

667

R. A. BURNETT, PLAINTIFF,

VS.

R. M. RADON, DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

No. 667.

And now comes the Defendant and for answer to the Plaintiff's complaint, and to each count thereof, separately and severally, says:

1.

That he is not guilty of the facts alleged;

2.

That the facts therein alleged are untrue;

3.

That the Defendant was guilty of negligence which proximately contributed to the injuries and damages complained of in that he was operating the said automobile which he was driving on the left or wrong side of the center line of the highway;

4.

~~That the Defendant was guilty of negligence which proximately contributed to the injuries and damages complained of in that at the time and place of accident he was driving a motor vehicle upon said highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of the Defendant, without due caution and circumspection and at a speed or in a manner so as to endanger and be likely to endanger persons or property on said highway;~~

5.

The Plaintiff was guilty of negligence which proximately contributed to the injuries and damages complained of in that, he and the Defendant were traveling in opposite directions and the Plaintiff attempted to pass the Defendant without giving the Defendant at least one-half of the main traveling portion of the highway;

6.

The Plaintiff was guilty of negligence which proximately contributed to the injuries and damages complained of in that at the time and place of the said accident he was operating a motor vehicle over and along said highway at an excessive rate of speed.

The Defendant for further answer to the complaint says that the Plaintiff was at the time of the commencement of the suit and still is indebted to the Defendant in the sum of \$2500.00 in that at the time and place alleged the Defendant, at a point on United States Highway No. 31, approximately two miles East of the

R. A. BURNETT,
PLAINTIFF,

VS.

R. M. RABON,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

No. 667

And now comes the Defendant and demurs to the Plaintiff's
complaint and for grounds thereof says:

1.

Said Complaint does not state a cause of action.

2.

Said Complaint shows no duty owed by the Defendant to the
Plaintiff.

3.

Said Complaint does not sufficiently describe the injuries
and damages complained of.

Baker, Ware
by J. H. H. H.

Attorneys for Defendant.

667

RECORDED

R. A. BURDITT, Plaintiff,

VS.

R. M. RABON, Defendant.

DEMURRER

Filed June 10, 1941

R. S. Duck, Register.

Clk

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

THE STATE OF ALABAMA,
Baldwin County.

No. 667

CIRCUIT COURT

May, 1941.

1941

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon R. M. RABON,

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in

the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against

R. M. RABON,

Defendant .. by

R. A. BURNETT,

Plaintiff ..

Witness my hand this 27th day of May, 1941.

1941

R. S. Smith

Clerk.

COMPLAINT

R. A. BURNETT,

R. M. RABON,

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

WINSTON F. GROOM

Plaintiff's Attorney.

R. A. BURNETT

Plaintiff

vs

R. M. BABON

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Plaintiff claims of the Defendant Twenty Five hundred and 00/100 (\$2500.00) Dollars, damages for that on to-wit:

March 22nd., 1941, the Defendant so negligently operated an automobile on or along highway ~~90~~³¹ near Spanish Fort, Baldwin County, Alabama, that said automobile ran into, on, or against an automobile being operated by the Plaintiff, and as a proximate result of said negligence, the plaintiff was seriously and permanently injured and caused to suffer great pain about the legs, chest, and right wrist or arm, and plaintiff was caused to suffer internal injuries and also caused to suffer great pain, and also caused to lose a great deal of time from his business or work all to his damage as aforesaid.

Winton L. Groom
Winton L. Groom

ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury.

Winton L. Groom
Winton L. Groom
Atty for Ptf.

Received in Sheriff's Office

this 27 day of May, 1941

W. R. STUART, Sheriff

Executed 5-31 1941
by serving copy of within Summons and
Complaint on

R. M. Rabon

W. R. Stuart Sheriff
By M. B. Hamilton Deputy Sheriff

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CIVIL NO. 667
RECORDED

R. A. BURNETT,
Plaintiff,

Vs.

R. M. RABON,
Defendant.

SUMMONS & COMPLAINT.

Filed this 27 day May 1941

R. S. Duch

Clerk-Register

bridge head, in Baldwin County, Alabama, drove an automobile or automobile truck into or against an automobile in which the Defendant was riding on or along said highway and as a proximate result thereof the Defendant was injured as follows:

Bruises about the breast, right shoulder and leg; he was caused to be made sore and lame; he suffered severe pain and mental anguish; that he was permanently injured; that he was caused to incur doctor, hospital and medical expenses, all to the damage of the Defendant, and the Defendant avers that the injuries complained of were the proximate result of the negligence of the Plaintiff in the operation of the automobile or automobile truck that he was then and there driving or operating; which sum the Defendant offers to set off against the claim of the Plaintiff and, prays judgment for the excess;

7.

The Defendant for further answer to the complaint, says, that the Plaintiff was at the time of the commencement of this suit and still is indebted to the Defendant in the sum of \$500.00 for that at the time and place of the alleged accident the Defendant negligently ran an automobile or automobile truck into and against the automobile of the Defendant which was at said time and place upon said highway to-wit: United States Highway No. 51, in Baldwin County, Alabama, approximately two miles East of the bridge head and as a proximate result thereof the Defendant's automobile was damaged as follows:

The left front fender, light, radiator, and bumper damages, and the automobile otherwise damaged; that said damages were the proximate result of the negligence on the part of the Plaintiff as herein alleged, all to the damage of the Defendant as aforesaid; that the Defendant claims this damage as an off set against the claim of the Plaintiff and prays judgment for the excess.

BEES & HALL

BY Forster

Attorneys for Defendant.

Cum. 667
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Filed Feb 26 1942
J. H. Hup
Club