

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 2216

TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon RAYMOND E. BARRINGTON and

MARTHA EULINE WALKER, jointly and individually,

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.....

RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, jointly & individually,
Defendant.S..

by O. L. MURPHY, suing as Father and next friend of LARRY PHILLIPS

MURPHY, a minor,

Plaintiff.....

Witness my hand this 30 day of August 1967

Alice J. Duck, Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

O. L. MURPHY, suing as Father
and next friend of LARRY
PHILLIPS MURPHY, a Plaintiffs
Minor,

vs.

RAYMOND E. BARRINGTON and
MARTHA EULINE WALKER Defendants
JOINTLY & INDIVIDUALLY

SUMMONS AND COMPLAINT

Filed FILED 19.....

AUG 30 1967 Clerk

ALICE J. DUCK CLERK
REGISTER

JOHN V. DUCK
Plaintiff's Attorney

Defendant's Attorney

Could not find

Defendant lives at
Raymond E. Barrington, Rt. 1,
Daphne, Alabama
Martha Euline Walker, Loxley, Ala

Received In Office

RECEIVED

DEC 20 1967

I have *RAYMOND E. BARRINGTON* Sheriff
presented this summons

this 19.....
by leaving a copy with

Martha Euline Walker

8 Jan 68
Presented to *Raymond E. Barrington*
Mayor Daphne Sheriff
Ray Randall Deputy Sheriff

40
by *Carolee Childers*
Carolee Childers Sheriff
Latheer Deputy Sheriff

Loxley

September 3, 1968

O. L. MURPHY, SUING AS FATHER AND NEXT FRIEND OF
LARRY PHILLIPS MURPHY, A MINOR, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

VS

RAYMOND E. BARRINGTON, et al, Defendants

CASE NO. 7716

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on August 28, 1968
I sent by certified mail in an envelope addressed as follows:

" Raymond E. Barrington
Route 3, Box 42
Clarksville, Tennessee 37040"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Raymond E. Barrington
Route 3, Box 42
Clarksville, Tennessee 37040

You will take notice that on August 28, 1968 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: O. L. MURPHY, SUING AS FATHER AND NEXT FRIEND OF LARRY PHILLIPS MURPHY, A MINOR, Plaintiff VS RAYMOND E. BARRINGTON, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 7716 a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 28th day of August, 1968

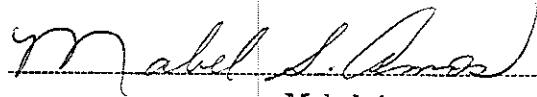
Enclosure (1)

(Signed) Mabel Amos
Secretary of State

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on September 3, 1968 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Clarksville, Tenn. on August 30, 1968

WITNESS MY HAND and the Great Seal of the State of Alabama this the 3rd day of September, 1968


Mabel Amos
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

CC: Honorable John V. Duck
319 Magnolia Avenue
Fairhope, Alabama 36532

20 *he removed*
Ray Barrington
SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 7716

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon RAYMOND E. BARRINGTON and MARTHA EULINE WALKER,
jointly and individually

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.....

RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, Jointly & Individually Defendant.....

by O.L. MURPHY, Suing as Father and next friend of LARRY PHILLIPS MURPHY, a minor,

..... Plaintiff.....

Witness my hand this 30 day of August 1967.

Alice J. Luck, Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

O. L. MURPHY, suing as Father
and next friend of LARRY PHILLIPS
MURPHY, a minor,

Plaintiff

vs.

RAYMOND E. BARRINGTON and MARTHA
EULINE WALKER, jointly and
individually,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

7716

COUNT ONE

The Plaintiff, suing as Father and next friend of LARRY PHILLIPS MURPHY, a minor, claims of the Defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that heretofore on, to-wit: the 4th day of September, 1966, the Plaintiff, a minor, was sitting in a parked automobile at the intersection of Milwaukee Street and Wisconsin Street in Robertsedale, Alabama, which was then and there a public highway in Baldwin County, Alabama, where the Plaintiff had a right to be. The Defendants, jointly and concurrently, so negligently operated their motor vehicles as to cause the Defendant, RAYMOND E. BARRINGTON'S motor vehicle to run into, upon or against the automobile in which the said Plaintiff, a minor, was sitting, and the Plaintiff avers that as a proximate consequence thereof, the Plaintiff was injured in that: He suffered tears of the ligaments and muscles of the thoracic and subscapular area; he suffered a contusion to his left kidney; that he suffered strains of the cervical muscles; he suffered a severe blow to the head that impaired his hearing, and that he was permanently injured; that he was caused to spend large sums of money for doctors bills and medical attention and medical supplies in and about the healing of the wounds which he received, all of which said damages were received by the Plaintiff in the sum aforesaid.

Plaintiff avers that all of his damages were proximately caused by the said joint and concurrent negligence of the Defendants in and about the operation of their said motor vehicles at the time and place and on the occasion aforesaid.

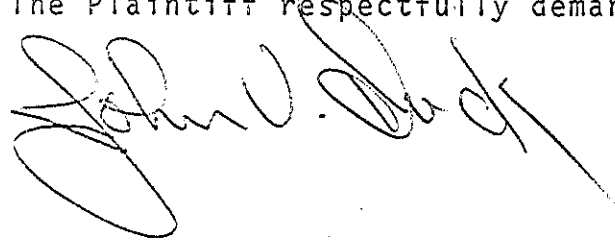
COUNT TWO

Plaintiff claims of the Defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that heretofore on, to-wit: the 4th day of September, 1966, RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, jointly and concurrently, willfully and wantonly operated their motor vehicles causing the Defendant, RAYMOND E. BARRINGTON'S motor vehicle to run into, upon or against the motor vehicle in which the Plaintiff was sitting at the intersection of Milwaukee Street and Wisconsin Street in Baldwin County, Alabama, which was then and there a public highway in Baldwin County, Alabama, and where the Plaintiff had a right to be, and as the proximate result and consequence of their joint and concurrent willful and wanton operation of their said motor vehicles, the Plaintiff was injured in that: He suffered tears of the ligaments and muscles of the thoracic and subscapular area; he suffered a contusion to his left kidney; that he suffered strains of the cervical muscles; he suffered a severe blow to the head that impaired his hearing, and that he was permanently injured; that he was caused to spend large sums of money for doctors bills and medical attention and medical supplies in and about the healing of the wounds which he received, all of which said damages were received by the Plaintiff in the sum aforesaid.

And Plaintiff avers that his injuries and damages as aforesaid were proximately caused by the willful and wanton conduct of the joint and concurrent negligence of the Defendants; wherefore he sues.


ATTORNEY FOR PLAINTIFF

The Plaintiff respectfully demands a trial by Jury.


FILED

AUG 30 1967

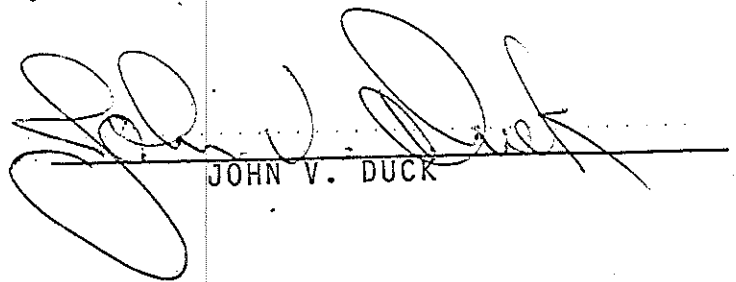
ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA
COUNTY OF BALDWIN

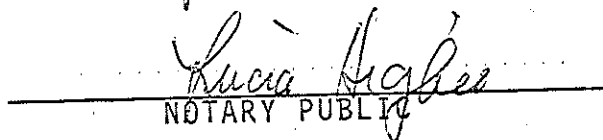
Personally appeared before me, the undersigned authority,
JOHN V. DUCK, who being by me first duly and legally sworn, doth
depose and say as follows:

My name is JOHN V. DUCK. I am the Attorney of Record for
the Plaintiff, O. L. MURPHY, suing as Father and next friend of
LARRY PHILLIPS MURPHY, a Minor, vs. RAYMOND E. BARRINGTON and
MARTHA EULINE WALKER, jointly and individually, and that RAYMOND
E. BARRINGTON is a non-resident of the State of Alabama and is
presently residing at Rt. 3, Box 42, Clarksville, Tennessee.

Further the affiant sayeth not.


JOHN V. DUCK

Sworn to and subscribed before
me on this the 15 day of
August, 1968.


NOTARY PUBLIC

FILED

AUG 1 - 1968

ALICE J. DUCK CLERK
REGISTER

O. L. MURPHY, suing as Father)	IN THE CIRCUIT COURT OF
and next friend of LARRY PHILLIPS)	BALDWIN COUNTY, ALABAMA
MURPHY, a minor,)	
Plaintiff)	AT LAW
vs.)	7716
RAYMOND E. BARRINGTON and MARTHA)	
EULINE WALKER, jointly and)	
individually,)	
Defendants.)	

COUNT ONE

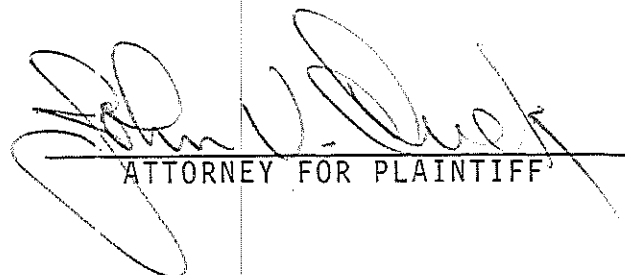
The Plaintiff, suing as Father and next friend of LARRY PHILLIPS MURPHY, a minor, claims of the Defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that heretofore on, to-wit: the 4th day of September, 1966, the Plaintiff, a minor, was sitting in a parked automobile at the intersection of Milwaukee Street and Wisconsin Street in Robertsdale, Alabama, which was then and there a public highway in Baldwin County, Alabama, where the Plaintiff had a right to be. The Defendants, jointly and concurrently, so negligently operated their motor vehicles as to cause the Defendant, RAYMOND E. BARRINGTON'S motor vehicle to run into, upon or against the automobile in which the said Plaintiff, a minor, was sitting, and the Plaintiff avers that as a proximate consequence thereof, the Plaintiff was injured in that: He suffered tears of the ligaments and muscles of the thoracic and subscapular area; he suffered a contusion to his left kidney; that he suffered strains of the cervical muscles; he suffered a severe blow to the head that impaired his hearing, and that he was permanently injured; that he was caused to spend large sums of money for doctors bills and medical attention and medical supplies in and about the healing of the wounds which he received, all of which said damages were received by the Plaintiff in the sum aforesaid.

Plaintiff avers that all of his damages were proximately caused by the said joint and concurrent negligence of the Defendants in and about the operation of their said motor vehicles at the time and place and on the occasion aforesaid.

COUNT TWO

Plaintiff claims of the Defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that heretofore on, to-wit: the 4th day of September, 1966, RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, jointly and concurrently, willfully and wantonly operated their motor vehicles causing the Defendant, RAYMOND E. BARRINGTON'S motor vehicle to run into, upon or against the motor vehicle in which the Plaintiff was sitting at the intersection of Milwaukee Street and Wisconsin Street in Baldwin County, Alabama, which was then and there a public highway in Baldwin County, Alabama, and where the Plaintiff had a right to be, and as the proximate result and consequence of their joint and concurrent willful and wanton operation of their said motor vehicles, the Plaintiff was injured in that: He suffered tears of the ligaments and muscles of the thoracic and subscapular area; he suffered a contusion to his left kidney; that he suffered strains of the cervical muscles; he suffered a severe blow to the head that impaired his hearing, and that he was permanently injured; that he was caused to spend large sums of money for doctors bills and medical attention and medical supplies in and about the healing of the wounds which he received, all of which said damages were received by the Plaintiff in the sum aforesaid.

And Plaintiff avers that his injuries and damages as aforesaid were proximately caused by the willful and wanton conduct of the joint and concurrent negligence of the Defendants; wherefore he sues.


ATTORNEY FOR PLAINTIFF

The Plaintiff respectfully demands a trial by Jury.



FILED

AUG 30 1967

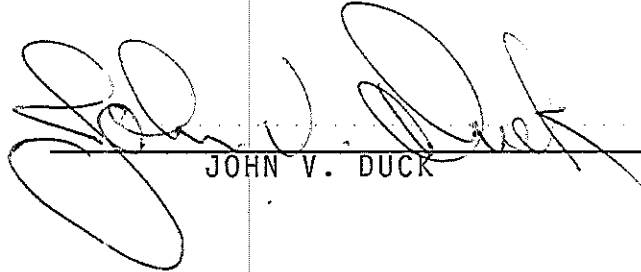
ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA
COUNTY OF BALDWIN

Personally appeared before me, the undersigned authority, JOHN V. DUCK, who being by me first duly and legally sworn, doth depose and say as follows:

My name is JOHN V. DUCK. I am the Attorney of Record for the Plaintiff, O. L. MURPHY, suing as Father and next friend of LARRY PHILLIPS MURPHY, a Minor, vs. RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, jointly and individually, and that RAYMOND E. BARRINGTON is a non-resident of the State of Alabama and is presently residing at Rt. 3, Box 42, Clarksville, Tennessee.

Further the affiant sayeth not.


JOHN V. DUCK

Sworn to and subscribed before
me on this the 15 day of
August, 1968.


NOTARY PUBLIC

FILED

AUG 1 - 1968

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 7716

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon RAYMOND E. BARRINGTON and MARTHA EULINE WALKER,
jointly and individually

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.....

RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, Jointly & Individually Defendant.....

by O.L. MURPHY, Suing as Father and next friend of LARRY PHILLIPS MURPHY, a minor,
Plaintiff.....

Witness my hand this 30 day of August 19 67

Alice Duck, Clerk

No. 7716

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

O.L. MURPHY, suing as Father and next
friend of LARRY PHILLIPS MURPHY, a
minor,

Plaintiffs

vs.

RAYMOND E. BARRINGTON, and MARTHA
EULINE WALKER, Jointly and
individually Defendants

SUMMONS AND COMPLAINT

Filed August 30, 1968

Alice J. Duck Clerk

Ray Barrington
Rt 3 Box 42
Clarksville, Tenn

RECEIVED

AUG 27 1968

John V. Duck, Plaintiff's Attorney

Plaintiff's Attorney

Defendant's Attorney

20 be served. 1721

3534

Ray Barrington

Defendant lives at

Rt 3 Box 42

Clarksville, Tenn

RECEIVED IN OFFICE

Received In Office

8 AUG 22 1968

19

M. S. BUTLER, Sheriff

Sheriff

I have executed this summons

this 19

by leaving a copy with

Executed by serving 3 copies of

the within on *Mable C. Jones*

Secretary of State of The State of

Alabama.

This the 28 day of Aug. 1968

Sheriff of Montgomery County

M. S. Butler,

By *W. L. Moore* D. S.

M. S. Butler, Sheriff of Montgomery

County, Alabama, Claim \$1.50 each for

serving 1 process(es) and \$1.00

travel expense on each of 1

process(es) or a total of 2.50 Sheriff

Mason Deputy Sheriff Deputy Sheriff

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:
P. O. DRAWER C
OR P. O. BOX 123

CABLE ADDRESS:
HAB
TELEPHONE
432-5511
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. 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
A. CLAY RANKIN, III
EDWARD A. HYNDMAN, JR.

November 5, 1968

Miss Alice Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

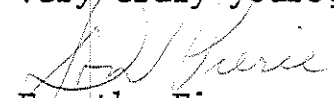
Re: O. L. Murphy, Suing as Father
and next friend of Larry Phillips
Murphy, a minor, vs. Raymond E.
Barrington and Martha Euline Walker,
jointly and individually, Defendants
Circuit Court of Baldwin County, Alabama,
Case No. 7716

Dear Miss Duck:

In accordance with our telephone conversation of today,
enclosed please find a Demurrer on behalf of the defendant, Raymond
E. Barrington, in relation to the above-referenced case. I would
appreciate your filing this Demurrer in the Circuit Court Records
of Baldwin County, Alabama.

With best personal regards,

Very truly yours,


For the Firm

DFP/dm
Encl.

O. L. MURPHY, Suing as	:	IN THE CIRCUIT COURT OF
Father and next friend of	:	
LARRY PHILLIPS MURPHY, a	:	BALDWIN COUNTY, ALABAMA
minor,	:	
Plaintiff	:	AT LAW
v.	:	
RAYMOND E. BARRINGTON and	:	
MARTHA EULINE WALKER,	:	
jointly and individually,	:	
Defendants	:	CASE NO. <u>7716</u>

D E M U R R E R

Comes now each of the following defendants, RAYMOND E. BARRINGTON,

separately and severally, 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 negligently 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) facts are alleged to show that plaintiff sustained any damage 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.

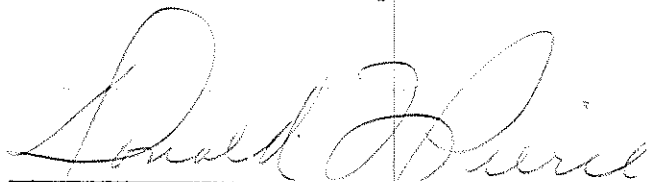
18) There is no allegation of either a willful or wanton act committed by this defendant.

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.

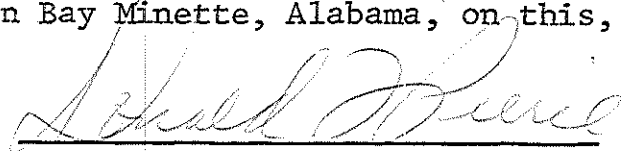

Trial Attorney for Defendant

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 John V. Duck, Esquire, Attorney for Plaintiff, and Messrs. Chason, Stone & Chason, Attorneys for Martha Euline Walker, Defendant, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Duck at his office in Fairhope, Alabama, and to Messrs. Chason, Stone & Chason at their offices in Bay Minette, Alabama, on this, the 5th day of November, 1968.



FILED

NOV 6 1968

ALICE J. DUCK CLERK
REGISTER

JOHN V. DUCK
Attorney at Law
P. O. DRAWER Y - FAIRHOPE, ALABAMA

M E S S A G E

R E P L Y

TO Mrs. Alice J. Duck
Bay Minette, Ala.

DATE August 16, 1968

Re: Murphy vs. Barrington. Case Nos.
7716 and 7717 (Civil)

Dear Mrs. Duck:

Enclosed please find Affidavits for the
two above cases. Please have service on
Raymond E. Barrington at Rt. 3, Box 42,
Clarksville, Tennessee through the Secretary
of State. Don't know if we have enough
copies of the affidavits or not. Also en-
closed is check in the amount of \$12.00.

SIGNED

John V. Duck (24)

DATE

SIGNED

JOHN V. DUCK
Attorney at Law
P. O. DRAWER Y - FAIRHOPE, ALABAMA

MESSAGE

REPLY

TO Mrs. Alice J. Duck

Bay Minette, Ala.

DATE January 16, 1969

Re: Murphy vs. Barrington & Walker

Civil No. 7717 and 7716

Dear Mrs. Duck:

Please dismiss the two captioned suits
and send 1/2 of the cost bill to Mr.

John Chason, Attorney, Bay Minette, and
the other 1/2 to Mr. Don Pierce, Attorney,
P. O. Box 123, Mobile, Ala.

Sincerely,

John V. Duck
CRH

SIGNED

DATE

per J. Chason

SIGNED



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

August 23, 1968

M E M O R A N D U M

TO: Sheriff of Montgomery County, Alabama

FROM: Secretary of State

SUBJECT: Service of Process

RE: O. L. MURPHY, Plaintiff VS RAYMOND E. BARRINGTON AND MARTHA
EULINE WALKER, Defendants (2 Cases - 7716 and 7717)

The fee of \$5.00 is due this office on the original and also on
Alias and Amended papers coming from the Sheriff of Montgomery
County.

fc