ROBERT E. MCDONALD, JR.

ATTORNEY AT LAW
25TH FLOOR
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA 36602

TELEPHONE 433-7393

September 20, 1968

Mrs. Alice Duck, Clerk Circuit Court of Baldwin County Baldwin County Courthouse Bay Minette, Alabama

8339

Re: Mamye L. Taylor

Vs. Minnie Rigsby Johnson

Dear Mrs. Duck:

Enclosed herewith is an original Bill of Complaint with copies which I wish to file in your Court.

Thank you very much.

Yours very truly,

Robert E McDonald

REM/fgw

Enc.

MAMYE L. TAYLOR,

Plaintiff,

OF BALDWIN COUNTY, ALABAMA

Vs.

MINNIE RIGSBY JOHNSON,

Defendant.

CASE NO. 1337

### BILL OF COMPLAINT

### COUNT I

Plaintiff claims of the defendant, the sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS, damages, for that heretofore, on to-wit, July 24, 1967, the defendant was operating an automobile on Highway 31, at or near its intersection with D'Olive Street, the aforesaid streets being public streets in the City of Bay Minette, County of Baldwin, State of Alabama, and at the aforesaid time and place, the plaintiff was a passenger in said automobile, and at the aforesaid time and place, the defendant did so wantonly and recklessly operate said automobile as to cause said automobile to run into, run upon, collide with, or otherwise come in contact with another automobile, and as a proximate result of the aforesaid wantonness or recklessness of the defendant, the plaintiff was severely and wantonly injured as follows:

She was bruised, contused and suffered abrasions, she suffered injuries to her back and shoulders, she was forced in incur hospital bills, medical expenses, doctor bills, and plaintiff has been unable to work and has suffered a loss of wages, and plaintiff alleges she has been severely and permanently injured as aforesaid, all as a direct and proximate result of the aforesaid wantonness or recklessness of the defendant, and plaintiff further claims punitive damages.

# COUNT II

Plaintiff claims of the defendant the sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS, damages, for that heretofore on to-wit, July 24, 1967, the plaintiff was a guest riding in the defendant's car, which was driven by her, on Highway 31, at or near its intersection with D'Olive Street, the aforesaid highway and street being public streets in the City of Bay Minette, County of Baldwin, State of Alabama, and that at the aforesaid time and place, defendant wantonly injured the plaintiff by causing her automobile to run into, upon or to otherwise come in contact with another automobile which was being driven on the aforesaid Highway 31, and thereby injuring the plaintiff as follows:

Plaintiff was severely bruised, contused and suffered abrasions, she suffered injuries to her back and shoulders, plaintiff alleges she has been permanently injured, and plaintiff by reason of the aforesaid injuries, has been forced to incur hospital expenses, medical expenses, and doctor bills, and plaintiff has been unable to work and has suffered a loss of wages, plaintiff alleges she has been severely and permanently injured as aforesaid, and that she suffered all of said injuries and damages as aforesaid as a proximate wanton act herein complained of. Plaintiff also claims punitive damages.

Hence plaintiff brings this suit and asks judgment in the above amount.

ROBERT E. McDONALD, JR. Attorney for Plaintiff

SEP 24 1968

ALIE J. DICA REGISTER

Plaintiff respectfully demands a trial by jury.

ROBERT E. McDONALD, JR. Attorney for Plaintiff

Defendant may be served at the following address:

1213 Pecan Street Bay Minette, Alabama

SEP 24 1968

ALIUS J. DION CLERK REGISTER

MAMYE L. TAYLOR,	Ĭ	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
Vs.	X	CASE NO. 8339
MINNIE RIGSBY JOHNSON,	X	
Defendant.	X	

# DEMURRER

Comes now the Defendant, Minnie Rigsby Johnson, by her Attorney, Kenneth Cooper, Esquire, and demurs to the Bill of Complaint heretofore filed in this cause, and as grounds therefor, assigns the following, separately and severally, to each and every count thereof, to-wit:

- 1. The Complaint fails to state a legal cause of action.
- 2. The Complaint is vague.
- 3. The Complaint is uncertain.
- 4. The Complaint fails to allege whether Plaintiff was being transported without payment therefor in the vehicle in which she was riding.
- 5. The Complaint fails to allege whether she was invited to ride in the automobile allegedly operated by the Defendant.
- 6. The Complaint fails to allege facts to show how the Defendant operated the vehicle in a "wantonly and recklessly" manner.
- 7. The Complaint combines alleged "wantonness" and "reck-lessness" into one count.

ATTORNEY FOR DEFENDANT

I certify that I have mailed a copy of the foregoing DEMURRER to Hon. Robert E. McDonald, Jr., First National Bank Building, Mobile, Alabama, 36602, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this the day of November, 1968.

NOV 3 1968

## BILL OF COMPLAINT

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She was bruised, contused and suffered abrasions, she suffered injuries to her back and shoulders, she was forced in incur hospital bills, medical expenses, doctor bills, and plaintiff has been unable to work and has suffered a loss of wages, and plaintiff alleges she has been severely and permanently injured as aforesaid, all as a direct and proximate result of the aforesaid wantonness or recklessness of the defendant, and plaintiff further claims punitive damages.

### COUNT II

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Plaintiff was severely bruised, contused and suffered abrasions, she suffered injuries to her back and shoulders, plaintiff alleges she has been permanently injured, and plaintiff by reason of the aforesaid injuries, has been forced to incur hospital expenses, medical expenses, and doctor bills, and plaintiff has been unable to work and has suffered a loss of wages, plaintiff alleges she has been severely and permanently injured as aforesaid, and that she suffered all of said injuries and damages as aforesaid as a proximate wanton act herein complained of. Plaintiff also claims punitive damages.

Hence plaintiff brings this suit and asks judgment in the above amount.

ROBERT E. MCDONALD, JR.

Attorney for Plaintiff

SEP 24 1968

ALIE J. DEEL REGISTER

Plaintiff respectfully demands a trial by jury.

ROBERT E. McDONALD, JR. Attorney for Plaintiff

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1213 Pecan Street Bay Minette, Alabama

SEP 24 1968

ALICE J. DUCK CLERK REGISTER

STATE OF ALABA	MA	***	it Court, Baldwin Count	<b>y</b> ;
Baldwin County		No8339		er te
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4 2 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	TO ANY	SHERIFF OF TH	HE STATE OF ALABA	MA:
You Are Hereby Commanded to	Summon Mi	nnie Rigsby Jo	hnson	
	and San	W		
	******************************			
	••••••			
to appear and plead, answer of filed in the Circuit Court of Baldy				
Minnie Rigsby Johnson	1		Def	endant
by Mamye L. Taylor	*************			
		•	Р	laintiff
Witness my hand this24th		September	19 <sup>68</sup>	
		Alie	Delley	Clerk

El 10-18-68

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No. 8339 Page	Defendant lives at
STATE OF ALABAMA  Baldwin County	RECEIVED
CIRCUIT COURT	SEP 2 A 1968  Received In Office  AMEA WILKINS
	OS Partage 19.
MAMYE L. TAYLOR Plaintiffs	I have executed this summons this OCTOBLASS 8 19 66
vs.  MINNIE RIGSBY JOHNSON	by leaving a copy with MINNIE RIGERY JOHN SOM
SUMMONS AND COMPLAINT	
Filed 0x September 24. 19. 68	9 1 1 2 9
Alice J. Duck Clerk	
Robert E. McDonald, Jr.	Las de Mahain
Plaintiff's Attorney	They way / Will Willy Sherif