

CUNNINGHAM, BOUNDS AND BYRD

ATTORNEYS AT LAW
1350 DAUPHIN STREET
P. O. BOX 4486

MOBILE, ALABAMA 36604

AREA CODE 205
TELEPHONE 438-6188

ROBERT T. CUNNINGHAM
RICHARD BOUNDS
ROBERT L. BYRD, JR.
WARREN L. HAMMOND, JR.

July 22, 1969

Sum

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

Re: Harper vs. Rada Estate

8811
8812

Dear Mrs. Duck:

Will you please file the enclosed complaints and return the attached receipt to us in the enclosed envelope?

Very truly yours,

CUNNINGHAM, BOUNDS & BYRD

Richard Bounds
RICHARD BOUNDS

RB/ac

EUGENE M. HARPER,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
PHYLLIS S. NESBIT, as	X	AT LAW	NO: 8811
Administratrix of the	X		
Estate of STEPHEN D.	X		
RADA, Deceased,	X		
Defendant.	X		

DEMURRER

Comes now the Defendant in the above styled cause and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not allege any duty owing by the Defendant's intestate to the Plaintiff.
3. That the place where the accident occurred is not sufficiently set out.
4. That the damage to Plaintiff's automobile is not sufficiently set out.
5. That the period of time for which the Plaintiff lost the use of his vehicle is not sufficiently set out.
6. That said Complaint does not state that the Plaintiff was gainfully employed at the time of his accident.
7. That said Complaint fails to state in what manner the ability of the Plaintiff to work and earn money in the future has been permanently impaired.
8. The allegations of the Complaint in regard to the injuries of the Plaintiff's wife and her losing time from her

employment and her ability to work, states no claim against this Defendant's intestate for which recovery may be made.

CHASON, STONE & CHASON

By: *[Signature]*
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 12 day of Nov., 1969

[Signature]

FILED

NOV 12 1969

ALICE J. DUCK CLERK
REGISTER

EUGENE M. HARPER,)
 PLAINTIFF,) IN THE CIRCUIT COURT OF
 -vs-) BALDWIN COUNTY, ALABAMA
 PHYLLIS S. NESBIT, as Admin-) AT LAW
 istratrix of the Estate of)
 STEPHEN D. RADA, deceased,) CASE NO. 8811
 DEFENDANT.)

COUNT ONE

Plaintiff claims of the Defendant the sum of SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS, damages, for that heretofore and on, to-wit, March 30, 1969, the Defendant's intestate negligently operated a motor vehicle on U. S. Highway 90 at a point, to-wit, nine tenths miles west of Taylor Still Road, at which point the said U. S. Highway 90 is a public road in Baldwin County, Alabama, so as to cause the same to collide with Plaintiff's motor vehicle being operated by Plaintiff's wife, Mary Bell Harper, and in which the Plaintiff was riding as a passenger on U. S. Highway 90, and as a direct and proximate result of the negligence of the Defendant's intestate as aforesaid, Plaintiff's automobile was bent, broken and damaged and he lost the use thereof over a period of time and Plaintiff suffered the following personal injuries: He was made sick, sore and lame; he was caused to suffer mental and physical pain and anguish, still so suffers and will so suffer in the future; his pelvis was fractured; his spine was injured; he was permanently injured; he was caused to incur hospital bills, doctors bills and other medical expenses for the care and treatment of his said injuries; he was caused to lose time from his employment and his ability to work and earn money in the future has been permanently impaired.

As a further direct and proximate result of the negligence of the Defendant's intestate as aforesaid, Plaintiff's wife, Mary Bell Harper, was injured and damaged as follows: She was made sick, sore and lame; she was caused to suffer severe mental and physical pain and anguish, still so suffers and will so suffer in the future; she was permanently injured; she suffered lacerations and bruises over her head, face and body; her back and legs were injured; she was caused to lose time from her employment and her ability to work and earn money in the future has been permanently impaired.

As a further direct and proximate result of the negligence of the Defendant's intestate as aforesaid and the injuries to Plaintiff's said wife, the Plaintiff was caused to incur hospital bills, doctors bills and other medical expenses for the care and treatment of his wife's injuries and he was caused to lose the services and consortium of his said wife over a period of time.

CUNNINGHAM, BOUNDS & BYRD
ATTORNEYS FOR PLAINTIFF

BY: Richard Bounds
RICHARD BOUNDS

Plaintiff demands a trial by jury.

Richard Bounds
RICHARD BOUNDS

Trial Attorney: Richard Bounds

Address of Defendant:

Phyllis S. Nesbit
Attorney at Law
Robertsdale, Alabama

FILED

JUL 23 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. 8811

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Phyllis S. Nesbit, as Administratrix of the
Estate of Stephen D. Rada, deceased

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 Phyllis S. Nesbit

as Administratrix of the Estate of Stephen D. Rada, deceased..... Defendant.....

by Eugene M. Harper

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

Witness my hand this 22nd day of July 19 69

Alice Luck, Clerk

No. 8811

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Eugene M. Harper

Plaintiffs

vs.

Phyllis S. Nesbit
as Adm.

Defendants

SUMMONS AND COMPLAINT

Filed 7-22 1969

Alice Quirk Clerk

Cunningham, Bouch, &
Syde Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED
Received In Office

JUL 22 19 1969

Taylor Wilkins Sheriff

I have executed this summons

this 22-July 1969
by leaving a copy with

Phyllis S. Nesbit, Adm.
of the Est. of Stephen
W. Rada, Deceased

Sheriff claims 50 miles at

Ten Cents per mile Total \$5.00

TAYLOR WILKINS Sheriff

BY Brown
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. J. Brown Deputy Sheriff

Samuel R. T.
R. Dale