

RICHARD C. LACEY

TELEPHONE 924-2571

ATTORNEY AT LAW  
FAIRHOPE, ALABAMA 36532

September 29, 1967

Honorable Telfair J. Mashburn  
Circuit Judge  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Eddie Lee Edwards

Class. Matter  
Case No. 7-34

Dear Judge Mashburn:

Signed case has been settled between the parties with  
costs to the Defendant.

Thank you.

Sincerely,

Richard C. Lacey

RCL:mt

cc: Mrs. Alice J. Duck  
Circuit Clerk

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
P. O. BOX 123

CABLE ADDRESS:  
HAB

TELEPHONE:  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS O. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. McDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
C. WAYNE LOUDERMILCH

September 19, 1966

Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Court House  
Bay Minette, Alabama

Re: Eddie Lee Edwards v. Johnnie Lee  
Barnett and Jessie Moorner, Case  
Number \_\_\_\_\_

Dear Mrs. Duck:

Please file the enclosed Demurrer on behalf of the defendants, Johnnie Lee Barnett and Jessie Moorner and indicate the filing date on the carbon copy of this letter. Please return the copy to me in the enclosed stamped, self-addressed envelope so that I might place it in my file.

Thanking you in advance for your cooperation, I am,

Yours very truly,



For the Firm

DFP.mbd  
Enclosure

P. O. DRAWER A-J

RICHARD C. LACEY

TELEPHONE 928-2373

*Attorney at Law*

FAIRHOPE, ALABAMA 36532

August 22, 1966

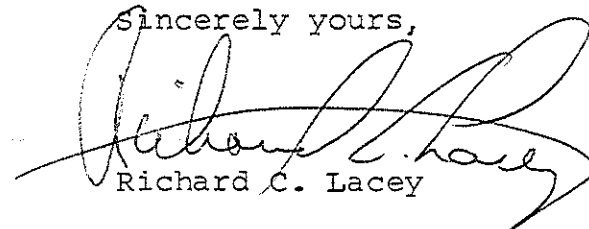
Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

RE: Eddie Lee Edwards  
vs.  
Johnnie Lee Barnett and  
Jessie Moorner

Dear Mrs. Duck:

I am enclosing summons and complaint in subject case. Please  
have the Sheriff serve the papers.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Richard C. Lacey', with a large, sweeping flourish extending from the end of the signature.

Richard C. Lacey

Encl.

RCL:W

EDDIE LEE EDWARDS,	) IN THE CIRCUIT COURT
Plaintiff,	) OF BALDWIN COUNTY,
VS:	) ALABAMA
JOHNNIE LEE BARNETT and	)
JESSIE MOORER, jointly and	) AT LAW
severally,	)
Defendants.	) CASE NO.

COUNT ONE


Plaintiff claims of the defendants, the sum of TWENTY THOUSAND AND NO/100 (\$20,000.00) Dollars for that heretofore on to-wit; December 5, 1965, the plaintiff was operating his automobile on U.S. Highway 31 at a point approximately 9.2 miles North of the city limits of Bay Minette, Alabama, said Highway 31 being a public highway in the County of Baldwin, State of Alabama, when the defendant, Johnnie Lee Barnett who was acting as the agent, servant or employee of the defendant Jessie Moorner, and who was then and there at that time acting within the line and scope of his employment, did so negligently operate an automobile on the above said Highway 31 at the aforesaid time and place as to cause the defendants automobile to run into, upon or against the automobile of the plaintiff, and as a proximate and direct result of the aforesaid negligence of the defendants, the plaintiffs automobile was badly battered, crushed and suffered loss of value, and also as a proximate result of the aforesaid negligence of the defendants, the plaintiff was made sick and sore and suffered bodily injuries and more particularly the plaintiff suffered injuries to his legs and back, to his neck and head, and to his chest and plaintiff was bruised, and contused and forced to incur hospital and medical expenses for the treatment of his injuries and plaintiff has been seriously and permanently injured, all as a direct and proximate result of the aforesaid negligence of the defendants.

Hence plaintiff brings this suit and asks judgment in the above amount.

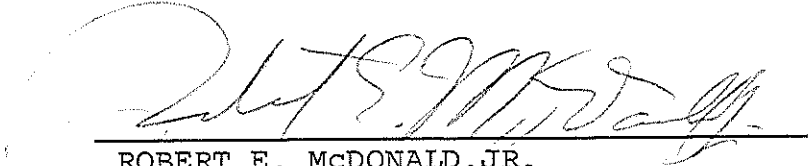
COUNT TWO

Plaintiff claims of the defendants, the sum of TWENTY THOUSAND AND NO/100 (\$20,000.00) Dollars for that heretofore on to-wit; December 5, 1965, the defendant Johnnie Lee Barnett, acting as the agent, servant or employee of the defendant, Jessie Moorner, while acting within the line and scope of his employment, was operating an automobile on Highway 31 in the County of Baldwin, State of Alabama, said Highway being a public highway in the County of Baldwin, State of Alabama, and at said time and place, the plaintiff was operating his automobile on the aforesaid Highway 31 at a point approximately 9.2 miles North of the city limits of Bay Minette, Alabama, and at the aforesaid time and place the defendants did so wantonly operate said automobile that said automobile ran into, upon or against plaintiffs automobile, and as a direct and proximate result of the aforesaid wanton act of the defendants, the plaintiffs automobile was badly battered, broken, crushed and suffered a great loss of value and the plaintiff was wantonly injured in that he suffered injuries to his legs, back, neck, chest, head and body, that plaintiff was bruised, contused and severely and permanently injured, and plaintiff suffered abrasions on his body and plaintiff alleges that he was wantonly injured all as a direct and proximate result of the aforesaid wantonness of the defendants.

Hence plaintiff brings this suit and asks judgment in the above amount.

  
ROBERT E. McDONALD, JR., and RICHARD LACEY,  
Attorney's for Plaintiff

Plaintiff respectfully demands a trial  
by jury.

  
ROBERT E. McDONALD, JR.  
RICHARD LACEY

Defendants may be served:

Johnnie Lee Barnett  
c/o Valve Quarters  
Bay Minette, Alabama

Jessie Moorner  
c/o General Delivery  
Bay Minette, Alabama

Defendant Barnett and Defendant Moorner are employed by  
the court house in Bay Minette, Alabama and may be  
served there.

FILED

AUG 23 1966

RECEIVED CLERK  
REGISTER

-2-

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. ....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Johnnie Lee Barnett and Jessie Moorer,  
jointly and severally

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 Johnnie Lee Barnett  
and Jessie Moorer, jointly and severally, Defendant.s.

by Eddie Lee Edwards  
....., Plaintiff.....

Witness my hand this 23 day of Aug 1964

Donna J. Smith, Clerk

*ef*

8-25-66

No. 7134

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Eddie Lee Edwards

Plaintiffs

vs.

Johnnie Lee Barnett and  
Jessie Mooror, jointly  
and severally Defendants

SUMMONS AND COMPLAINT

Filed 8-23 1966

Dee J. Duck Clerk

Richard C. Lacey  
Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at  
Bay Minette  
May be served at the  
Court House

Received In Office

AUG 23 1966

TAYLOR WILKINS  
SHERIFF

I have executed this summons

this Aug-25 1966  
by leaving a copy with

Johnnie Lee Barnett  
Jessie Mooror

Taylor Wilkins Sheriff  
W. A. Talbert Deputy Sheriff

EDDIE LEE EDWARDS,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	BALDWIN COUNTY, ALABAMA
vs.	:	AT LAW
JOHNNIE LEE BARNETT and	:	7134
JESSIE MOORER, jointly	:	
and severally,	:	
Defendants.	:	CASE NO.

D E M U R R E R

Comes now each of the defendants in the above-styled cause, Johnnie Lee Barnett and Jessie Moorer, and demurs to the plaintiff's complaint filed herein and each count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

- 1) That it does not state facts sufficient to constitute a cause of action against this defendant.
- 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, this defendant may have owed to the plaintiff.
- 5) For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

6) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant failed to perform.

7) For that the averments set up, if true, do not show any liability on the part of this defendant.

8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9) For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10) 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 this defendant.

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

12) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

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

14) For that said count is duplicitous.

15) For that each injury complained of in the alternative could not result from each alternative act allegedly causing such injury.

16) For that each alternative averment does not state facts sufficient to constitute a cause of action against this defendant.

17) It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and damages complained of.


18) There is no allegation of either a willful or wanton act committed by this defendant.

19) There is no allegation of either a willful or wanton injury committed by this defendant.

20) For that there is a misjoinder of causes of action.

21) For that there is a misjoinder of parties plaintiff.

22) For that there is a misjoinder of parties defendant.

  
Attorney for each demurring defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Demurrer to Robert E. McDonald, Jr., Esq. and to Richard Lacey, Esq., Attorneys for Plaintiff by depositing a copy of same in the United States Mail, postage prepaid, addressed to each of said attorneys at his respective office on this, the 19th day of September, 1966.

Donald H. Hume

FILED

SEP 21 1966

ALICE L. DICK, CLERK  
REGISTER