

|                         |   |                            |
|-------------------------|---|----------------------------|
| MAMYE L. TAYLOR,        | ) | IN THE CIRCUIT COURT       |
| Plaintiff,              | ) | OF BALDWIN COUNTY, ALABAMA |
| Vs.                     | ) |                            |
| EVA ELIZABETH MITCHELL, | ) |                            |
| aka, EVA MITCHELL,      | ) |                            |
| Defendant.              | ) | CASE NO. <u>8452</u>       |

BILL OF COMPLAINT

COUNT 1

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 to 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 2

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 willfully or 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:

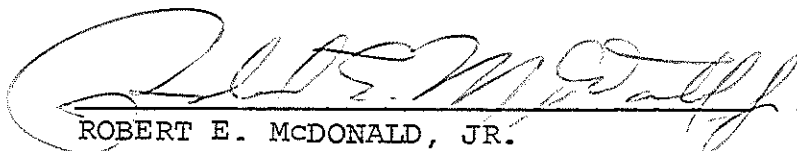
Plaintiff was severely bruised, contused and suffered abrasions, she suffered injuries to her back and shoulders, plaintiff alleges she has been permanently injured, and plaintiff by reason of the aforesaid injuries, has been forced to incur hospital expenses, medical expenses, and doctor bills, and 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.

**FILED**

NOV 26 1968

**ALICE J. DUCK** CLERK  
REGISTER

  
ROBERT E. McDONALD, JR.  
Attorney for Plaintiff

Plaintiff respectfully demands a trial by jury.



ROBERT E. McDONALD, JR.

Attorney for Plaintiff

Defendant may be served at the following address:

601 Twin Beach Road  
Fairhope, Alabama

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NOV 26 1968

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REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 8452

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon EVA ELIZABETH MITCHELL, a/k/a EVA MITCHELL

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.....

EVA ELIZABETH MITCHELL, a/k/a EVA MITCHELL

....., Defendant.....

by MAMYE L. TAYLOR

....., Plaintiff.....

Witness my hand this 26th day of November 1968

*Alice D. Smith*  
..... Clerk

**ORIGINAL**

No. 8452

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MAMYE L. TAYLOR

Plaintiffs

vs.

EVA ELIZABETH MITCHELL, a/k/a

EVA MITCHELL

Defendants

**SUMMONS AND COMPLAINT**

Filed ... Nov. 26, ..... 19.68

Alice J. Duck

Clerk

Robert E. McDonald, Jr.  
25th Floor 1st National Bank Bldg.  
Mobile, Alabama 36602

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

*Address inside*

Received In Office

**RECEIVED**

19.....

DEC 3 1963

Sheriff

I have executed this summons

this *12/12* 19*68*

by leaving a copy with

*Eva Elizabeth Mitchell*  
*T. R. Ruff*

Sheriff claims *70* miles at

Ten Cents per mile Total \$ *7.00*

TAYLOR WILKINS, Sheriff

BY *Roy Randall* DEPUTY SHERIFF

*Taylor Wilkins* Sheriff  
*Randall* Deputy Sheriff

*(601 Twin Beach)*

ROBERT E. McDONALD, JR.

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

TELEPHONE 438-5571

November 25, 1968

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

Re: Mamye L. Taylor  
Vs.  
Eva Elizabeth Mitchell,  
aka, Eva Mitchell

Dear Mrs. Duck:

Please file the enclosed original law suit for  
me. Thank you very much.

Yours very truly,

  
Robert E. McDonald, Jr.

REM/fgw

*Note: you really should  
sign your complaint*

*Ernie*

*Thanks,  
Ber*

MAMYE L. TAYLOR, ) IN THE CIRCUIT COURT  
 Plaintiff, ) OF BALDWIN COUNTY, ALABAMA  
 Vs. )  
 EVA ELIZABETH MITCHELL, )  
 aka, EVA MITCHELL, )  
 Defendant. ) CASE NO. 8452

BILL OF COMPLAINT

COUNT 1

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She was bruised, contused and suffered abrasions, she suffered injuries to her back and shoulders, she was forced to 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 2

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 willfully or 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 an 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

**FILED**


NOV 26 1968

**ALICE J. DUCK**

CLERK  
REGISTER



Plaintiff respectfully demands a trial by jury.

  
ROBERT E. McDONALD, JR.  
Attorney for Plaintiff

Defendant may be served at the following address:

601 Twin Beach Road  
Fairhope, Alabama

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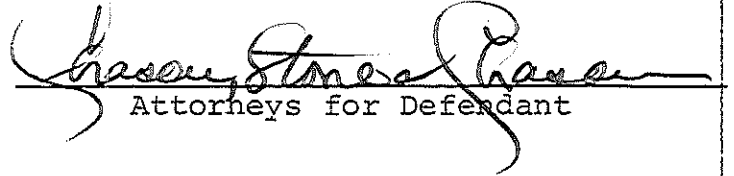
|                         |   |                         |
|-------------------------|---|-------------------------|
| MAMYE L. TAYLOR,        | X |                         |
| Plaintiff,              | X | IN THE CIRCUIT COURT OF |
|                         | X |                         |
| vs.                     | X | BALDWIN COUNTY, ALABAMA |
|                         | X |                         |
| EVA ELIZABETH MITCHELL, | X | CASE NO: 8452           |
| aka, EVA MITCHELL,      | X |                         |
| Defendant.              | X |                         |

DEMURRER:

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and 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 the place where the accident occurred is not sufficiently set out.
3. That Count 1 of said Complaint does not allege that the Defendant wantonly injured the Plaintiff.
4. The allegation in Count 1 that the Defendant recklessly operated an automobile in which the Plaintiff was riding as a passenger does not properly charge wilful or wanton negligence.
5. That Count 1 of said Complaint does not allege that the Plaintiff was physically able to work or had a job prior to her injury on the day alleged in the Complaint.
6. That Count 1 of said Complaint does not allege in what manner the Plaintiff is permanently injured.
7. That said Complaint does not allege any duty owing by the Defendant to the Plaintiff.
8. That Count 2 of the Complaint does not allege that the Defendant wilfully or wantonly caused her automobile to run into another vehicle, thereby injuring the Plaintiff.
9. The allegation in Count 2 of the Complaint that the

Plaintiff suffered her damages "as a proximate wanton act herein complained of" fails to state any cause of action against the Defendant.

  
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 mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 23 day of Nov, 1968



**FILED**

DEC 23 1968

**ALICE J. DUCK** CLERK  
REGISTER