

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon RAUSCH NAVAL STORES CO., a Corporation, and H. V. RAUSCH to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, at the place of holding the same, then and there to answer the Complaint of LILLIE B. TRICE.

WITNESS my hand this 5th day of October, 1936.

R. S. Duck
Clerk.

LILLIE B. TRICE,
Plaintiff,

VS.

RAUSCH NAVAL STORES CO.,
a Corporation, and H. V.
RAUSCH,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

ONE:

The Plaintiff claims of the Defendants the sum of TWENTY-NINE HUNDRED AND NINETY-FIVE (\$2995.00) DOLLARS as damages, for that, on to-wit, the 21st day of June, 1936, the Plaintiff, while being carried as a passenger in an automobile operated or driven by the Defendant, Rausch Naval Stores Co., a Corporation, acting by and through H. V. Rausch, its agent or employee, while acting within the line and scope of his employment, on the Bay Minette-Mobile highway, about one and one-half miles South of Bay Minette, in Baldwin County, Alabama, was injured by said automobile as follows:

Several lacerations on head and face; left knee badly bruised and lacerated; right arm lacerated and bruised; back bruised and injured; right shoulder bruised; right foot bruised; left arm and left leg badly bruised; right ear bruised; and otherwise injured;

that the Plaintiff was permanently injured; that it was necessary for

her to incur hospital, nurse, drug and doctor bills, and other expenses; that as a result of said injuries she was caused to lose much time from her work.

Plaintiff avers that her injuries were proximately caused by the negligence of the Defendants, as above set out, in and about the management and operation of said automobile.

TWO:

The Plaintiff claims of the Defendants the sum of TWENTY-NINE HUNDRED AND NINETY-FIVE (\$2995.00) DOLLARS, damages, for that, on to-wit, June 21st, 1936, the Defendant, Rausch Naval Stores Co., a Corporation, acting by and through its agent or employee, H. V. Rausch, who was then and there acting within the line and scope of his employment, so negligently operated an automobile, which he was then and there driving or running along the public road leading from Bay Minette to Stapleton, in Baldwin County, Alabama, at a point proximately one and one-half miles South of Bay Minette, on said road, and in which car the Plaintiff was riding as a passenger; that the said Defendants caused or allowed the said car or automobile which it was then and there driving or running, as above set out, to run off the said road, and the Plaintiff was injured as follows:

Several lacerations on head and face; left knee badly lacerated and bruised; right arm lacerated and bruised; back bruised and injured; right shoulder bruised; right foot bruised; left arm and left leg badly bruised; right ear bruised; and otherwise injured;

Plaintiff avers that the said injuries received by her were proximately caused by the negligence of the Defendant, Rausch Naval Stores Co., a Corporation, acting by and through H. V. Rausch, who was then and there acting within the line and scope of his employment, in and about the management and operation of said automobile.

THREE:

The Plaintiff claims of the Defendant the sum of TWENTY-NINE HUNDRED AND NINETY-FIVE (\$2995.00) DOLLARS damages, for that, on to-wit, June 21st, 1936, the Defendant, Rausch Naval Stores Co., a Corporation, acting by and through its agent or employee, H. V. Rausch, who was then and there acting within the line and scope of

his employment, so negligently operated an automobile, which it was then and there so driving or running along the public road leading from Bay Minette to Stapleton, in Baldwin County, Alabama, at a point approximately one and one half miles South of Bay Minette, on said road, and in which car the Plaintiff was riding as a guest of the Defendants; that the said Defendants caused or allowed the said car or automobile which it was then and there driving or running along said highway to run off the said road, and the Plaintiff was injured as follows:

Several lacerations on head and face; left knee badly lacerated and bruised; right arm lacerated and bruised; back bruised and injured; right shoulder bruised; right foot bruised; left arm and left leg badly bruised; right ear bruised; and otherwise injured;

Plaintiff avers that the said injuries received by her were proximately caused by the negligence of the Defendant, Rausch Naval Stores Co., a Corporation, acting by and through H. V. Rausch, who was then and there acting within the line and scope of his employment, in and about the management and operation of said automobile.

Beeler & Lee & Beeler.
Attorneys for the Plaintiff.

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Duck
7-572

SUMMONS AND COMPLAINT

LILLIE B. TRICE,

Plaintiff,

VS.

RAUSCH NAVAL STORES CO.,
a Corporation, and H. V.
RAUSCH,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW.

Filed Oct. 5, 1936
R. S. Duck
Clerk

Received in Office
Oct 6 - 1936
M. H. Wilkins Sheriff

Executed Oct 7 1936
by serving copy of
within suit on
W. W. Rausch as
Vice President of
Rausch Naval Stores Co.
M. H. Wilkins
Sheriff
C. N. Anderson D.S.

(
)
LILLIE B. TRICE,
PLAINTIFF

VS.

(
)
RAUSCH NAVAL STORES COMPANY,
a Corporation, and
H. V. RAUSCH,
(
)
DEFENDANT.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA.

Comes the defendant, Rausch Naval Stores Company,
and demurs to the complaint, and each and every count thereof,
and as grounds of demurrer assigns, separately and severally,
as follows:-

1. The complaint alleges no legal duty on the defendant,
Rausch Naval Stores Company.

2. No facts are alleged in the complaint from which any
legal duty of defendant, Rausch Naval Stores Company arises.

3. The complaint alleges no breach of a legal duty owing
by the defendant, Rausch Naval Stores Company to the plaintiff.

4. It affirmatively appears that the defendant, Rausch
Naval Stores Company, is not legally liable to the plaintiff for the
alleged negligence causing the plaintiff's injuries.

5. The complaint does not state a cause of action.

6. From aught that appears from the complaint the plaintiff
was not a passenger of the defendant, Rausch Naval Stores Company.

7. From aught that appears from the plaintiff's complaint,
the plaintiff's injuries were not caused as a proximate result of
the defendant, Rausch Naval Stores Company, running said automobile
off said road.

8. It affirmatively appears from the complaint that the
defendant Rausch Naval Stores Company, did not wilfully injure the
plaintiff.

9. It affirmatively appears from the complaint that the de-
fendant, Rausch Naval Stores Company, did not wantonly injure the
plaintiff.

10. It affirmatively appears from the complaint that there is no casual relation between the defendant, Rausch Naval Stores Company's alleged negligence, and the injuries received by the plaintiff.

11. From aught that appears from the complaint, the plaintiff was not a passenger in said automobile with the knowledge and consent of the defendant, Rausch Naval Stores Company.

12. From aught that appears in the complaint, the plaintiff was not a guest or passenger in said automobile upon the invitation of the defendant, Rausch Naval Stores Company.

13. From aught that appears from the complaint, the plaintiff was a trespasser on the property of the defendant, Rausch Naval Stores Company.

Lewis Chamberlain Lowrey
ATTORNEYS FOR DEFENDANT.

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Filed Nov 4 1936
R. A. Dyer
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