

CHARLES R. BROUGHTON, A
Minor, by his next of
friend and father,
C. A. BROUGHTON, JR.,

Plaintiff,

vs.

OLD SPANISH FORT, INC.,
An Alabama Corporation,

Defendant.

X
X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

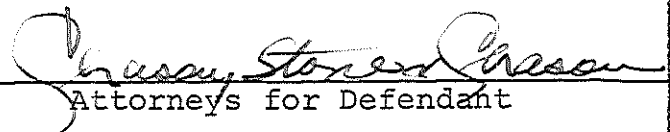
AT LAW

CASE NO: 7561

DEMURRER:


Comes the Defendant in the above styled cause and demurs
to the amended Bill of Complaint filed in said cause and assigns
the following separate and several grounds, viz:

1. That said amended Bill of Complaint does not state
a cause of action.
2. That said Complaint fails to allege that Charles R.
Broughton is an adult or a minor.
3. That there is no allegation in Count One of such
Complaint that Charles R. Broughton is a minor.


Attorneys for Defendant

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 24 day
of June, 1908



CHARLES R. BROUGHTON, A Minor,
by his next of friend and
father, C. A. BROUGHTON, JR.,

Plaintiff,

vs.

OLD SPANISH FORT, INC., An
Alabama Corporation,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 7561

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DEMURRER

* * * * *

FILED

JAN 24 1968

ALICE J. DUCK CLERK
REGISTER

CHARLES R. BROUGHTON, A	X	
Minor, By His Next Of Friend		
And Father, C. A. BROUGHTON,	X	
JR., And C. A. BROUGHTON,		IN THE CIRCUIT COURT OF
JR., Individually,	X	
Plaintiffs,	X	BALDWIN COUNTY, ALABAMA
VS.	X	
		AT LAW
OLD SPANISH FORT, INC.,	X	
An Alabama Corporation,		
	X	CASE NO. 7561
Defendant	X	

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz;

1. That said Complaint does not state a cause of action.
2. That there is a misjoinder of parties Plaintiff in said cause.
3. That two separate and distinct causes of action are sued on in one Complaint.
4. That said Complaint does not allege any duty owing by the Defendant to such Plaintiffs.
5. That said Complaint does not allege in what manner the motorcycle was damaged.
6. That said Complaint does not properly set out damages to each 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 27 day of June, 1967.

John D. Mason

John D. Mason
Attorneys for Defendant

FILED
JUN 29 1967
CLERK

7561

DEMURRER

CHARLES R. BROUGHTON, Et. Al.,

Plaintiffs.

vs.

OLD SPANISH FORT, INC.,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA

AT LAW

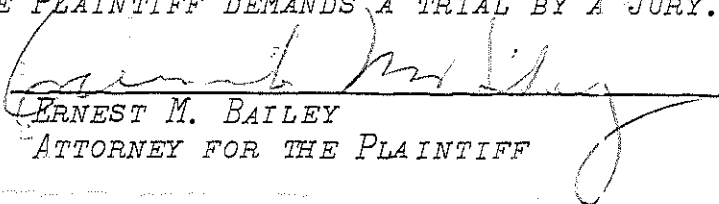
272

FORT, BALDWIN COUNTY, ALABAMA,; THAT AT SAID TIME AND PLACE SAID SERVANT, AGENT OR EMPLOYEE OF THE DEFENDANT, WHILE ACTING WITHIN THE LINE AND SCOPE OF HIS AUTHORITY DID NEGLIGENTLY OPERATE SAID AUTOMOBILE TRUCK, AS TO RUN UPON, OVER AND AGAINST A MOTORCYCLE BEING OPERATED BY THE PLAINTIFF, CHARLES R. BROUGHTON AND AS A DIRECT PROXIMATE RESULT OF THE DEFENDANT'S NEGLIGENCE, THE PLAINTIFF, CHARLES R. BROUGHTON, SUSTAINED A SEVERE LACERATION OF THE UPPER RIGHT LEG, MADE SICK AND SORE AND SUFFERED PHYSICAL PAIN AND MENTAL ANGUISH.

PLAINTIFF WAS CAUSED TO SPEND LARGE SUMS OF MONEY FOR DOCTORS BILLS, FOR MEDICAL ATTENTION AND MEDICAL SUPPLIES IN AND ABOUT THE TREATMENT OF THE INJURIES. THE PLAINTIFF WAS MADE SICK AND SORE AND SUFFERED GREAT PHYSICAL PAIN AND MENTAL ANGUISH. PLAINTIFF FURTHER AVERS THAT ALL OF SAID INJURIES HEREIN SET OUT ARE THE PROXIMATE RESULT OF THE NEGLIGENCE OF THE DEFENDANT'S AGENT, SERVANT OR EMPLOYEE WHILE ACTING WITHIN THE LINE AND SCOPE OF HIS EMPLOYMENT, FOR ALL OF WHICH THE PLAINTIFF SUES.


ERNEST M. BAILEY
ATTORNEY FOR THE PLAINTIFF

THE PLAINTIFF DEMANDS A TRIAL BY A JURY.


ERNEST M. BAILEY
ATTORNEY FOR THE PLAINTIFF

FILED

JAN 24 1968

ALICE J. DUCK CLERK
REGISTER

Jury

AMENDED COMPLAINT

CHARLES R. BROUGHTON, A MINOR
BY HIS NEXT OF FRIEND AND FATHER,
C. A. BROUGHTON, JR.,

PLAINTIFF

VS

OLD SPANISH FORT, INC., AN
ALABAMA CORPORATION

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO: 7561

STATE OF ALABAMA)
COUNTY OF BALDWIN)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO SUMMON THE OLD SPANISH FORT, INC., AN ALABAMA CORPORATION, TO APPEAR AND ANSWER, PLEAD OR DEMUR, WITHIN THIRTY DAYS FROM THE SERVICE OF THIS WRIT IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, TO BE HELD AT THE PLACE OF HOLDING THE SAME, THEN AND THERE TO ANSWER TO THE COMPLAINT OF CHARLES R. BROUGHTON, A MINOR, BY HIS NEXT OF FRIEND AND FATHER, C. A. BROUGHTON, JR., AND C. A. BROUGHTON, JR., INDIVIDUALLY.

WITNESS MY HAND THIS THE 8 DAY OF JUNE, 1967.

Dee J. Wicks
REGISTER

CHARLES R. BROUGHTON, A MINOR,
BY HIS NEXT OF FRIEND AND FATHER,
C. A. BROUGHTON, JR., AND C. A.
BROUGHTON, JR., INDIVIDUALLY,

PLAINTIFFS,

VS

OLD SPANISH FORT, INC., AN
ALABAMA CORPORATION,

DEFENDANT

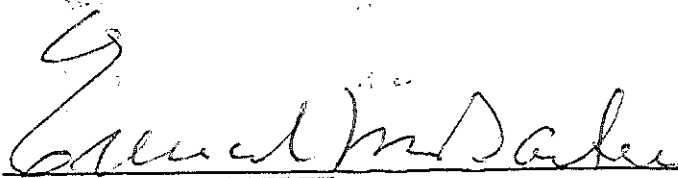
IN THE CIRCUIT COURT
OF BALDWIN COUNTY,
ALABAMA - AT LAW
CASE NO: _____

COUNT ONE:


THE PLAINTIFFS, CHARLES R. BROUGHTON, SUING BY HIS FATHER AND NEXT FRIEND C. A. BROUGHTON, JR., AND C. A. BROUGHTON, JR., INDIVIDUALLY, CLAIMS OF THE DEFENDANT THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FOR THAT HERETOFORE AND ON, TO-WIT, DECEMBER 24, 1966, WILLIAM E. KILGORE, AN AGENT, SERVANT OR EMPLOYEE OF THE DEFENDANT, WHILE ACTING WITHIN THE LINE AND SCOPE OF HIS AUTHORITY AS SUCH, WAS OPERATING AN AUTOMOBILE TRUCK, UPON AND ALONG A PUBLIC STREET IN THE TOWN OF SPANISH FORT, BALDWIN COUNTY, ALABAMA, VIZ; ON CONFEDERATE DRIVE AT A POINT ABOUT TWO HUNDRED FEET WEST OF THE INTERSECTION OF CONFEDERATE DRIVE AND SPANISH MAIN DRIVE, BOTH BEING

PUBLIC STREETS IN THE TOWN OF SPANISH FORT, BALDWIN COUNTY, ALABAMA, THAT AT SAID TIME AND PLACE SAID SERVANT, AGENT OR EMPLOYEE OF THE DEFENDANT, WHILE ACTING WITHIN THE LINE AND SCOPE OF HIS AUTHORITY DID NEGLIGENTLY OPERATE SAID AUTOMOBILE TRUCK, AS TO RUN UPON, OVER AND AGAINST A MOTORCYCLE BEING OPERATED BY THE PLAINTIFF, CHARLES R. BROUGHTON AND OWNED BY THE PLAINTIFF, C. A. BROUGHTON, JR., AND AS A DIRECT PROXIMATE RESULT OF THE DEFENDANT'S NEGLIGENCE, THE PLAINTIFF, CHARLES R. BROUGHTON, SUSTAINED A SEVERE LACERATION OF THE UPPER RIGHT LEG, MADE SICK AND SORE AND SUFFERED PHYSICAL PAIN AND MENTAL ANGUISH.

PLAINTIFFS WERE CAUSED TO SPEND LARGE SUMS OF MONEY FOR DOCTORS BILLS, FOR MEDICAL ATTENTION AND MEDICAL SUPPLIES IN AND ABOUT THE TREATMENT OF THE INJURIES AND FOR THE REPAIR OF DAMAGES TO HIS VEHICLE. PLAINTIFF FURTHER AVERS THAT ALL OF SAID INJURIES AND DAMAGES HEREIN SET OUT ARE THE PROXIMATE RESULT OF THE NEGLIGENCE OF THE DEFENDANT'S AGENT, SERVANT OR EMPLOYEE WHILE ACTING WITHIN THE LINE AND SCOPE OF HIS EMPLOYEMENT, FOR ALL OF WHICH THE PLAINTIFFS SUES.


ERNEST M. BAILEY,
ATTORNEY FOR THE PLAINTIFFS

THE PLAINTIFFS DEMAND A TRIAL BY A JURY.


ERNEST M. BAILEY
ATTORNEY FOR THE PLAINTIFFS

FILED

JUN 8 67

MAILED
JUN 11 1967
U.S. DISTRICT COURT
BIRMINGHAM, ALA.

RECEIVED

JUN 8 1967

JAYLOR WILKINS
SHERIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - CASE NO: 7561

CHARLES R. BROUGHTON, A MINOR
BY HIS NEXT OF FRIEND AND FATHER
C. A. BROUGHTON, JR., AND C. A.
BROUGHTON, JR., INDIVIDUALLY,

PLAINTIFFS

VS

OLD SPANISH FORT, INC., AN
ALABAMA CORPORATION,

DEFENDANT

DEFENDANT MAY BE SERVED AT
SPANISH FORT, ALABAMA

FILED

JUN 8 1967

ADJ. CLERK

Received 8 day of June 1967
and on 15 day of June 1967
I served a copy of the within S & C
on Old Spanish Fort, Inc.

By service on George Fuller, Jr.
Alma Pres.

TAYLOR WILKINS, Sheriff
By Roy Randall D. S.

Spanish Fort

Sheriff claims 44 miles at
Ten Cents per mile Total \$ 4.40
TAYLOR WILKINS, Sheriff
BY Roy Randall
DEPUTY SHERIFF