

R. F. ROHE and DORIS  
ROHE,

Plaintiffs

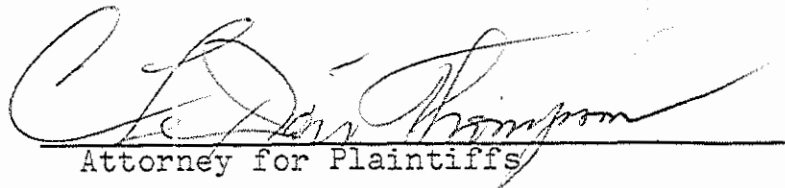
VS

C. R. PENNINGTON, d/b/a  
TEXACO SERVICE STATION  
SPANISH FORT, ALABAMA

Defendant

\* IN THE CIRCUIT COURT OF  
\*  
\* BALDWIN COUNTY, ALABAMA  
\*  
\* AT LAW  
\*  
\* CASE NUMBER: 7892  
\*

Come Plaintiffs by C. LeNoir Thompson their attorney  
of record and move the dismissal of the said case with  
costs on the Defendant.

  
Attorney for Plaintiffs

**FILED**

APR 26 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

R. F. ROHE and DORIS	X	
ROHE,		
	X	IN THE CIRCUIT COURT OF
Plaintiffs,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
	X	AT LAW
C. R. PENNINGTON, d/b/a	X	
TEXACO SERVICE STATION,	X	
SPANISH FORT, ALABAMA,	X	CASE NUMBER: 7892
Defendant.	X	

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Amended Complaint filed in said cause and to each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

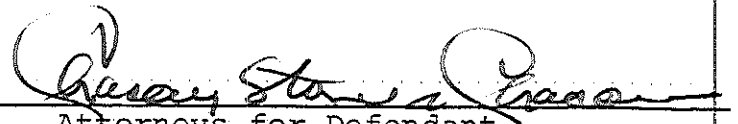
1. That said Complaint does not state a cause of action.
2. That Count 1 of said Complaint seeks to set out the quo modo of the negligence of the Defendant but the allegations of such Count fails to state sufficient facts to constitute negligence under the laws of the State of Alabama.
3. That said Complaint is vague and indefinite.
4. That said Complaint does not allege any duty owing by the Defendant to the Plaintiffs.
5. That Count 1 of said Complaint fails to allege any consideration passing from the Plaintiffs to the Defendant for the repair work alleged to have been done by the Defendant.
6. That Count 1 of said Complaint fails to allege wherein the work done by the Defendant failed.
7. That Count 1 of said Complaint fails to allege when the automobile caught fire.
8. That Count 1 of said Complaint fails to allege what repair or tune up of the automobile was made by the Defendant.

9. That Count 1 of said Complaint fails to allege what caused the automobile to catch fire.

10. That Count 2 of said Complaint vague and indefinite.

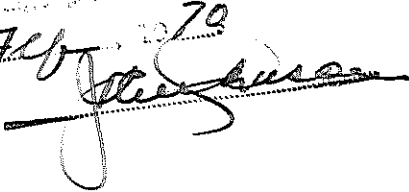
11. That Count 2 of said Complaint does not allege wherein the work done by the Defendant was negligent.

12. That Count 2 of said Complaint fails to allege that the Defendant was employed to render any services on the automobile.

  
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 first class mail, properly addressed and postage paid on this 14 day

of Feb 1979  


FILED

FEB 19 1979

ALICE J. DUCK CLERK  
REGISTER

R. F. ROHE and  
DORIS ROHE,

Plaintiffs,

Vs.,

C. R. PENNINGTON, d/b/a  
TEXACO SERVICE STATION,  
SPANISH FORT, ALABAMA

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER: 7892

AMENDED COMPLAINT:

-1-

Plaintiffs claim of the defendant Seven Hundred (\$700.00) Dollars, damages for a breach of warranty in the repair and tune up of a 1960 Oldsmobile 98 by the said defendant to the said plaintiffs on to-wit, August 20, 1967, being that said defendant warranted his repair to be done in a skilled and workmanlike manner and that the said work was necessary for the satisfactory operation of the automobile and more specifically that said defendant stated, "he would stand behind anything he had done", when in fact the work done by the defendant failed, causing the said automobile to catch fire, damaging the wiring and motor and the said automobile was rendered useless, through the proximate cause of the failure by the defendant to render skillful and workmanlike work on said automobile, property of the plaintiffs, all to the damage of said plaintiffs. Hence, this suit.

-2-

Plaintiffs claim of the defendant (\$700.00) Seven Hundred Dollars damages due to the negligent work done by the said defendant to the automobile of said plaintiffs in that said negligence of said defendant was the proximate cause of the said automobile catching fire and said automobile was, thereby, rendered useless, all to the damages of the said plaintiffs. Hence, this suit.

FILED

FEB 11 1970

ALICE J. DUCK

CLERK  
REGISTER

*C. L. DeRouge*  
Attorney for Plaintiffs.

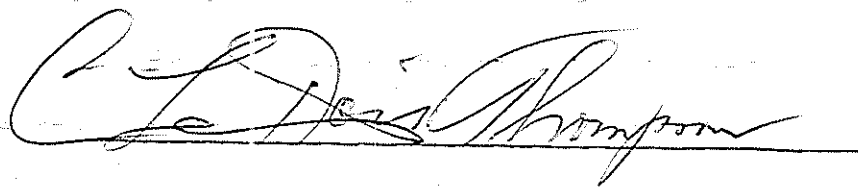
VOL

67

PAGE 300

I hereby certify that I have this day mailed a copy of the foregoing Amended Complaint to the Office of Chason, Stone and Chason, Attorneys at Law, at their Bay Minette, address by depositing a copy of the same in the United States mail properly addressed and postage prepaid.

Done this 10 day of February, 1970.



7892

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon C. R. Pennington, d/b/a Texaco Service Station, Spanish Fort, Alabama, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of R. F. Rohe and Doris Rohe.

WITNESS my hand this 6<sup>th</sup> day of Dec., 1967.

Alice J. Duck  
Register.

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R. F. ROHE and

DORIS ROHE

Plaintiffs

vs

C. R. PENNINGTON, d/b/a  
TEXACO SERVICE STATION,  
SPANISH FORT, ALABAMA

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7892

-1-

Plaintiffs claim of the defendant Seven Hundred (\$700.00) Dollars, damages for a breach of warranty in the repair and tune up of a 1960 Oldsmobile 98 by the said defendant to the said plaintiffs on to-wit, August 20, 1967, being that said defendant warranted his repair to be done in a skilled and workmanlike manner and that the said work was necessary for the satisfactory operation of the automobile and more specifically that "said defendant stated he would stand behind anything he had done", when in fact the said defendant wired the said automobile so negligently that the said automobile caught fire and said wiring burned off, said motor was damaged and said automobile thereby rendered useless all to the damage of said plaintiffs.

Hence, this sit.

**FILED**

DEC 6 1967

**ALICE J. DUCK**

CLERK  
REGISTER

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PAGE 297

Attorney for plaintiffs.

A. L. Davis Thompson  
Attorney for plaintiffs.

Plaintiffs respectfully request trial by jury.

A. L. Davis Thompson  
Attorney for plaintiffs.

24/12-11-67

7892

R. F. ROHE and  
DORIS ROHE

Plaintiffs

VS

C. R. PENNINGTON,  
d/b/a TEXACO SERVICE  
STATION, SPANISH FORT  
ALABAMA

Defendant

Received 7 day of Dec. 1967

and on 11 day of Dec. 1967

received a copy of the within file

C. R. Pennington

by service on above

Spanish Fort

TAYLOR WILKINS, Sheriff

By Roy Randall D. S.

FILED

DEC 6 1967

ALICE J. DUCK CLERK  
REGISTER

C. LeNoir Thompson

44

4.40

R. Randall

R. F. ROHE and	(	IN THE CIRCUIT COURT OF
	(	
DORIS ROHE	(	BALDWIN COUNTY, ALABAMA
	)	
Plaintiffs	(	AT LAW
	)	
vs.	(	
	)	NO. <u>7892</u>
C. R. PENNINGTON, d/b/a	(	
TEXACO SERVICE STATION,	)	
SPANISH FORT, ALABAMA	(	
	)	
Defendant	(	

# DEMURRER

Comes now the defendant and demurs to plaintiffs' complaint as a whole and to each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count wholly fails to state a cause of action.
2. The allegations contained in said count are vague, uncertain and indefinite and do not apprise the defendant of what he is called upon to defend.
3. Said count fails to allege the substance of the warranty relied upon.
4. Said count does not aver sufficient facts to state a cause of action.
5. For that said warranty is not stated with sufficient particularity.
6. For that said inducement is not stated with sufficient particularity.
7. For that the plaintiff fails to allege any facts which would constitute a breach of warranty.
8. For that there is duplicity in said count in that the plaintiff attempts to state a cause of action for breach of warranty and negligence in one and the same count.
9. For aught that appears, the plaintiff was not damaged by the said breach of warranty.



10. For that there is a misjoinder of parties plaintiff.
11. For that said negligence is not averred with sufficient particularity.

ARMBRECHT, JACKSON, & DeMOUY

By Broox G. Holmes  
BROOX G. HOLMES  
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 5<sup>th</sup> day  
of Jan, 1968, served a copy of the  
foregoing pleading on counsel for all parties to this  
proceeding, by mailing the same by United States mail,  
properly addressed, and first class postage prepaid.

Broox G. Holmes

FILED

JAN 9 1968

ALICE J. DICK CLERK  
REGISTER