

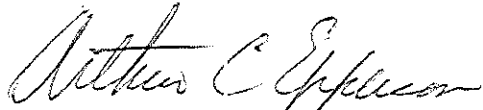
WILLIAM B. HARRISON)	IN THE CIRCUIT COURT OF
)	
Plaintiff)	BALDWIN COUNTY, ALABAMA
)	
VS.)	AT LAW
)	
BEAR POINT MARINA, INC. ^a Corp)	
and E. S. JACKSON, Jointly)	
and Severally)	
)	
Defendants)	Number <u>3036</u>

COUNT ONE

The Plaintiff claims of the Defendants, jointly and severally the sum of Twenty Thousand Dollars (\$20,000.00) for that on to-wit, June 15, 1967, the Defendants, Bear Point Marina, Inc., with the Defendant E. S. Jackson, as President, Manager and employee of Bear Point Marina, Inc., was or were in the business of selling and repairing of boats and Marine Motors at Orange Beach, Baldwin County, Alabama, when and where at said time and place the said Defendants, Bear Point Marina, Inc., by and through its agent, servant, or employee, E. S. Jackson, undertook for a valuable consideration to install or connect an equalizing spring on a marine motor, the property of the Plaintiff, and that then and there the Defendants' agent, servant or employee while working within the scope of his employment negligently failed to install said equalizing spring or negligently installed said equalizing spring and as a proximate result and consequence thereof, the plaintiff upon his first attempt to use the said motor by lowering the same to running position was struck on the head by the sudden falling of the motor, severally injuring the Plaintiff in this to-wit: He had severe head injuries, his right eye was injured, he lost his vision in his right eye, he had severe pain in his head and eye, he was required to be hospitalized and his eye operated on. He suffered and continues to suffer great physical pain and mental anguish and as a result of said injuries, the Plaintiff was caused to incur Medical, Doctor and Hospital Expenses and will probably have to incur additional such expenses in the future, for all of which the plaintiff claims damages of the Defendants as aforesaid.

COUNT TWO

The Plaintiff claims of the defendants, jointly and severally, \$1000.00 damages for the breach of an oral agreement, made and entered into by him with the defendants on to-wit: April 1, 1967, in substance as follows: The defendants agreed for a valuable consideration, which was then and there paid and delivered to the defendants by the plaintiff, to obtain and deliver to the plaintiff within sixty days from said date, one boat trailer of the following description: ^{EE-2Y} Neptune Cruiser Series ~~Tandem~~ Boat Trailer Model K-92¹⁹⁶⁶~~2~~-F. The plaintiff avers that the defendants have failed to obtain and deliver said boat^{TRAILER} as agreed by the defendants.



Arthur C. Epperson
Attorney for the Plaintiff

FILED

MAR 12 1968

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon E. S. Jackson, Orange Beach, Ala. and Bear
Point Marina, INC. a Corp. E. S. Jackson, President, Oarange Beach, Ala.

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 Bear Point
Marina, Inc. a Corp. and E. S. Jackson, jointly and severally
_____, Defendant.
by William B. Harrison

_____, Plaintiff.

Witness my hand this 12 day of March, 19 68

Alice J. Duck, Clerk

No. 8036

Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

William B. Harrison

Plaintiffs

vs.

Bear Point Marina, Inc.
and
E. S. Jackson

Defendants

Summons and Complaint

FILED

Filed _____ 19__

MAR 12 1968

ALICE J. DUCK

CLERK
REGISTER

Clerk

A. Epperson

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

MAR 13 1968

, 19__

~~ALICE J. DUCK~~
SHERIFF

Sheriff.

I have executed this summons

this 3-19- 1968

by leaving a copy with

E. S. Jackson

Bear Point Marina,
Inc.

By service on:
E. S. Jackson,
President

Sheriff claims 240 miles at

Ten Cents per mile Total 24.00

TAYLOR WILKINS, Sheriff

BY [Signature]
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

Mr. Easton
[Signature] Deputy Sheriff.


Orange Beach

WILLIAM B. HARRISON,
Plaintiff,
VS.
BEAR POINT MARINA, INC.,
ET AL,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 8036

Now come the defendants in the above styled cause and for plea to the complaint heretofore filed in said cause and to each count thereof, separately and severally, say, separately and severally:

1. Not guilty.
2. The allegations of said count are untrue.
3. Defendants aver that at the time and place complained of in the complaint, the plaintiff himself was guilty of contributory negligence which proximately contributed to his injuries and damages complained of by him, hence he should not recover.


Attorney for Defendants

FILED

MAY 20 1909

ALICE J. BELL

WILLIAM B. HARRISON,
Plaintiff,

VS.

BEAR POINT MARINA, INC., a
Corporation, and E. S.
JACKSON, jointly and
severally,

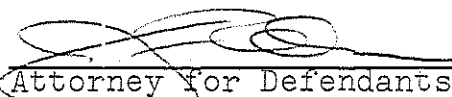
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 8036

DEMURRER

Now come the defendants in the above styled cause and demur to the complaint heretofore filed in said cause and to each count thereof, separately and severally, and as grounds for said demurrer assign the following, separately and severally:

1. It does not state a cause of action.
2. It affirmatively appears that there is a misjoinder of parties defendant.
3. It does not allege that E. S. Jackson was acting within the line and scope of his authority as an agent, servant or employee of the defendant, Bear Point Marina, Inc., a corporation, at the time and place complained of in the complaint.
4. It affirmatively appears from the complaint that the plaintiff was himself guilty of negligence which proximately contributed to his injuries and damages.
5. There is a misjoinder of causes of action.
6. There is a misjoinder of causes of action in that Count One of the complaint is an action ex delicto and Count Two is an action ex contractu.


Attorney for Defendants

FILED

APR 8 1968

ALICE J. DUCK CLERK
REGISTER