

RAYMOND DILL

Plaintiff

vs

HAROLD A. MAYNARD

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7841

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.

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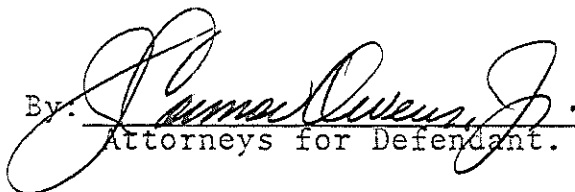
RAYMOND DILL,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
HAROLD A. MAYNARD,)	
Defendant.)	AT LAW. NO. 7841.

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

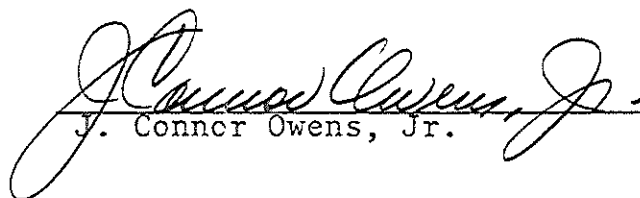
 Attorney for Plaintiff.

Please take notice that the Defendant in the above styled cause will take the testimony on oral examination of RAYMOND 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

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ALICE J. DUCK CLERK
 REGISTER

RAYMOND DILL,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
HAROLD A. MAYNARD,)	
Defendant.)	AT LAW. NO. 7841

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: *James Owens, Jr.*
 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.

James Owens, Jr.
 J. Connor Owens, Jr.

FILED

JAN 23 1968

285

ALICE J. DUCK CLERK REGISTER

RAYMOND DILL,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
HAROLD A. MAYNARD,)	
Defendant.)	AT LAW. NO. 7841.

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 7 day of December, 1967.

FILED

DEC 7 1967

ALICE J. DUCK CLERK
REGISTERED

James Owens, Jr.
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RAYMOND 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 Twenty Thousand (\$20,000.00) Dollars as damages, for that heretofore on to-wit, September 3, 1967, at about 1:10 P.M. plaintiff was a passenger in an automobile being operated 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 he 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 in which the plaintiff was a passenger and plaintiff avers that as a proximate consequence thereof, he was severely injured about the legs, body and hand, suffering bruises and contusions, suffering internal injuries, his forehead was cut, his right knee cut severely and injured, his right shoulder crushed, bruised and injured, three ribs bruised and injured, a blood clot was caused in his left arm, his chest was crushed; he was permanently injured in his right knee and left hand causing him to suffer great pain and anguish whereby he has been disabled and unable to adequately perform his duties in his employment. And plaintiff avers that all of his said injuries were proximately caused by the said negligence of the said defendant, Harold A. Maynard, in his negligent operation of the said motor vehicle at the time and place and on the occasion aforesaid.

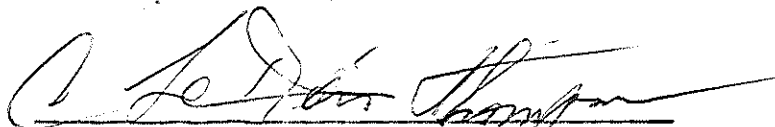
-2-

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 a passenger in an automobile being
operated on a public highway, to-wit, Baldwin County
Highway No. 48 approximately .4 of a mile East of
Silverhill Community House, in Baldwin County, Alabama,
where he had a right to be and the defendant, Harold
A. Maynard, so wilfully and wantonly operated his said
automobile so as to cause his said automobile which he
was operating to run over, upon or against the automobile
in which plaintiff was then and there a passenger and
plaintiff avers that as a proximate consequence thereof,
he was severely injured about the legs, body and hand,
suffering bruises and contusions, suffering internal
injuries, his forehead was cut, his right knee cut
severly and injured, his right shoulder crushed,
bruised and inured, three ribs bruised and injured, a
blod clot was caused in his left arm, his chest was
crushed; he was permanently injured in his right knee
and left hand causing him to suffer great pain and
anguish whereby he has been disabled and unable to
fully perform his duties in his employment being
permanently injured all to his damage in the sum afore-
said. And plaintiff avers that all of his said
injuries were proximately caused by 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

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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 Raymond Dill

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

Witness my hand this 13 day of Nov 1947

W. J. French Clerk

No. 7841

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

RAYMOND DILL

Plaintiffs

vs.

HAROLD A. MAYNARD

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

FILED

Clerk

NOV 13 1967

ALICE J. DUCK

CLERK
REGISTER

C. L. J.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

506 S. Church St.
Fairhope, Alabama

Received in Office

NOV 14 1967

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TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this 11-20 1967

by leaving a copy with

Harold A. Maynard
S. L. J.

For miles per mile Total \$ 7.00
Roy Taylor Wilkins
Roy Randall

Taylor Wilkins
Roy Randall

Sheriff

Deputy Sheriff

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