

JACKIE HELEN DILL,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
HAROLD A. MAYNARD,)	
Defendant.)	AT LAW. NO. 7840.

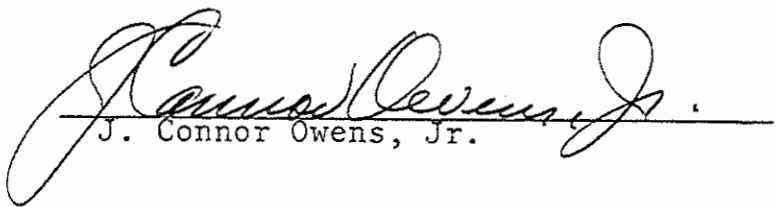
TO: Mr. C. LeNoir Thompson
 Attorney at Law
 Bay Minette, Alabama
 Attorney for Plaintiff

Please take notice that the Defendant in the above styled cause will take the testimony on oral examination of JACKIE HELEN DILL at 10:00 o'clock A. M., on Tuesday, February 6, 1968, in the Law Library of the Baldwin County Courthouse in Bay Minette, Alabama, before Mrs. Louise Dusenbury, a Notary Public, or before some other officer authorized by law to administer oaths. Such oral examination will continue from day to day until completed, and you are invited to attend.

OWENS AND PATTON

By: 
 Attorneys for Defendant

I, the undersigned, one of the attorneys of record for the Defendant in the above styled cause, hereby certify that I have served a copy of the foregoing notice upon C. LeNoir Thompson, the attorney of record for the plaintiff, by placing a copy of the same in the United States Mail, properly addressed, with postage prepaid this 22nd day of January, 1968.


 J. Connor Owens, Jr.

FILED

JAN 23 1968

ALICE J. DUCK CLERK
 REGISTER

286

JACKIE HELEN DILL

X

Plaintiff

X

IN THE CIRCUIT COURT OF

VS

X

BALDWIN COUNTY, ALABAMA

HAROLD A. MAYNARD

X

AT LAW NO. _____

Defendant

X

-1-

~~The plaintiff claims of the defendant, Harold A.~~

Maynard, the sum of Forty Thousand (\$40,000.00) Dollars as damages, for that heretofore on to-wit, September 3, 1967, at about 1:10 P.M. plaintiff was operating an automobile on a public highway to-wit, Baldwin County Road No. 48 approximately .4 of a mile East of Silverhill Community House in Baldwin County, Alabama, where she had a right to be and the defendant, Harold A. Maynard so negligently operated his automobile then and there as to cause the said automobile which he was operating to run over, upon or against the automobile which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof, she was injured severely about the legs, body and back suffering bruises and contusions; suffering internal injuries, to-wit: her liver was torn loose, ruptured her spleen and kidney, her gall bladder was damaged, right foot and ankle injured, her neck and left hand injured, causing her great pain and anguish whereby she has been disabled and unable to perform her duties as a wife or as a housekeeper and is unable to do gainful employment being permanently injured all to her damage in the sum aforesaid. ~~And plaintiff avers that~~ all of her said injuries were proximately caused by the said negligence of the said defendant, Harold A. Maynard in the negligent operation of the said motor vehicle at the time and place and on the occasion aforesaid.


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The plaintiff claims of the defendant the sum of

Forty Thousand (\$40,000.00) Dollars as damages, for that, heretofore, on to-wit, the 3rd day of September, 1967, the plaintiff was operating an automobile on a public highway to-wit, Baldwin County Highway No. 43 approximately .4 of a mile East of Silverhill Community House in Baldwin County, Alabama, where she had a right to be and the defendant, Harold A. Maynard, so wilfully and wantonly operated his automobile so as to cause said automobile which he was operating to run over, upon or against the automobile which the plaintiff was then and there operating and plaintiff avers that as a proximate consequence thereof she was severely injured about the legs, body and back suffering bruises and contusions; suffering internal injuries, to-wit: her liver was torn loose, ruptured her spleen and kidney, her gall bladder was damaged, right foot and ankle injured, her neck and left hand injured, causing her great pain and anguish whereby she has been disabled and unable to perform her duties as a wife or as a housekeeper and is unable to do gainful employment being permanently injured all to her damage in the sum aforesaid. And plaintiff avers that all of her said injuries were proximately caused by the said wilfulness and wantonness of the said defendant, Harold A. Maynard, in and about the wilful and wanton operation of the said automobile at the time and place and on the occasion aforesaid.


Attorney for Plaintiff

Plaintiff respectfully requests trial by jury.


Attorney for plaintiff

FILED

NOV 13 1967

ALICE J. DUCK

CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING CO., 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 Harold A. Maynard

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.....

Harold A. Maynard

....., Defendant.....

by Jackie Helen Dill

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

Witness my hand this 13 day of Nov 1967

W. J. H. H. H. H. H. Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JACKIE HELEN DILL

Plaintiffs

vs.

HAROLD A. MAYNARD

Defendants

SUMMONS AND COMPLAINT

Filed **FILED** 19.....

NOV 13 1967

Clerk

ALICE J. DUCK

CLERK
REGISTER

C. L. S.
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
506 S. Church St.
Fairhope, Alabama

RECEIVED
Received in Office

NOV 14 1967

19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this 11-20 1967

by leaving a copy with

Harold A. Maynard
J. L. S.

Sheriff claims 7.00

Costs per writ 1.00

TAYLOR WILKINS, Sheriff

BY

Roy Randall
DEPUTY SHERIFF

Taylor Wilkins Sheriff
Roy Randall Deputy Sheriff

JACKIE HELEN DILL,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
HAROLD A. MAYNARD,)	
Defendant.)	AT LAW. NO. 7840.

DEMURRER:

Now comes the Defendant in the above styled cause and demurs to the complaint as a whole and each count of the complaint filed herein, 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 the 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 the 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, the defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein the defendant violated any duty owed by defendant to the plaintiff.
6. For that it does not sufficiently appear that the 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 the 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 the 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 of breach of duty on the part of the 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 counts are 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 the 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 the defendant.

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

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

OWENS AND PATTON

By:

James Owens, Jr.
Attorneys for Defendant.

I, the undersigned, one of the attorneys of record for the defendant in the foregoing cause, do hereby certify that I have forwarded a copy of the foregoing demurrer to C. LeNoir Thompson, the attorney of record for the plaintiff in said cause, by United States mail, properly addressed, with postage prepaid, this 7th day of December, 1967.

FILED

DEC 7 1967

ALICE J. DUCK CLERK
REGISTER

James Owens, Jr.
284

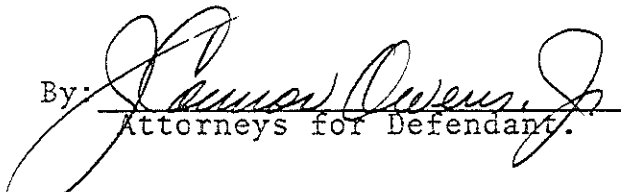
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Defendant.)		

TO: Mr. C. LeNoir Thompson
 Attorney at Law
 Bay Minette, Alabama

 Attorney for Plaintiff.

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OWENS AND PATTON

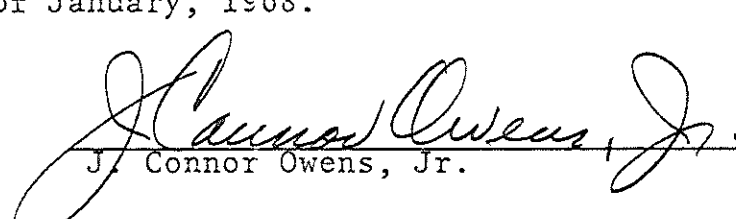
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JAN 23 1968

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 J. Connor Owens, Jr.

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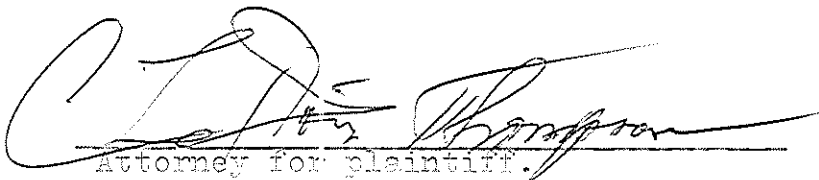
JACKIE HELEN DILL
Plaintiff

vs

HAROLD A. MAYNARD
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 7840

Comes the plaintiff in the above styled cause and
moves to dismiss the complaint filed in said cause with
costs on the defendant, first having obtained the consent
of the defendant.


Attorney for plaintiff.

FILED

MAY 27 1968

ALICE J. DUCK CLERK
REGISTER