

ORIGINAL

JUANITA HENRY,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
SAMUEL B. EALUM,)
Defendant.) CASE NO: 8525

COUNT ONE

Plaintiff claims of the defendant the sum of, to-wit, FOUR HUNDRED AND NO/100 (\$400.00) DOLLARS as damages for that on, to-wit, October 4, 1968, the defendant so negligently operated an automobile on United States Highway 31, a public road in the County of Butler, State of Alabama at a point on said road near the intersection of the driveway to McIntires Service Station, approximately two miles South of Greenville, Alabama. Plaintiff avers that the said automobile driven by the defendant then and there collided with the automobile of the plaintiff which was then and there being driven on said United States Highway 31, a public road in the County of Butler, State of Alabama. Plaintiff avers that as a proximate result of the negligence of the defendant in and about the operation of said automobile at said time and place the plaintiff's automobile was bent, broken, smashed and otherwise rendered permanently less valuable and plaintiff was deprived of the use thereof for a period of time, all to plaintiff's damages as aforesaid, WHEREFORE plaintiff sues.

COUNT TWO

Plaintiff claims of the defendant the sum of, to-wit, FOUR HUNDRED AND NO/100 (\$400.00) DOLLARS as damages for that on, to-wit, October 4, 1968 the defendant wantonly damaged the

plaintiff by wantonly driving an automobile into and against the plaintiff's automobile which was then and there being operated on United States Highway 31, a public road in the County of Butler, State of Alabama at a point on said road near the driveway to McIntires Service Station, located approximately two miles South of the limits of Greenville, Alabama. Plaintiff avers that as a proximate result of the wanton conduct of the defendant in and about the operation of said motor vehicle at said time and place the plaintiff's automobile was bent, broken, smashed and otherwise rendered permanently less valuable and plaintiff was deprived of the use thereof for a period of time, all to plaintiff's damages as aforesaid, WHEREFORE plaintiff sues.

LYONS, PIPES AND COOK
Attorneys for the Plaintiff

By: Norton Brooker, Jr.
Norton Brooker, Jr.

Defendant may be served as follows:

Samuel B. Ealum
Route 1, Box 204 A
Loxley, Alabama

FILED

JAN 20 1969

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8525

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Samuel B. Ealum

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.....

Samuel B. Ealum, Defendant.....

by Juanita Henry

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

Witness my hand this 20th day of January 1969

Alice J. Duck, Clerk

Ep 2-11-69

ORIGINAL

No. 8525

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JUANITA HENRY

Plaintiffs

vs.

SAMUEL B. EALUM

Defendants

SUMMONS AND COMPLAINT

Filed January 20, 1969

Alice J. Duck Clerk

Lyons, Pipes & Cook

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

RECEIVED

JAN 21 1969

19.....

Sheriff

I have executed this summons

this Feb 11 1969

by leaving a copy with

Samuel B. Ealum

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA; CLAIM \$1.50 EACH
FOR SERVING 150 PROCESS(ES) AND
TRAVEL EXPENSE ON EACH OF \$1.20
PROCESS(ES) OR A TOTAL OF \$3.70

Taylor Wilkins Sheriff

W.B. Ealum Deputy Sheriff

Slapleton

JUANITA HENRY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
SAMUEL B. EALUM,	X	AT LAW CASE NO. 8525
Defendant.	X	

MOTION TO STRIKE

Comes now the Defendant in the above styled cause, by his attorneys, and moves to strike the complaint heretofore filed against him, and each count thereof, and assigns the following separate and several grounds in support thereof:

1. The amount of damages claimed in the complaint is vague, indefinite and uncertain.
2. The amount of damages claimed in Count One of the complaint is vague, indefinite and uncertain.
3. The amount of damages claimed in Count Two of the complaint is vague, indefinite and uncertain.
4. The complaint fails to allege with sufficient particularity the damages allegedly sustained by the Plaintiff to her automobile.
5. The complaint fails to allege with sufficient particularity the manner in which the Plaintiff's automobile was allegedly damaged.
6. The complaint fails to allege with sufficient particularity the parts or portions of the automobile allegedly belonging to the Plaintiff which were allegedly damaged.
7. The complaint claims damages for the loss of the use of the automobile allegedly belonging to the Plaintiff but fails to allege that said automobile was used in the business of the

Plaintiff.

Respectfully submitted,

CHASON, STONE & CHASON

By: John E. Chason
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 25 day

of February 1969
John E. Chason

FILED
FEB 25 1969
CLERK
REGISTER
MICE T. BUCK

JUANITA HENRY,)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
SAMUEL B. EALUM,)	
Defendant.)	CASE NO: 8525

AMENDMENT

Comes now the plaintiff in the above styled cause, by her attorney, and amends the complaint heretofore filed in this cause to read as follows:

COUNT ONE

Plaintiff claims of the defendant, the sum of, to-wit, FOUR HUNDRED AND NO/100 (\$400.00) DOLLARS as damages for that on to-wit, October 4, 1968, the defendant so negligently operated an automobile on United States Highway 31, a public road in the County of Butler, State of Alabama, at a point on said road near the intersection of United States Highway 31 and the driveway to McIntires Service Station, approximately two miles south of Greenville, Alabama. Plaintiff avers that the said automobile being driven by the defendant, then and there collided with the automobile of the plaintiff which was then and there being driven on said United States Highway 31, a public road in the County of Butler, State of Alabama. Plaintiff avers that as a proximate result of the negligence of the defendant in and about the operation of said automobile at said time and place, the plaintiff's automobile suffered the following damage: the bumper was bent, the front end was damaged, the grill was damaged, the radiator was broken, the left headlamp door was broken, the hood was bent, the molding on the hood was broken, right front fender was bent and put out of alignment, the left front fender was bent, the airconditioner was caused to discharge its freon, the condenser was broken, the transmission linkage was bent, the anti-freeze

was caused to drain out of the radiator, and otherwise damaged and rendered permanently less valuable and plaintiff was deprived of the use thereof for a period of approximately three weeks, during which she was made to use other transportation to her place of employment, all to plaintiff's damages as aforesaid,

WHEREFORE, plaintiff sues.

COUNT TWO

Plaintiff claims of the defendant the sum of, to-wit, FOUR HUNDRED AND NO/100 (\$400.00) DOLLARS as damages for that on, to-wit, October 4, 1968, the defendant wantonly damaged the plaintiff by wantonly driving an automobile into and against the plaintiff's automobile which was then and there being operated on United States Highway 31, a public road in the County of Butler, State of Alabama, at a point on said road near the driveway to McIntires Service Station, located approximately two miles South of the limits of Greenville, Alabama. Plaintiff avers that as a proximate result of the wanton conduct of the defendant in and about the operation of said motor vehicle at said time and place, the plaintiff's automobile suffered the following damages: the bumper was bent, the front end was damaged, the grill was damaged, the radiator was broken, the left headlamp door was broken, the hood was bent, the molding on the hood was broken, the right front fender was bent and put out of alignment, the left front fender was bent, the air conditioner was caused to discharge freon, the condenser was broken, the transmission linkage was bent, the anti-freeze was caused to drain out of

the radiator, and otherwise damaged and rendered permanently less valuable and plaintiff was deprived of the use thereof for a period of approximately three weeks, during which time she was made to use other transportation to her place of employment, all to the plaintiff's damages as aforesaid,

WHEREFORE, plaintiff sues.

LYONS, PIPES AND COOK
Attorneys for the Plaintiff

By: Norton Brooker J.
NORTON BROOKER, JR.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14 day of March, 1969, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

Norton Brooker J.

FILED

MAR 14 1969

ALICE J. DUCK CLERK
REGISTER

JUANITA HENRY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
SAMUEL B. EALUM,	X	AT LAW CASE NO. 8525
Defendant.	X	

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the complaint heretofore filed against him and to each count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. Count One of the complaint fails to state a cause of action.
3. Count Two of the complaint fails to state a cause of action.
4. The allegations of the complaint are vague, indefinite and uncertain.
5. The complaint fails to allege a duty owing from the Defendant to the Plaintiff and a breach of that duty proximately resulting in injury or damages to the Plaintiff.
6. The complaint fails to allege that the Plaintiff negligently operated an automobile or other motor vehicle so as to cause or allow the same to collide with the automobile allegedly belonging to the Defendant.
7. Count Two of the complaint fails to allege that the Defendant wantonly damaged the automobile of the Plaintiff.

8. The complaint fails to allege that the Defendant negligently operated his automobile at the time and place complained of and that as a proximate result of such negligent operation the same collided or was caused to collide with the automobile allegedly belonging to the Plaintiff.

9. The complaint fails to allege any duty owing from the Defendant to the Plaintiff.

Respectfully submitted,

CHASON, STONE & CHASON

By: John E. Chason
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 19th day of March, 1969.

John E. Chason

FILED

MAR 19 1969

JUANITA HENRY,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
Vs.)	AT LAW
SAMUEL B. EALUM,)	
Defendant)	CASE NO: 8525

MOTION FOR CONTINUANCE

Comes now the plaintiff in the above referenced matter and shows unto this Honorable Court as follows:

That on March 24, 1969 she was caused to undergo major surgery and as of the date of this Motion she is confined to her home by her doctor and has not been released by him.

That it is not anticipated that she will be released from her confinement at home by her doctor by the date this matter is set for trial.

That as a result of the foregoing the plaintiff respectfully asks this Honorable Court to continue this cause until the next non-jury setting of the Circuit Court of Baldwin County, Alabama.

LYONS, PIPES AND COOK
Attorney for the Plaintiff

By: Norton Brooker, Jr.
Norton Brooker, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30
day of April 1969 in
accord with the provisions of the Alabama Rules of Civil Procedure
caused to be served by first class mail, return receipt requested,
by United States Mail, properly addressed, and
first class postage prepaid.

Norton Brooker, Jr.

FILED

MAY 1 1969

ALICE J. DUCK CLERK
REGISTERED

LYONS, PIPES & COOK
ATTORNEYS AT LAW
2510 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES
WALTER M. COOK
GORDON B. KAHN
IRWIN W. COLEMAN, JR.
G. SAGE LYONS
AUGUSTINE MEAHER, III
JAMES B. KIERCE, JR.
WESLEY PIPES

36601

AREA CODE 205
TEL. 432-4483
P.O. DRAWER 2525

January 17, 1969

Mrs. Alice J. Duck
Clerk, Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama 36507

Re: Juanita Henry vs. Samuel B. Ealum

85-25

Dear Mrs. Duck:

We enclose copies of a law suit which we would like for you to file for us. Please mark on the enclosed copy when the suit was filed and return it to us in the enclosed stamped, self-addressed envelope.

Very truly yours,

LYONS, PIPES AND COOK


Norton Brooker, Jr.

NB/lak

Enclosures