


O. L. MURPHY,) IN THE CIRCUIT COURT OF
 Plaintiff,) BALDWIN COUNTY, ALABAMA
 vs.) AT LAW
 RAYMOND E. BARRINGTON and) 7717
 MARTHA EULINE WALKER, jointly)
 and individually,)
 Defendants.)

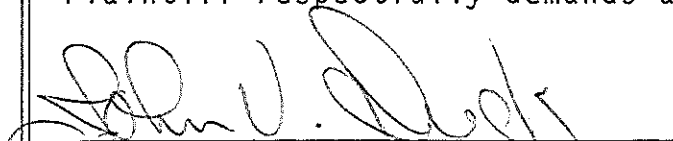
The Plaintiff claims of the Defendants the sum of NINE HUNDRED TEN AND 99/100 (\$910.99) DOLLARS as damages, for that heretofore on, to-wit: the 4th day of September, 1966, the Plaintiff's automobile was parked at the intersection of Milwaukee Street and Wisconsin Street in Robertsedale, Alabama, which was then and there a public highway in Baldwin County, Alabama, and where Plaintiff's automobile had a right to be, the Defendants, jointly and concurrently, so negligently operated their motor vehicles then and there as to cause the motor vehicle which was operated by the Defendant, RAYMOND E. BARRINGTON, to run over, upon or against the automobile of the Plaintiff; and the Plaintiff avers that as a proximate consequence of the joint and concurrent negligence of the Defendants, his automobile was damaged in that: the left rear bumper was bent; the rear frame was badly bent and the mount bracket had to be replaced; the lower left panel was bent and smashed and otherwise damaged; the left quarter panel was bent and damaged; the left rear tail light was broken and the outer assembly was damaged; the back-up lights were broken on the left side; the rear wheel housing panel was bent and smashed and otherwise torn; the rear wires on the automobile were pulled away and had to be replaced; the left door outer panel was bent and smashed and had to be repaired, and that the Plaintiff's said automobile was otherwise bent, smashed and torn, all to his damage in the amount aforesaid.

The Plaintiff avers that all of his said damage was proximately caused by the said joint and concurrent negligence of the

Defendants in and about the negligent operation of their said motor vehicles at the time and place and on the occasion aforesaid, hence this suit.


ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands a trial by Jury.


ATTORNEY FOR PLAINTIFF

FILED

AUG 30 1967

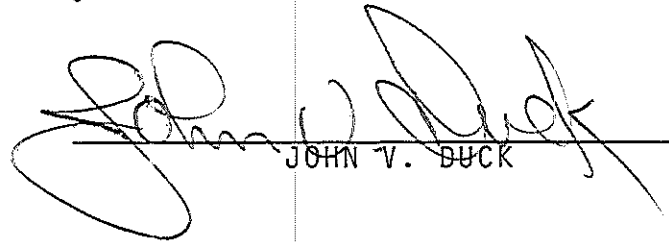
ALICE J. BECK CLERK
REGISTER

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: -

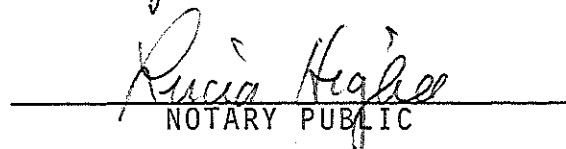
My name is JOHN V. DUCK. I am the Attorney of Record for
the Plaintiff, O. L. MURPHY in the case of O. L. MURPHY vs.
RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, jointly and in-
dividually, and that RAYMOND E. BARRINGTON is a non-resident of
the State of Alabama and is presently residing at Rt. 3, 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. 7717

.....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 & MARTHA EULINE WALKER, Jointly & Individually Defendant.....

by O. L. MURPHY

....., Plaintiff.....

Witness my hand this 30 day of August 1967

Alise J. Luck, Clerk

No. 7717

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

O. L. MURPHY

Plaintiffs

vs.

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

SUMMONS AND COMPLAINT

Filed August 30, 1967

Alice J. Duck

Clerk

*Same Ray Barrington
Rt 3 Box 42
Clarksville Tenn*

John V. Duck

Plaintiff's Attorney

Defendant's Attorney

3535
RECEIVED
Defendant lives at

AUG 27 1968

3
JAMES WILKINS OFFICE
Received In Office

AUG 22 1968 1968

M. S. BUTLER, Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Executed by serving 3 copies of
the within on *Mill Amos*
Secretary of State of The State of
Alabama.

This the 28 day of Aug. 1968

Sheriff of Montgomery County

M. S. Butler,

By *W. D. Phelps* 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 Sheriff
process(es) or a total of 2.50

Mason Deputy Sheriff
Deputy Sheriff

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 2717

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded 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 & MARTHA EULINE WALKER, jointly & individually, Defendant.S.

by O. L. MURPHY

Plaintiff.....

Witness my hand this 21 day of August 1967

Alice J. Luck Clerk

Moved out of State

No. 2212

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

O. L. MURPHY

Plaintiffs

vs.

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

SUMMONS AND COMPLAINT

Filed 19.....

AUG 30 1967

Clerk

ALICE J. DUCK

CLERK
REGISTER

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Could not find
John & County

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

Received In Office

RECEIVED 1967

DEC 20 1967

WILKINS

DEPUTY SHERIFF

19.....

Sheriff

I have collected this summons

this 19.....

by leaving a copy with

Martha Euline Walker 5-12-67

8 Jan 68

Returned 5 day of

Not found in my county and diligent search and

and returned to Raymond E. Barrington, Daphne, Ala.

James Wilkins, Sheriff

Roy Randall Deputy Sheriff

40

WILKINS 4.00

DEPUTY SHERIFF

Charles Childers

Sheriff

Deputy Sheriff

Lo Chivers

Lo Chivers

September 3, 1968

O. L. MURPHY, Plaintiff

VS

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

RAYMOND E. BARRINGTON, et al,
Defendants

CASE NO. 7717

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, Plaintiff VS RAYMOND E. BARRINGTON, et al,
Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 7717 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

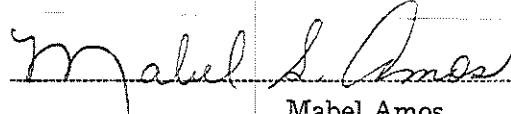
Enclosure (1)

(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, Tn.
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

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 2217

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to SummonRAYMOND 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.....
.....individually,
RAYMOND E. BARRINGTON & MARTHA EULINE WALKER, jointly &, Defendant.s..

byO. L. MURPHY.....
....., Plaintiff.....

Witness my hand this.....30.....day of.....August.....1967.....
.....Alice J. Slack.....Clerk

No.

Page.

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

O. L. MURPHY

Plaintiffs

vs.

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

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

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

Received In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

O. L. MURPHY,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
RAYMOND E. BARRINGTON and)	
MARTHA EULINE WALKER, jointly)	
and individually,)	
Defendants.)	

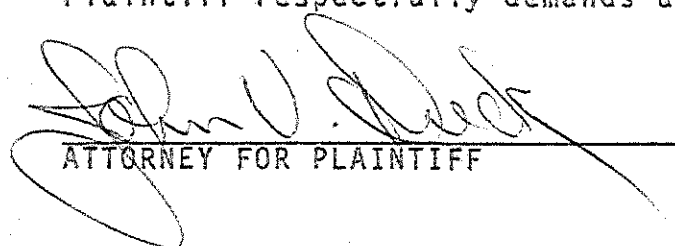
The Plaintiff claims of the Defendants the sum of NINE HUNDRED TEN AND 99/100 (\$910.99) DOLLARS as damages, for that heretofore on, to-wit: the 4th day of September, 1966, the Plaintiff's automobile was parked at the intersection of Milwaukee Street and Wisconsin Street in Robertsedale, Alabama, which was then and there a public highway in Baldwin County, Alabama, and where Plaintiff's automobile had a right to be, the Defendants, jointly and concurrently, so negligently operated their motor vehicles then and there as to cause the motor vehicle which was operated by the Defendant, RAYMOND E. BARRINGTON, to run over, upon or against the automobile of the Plaintiff; and the Plaintiff avers that as a proximate consequence of the joint and concurrent negligence of the Defendants, his automobile was damaged in that: the left rear bumper was bent; the rear frame was badly bent and the mount bracket had to be replaced; the lower left panel was bent and smashed and otherwise damaged; the left quarter panel was bent and damaged; the left rear tail light was broken and the outer assembly was damaged; the back-up lights were broken on the left side; the rear wheel housing panel was bent and smashed and otherwise torn; the rear wires on the automobile were pulled away and had to be replaced; the left door outer panel was bent and smashed and had to be repaired, and that the Plaintiff's said automobile was otherwise bent, smashed and torn, all to his damage in the amount aforesaid.

The Plaintiff avers that all of his said damage was proximately caused by the said joint and concurrent negligence of the

Defendants in and about the negligent operation of their said motor vehicles at the time and place and on the occasion aforesaid, hence this suit.


ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands a trial by Jury.


ATTORNEY FOR PLAINTIFF

FILED

AUG 30 1967

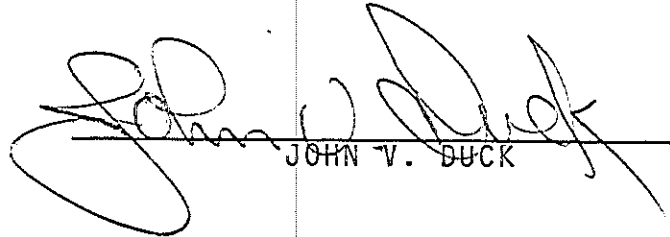
ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA
COUNTY OF BALDWIN

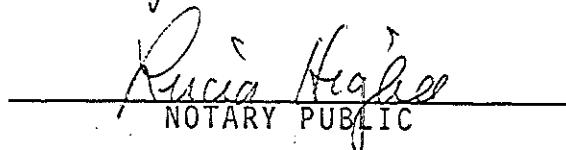
Personally appeared before me, the undersigned authority,
JOHN V. DUCK, who being by me first duly and legally sworn, doth
depose and say as follows: -

My name is JOHN V. DUCK. I am the Attorney of Record for
the Plaintiff, O. L. MURPHY in the case of O. L. MURPHY vs.
RAYMOND E. BARRINGTON and MARTHA EULINE WALKER, jointly and in-
dividually, 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.

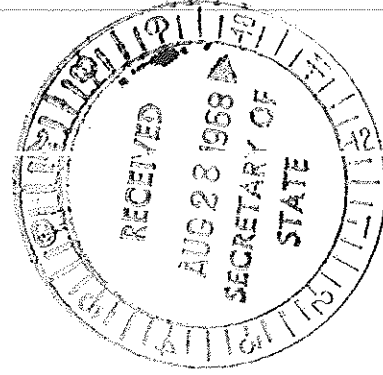

NOTARY PUBLIC

FILED

AUG 1 - 1968

ALICE J. DUCK CLERK
REGISTER

RT 3 Box 42
(Corbally, Jim)
(Ray, Manning)
7117



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
G. 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.

September 20, 1968

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

Re: O. L. Murphy, Plaintiff, vs.
Raymond E. Barrington and
Martha Euline Walker, jointly and
individually, Defendants
Circuit Court of Baldwin County, Alabama
Case No. 7717

Dear Miss Duck:

Enclosed please find a Demurrer on behalf of the defendant,
Raymond E. Barrington, in relation to the above-referenced case.
We would appreciate your filing this Demurrer in the Circuit
Court Records of Baldwin County, Alabama.

With best personal regards,

Very truly yours,

Donald F. Pierce

For the Firm

DFP/dm
Encl.

O. L. MURPHY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
RAYMOND E. BARRINGTON	X	AT LAW
and MARTHA EULINE WALKER,	X	
jointly and individually,	X	
Defendants.	X	

DEMURRER

Comes the Defendant, Martha Euline Walker, 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 defendant in said cause.
3. That said Complaint does not allege any duty owing by this Defendant to the Plaintiff.
4. That said Complaint does not allege any negligence on the part of this Defendant.
5. The allegation that the Defendants jointly and concurrently so negligently operated their motor vehicles is but a conclusion of the pleader and does not show in what manner this Defendant was negligent.
6. That such Complaint attempts to allege quo modo of the negligence of the Defendants but such Complaint does not show in what manner or in what way this Defendant was negligent.
7. It is affirmatively shown in the Complaint that the automobile owned by the other Defendant caused the damages complained of.
8. That such Complaint also alleges negligence and proximate cause as a conclusion.

9. That said Complaint alleges the date and place where the Plaintiff's automobile was parked but does not allege that this Defendant was then and there negligent.

Sharon Stone & Susan
Attorneys for Defendant, Martha
Euline Walker

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 29 day

Sept, 1967
Sharon Stone

FILED

SEP 29 1967

ALICE J. DUCK CLERK
REGISTER

97/6

O. L. MURPHY,

Plaintiff,

vs.

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

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

DEMURRER

FILED

* * * * *

SEP 29 1967

ALICE J. DUCK CLERK
REGISTER

O. L. MURPHY, : IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA
Plaintiff : AT LAW
v. :
RAYMOND E. BARRINGTON and :
MARTHA EULINE WALKER, :
jointly and individually, :
Defendants. : CASE NO. 7717

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 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.

Donald F. Pierce
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, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Duck at his office in Fairhope, Alabama, on this, the 20th day of September, 1968.

Donald F. Pierce

FILED

SEP 20 1968

ALICE J. DUCK CLERK
REGISTER

December 18, 1967

Mrs. Alice J. Duck
Clerk of the Circuit Court
P. O. Box 239
Bay Minette, Ala. 36507

Re: C. L. Murphy vs.
Raymond E. Barrington
Civil No. 7716 & 7717

Dear Mrs. Duck:

Would you please re-issue the above styled suit with a copy of my letter to the Sheriff stating that Raymond E. Barrington lives up on Highway 31 just before or past the wrecked car yard off of the highway past a church on the south side of the said road.

Sincerely,

John V. Duck

JVD:lh

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

DEMURRER

Comes the Defendant Martha Euline Walker, and demurs to the Complaint filed in said cause and as to each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action against this Defendant.
2. That Count One first refers to the Father as the Plaintiff and in the same sentence to the minor as the Plaintiff.
3. That said complaint attempts to allege the quo modo of the negligence of this Defendant without alleging such facts as a matter of law to constitute negligence.
4. That it is affirmatively shown that the damage to the Plaintiff was caused by the automobile driven by the other Defendant and not by this Defendant.
5. The allegation that such Defendants jointly and concurrently so negligently operated their vehicles is but a conclusion of the pleader.
6. That said complaint does not allege any duty owing by this Defendant to the Plaintiff.
7. That Count Two of said complaint does not allege that

this Defendant willfully and wantonly injured the Plaintiff.

Sharon Stone Carson
Attorneys for Defendant, Martha
Euline Walker

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 Sept, 1967

Sharon Stone Carson

FILED

SEP 29 1967

ALICE J. DUCK

CLERK
REGISTER

7717

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

* * * * *

FILED

DEMURRER

SEP 29 1967

* * * * *

ALICE J. DUCK

CLERK
REGISTER