

COLLINS, GALLOWAY & MURPHY
ATTORNEYS AT LAW
958 DAUPHIN STREET
MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
JAMES H. LACKEY

August 28, 1969

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

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

Re: Laura Price, a minor, etc.
vs: Ronald G. Barrett, et al
Case No. 8675
Lynne L. Price
vs: Ronald G. Barrett, et al
Case No. 8676

Dear Mrs. Duck:

It is my understanding that the Judge has overruled our demurrers in each of the above referred to cases as to count one and sustained them as to count two. I enclose herewith answers in each case to count one in each complaint.

Would you please file these in the respective cases.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY


Thomas M. Galloway

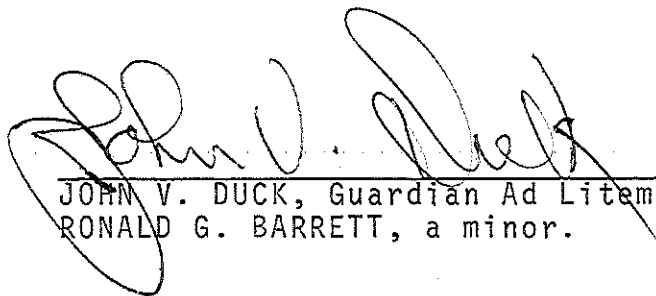
TMG/brm

Encl.

LYNNE L. PRICE,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW, CASE NO. 8676
RONALD G. BARRETT and JAMES	)	
E. BARRETT, JR., jointly and	)	
severally,	)	
Defendants.	)	

Comes now JOHN V. DUCK, Guardian Ad Litem for RONALD G. BARRETT, a minor, and for answer to the Bill of Complaint filed herein, says to each and every count thereof jointly and severally:

1. "Not guilty".

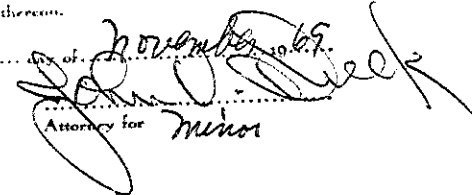

 JOHN V. DUCK, Guardian Ad Litem for
 RONALD G. BARRETT, a minor.

FILED

NOV 12 1969

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 10 day of November, 1969.

 Attorney for minor

ALICE J. DUCK CLERK
 REGISTER

LYNNE L. PRICE, : IN THE CIRCUIT COURT OF
Complainant,
VS: : BALDWIN COUNTY, ALABAMA
RONALD G. BARRETT and JAMES
E. BARRETT, JR., jointly and : AT LAW
severally,
Defendants. : CASE NO. 8 6 7 6

Come the defendants jointly and separately and demur to the complaint heretofore filed and each and every count thereof jointly and separately upon the following separate and several grounds:

1. The same fails to state a cause of action against the defendants.
2. The same attempts to allege wilfull conduct on the part of the defendant James E. Barrett, Jr. without alleging sufficient facts in support thereof.
3. The same fails to state a count of wilfull or wanton conduct against the defendants.
4. The same fails to allege that the injuries as alleged in the complaint were wilfully inflicted upon the plaintiff.
5. Count Two of the complaint attempts to allege injuries sustained by the plaintiff but fails to set out that the same were wilfully inflicted.

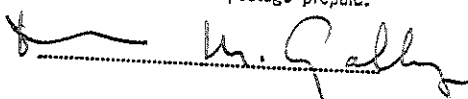
COLLINS, GALLOWAY & MURPHY

By:


THOMAS M. GALLOWAY
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 24
day of May, 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 ad-
dressed, and first class postage prepaid.



FILED

MAY 18 1969

ALICE J. DUCK CLERK
REGISTER

LYNNE L. PRICE, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: BALDWIN COUNTY, ALABAMA
RONALD G. BARRETT and JAMES
E. BARRETT, JR., jointly and : AT LAW
severally,
Defendants. : CASE NO. 8 6 7 6

Comes now Ronald G. Barrett, a minor, over the age of fourteen (14) years, and having received a copy of the complaint in this matter hereby nominates as guardian ad litem to act for him in this case John V. Duck, who is a practicing attorney in Baldwin County, Alabama, and does hereby request that the court appoint John V. Duck as guardian ad litem for said purposes.

Ronald G. Barrett
Ronald G. Barrett

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned authority in and for said State and County, personally appeared Ronald G. Barrett, who is a minor over fourteen (14) years of age and he acknowledged before me on this date that he executed the foregoing appointment of guardian ad litem on this the 20 day of May 1969.

Lucia Higbee
Notary Public

FILED

MAY 21 1969

ALICE J. DUCK
CLERK
REGISTER

LYNNE L. PRICE, : IN THE CIRCUIT COURT OF
 Plaintiff, :
 VS: : BALDWIN COUNTY, ALABAMA
 RONALD G. BARRETT and : AT LAW
 JAMES E. BARRETT, JR., :
 jointly and severally, :
 Defendants : CASE NO. 8 6 7 6

Comes now the defendants, jointly and separately,
 and for answer to the complaint heretofore filed say as
 follows:

1. Not guilty.

COLLINS, GALLOWAY & MURPHY

BY: Thomas M. Galloway
 ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 28th day of August 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.

Thomas M. Galloway

FILED

Aug 28 1969

Alice J. Smith CLERK
 REGISTER

LYNNE L. PRICE, : IN THE CIRCUIT COURT OF
 Plaintiff, : BALDWIN COUNTY, ALABAMA
 -VS- :
 RONALD G. BARRETT and JAMES : AT LAW
 E. BARRETT, JR., jointly and :
 severally, :
 Defendants. : NUMBER 8674

COUNT ONE

Plaintiff claims of the Defendants, jointly and severally, the sum of TWENTY THOUSAND AND NO/HUNDREDTHS DOLLARS (\$20,000.00) as damages for that heretofore and on, to-wit, December 13, 1968, Plaintiff's minor child, Laura Price, three (3) years of age, was a passenger in a motor vehicle being driven southwardly on U. S. Highway 98, at a point approximately 1.8 miles west of the city limits of Fairhope, Alabama, and at a point where such highway was a public highway in and of the County of Baldwin, State of Alabama, and at such time and place, Defendant Ronald G. Barrett, an agent servant or employee of James E. Barrett, Jr., while in the line and scope of employment as such, who was driving a motor vehicle northwardly on said U. S. Highway 98, so negligently operated such motor vehicle as to cause or allow the same to run into, upon and against the motor vehicle in which Plaintiff's minor child was a passenger. And Plaintiff avers that as a direct and proximate consequence and result of the negligence of Defendant Ronald G. Barrett, an agent, servant or employee of Defendant James E. Barrett, Jr., while acting in the line and scope of employment as such, Plaintiff's minor child suffered a fracture of the right leg; she was broken, bruised and battered and cut about her body; she was caused to be hospitalized for a long period of time; she suffered great pain and mental anguish; and she suffered permanent impairment to her body.

Plaintiff avers that as a further direct and proximate consequence and result of the negligence of the Defendants as aforesaid, Plaintiff as mother of the above named child was

deprived of the service of such child and was caused to incur great expense for the medical care and treatment of such child and will in the future incur further such expense; Plaintiff further expended and will expend great time in the care and nursing of said child, all to her damage as aforesaid.

Wherefore this suit.

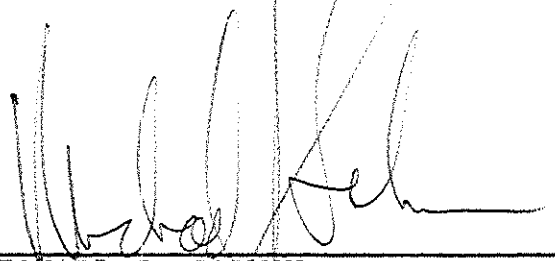
COUNT TWO

Plaintiff claims of the Defendants, jointly and severally, the sum of TWENTY THOUSAND AND NO/HUNDREDTHS DOLLARS (\$20,000.00) as damages for that heretofore and on, to-wit, December 13, 1968, Plaintiff's minor child, Laura Price, aged three (3) years, was a passenger in a motor vehicle being driven southwardly on U. S. Highway 98, at a point approximately 1.8 miles west of the city limits of Fairhope, Alabama, and at a point where such highway was a public highway in and of the County of Baldwin, State of Alabama, and at such time and place, Defendant Ronald G. Barrett, an agent, servant or employee of James E. Barrett, Jr., while in the line and scope of employment as such, was driving a motor vehicle northwardly on said U. S. Highway 98, wilfully or wantonly injured Plaintiff's minor child by wilfully or wantonly driving such motor vehicle into, upon and against the motor vehicle in which Plaintiff's minor child was a passenger. And Plaintiff avers that as a direct and proximate consequence and result of the wilful or wanton conduct of Defendant Ronald G. Barrett, an agent, servant or employee of Defendant James E. Barrett, Jr., while acting in the line and scope of employment as such, Plaintiff's minor child suffered a fracture of the right leg; she was broken, bruised, battered and cut about her body; she was caused to be hospitalized for a long period of time; she suffered great pain and mental anguish; and she suffered permanent impairment to her body.

Plaintiff avers that as a further direct and proximate consequence and result of the wilful or wanton conduct of the

Defendants as aforesaid, Plaintiff, as mother of the above named child, was deprived of the service of such child and was caused to incur great expense for the medical care and treatment of such child and will in the future incur further such expense; Plaintiff further expended and will expend great time in the care and nursing of said child, all to her damage as aforesaid.

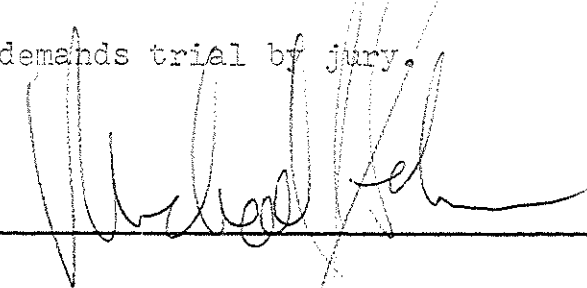
Wherefore this suit.



MICHAEL J. SALMON
Attorney for Plaintiff

324 International Trade Center
Mobile, Alabama 36602

Plaintiff respectfully demands trial by jury.



Plaintiff asks that a guardian be appointed to defend Defendant Ronald G. Barrett, a minor.

Defendants may be served at:

Gulf Coast Sub-Station
Robertsdale Highway
Fairhope, Alabama

FILED

APR 26 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. 8676

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Ronald G. Barrett and James E. Barrett, Jr. Jointly and Severally

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.....

Ronald G. Barrett and James E. Barrett, Jr., Jointly and Severally Defendant.....

by Lynne L. Price

Plaintiff.....

Witness my hand this.....23rd.....day of.....April.....19.69.

Clerk

No. 8676

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

LYNNE L. PRICE

Plaintiffs

vs.

RONALD G. BARRETT AND JAMES E. BARRETT, Jr.

Defendants

SUMMONS AND COMPLAINT

Filed 4-23 1969

Alice J. Duck

Clerk

Michael Salmon

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

April 23 1969

Sheriff

I have executed this summons

this April 25 1969

by leaving a copy with

Ronald G. Barrett
and
James E. Barrett

Sheriff claims 70 1/4 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Kendall
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Roy Randall Deputy Sheriff

Is'hope