

EXIE DEAN THOMAS, : IN THE CIRCUIT COURT OF  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 -VS- : AT LAW  
 ALBERT DEAN KING and HERMAN :  
 LESTER BOYINGTON, jointly :  
 and severally, : CASE NUMBER 6855  
 Defendants. :

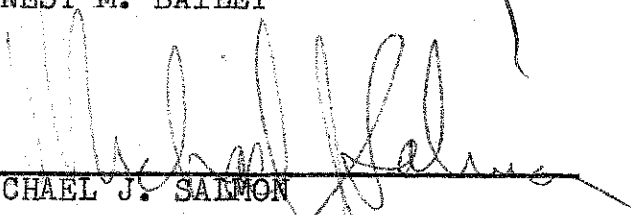
COUNT ONE

Plaintiff claims of the Defendants the sum of THIRTY-FIVE THOUSAND AND NO/HUNDREDTHS DOLLARS (\$35,000.00) as damages for that heretofore and on, to-wit, July 13, 1965, Plaintiff was a passenger in a motor vehicle traveling westwardly on Winn Road at a point approximately 7.6 miles north of Jackson, Alabama, and at a point where the said Winn Road was a public highway within Clarke County, Alabama, and Defendant Albert Dean King, an agent, servant or employee of Defendant Herman Lester Boyington, while acting in the line and scope of his employment as such, was driving a logging truck of said Defendant Herman Lester Boyington eastwardly on the said Winn Road, and at such time and place, Defendant Albert Dean King so negligently operated the said motor vehicle of Defendant Herman Lester Boyington as to cause or allow the same to get out of control and to completely block the eastward and westward lane of the said Winn Road and to cause the automobile in which Plaintiff was riding as a passenger to collide with it. Plaintiff avers that as a direct and proximate consequence and result of the negligence of the Defendant Herman Lester Boyington acting by and through his agent, servant or employee, Defendant Albert Dean King, while acting within the line and scope of his employment as such, Plaintiff was torn, lacerated and punctured; she suffered abrasions, contusions and a cerebral concussion; she was caused to be hospitalized for a long period of time and to incur medical, hospital and nursing obligations for her

pain and mental anguish and will likely in the future suffer further great pain and mental anguish; all to the Plaintiff's damage in the amount aforesaid.

WHEREFORE, this suit.

  
ERNEST M. BAILEY

  
MICHAEL J. SALMON

Attorneys for the Plaintiff

Plaintiff respectfully demands trial by jury.

  
ERNEST M. BAILEY

  
MICHAEL J. SALMON

Attorneys for the Plaintiff

Defendants may be served at:

Albert Dean King  
Route 1  
Jackson, Alabama

Herman Lester Boyington  
1805 North Hand Avenue  
Bay Minette, Alabama

FILED  
JUL 9 1960  
ALBANY, N.Y. CLERK  
RECORDED

EXIE DEAN THOMAS,	)	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	:	
vs	)	
	:	AT LAW
ALBERT DEAN KING and HERMAN	)	
LESTER BOYINGTON, jointly	:	
and severally,	)	
	:	
Defendants.	)	CASE NO. 6855

DEMURRER

Comes now ALBERT DEAN KING, one of the Defendants in the above styled cause, and demurs to the complaint heretofore filed herein and to each count thereof, separately and severally, and for grounds of demurrer sets down and assigns, separately and severally, as follows:

1. That it does not state facts sufficient to constitute a cause of action against this Defendant.
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 on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, this Defendant may have owed to the Plaintiff.
5. For that it does not appear with sufficient certainty wherein this Defendant violated any duty owed by Defendant to the Plaintiff.
- (6) For that it does not sufficiently appear that this Defendant owed any duty to the Plaintiff which Defendant negligently failed to perform.

EXIE DEAN THOMAS,

Plaintiff,

Vs.

ALBERT DEAN KING and  
HERMAN LESTER BOYINGTON,  
jointly and severally,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes now the Defendant, Herman Lester Boyington, and demurs to the Plaintiff's Complaint and each count thereof, separately and severally, and for grounds therefor, says as follows:

1.

That the Complaint fails to state a cause of action.

WILTERS & BRANTLEY

BY:

*William M Brantley*  
Attorney for the Defendant,  
Herman Lester Boyington

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 1 day of March 1962 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.

WILTERS, BRANTLEY

By:

*William M Brantley*

FILED  
MAR 1 1962  
ALBANY, ALA.  
CLERK

EXIE DEAN THOMAS, : IN THE CIRCUIT COURT OF  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 v. : AT LAW  
 ALBERT DEAN KING and HERMAN : CASE NO. 6855  
 LESTER BOYINGTON, jointly :  
 and severally, :  
 Defendants. :

A N S W E R

Come now the defendants in the above styled cause,  
 separately and severally, and for answer to the complaint  
 heretofore filed in said cause, and to each count thereof,  
 separately and severally, say, separately and severally, as  
 follows:

1. Not guilty.

2. The matters alleged in the complaint are untrue.

3. At the time and place complained of, the plaintiff  
 was engaged in a joint enterprise with B. R. Kidd, who was then  
 and there operating the motor vehicle in which the plaintiff  
 was riding, in that the plaintiff and B. R. Kidd were making a  
 trip in said motor vehicle for their common and joint purpose,  
 so that plaintiff had equal control over the operation of said  
 motor vehicle, and the said B. R. Kidd did then and there so  
 negligently operate said motor vehicle as to proximately con-  
 tribute to the injuries and damages complained of, wherefore  
 plaintiff ought not to recover.

VICKERS, RIIS, MURRAY & CURRAN

By Marion R. Vickers  
 Attorneys for Defendants.

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 10th  
 day of Aug., 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.

Marion R. Vickers

**FILED**

SEP 11 1966

CLERK  
 REGISTER



IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW      CASE NO: 6855

EXIE DEAN THOMAS,

PLAINTIFF

VS

ALBERT DEAN KINS AND HERMAN  
LESTER BOYINGTON, JOINTLY  
AND SEVERALLY,

DEFENDANTS

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 6855

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon .....

Albert Dean King and Herman Lester Boyington, 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.....

Albert Dean King and Herman Lester Boyington, jointly and severally

Defendant.....

by Eric Dean Thomas

Plaintiff.....

Witness my hand this 9 day of Feb. 19 66

Clerk



No. 6855.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

EXIE DEAN THOMAS

Plaintiffs

vs.

ALBERT DEAN KING and

HERMAN LESTER BOYINGTON  
Defendants

SUMMONS AND COMPLAINT

Filed 2-9-66 19.....

..... Clerk

Executed by serving copy of within on

THE SHERIFF CLAIMS 10

Albert Dean King

MILES AT 10¢ PER MILE FOR

This the

16

day of

Feb.

1966

A TOTAL OF \$ 1.00

H. D. Paul

Sheriff

By W. H. Knight

D. S.

E. Bailey

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED  
Received In Office

FEB 9 1966

19.....

TAYLOR WILKINS

Sheriff

I have executed this summons

this

2-11

1966

by leaving a copy with

Herman Lester Boyington

Taylor Wilkins

Deputy Sheriff