

RALPH H. SHEFFIELD,	X		
suing as Father and			
next friend of Johnathan	X		
Sheffield, a minor,			
deceased,	X	IN THE CIRCUIT COURT OF	
Plaintiff,	X	BALDWIN COUNTY, ALABAMA	
vs.	X	AT LAW	NO. 8379
ROBERT E. CALDWELL,	X		
Defendant.	X		

DEMURRER

Comes now the Defendant in the above styled cause by and through his attorney of record and demurs to the Complaint heretofore filed against him in said cause and to each count thereof separately and severally and respectfully shows unto the Court the following separate and several grounds in support thereof, viz:

1. Said Complaint fails to allege that the injury to the Plaintiff's intestate was inflicted while the Plaintiff intestate was on a public highway where he had a right to be.
2. It affirmatively appears that the Plaintiff does not sue in the proper capacity to claim damages for his sons injuries.
3. Count two of said Complaint failed to allege that the Defendants willfully and wantonly injured Plaintiff's son.

CHASON, STONE & CHASON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 8th day of November, 1968.

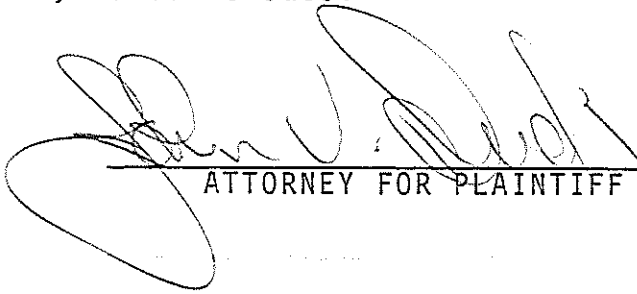
John Earle Chason

By: John Earle Chason
Attorneys for Defendant.


FILED

NOV 8 1968

Defendant's wilfull and wanton negligence, Plaintiff's said minor son was injured and killed, hence he sues.


ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands a trial by jury.


ATTORNEY FOR PLAINTIFF

FILED

OCT 18 1968

ALICE J. DUCK CLERK
REGISTER

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 ROBERT E. CALDWELL

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.....

ROBERT E. CALDWELL, Defendant.....

by RALPH H. SHEFFIELD suing as Father and next friend of
JOHNATHAN SHEFFIELD, A Minor, Deceased, Plaintiff.....

Witness my hand this 18 day of Oct 1968

Clerk

Ex: 10-21-68

No. 8379

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

RALPH H. SHEFFIELD, suing as
Father and next friend of
JOHNATHAN SHEFFIELD, a Minor,
Deceased,

Plaintiffs

vs.

ROBERT E. CALDWELL,

Defendants

SUMMONS AND COMPLAINT

FILED

Filed 19.....

OCT. 18 1968

Clerk

ALICE J. DUCK

CLERK
REGISTER

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Gaston Motor Company, Fairhope,
Ala. or home in Bon Secour, Ala.

Received In Office

19.....

RECEIVED

Sheriff

I have executed this summons

this 10-21-68 ~~WILKINS~~ 1968
by leaving a copy with

Robert E. Caldwell
J. Duke

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Roy Randall
DEPUTY SHERIFF

John Wilkins, Sheriff

Roy Randall, Deputy Sheriff

JOHN V. DUCK
ATTORNEY AT LAW
P. O. BOX Y
FAIRHOPE, ALABAMA 36532
November 18, 1968

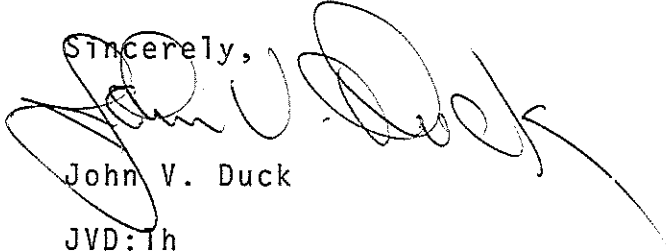
Mrs. Alice J. Duck
Clerk of Circuit Court
Bay Minette, Alabama

Re: Sheffield vs. Caldwell
Civil Case No. 8379

Dear Mrs. Duck:

Please dismiss captioned case and send the cost bill to State Farm Insurance Company, P. O. Box 9068, Mobile, Alabama, c/o Mr. Jim Johnson.

Sincerely,



John V. Duck

JVD:Th

cc: Honorable John Earle Chason
Attorney at Law
Bay Minette, Ala.

JOHN V. DUCK
Attorney at Law
P. O. DRAWER Y - FAIRHOPE, ALABAMA

M E S S A G E

R E P L Y

TO Mrs. Alice J. Duck
Bay Minette, Ala.

DATE October 16, 1968

Re: Ralph H. Sheffield vs. Robert E.
Caldwell

Dear Mrs. Duck:

Enclosed please find Bill of Complaint to
be filed together with copy of same and
Summons to be served.

Sincerely,

John V. Duck
(X)

SIGNED

DATE

720.8379

SIGNED