

JOE ROWE BENNETT,)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.)	BALDWIN COUNTY, ALABAMA
BERTHA L. RIEL,)	IN LAW.
Defendant.)	8836

The Plaintiff, Joe Rowe Bennett, claims of the Defendant, the sum of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) damages for that heretofore on, to-wit, September 3, 1968, the Defendant, Bertha L. Riel, so negligently operated a motor vehicle on U. S. Highway Number 98, a public road in Baldwin County, Alabama, at a point approximately 1.2 miles West of the Montrose Post Office, as to cause or allow the same to run into, upon and against a motor vehicle which was then and there being operated by Leslie Dee Hall, and in which automobile, at said time and place, the Plaintiff herein was a passenger, and as a proximate consequence of the negligence of the Defendant, Bertha L. Riel, the Plaintiff was seriously and permanently injured in this: his right ankle and heel was broken; he received cuts and abrasions about his right leg and right side; he was caused to be hospitalized and to receive surgery upon his ankle and heel; he was caused to incur medical and drug bills; he was caused to lose five months work and was caused pain and suffering; wherefore, he brings this suit and asks judgment in the above amount.

HOLBERG, TULLY AND HODNETTE
and
J. CONNOR OWENS, JR.,

By *J. Connor Owens, Jr.*
Attorneys for Plaintiff.

Plaintiff demands a trial of this
cause by a Jury.

J. Connor Owens, Jr.

FILED

AUG 6 1969

ALICE J. DECK

CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No.....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

BERTHA L. RIEL

480 DOGWOOD AVENUE

FAIRHOPE, ALABAMA

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.....

BERTHA L. RIEL

Defendant.....

by JOE ROWE BENNETT

Plaintiff.....

Witness my hand this 6th day of August 19 69.

Alice J. [Signature] Clerk

8-13-69

No. 8836

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JOE ROWE BENNETT

Plaintiffs

vs.

BERTHA L. RIEL

Defendants

SUMMONS AND COMPLAINT

Filed August 6 1969

Clerk

HOLBERG, TULLY AND HODNETTE
and

J. CONNOR OWENS, JR.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
480 Dogwood Avenue
Fairhope, Alabama

Received In Office

Aug 6 1969

Taylor Wilkins Sheriff

I have executed this summons

this Aug 13 1969

by leaving a copy with

Bertha L. Riel

70 miles at
Sheriff claims

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

Randall
BY DEPUTY SHERIFF

Taylor Wilkins Sheriff

Randall Deputy Sheriff

F. Hope

JOE ROWE BENNETT,)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
Plaintiff,)	AT LAW
VS.)	
BERTHA L. RIEL,)	
Defendant.)	CASE NO. 8836

DEMURRER

Comes now the defendant in the above styled cause and demurs to the complaint heretofore filed against her in said cause, and to each count thereof, separately and severally, and for grounds of demurrer setsdown and assigns the following, separately and severally, to-wit:

1. For that it does not state facts sufficient to constitute a cause of action.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called upon to defend.
4. For that it does not appear with sufficient certainty what duty, if any, defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty she may have owed to the plaintiff.
6. For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.
7. For that there does not appear sufficient causal connection between defendant's said breach of duty and plaintiff's injuries and damages.
8. For that no facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant.
9. For that it is not alleged with sufficient certainty where said accident occurred.


10. For that it is not alleged that the negligence complained of proximately caused the accident, injuries and damages complained of.

11. The averments thereof are conflicting and repugnant.

12. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

INGE, TWITTY, DUFFY & PRINCE

By


Sydney R. Prince, III

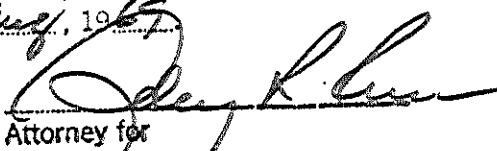
FILED

AUG 28 1969

ALICE J. DUCK CLERK
REGISTER

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 28 day of Aug, 1969.


Attorney for

JOE ROWE BENNETT,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
BERTHA L. RIEL,)
Defendant.) CASE NO. 8836

ANSWER

Comes now the defendant in the above styled cause and for answer to the plaintiff's complaint therein and to each count thereof, separately and severally, makes and files the following separate and several pleas:

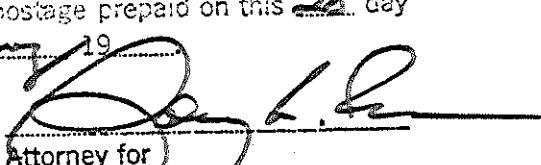
1. Not guilty.
2. This defendant denies the material allegations thereof.

INGE, TWITTY, DUFFY & PRINCE

By 
Sydney R. Prince, III

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 24 day of Aug 1969.


Attorney for

FILED

AUG 28 1969

ALICE J. DUCK

CLERK
REGISTER

JOE ROWE BENNETT,) IN THE CIRCUIT COURT OF
 Plaintiff,) BALDWIN COUNTY, ALABAMA
 vs.) AT LAW
 BERTHA L. RIEL,)
 Defendant.) CASE NO. 8836

NOTICE OF DEPOSITION


TO: Mr. Robert E. Hodnette, Jr.
 Holberg, Tully & Hodnette
 Milner Building
 Mobile, Alabama

Mr. J. Connor Owens, Jr.
 P. O. Box 729
 Bay Minette, Alabama 36507

You are hereby notified that defendant Bertha L. Riel, will take the pretrial discovery deposition of Joe Rowe Bennett, on Monday, November 10, 1969, commencing at 8:30 a.m. in the offices of Messrs. Inge, Twitty, Duffy & Prince, located on the 13th Floor of the Merchants National Bank Building, Mobile, Alabama, before Louis M. Hubbard, Jr., or before some other officer authorized by law to take depositions. The deposition is to be taken in accordance with and pursuant to Act No. 375 of the Alabama Legislature of 1955, as amended, and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 7th day of November, 1969.

INGE, TWITTY, DUFFY & PRINCE

By 
 Sydney R. Prince, III

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 7th day of Nov, 1969.


 Attorney for

*Filed 11-12-69
 Alice A. Decker
 Clerk*

JOE ROWE BENNETT,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
BERTHA L. RIEL,)
Defendant.) CASE NO. 8836

NOTICE OF DEPOSITION

TO: Mr. Robert E. Hodnette, Jr.
Holberg, Tully & Hodnette
Milner Building
Mobile, Alabama

Mr. J. Connor Owens, Jr.
P. O. Box 729
Bay Minette, Alabama 36507

You are hereby notified that defendant Bertha L. Riel will take the pretrial discovery deposition of Dr. L. L. Brown on Monday, November 17, 1969, at 3:00 p.m. at the office of Dr. Brown located at 58 North Broad Street, Mobile, Alabama, before Charles A. Howard, or before some other officer authorized by law to take depositions. The deposition is to be taken in accordance with and pursuant to Act No. 375 of the Alabama Legislature of 1955, as amended, and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 10th day of November, 1969.

INGE, TWITTY, DUFFY & PRINCE

By

John N. Leach, Jr.
John N. Leach, Jr.

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 11th day of Nov., 1969.

John N. Leach, Jr.
Attorney for

FILED

NOV 12 1969

VOL

65 PAGE 321

ALICE J. DUCK

CLERK
REGISTER

JOE ROWE BENNETT,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
BERTHA L. RIEL,)
Defendant.) CASE NO. 8836

NOTICE OF DEPOSITION

TO: Mr. Robert E. Hodnette, Jr.
Holberg, Tully & Hodnette
Milner Building
Mobile, Alabama

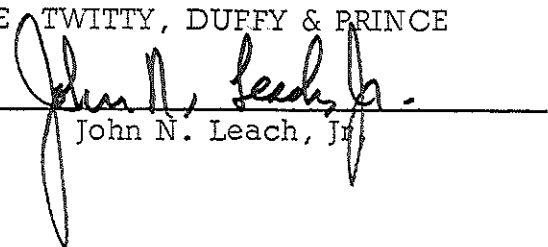
Mr. J. Connor Owens, Jr.
P. O. Box 729
Bay Minette, Alabama 36507

You are hereby notified that defendant Bertha L. Riel, will take the pre-trial discovery deposition of Dr. L. E. Rockwell on Tuesday, November 18, 1969 at 4:00 p.m. in the office of Dr. Rockwell located on Main Street in Daphne, Alabama, before Charles A. Howard, or before some other officer authorized by law to take depositions. The deposition is to be taken in accordance with and pursuant to Act No. 375 of the Alabama Legislature of 1955, as amended, and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 10th day of November, 1969.

INGE TWITTY, DUFFY & PRINCE

By


John N. Leach, Jr.

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 12th day of Nov, 1969.


Attorney for

FILED

NOV 12 1969

ALICE J. DUCK

CLERK
REGISTER

LAW OFFICES
HOLBERG, TULLY AND HODNETTE

1107 MILNER BUILDING

P. O. BOX 47

MOBILE, ALABAMA

36601

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
ROBERT E. HODNETTE, JR.
RALPH G. HOLBERG, III
JACK W. MORGAN

TELEPHONE
432-8863

April 2, 1970

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

Re: Joe Rowe Bennett vs. Bertha L. Riel, Case No. 8836

Dear Mrs. Duck:

Our office represents the Plaintiff, Joe Rowe Bennett, in the above mentioned case.

The case has been settled and on behalf of the Plaintiff it is requested that this matter be dismissed.

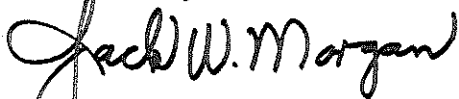
It is requested that the cost bill be sent directly to Mr. Sydney R. Prince, III, the attorney for the Defendant. Mr. Prince's mailing address is P.O. Box 1109, Mobile, Alabama, 36601.

Enclosed is a letterhead carbon and it would be appreciated if you would note the fact of dismissal and the date thereof on the carbon copy and forward the same directly to Mr. Prince.

Your cooperation and assistance is appreciated.

Sincerely yours,

HOLBERG, TULLY AND HODNETTE


Jack W. Morgan

JWM/ff

Enclosure

CC: Mr. Sydney R. Prince, III, Esq.

Mr. J. Connor Owens, Jr., Esq.