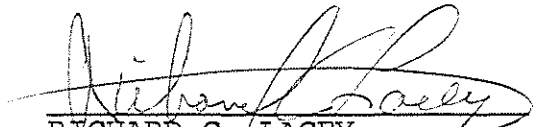


WALTER STANTON, who sues as the))	
Administrator of the Estate of))	IN THE CIRCUIT COURT OF
Heck Stanton, Deceased,))	BALDWIN COUNTY, ALABAMA
Plaintiff,))	
	AT LAW
VS:))	CASE NO. <u>8639</u>
MRS. THOMAS WODJENSKI and))	
THOMAS WODJENSKI, jointly and))	
severally,))	
Defendants))	

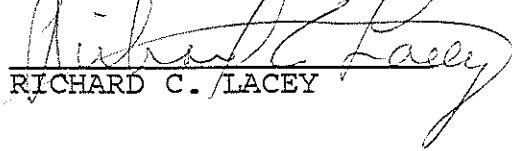
The Plaintiff claims of the Defendants the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) damages, for that heretofore and on, to-wit: August 30, 1968, the Defendant, Mrs. Thomas Wodjenski, the agent, servant or employee of the Defendant, authority as such, did so operate a motor vehicle belonging to Defendant, Thomas Wodjenski, or the Defendant, Mrs. Thomas Wodjenski in a Northerly direction along U. S. Highway 98, in Baldwin County, Alabama, at a point approximately one mile North of the Southern most limits of the Town of Daphne in Baldwin County, Alabama, and the Defendant, Mrs. Thomas Wodjenski an agent, servant and employee of the Defendant Thomas Wodjenski while acting within the line and scope of her authority as such, or as the owner of said vehicle, did negligently and wantonly operate a motor vehicle belonging to Defendant, Thomas Wodjenski, or the Defendant, Mrs. Thomas Wodjenski, in a Northerly direction along said U. S. Highway No. 98 located in Baldwin County, Alabama, at a point approximately one mile North of the Southern most boundary of the Town of Daphne, Baldwin County, Alabama as to cause or allow said motor vehicle to run over and upon Plaintiff's Intestate and as a result Plaintiff's Intestate, who was walking along the Eastern right-of-way of said U. S. Highway 98 in a Southerly direction and off of the pavement was killed; and Plaintiff avers that as a result of the negligence and wanton conduct of Mrs. Thomas Wodjenski negligently collided with great force with Plaintiff's Intestate and as a direct and proximate result of the aforesaid Mrs. Thomas Wodjenski's conduct the said Plaintiff's said Intestate, Heck Stanton, received injuries which caused his

death, hence this suit.


RICHARD C. LACEY,
Attorney for Plaintiff

Defendants may be served
at Fairhope, Alabama

Plaintiff demands trial by jury.


RICHARD C. LACEY

FILED

APR 4 1969

ALICE J. DUCK CLERK
REGISTER

8633

Walter Stanton
admn. officer of
Hick Stanton
Deced
vs.

Mrs. Thomas Wodjenski
et al.

Sheriff claims 20 miles at
Ten Cents per mile Total \$ 2.00
TAYLOR WILKINS, Sheriff
BY Randall
DEPUTY SHERIFF

Received 4 day of April 1969
and on 9 day of April 1969
I served a copy of the within Btl
on Mrs Thomas Wodjenski +
Thomas Wodjenski
By service on _____
TAYLOR WILKINS, Sheriff
By Roy Randall D. S.
E. H. H. H.

FILED

APR 4 1969

ALICE J. DUCK CLERK
REGISTER

W. Lacey

STATE OF ALABAMA

IN THE CIRCUIT COURT

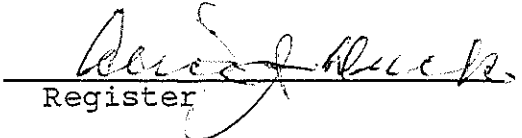
BALDWIN COUNTY

AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mrs. Thomas Wodjenski and Thomas Wodjenski to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama at Law, by Walter Stanton, as Plaintiff, against Mrs. Thomas Wodjenski and Thomas Wodjenski, as Defendants.

Witness my hand this 4 day of Apr., 1969.


Register

FRED F. SMITH, JR.

ATTORNEY AT LAW

P. O. BOX 10622

PRICHARD, ALABAMA 36610

FRED F. SMITH, JR.

JOHNNY MACK LANE

June 12, 1971

111 ELLIS AVE.
PRICHARD, ALA. 36610
PHONE: 457-4576

302 DELAMARE ST.
FAIRHOPE, ALA. 36532
PHONE: 928-9276

Mrs. Eunice Blackmon
Clerk - Circuit Court
Baldwin County Court House
Bay Minette, Alabama 36507

RE: Walter Stanton vs Mrs. Thomas Wodjenski et al
Circuit Court - At Law No. 8633

Dear Mrs. Blackmon:

Please dismiss the above styled cause and send the
Court Cost bill to Mr. John A. Courtney, Attorney,
P. O. Box 253, Mobile, Alabama.

Very truly yours,


Fred F. Smith, Jr.

FFS/s

cc: John A. Courtney

JOHN A. COURTNEY
ATTORNEY AND COUNSELLOR AT LAW
SUITE 2208
FIRST NATIONAL BANK BUILDING
P. O. Box 253
MOBILE, ALABAMA 36601

AREA CODE 205 433-4961

April 28, 1969

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

Dear Mrs. Duck:

Please file my demurrers in this matter which are attached hereto as I have sent copies of the same to Mr. Lacy the attorney for the Plaintiff. If you will be good enough to advise when these demurrers shall be heard and argued, I will appreciate it.

Kindest personal regards,


John A. Courtney

JAC/jas

ENCLOSURE

JOHN A. COURTNEY
ATTORNEY AND COUNSELLOR AT LAW
SUITE 2208
FIRST NATIONAL BANK BUILDING
P. O. Box 253
MOBILE, ALABAMA 36601
AREA CODE 205 433-4961

June 18, 1969

Judge Telfair J. Mashburn
Circuit Court
Baldwin County
Bay Minette, Alabama 36507

Re: Stanton vs. Wodjenski
Case No. 8633

Dear Judge Mashburn:

I have filed demurrers in the above styled cause and I have just talked to Richard Lacey, the attorney for the Plaintiff, and it is agreeable with him if these demurrers are submitted. I think the complaint is grossly defective and my demurrers should be sustained, but I will submit that to your judgment. Thank you.

Kindest personal regards,


John A. Courtney

JAC/jas

CC: Mrs. Alice Duck
Clerk

*Skipped Committee
June 26 - Only
gfk*

WALTER STANTON, who sues as	§	IN THE CIRCUIT COURT
the Administrator of the		
Estate of HECK STANTON,	§	OF BALDWIN COUNTY,
Deceased,		
Plaintiff,	§	ALABAMA
VS.	§	AT LAW
MRS. THOMAS WODJENSKI,	§	
et al.,		
Defendants.	§	CASE NO. 8633

DEMURRER

Come now the defendants in the above styled cause, separately and severally, and demur to the plaintiff's amended complaint and to each and every count thereof, separately and severally, assigning as grounds for said demurrer the following, separately and severally, to-wit:

1. Said complaint does not state a cause of action against this defendant upon which relief can be granted.
2. For aught appearing from the plaintiff's complaint, this Court has no jurisdiction of this matter.
3. Plaintiff's allegations of the whereabouts of the plaintiff at the time of the happening of this accident are so vague and uncertain and indefinite as to fail to apprise this defendant of what he is being called upon to defend.
4. It is impossible to determine from the plaintiff's complaint whether or not this plaintiff was on a public highway in this county.
5. It is impossible to determine from a reading of the plaintiff's complaint whether the plaintiff's intestate was in fact on a public highway or even on the right of way of same.
6. From aught appearing from the Plaintiff's complaint this was not a public thoroughfare upon which this accident allegedly happened.
7. The allegation of the plaintiff's complaint that the plaintiff's intestate had a right to be where he was is but a conclusion of the pleader.
8. It is impossible to determine from a reading of the plaintiff's complaint where the defendant allegedly was at the time of this accident.

9. The plaintiff's allegation of wantonness on the part of the defendants fails as a matter of law to state a proper complaint of wantonness against these defendants.


JOHN A. COURTNEY
Attorney for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13th
day of October, 1970, 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.

FILED

OCT 14 1970

ALICE J. DUCK CLERK
REGISTER

WALTER STANTON, who sues as the	:	IN THE CIRCUIT COURT
Administrator of the Estate of	:	OF BALDWIN COUNTY,
Heck Stanton, Deceased,	:	ALABAMA
Plaintiff,	:	AT LAW
-vs-	:	
MRS. THOMAS WODJENSKI and	:	
THOMAS WODJENSKI, Jointly and	:	
Severally,	:	
Defendants,	:	CASE NO. 8633

DEMURRER

Come now the Defendants in the above styled cause and demur to the Plaintiff's complaint and as grounds for said demurrer assign the following, separately and severally, to-wit:

1) Plaintiff's complaint fails to state a cause of action against this Defendants upon relief can be granted.

2) Plaintiff's complaint is so vague, uncertain, and indefinite as to fail to apprise this Defendant of what he/she has to defend against.

3) Plaintiff's complaint is but a conclusion of the pleader.

4) For ought appearing from the Plaintiff's complaint this court has no jurisdiction over the parties to this action.

5) For ought appearing from the Plaintiff's complaint this court has no jurisdiction over the subject matter claimed in this complaint.

6) It is unable to determine from a reading of the complaint whether this Defendant is being charged with negligence under the theory of agency.

7) The Plaintiff has joined trespass and trespass on the case in the same count and cannot recover in that way.

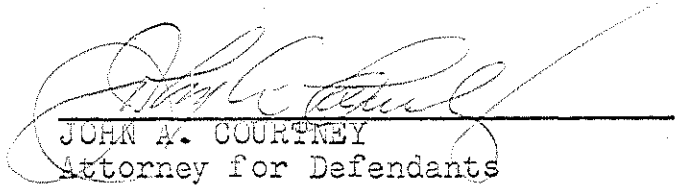
8) Plaintiff's complaint attempts to allege wanton misconduct on the part of the Defendant but fails as a matter

of law so properly to do. For ought appearing from the Plaintiff's complaint this Defendant was not guilty of any negligence at the time and place complained of by the Plaintiff.

9) For ought appearing from the Plaintiff's complaint it is impossible to determine whose automobile struck the Defendant as in deed any did.

10) For ought appearing from the Plaintiff's complaint this accident did not occur on a public thoroughfare.

11) For ought appearing from the Plaintiff's complaint the Plaintiff Intestate was a trespasser upon some private property or upon the automobile of the Defendant.


JOHN A. COURTNEY
Attorney for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 25
day of Apr, 1969, served a
copy of the foregoing complaint and summons for all
parties in this case on the undersigned by United States
mail, registered, and first class postage prepaid.

FILED

APR 29 1969

ALICE J. DUCK CLERK
REGISTER

WALTER STANTON, who sues as the	*	IN THE CIRCUIT COURT OF
Administrator of the Estate of	*	BALDWIN COUNTY, ALABAMA
Heck Stanton, Deceased,	*	
Plaintiff	*	AT LAW
vs	*	
MRS. THOMAS WODJENSKI et al	*	
Defendants	*	Case No. 8633

Comes now the plaintiff and demurrers having been sustained to the original complaint of the plaintiff, files the following added Counts II and III:

ADDED COUNT II: The plaintiff claims of the defendants FIFTY THOUSAND & 00/100 DOLLARS (\$50,000.00) damages for that heretofore and on to wit: the 30th day of August, 1968, the plaintiff's intestate was a pedestrian alongside or walking across U. S. Highway No. 98, to wit: at a point approximately one mile north of the Southernmost boundary of the town of Daphne, Baldwin County, Alabama, and where the plaintiff's intestate had a right to be and then and there the defendant, MRS. THOMAS WODJENSKI, an agent, servant or employee of the defendant, THOMAS WODJENSKI, while acting within the line and scope of her employment as such agent, servant or employee, so negligently drove an automobile so as to run into, over, upon and against the plaintiff's intestate causing injuries resulting in the death of the plaintiff's intestate. The plaintiff avers that the death of the plaintiff's intestate was proximately caused by the negligence of the defendant, MRS. THOMAS WODJENSKI, who was then and there acting within the line and scope of her employment as an agent, servant, or employee of the defendant, THOMAS WODJENSKI, and hence this suit.

ADDED COUNT III: The plaintiff claims of the defendants FIFTY THOUSAND & 00/100 DOLLARS (\$50,000.00) damages

for that heretofore and on to wit: the 30th of August, 1968, the plaintiff's intestate was a pedestrian alongside or walking across U. S. Highway 98, to wit: at a point approximately one mile north of the southernmost boundary of the Town of Daphne, Baldwin County, Alabama, and where the plaintiff's intestate had a right to be and then and there the defendant, MRS.

THOMAS WODJENSKI, an agent, servant or employee of the defendant, THOMAS WODJENSKI, and acting within the line and scope of her authority as such agent, servant or employee, wantonly injured the plaintiff's intestate by wantonly driving an automobile so as to run into, over, upon and against the plaintiff's intestate causing injuries resulting in his death, and hence this suit.

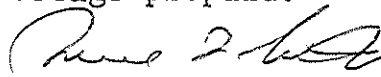


FRED F. SMITH, JR.
Attorney for Plaintiff
P.O.Box 487
Fairhope, Alabama 36532

ATTORNEY FOR DEFENDANTS:
John A. Courtney

CERTIFICATE OF SERVICE

I hereby certify that I have on this 8th day of October, 1970, 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.



FRED F. SMITH, JR.

FILED

OCT 8 1970

ALICE J. DUCK CLERK
REGISTER