


JAMES YESTADT, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY,
v. : ALABAMA
RICHARD SMYER, : AT LAW
Defendant. : CASE NO. 8181

A N S W E R

Comes now the defendant and for answer to the plaintiff's complaint and each count thereof, separately and severally, sets down and assigns the following separate and several pleas:

1. Not guilty.

2. At the time and place complained of in the plaintiff's complaint, to-wit, the 29th day of December, 1967, on U. S. Highway 98 approximately two miles south of Spanish Fort, Alabama, a public road, the plaintiff's minor son so negligently operated a motor vehicle as to cause or allow said motor vehicle to collide with a motor vehicle then and there being operated by the defendant, and as a proximate result of the plaintiff's minor son's negligence as aforesaid, plaintiff's minor son proximately contributed to his own injuries and damages; hence, plaintiff ought not recover.


Attorney for Defendant
First National Bank Building
Mobile, Alabama

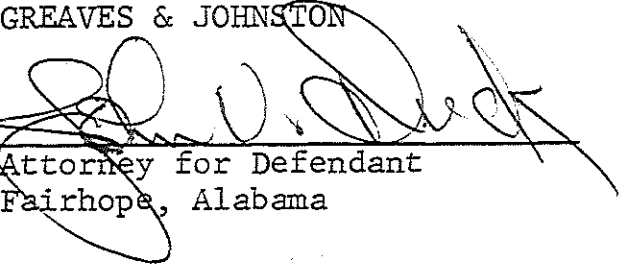
Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

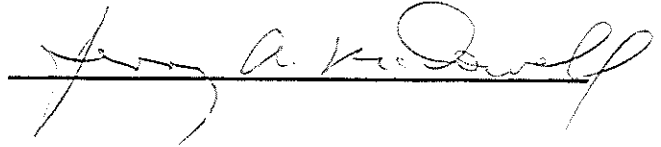
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JUL 2 - 1968

ALICE J. DUCK CLERK
REGISTER


Attorney for Defendant
Fairhope, Alabama

Defendant demands trial of this cause by jury.



CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing pleading to William H. Hardie, Jr., Esq., Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Mobile, Alabama on this, the 15th day of July, 1968.



JAMES YESTADT,
Plaintiff,
vs.
RICHARD SMYER,
Defendant.

X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW CASE NO. 8181

MOTION TO STRIKE

Comes now the Plaintiff in the above styled cause by and through his attorneys of record and moves the Court to strike Plea 2. as contained in the Answer heretofore filed by the Defendant in the above styled cause and shows unto the Court the following in support of said motion:

1. That said Plea is a Plea of contributory negligence and that said Plea is not available to the Defendant as against the Plaintiff in that the Plaintiff is not responsible for any negligence of which the Plaintiff's minor son may have been guilty.
2. That there is no allegation of a joint venture or any other grounds which would authorize the doctrine of imputed negligence so that the Plaintiff would be chargeable with the negligence of his minor son if established.

CHASON, STONE & CHASON

By: John E. Chason

FILED

JUN 4 1969

ALICE J. DUCK CLERK
REGISTER