

STATE OF ALABAMA)
COUNTY OF BALDWIN)

1005

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Gulf LUMBER COMPANY, INC., a corporation, 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 ROBERT COLTON,

Witness my hand this the 30 day of October, 1946.

R.S. Duck

Register

By Alice J. Duck
D.R.

ROBERT COLTON,

PLAINTIFF

VS

GULF LUMBER COMPANY, INC.,
A CORPORATION.

DEFENDANT

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

ONE.

The Plaintiff claims of the Defendant TEN THOUSAND (\$10,000.00) DOLLARS, as damages, for that heretofore onto-wit, October 3, 1946, the Plaintiff was riding in an automobile along public highway # 31, at a point approximately one mile south of Stapleton in Baldwin County, Alabama; that the Defendant acting by and through its agent, servant or employee, who was then and there acting within the line and scope of his employment negligently drove and automobile tract into or against the automobile in which the Plaintiff was riding, and as an approximate result of said negligence the Plaintiff was injured as follows: left eye was injured; he was cut and bruised about the head; he was internally injured; his back was injured; his left side was injured; he was caused to suffer dizzy spells; he was caused to be nervous; the sight of his left eye was impaired; he was permanently injured; he was caused to suffer and will continue to suffer physical pain and mental anguish; he was caused to lose time from his work; he was caused to incur doctor bills; he was caused to incur hospital bills; he was caused to incur medicine bills; he was otherwise injured, all ^{to} the damages of the Plaintiff, hence this suit.

TWO.

The Plaintiff claims of the Defendant TEN THOUSAND (\$10,000.00) DOLLARS, as damages, for that heretofore on to-wit, October 3, 1946, the Plaintiff was riding in an automobile along public highway # 31, at a point approximately one mile South of Stapleton in Baldwin County, Alabama; that the Defendant acting by and through its agent, seryant or employee, who was then and there acting within the line and scope of his employment wantonly, willfully or intentionally injured the Plaintiff by driving an automobile truck into or against the automobile in which the Plaintiff was riding, and as an approximate result thereof the Plaintiff was injured as follows: left eye was injured; he was cut and bruised about the head; he was internally injured; his back was injured; his left side was injured; he was caused to suffer dizzy spells; he was caused to be nervous; the sight of his left eye was impaired; he was permanently injured; he was caused to suffer and will continue to suffer physical pain and mental anguish; he was caused to lose time from his work; he was caused to incur doctor bills; he was caused to incur hospital bills; he was caused to incur medicine bills; he was otherwise injured, all to the damages of the Plaintiff, hence this suit.

THREE.

The Plaintiff claims of the Defendant TWELVE HUNDRED (\$1200.00) DOLLARS as damages, for that heretofore on to-wit, October 3, 1946, the Plaintiff was driving his automobile along public Highway # 31, at a point approximatley one mile South of Stapleton in Baldwin County, Alabama; that the Defendant acting by and through its servant, agent or employee, who was then acting with in the line and scope of his employment, negligently drove an automobile truck into or against the Plaintiff's automobile, and as an approximate result of said negligence the Plaintiff's automobile was damages as follows: radiator, hood, motor, front axle, rear axle, body, and chasis were bent and broken; that said automobile was totally demolished, all to the damages of the Plaintiff as afore-said.

Jacob Walker
H C Beebe
Shmsace

The Plaintiff demands a trial by jury.

Jacob

Attorneys for the Plaintiff

Received 5th Day of November 1946
and on 5th Day of November 1946
I served a copy of the within summons & complaint
on Self Lumber Co.
by service on C. L. Willis,
General mgr.
W. B. Colton,
By H. B. Sanders

1005-Recorded
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ROBERT COLTON

COMPLAINANT

VS

Self Lumber Company Inc.,
A CORPORATION

RESPONDENT

C. L. Willis,
Gen. mgr.

SUMMONS AND COMPLAINT

FILED

OCT 30 1946

R. S. DUCK, CLERK

HUBERT M. HALL
LAWYER
BAY MINETTE, ALABAMA

ROBERT COLTON,

Plaintiff

-vs-

GULF LUMBER COMPANY, INC.,
A Corporation,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the defendant in the above entitled cause and demurs to the complaint heretofore filed in said cause and each and every count thereof separately and severally upon the following separate and several grounds:

1. Said count does not allege sufficient facts to constitute a cause of action against the defendant.
2. Said count does not allege sufficient facts to charge a breach of legal duty owing by the defendant to the plaintiff.
3. For aught appearing in said count the automobile in which plaintiff's intestate was alleged to have been riding was not involved in said alleged accident at the time and place complained of.
4. For that an automobile cannot of itself ride upon a public highway.
5. For that the place where said alleged accident was alleged to have occurred is vague, indefinite and uncertain.
6. It does not appear from said count that the plaintiff's injuries and damages were the proximate result of the defendant's negligence.

7. For that it affirmatively appears from said count that the injuries and damages complained of were the approximate result of the defendant's negligence.
8. For aught that appears in said count said automobile truck was not operated in a wanton manner.
9. Said count fails to charge this defendant with wanton or willful misconduct.
10. For aught appearing therein the alleged breach of duty of the defendant was nothing more than a contributing cause of the injuries and damages complained of.
11. For aught appearing from the allegations of said count the injuries and damages complained of were not the proximate result of the negligence of an agent, servant or employee of the defendant then and there acting in the line and scope of his employment with defendant.
12. Said count fails to set forth the name of the agent, servant or employee of the defendant, whose negligence is alleged to have caused the injuries and damages complained of, and said count fails to state that the name of such agent, servant or employee is unknown to the plaintiff.

Hubert L. Rason
Ambrecht Inge Twitty & Jackson
Attorneys for Defendant.

DEMURRER

ROBERT COLTON,

Plaintiff

-vs-

GULF LUMBER COMPANY, INC.,
A Corporation,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

Filed November 27th, 1946

Alvin J. Vucko
Clerk

LAW OFFICES
HYBART & CHASON
Bay Minette, Alabama