

THE STATE OF ALABAMA }
~~ALABAMA~~ COUNTY }
 BALDWIN

CIRCUIT COURT

CASE NUMBER _____

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Roy R. Morton, P.O. Box 160, Elberta,
 Alabama,

to appear at the Present term of the Circuit Court, to be held for said County, at the place of holding
 the same, then and there to answer the complaint of... Robert Earl Clemmons, a minor,
 by his father and next friend, L.P. Clemmons, hereto attached.

Witness my hand this 2nd day of February A.D. 1966

Alice J. Hester
 Clerk.

COMPLAINT

ROBERT EARL CLEMMONS, a	vs.	ROY R. MORTON,
minor by his Father and		Elberta, Alabama,
next friend, L.P. Clemmons,		
Plaintiff.		Defendant.

6843

COUNT I

The Plaintiff.. claim. sof the Defendants. the sum of \$50,000.00 as damages for that heretofore on or about to-wit: December 18, 1965, while Plaintiff was riding as a passenger in an automobile along and upon a public highway in Baldwin County, Alabama, namely: U.S. Highway Number 98 at a point about .9 mile West of Elberta, in said County and State; where... he had a right to be, the defendant negligently drove an automobile truck into, over, upon or against the said automobile in which plaintiff was riding as aforesaid, and as a direct and proximate consequence of said negligence plaintiff was injured and damaged as follows, to-wit: he was made sick, sore and lame; he was cut, bruised, lacerated, and contused about his lower limbs, head, face, scalp and arms; he received a concussion of the brain; he received a contusion of the radial nerve; his chest was crushed; his head was cut requiring 15 stitches; his kidneys were injured; both knees were cut; his ribs were broken; his spine and back were strained and sprained; his right face was injured and his speech impaired; he was permanently injured and he suffered great physical pain and mental anguish; he was confined to the hospital and required medical treatment and attention of doctors, surgeons, and specialists in the treatment of his said injuries and will require future medical treatment; all to his damage in the sum aforesaid; hence this suit.

COUNT TWO

Plaintiff refers to and adopts all words and figures of Count One hereof, substituting the word "wantonly" for the word "negligently" wherever the same appears therein; and plaintiff avers that on the occasion complained of defendant wantonly injured plaintiff, at the time, place and manner aforesaid and, as a proximate consequence of said wanton conduct; plaintiff suffered the damages aforesaid.

FILED

A trial by jury is demanded in this cause.

James H. McQuinn
 Attorneys for Plaintiff
James H. McQuinn
 Plaintiff's Attorney.

CASE NO. 6842

Received 2 day of Feb. 1966
at 5 day of Feb. 1966
by Ray R. Morton
by service on Ray R. Morton

TAYLOR WILKINS, Sheriff
By Jm Eastman D. S.
Elberta

Sheriff claims 84 m. of
Ten Cents per mile Total \$ 8.40
TAYLOR WILKINS, Sheriff
By Jm Eastman
DEPUTY SHERIFF

STATE OF ALABAMA ()
 :
BALDWIN COUNTY ()

Executed this the _____ day of _____, 1966, by leaving
a copy of the within Summons and Complaint with Roy R. Morton, defendant,
P.O. Box 160, Elberta, Alabama.

Sheriff

BY _____
Deputy Sheriff

IN THE CIRCUIT COURT OF
TUSCALOOSA COUNTY
ALABAMA

ROBERT EARL CLEMMONS, a
minor by his Father and
next friend, L.P. Clemmons,

PLAINTIFF

VS.

ROY R. MORTON,

DEFENDANT

SUMMONS AND COMPLAINT

Defendant Roy R. Morton may
be served at Elberta, Ala-
bama.

FILED
FEB 2 1966
JULIE L. DICK, CLERK
REGISTER

E. M. FORD, JR.
JACK H. MCGUIRE
ATTORNEYS AT LAW
2800 - 7TH STREET
P. O. BOX 146
TUSCALOOSA, ALA.
ATTORNEYS FOR PLAINTIFF

ROBERT EARL CLEMMONS, a
minor by his Father and
next friend, L. P. CLEMMONS,

Plaintiff,

VS:

ROY R. MORTON,

Defendant.

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY, ALABAMA

: AT LAW

: CASE NO. _____

Comes the Defendant in the above styled matter and demurs
to the Complaint and each and every Count thereof separately and
severally upon the following separate and several grounds:

1. The same fails to state a cause of action against the
Defendant.

2. The same attempts to allege wanton conduct on the part
of the Defendant without alleging facts in support thereof.

3. The same is confusing and misleading.

4. The same does not advise the Defendant of what he is
called upon to defend.

CECIL G. CHASON
and

COLLINS, GALLOWAY & MURPHY

BY: 

Thomas M. Galloway
ATTORNEYS FOR DEFENDANT

P. O. Box 4492
Mobile, Alabama 36604

FILED

2-28-66

Alice L. Duck, CLERK
REGISTER

ROBERT EARL CLEMMONS, a	:	IN THE CIRCUIT COURT OF
minor by his Father and	:	
next friend, L. P. CLEMMONS,	:	BALDWIN COUNTY, ALABAMA
Plaintiff,	:	
VS:	:	AT LAW
ROY R. MORTON,	:	
Defendant.	:	CASE NO. _____

Comes the Defendant in the above styled matter and demurs to the Complaint and each and every Count thereof separately and severally upon the following separate and several grounds:

1. The same fails to state a cause of action against the Defendant.
2. The same attempts to allege wanton conduct on the part of the Defendant without alleging facts in support thereof.
3. The same is confusing and misleading.
4. The same does not advise the Defendant of what he is called upon to defend.

CECIL G. CHASON
and
COLLINS, GALLOWAY & MURPHY

BY: Thomas M. Galloway
Thomas M. Galloway
ATTORNEYS FOR DEFENDANT

P. O. Box 4492
Mobile, Alabama 36604

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 25th day of Feb, 1966, 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

ROBERT EARL CLEMMONS, a
minor by his Father and
next friend, L. P. CLEMMONS,

Plaintiff,

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY, ALABAMA

VS:

ROY R. MORTON,

Defendant.

: AT LAW

: CASE NO. _____

Comes the Defendant in the above styled matter and
for answer to the complaint heretofore filed and to each and
every Count thereof jointly and separately, says as follows:


1. Not guilty.

CECIL G. CHASON

and

COLLINS, GALLOWAY & MURPHY

By:


THOMAS M. GALLOWAY
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 1st
day of Sept, 1966, 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

SEP 2 1966

ALICE L. DUCK, CLERK
REGISTER

LAW OFFICE OF
E. M. FORD, JR.
ATTORNEY AND COUNSELOR AT LAW

January 31, 1966

P. O. BOX 146,
2600 7TH STREET.
TUSCALOOSA, ALA.

OFFICE PHONE
758-4781
HOME PHONE
758-7409
AREA CODE
205

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

Re: Robert Earl Clemmons, a minor by his
Father and next friend, L.P. Clemmons,
VS. Roy R. Morton

L.P. Clemmons vs. Roy R. Morton.

6843

6844

Dear Mrs. Duck:

Enclosed herewith please find original and copy of
Summons and Complaints in the above styled causes.

Would you please write me giving me the case numbers
and the date of service of the Summons and Complaints on the
defendant in Elberta, Alabama?

Also, please inform me the date of the next term of court
and whether or not these cases will appear on the docket for that
term of court.

Also, please inform me whether or not the case filed by
Mr. Norborne C. Stone, Jr., for William Thomas Burton, deceased
against the same defendant will appear on the next docket of
the circuit court.

Thank you.

Yours very truly,

E. M. FORD, JR.

EMR: bf
Encls. (2)