cause of action and set it for trial at the next term of  
Court.

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY:

  
RICHARD BOUNDS

LOWELL L. MULLENAX, a minor who )  
sues by and through his father  
and next friend, E. D. MULLENAX, )

Plaintiff. )

-vs-

HARTLEY E. NELSON and A, B and )  
C, the owner or operator of the  
motor vehicle involved in the )  
accident made the basis of this )  
suit, whose true names are other- )  
wise unknown to the Plaintiff at  
this time but will be added by )  
amendment, when ascertained,  
jointly and individually, )

Defendants. )

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA.

AT LAW.

CASE NO. 7013

#### COUNT ONE

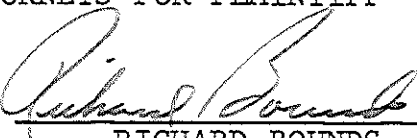
Plaintiff claims of the Defendants the sum of TEN THOUSAND (\$10,000.00) DOLLARS, damages, for that heretofore and on, to-wit, April 2, 1966, the Defendant so negligently operated an automobile on U. S. Highway 98 in Daphne, Alabama, said highway being a public highway in Baldwin County, Alabama, as to cause the same to collide with an automobile then and there operated by Plaintiff on U. S. Highway 98, and as a direct and proximate result of the negligence of the Defendant as aforesaid, the Plaintiff suffered the following injuries and damages: he was made sick, sore and lame; he suffered severe lacerations about his head, face and body; he was caused to suffer severe mental and physical pain and anguish; and he was permanently injured, scarred and disfigured.

#### COUNT TWO


Plaintiff claims of the Defendants the sum of TEN THOUSAND (\$10,000.00) DOLLARS, damages, for that heretofore and on, to-wit, April 2, 1966, the Defendant wantonly injured the Plaintiff by wantonly operating an automobile on U. S. Highway 98 in Daphne, Alabama, said highway being a public highway in Baldwin County, Alabama, so as to cause the same to collide with an automobile then and there operated by Plaintiff on U. S. Highway 98, and as a direct and

proximate result of the wanton conduct of the Defendant as aforesaid, the Plaintiff suffered the following injuries and damages: he was made sick, sore and lame; he suffered severe lacerations about his head, face and body; he was caused to suffer severe mental and physical pain and anguish; and he was permanently injured, scarred and disfigured.

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY:   
RICHARD BOUNDS

Plaintiff demands a trial by jury.

  
RICHARD BOUNDS

TRIAL ATTORNEYS: Richard Bounds  
Robert T. Cunningham

Address of Defendant:

Hartley E. Nelson  
701 Magnolia Avenue  
Daphne, Alabama

FILED  
JUN 6 1966  
ALICE L. DUCK, CLERK  
REGISTERED

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7013

TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~XXXXXXXXXXXXXXXXXXXX~~ HARTLEY E. NELSON

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed

in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

HARTLEY E. NELSON, etc., Defendant.....

by LOWELL L. MULLENAX, a minor who sues by and through his father

and next friend, E.D. Mullenax, Plaintiff.....

Witness my hand this 8th day of June 19.66

Alice J. Luck Clerk

011

recited  
-16-66

No. 7013.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

LOWELL L. MULLENAX, a minor  
who sues by and through his  
father and next friend,

E.D. MULLENAX

Plaintiffs

vs.

HARTLEY E. NELSON, et al

Defendants

SUMMONS AND COMPLAINT

FILED

Filed ..... 19.....

JUN 8 1966

Clerk

ALICE J. DICK, CLERK  
REGISTER

Cunningham, Bounds & Byrd

P.O. Box 4486 Plaintiff's Attorney  
Mobile, Ala.

Defendant's Attorney

Defendant lives at

RECEIVED

Received In Office

JUN 8 1966

19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this June 11 1966

by leaving a copy with

Hartley E. Nelson  
Daphne

Sheriff claims 54

Ten Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff

By Roy Randall

DEPUTY SHERIFF

Sheriff

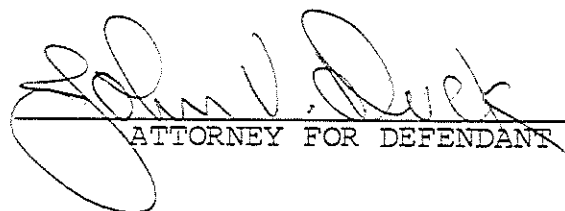
Roy Randall Deputy Sheriff

LOWELL L. MULLENAX, a minor who	)	IN THE CIRCUIT COURT OF
sues by and through his father	)	BALDWIN COUNTY, ALABAMA
and next friend, E. D. MULLENAX,	)	
Plaintiff,	)	AT LAW CASE NO. 7013
vs.	)	
HARTLEY E. NELSON,	)	
Defendant.	)	

DEMURRERS

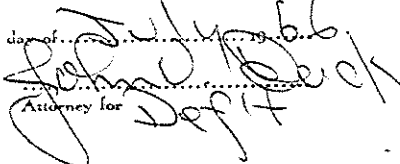
Comes now the Defendant in the above styled cause, and demurs to the Bill of Complaint filed herein, and for grounds thereof assigns the following separately and severally:

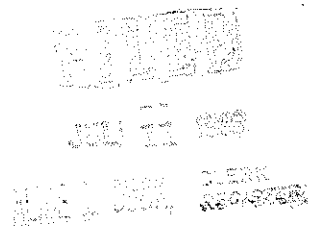
1. That the Bill of Complaint fails to allege with certainty the location of the purported accident.
2. That said Bill of Complaint fails to apprise the Defendant on what he is called on to defend.
3. That Count One of the Bill of Complaint is vague, indefinite and uncertain.
4. That Count Two fails to allege the exact location of the purported accident.
5. That Count Two of the Bill of Complaint is vague, indefinite and uncertain.

  
 ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 7<sup>th</sup> day of July, 1966  
  
 Attorney for Defendant

  
 JUL 11 1966  
 CLERK  
 REGISTER