

W. P. WYLLIE,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
JOSEPH M. GRADLE,)	
Defendant.)	CASE NO. 7264

Comes now the defendant in the above entitled cause, and demurrs to the plaintiff's complaint as last amended, and as grounds for said demurrer sets down and assigns the following, separately and severally:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff's alleged wife.
2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff's alleged wife.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the plaintiff's alleged wife was not at a place where she had a legal right to be at the time and place complained of.
5. For that the location of the plaintiff's alleged wife at the time and place complained of is not sufficiently alleged.
6. For aught that appears, the accident did not occur on a public sidewalk.
7. For aught that appears, the plaintiff's alleged wife was a trespasser at the time and place complained of.
8. For that the location of the alleged accident is not sufficiently set forth.
9. For aught that appears from said count, the injuries and damages suffered by the plaintiff's alleged wife were not the proximate result of any act or failure to act on the part of the defendant.

10. For that said count fails to allege any causal connection between the alleged negligence of this defendant and the alleged damages of the plaintiff's alleged wife.

11. For that the allegation "the plaintiff was put to great trouble" its not an appropriate item of damages.

12. For that the said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.

LYONS, PIPES AND COOK
Attorneys for the Defendant

By: Walter M. Cook
Walter M. Cook

By: Augustine Meaher III
Augustine Meaher, III

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 23
day of January, 1967, served a
copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same
by United States mail, properly addressed, ~~and~~
first class postage prepaid.

Augustine Meaher III

FILED
JAN 24 1967
ALICE L. BUCK, CLERK
REGISTER

W. P. WYLLIE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
JOSEPH H. GRADLE,	X	
Defendant.	X	

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause, by his Attorneys, and amends the Complaint heretofore filed in this cause so that the same shall read as follows:

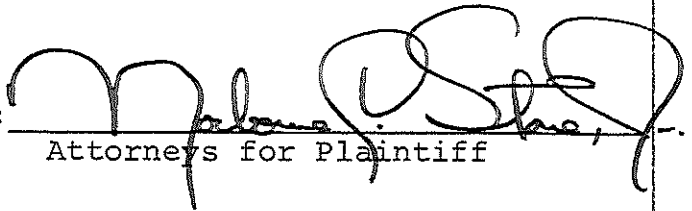
W. P. WYLLIE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
JOSEPH M. GRADLE,	X	
Defendant.	X	

The Plaintiff claims of the Defendant Ten Thousand Dollars (\$10,000.00) as damages for that, on heretofore, to-wit, the 4th day of March, 1966, the Defendant so negligently operated an automobile on Section Street, in Fairhope, Baldwin County, Alabama, immediately in front of the United States Post Office and on the public street or side walk in front thereof as to cause or allow said automobile to run into, upon and against Alice P. Wyllie, who was then and is now the wife of the Plaintiff, and as a proximate consequence and result of the negligence of the Defendant aforesaid the said Alice P. Wyllie suffered severe and permanent personal injuries and was made sick, sore and lame. As a proximate

consequence of the injuries and sickness of the Plaintiff's wife, the Plaintiff lost the services and society of his said wife for a long period of time, and will likely continue to lose her said services and society for a long time, and the Plaintiff was put to great trouble, inconvenience and expense for medicine, medical attention, care and nursing in and about his efforts to heal and cure his said wife's injuries and sickness; wherefore, he brings this suit and asks judgment in the above amount.

CHASON, STONE & CHASON


By:


Attorneys for Plaintiff

The Plaintiff respectfully demands
a trial of this cause by a jury.

CHASON, STONE & CHASON

By:


Attorneys for Plaintiff.

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 11th day of January, 1967.



FILED

JAN 11 1967

ALICE I. DICK, CLERK
REGISTERED

7264

W. P. WYLLIE,

Plaintiff,

vs.

JOSEPH H. GRADLE,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

AMENDED COMPLAINT

* * * * *

JAN 11 1967

ALICE L. DUCK, CLERK
REGISTER

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

7264

W. P. WYLLIE,

Plaintiff,

vs.

JOSEPH H. GRADLE,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

AMENDED COMPLAINT

* * * * *

FILED
JAN 11 1967

AUDIE L. DUCK, CLERK
REGISTER

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

W. P. WYLLIE, *
Plaintiff * IN THE CIRCUIT COURT OF
BALDWIN
vs. * ~~XXXXXX~~ COUNTY, ALABAMA
JOSEPH H. GRADLE, * AT LAW
*
Defendant * CASE NO: 7264

TO: Hon. Norborne Stone, Jr.
Attorney at Law
Bay Minette, Alabama
Please take notice that at 1:30 P.M. on the 10th day
of January, 19 67 in the office of Chason, Stone & Chason
situated at Bay Minette, Alabama the defendant will
take the deposition of W. P. Wyllie, whose
address is P. O. Box 678, Fairhope, Ala. upon oral ex-
amination pursuant to an Act of the Legislature of the State
of Alabama, designated as Action No:375, Regular Session 1955,
Approved September 8, 1966, before JOHN MANDEVILLE, an
officer authorized to administer oaths in the County of
Mobile, State of Alabama, duly authorized to take depositions
and swear witnesses in said County, in said State. The oral
examination will continue from day to day until completed
and you are invited to attend and cross-examine.

LYONS, PIPES AND COOK
Attorneys for Defendant.

C E R T I F I C A T E

By: Augustine Meaher III
Augustine Meaher, III

I, Augustine Meaher, III, attorney for the defendant
in the above styled cause, do hereby certify that I have served
a copy of the foregoing notice to take the deposition upon oral
examination of W. P. Wyllie, by mailing the
same to Hon. Norborne Stone, Jr., attorney of record
for the plaintiff in the said cause at Mobile County, Alabama,
on this the 5th day of January, 19 67.

NOTE TO CLERK:

Augustine Meaher III
Augustine Meaher, III

Please issue subpoena to _____,
_____, Alabama.

Yours truly,

JAN 6 1967

572

W. P. WYLLIE)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
JOSEPH H. GRADLE)	
Defendant.)	CASE NO: 7264

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10. For that said count fails to allege any causal connection between the alleged negligence of this defendant and the alleged damages of the plaintiff's alleged wife.

11. For that the allegation "the plaintiff was put to great trouble" its not an appropriate item of damages.

12. For that said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.

LYONS, PIPES AND COOK
Attorneys for the Defendant

By: 

Walter M. Cook

By: 

Augustine Meaher, III

FILED

12-2 1966

NOV 1 1966

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 Joseph H. Gradle 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 W. P. Wyllie.

Witness my hand this 15 day of November, 1966.

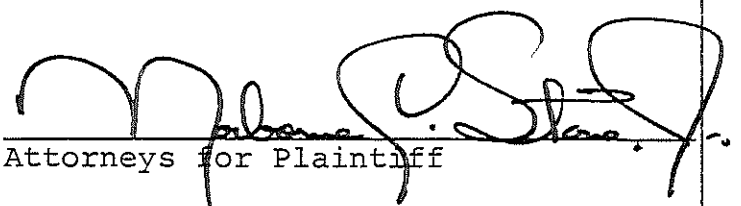
Alice J. Duck
Clerk

W. P. WYLLIE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
JOSEPH H. GRADLE,	X	AT LAW
Defendant.	X	7264

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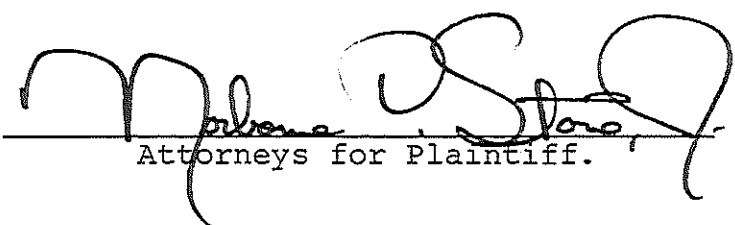
a proximate consequence of the injuries and sickness of the Plaintiff's wife, the Plaintiff lost the services and society of his said wife for a long period of time, and will likely continue to lose her said services and society for a long time, and the Plaintiff was put to great trouble, inconvenience and expense for medicine, medical attention, care and nursing in and about his efforts to heal and cure his said wife's injuries and sickness; wherefore, he brings this suit and asks judgment in the above amount.

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff

The Plaintiff respectfully demands
a trial of this cause by a jury.

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff.

FILED

NOV 15 1966

MADE J. BUCK, CLERK
RECEIVED

Executed
Nov 19, 1966
Taylor Wilkins
Ray Randa
DS

7264

W. P. WYLLIE,
Plaintiff,

vs.

JOSEPH H. GRADLE,
Defendant.

Received 15 day of Nov 66
and on 18 day of Nov 66

I served a copy of the within on
Joseph H. Gradle

by service on Sam F. Hys

TAYLOR WILKINS Sheriff
By Roy Randall

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Roy Randall
DEPUTY SHERIFF

SUMMONS AND COMPLAINT

FILED

NOV 15 1966

ALICE L. BUCK, CLERK
REGISTER

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

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