

761

JAMES PAVLISTA, AS ADMINISTRATOR)
OF THE ESTATE OF AGNES PAVLISTA,)
PLAINTIFF.)

VS

NAOMI MEEK

DEFENDANT. }

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon NAOMI MEEK 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 James Pavlista, as Administrator of the Estate of Agnes Pavlista, Deceased.

Witness my hand this the 16th day of May, 1944.



Clerk.

JAMES PAVLISTA, AS ADMINISTRATOR
OF THE ESTATE OF AGNES PAVLISTA
PLAINTIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS

AT LAW.

NAOMI MEEK

DEFENDANT

ONE:

The Plaintiff claims of the Defendant TWENTY FIVE THOUSAND DOLLARS as damages for that heretofore on to-wit, March 19th, 1944, the Plaintiff's intestate was a guest in an automobile, riding along a public highway, known as Alabama Highway No. 3, within the Town of Robertsdale, Baldwin County, Alabama, at the intersection of Nebraska Street with Alabama Highway No. 3; Plaintiff avers that the Defendant negligently ran or drove an automobile, then and there, into or against the automobile in which the Plaintiff's intestate was riding, and as a proximate result thereof the automobile in which the Plaintiff's intestate was riding was turned over and the Plaintiff's intestate thrown to the ground with great force, doing her great and serious bodily harm; that as a proximate consequence of said injuries Plaintiff's intestate died.

Plaintiff avers that said injuries to Plaintiff's intestate were proximately caused by the negligence of the Defendant in running the said automobile, which she was then and there driving, into or against the automobile in which Plaintiff's intestate was riding.

TWO.

The Plaintiff claims of the Defendant TWENTY FIVE THOUSAND DOLLARS as damages for that heretofore, on towit the 19th day of March, 1944, the Plaintiff's intestate was a guest in an automobile being driven northerly along Alabama Highway No. 3, a public highway within the town of Robertsdale, Baldwin County, Alabama; that the said Defendant, driving along Nebraska Street within the Town of Robertsdale, Baldwin County, Alabama, at said time and place,

negligently drove the automobile in which she was driving out into the said Alabama Highway No. 3, and negligently caused it to run into or against the automobile in which the Plaintiff's intestate was riding and as a proximate result thereof the automobile in which the Plaintiff's intestate was riding was turned over and the Plaintiff's intestate thrown to the ground with great force, doing her great and serious bodily harm; that as a proximate consequence of said injuries, Plaintiff's intestate died.

Plaintiff avers that said injuries to Plaintiff's intestate were proximately caused by the negligence of said Defendant at said time and place in running the said automobile which she was driving into or against the automobile in which the Plaintiff's intestate was riding.

BEEBE & HALL

By *Shirley*

THE PLAINTIFF DEMANDS A TRIAL BY JURY.

Executed 5/18 19 44
by serving copy of within Summons and
Complaint on

Naomi Meek

W. L. Stewart

By B. J. Kanner Deputy Sheriff

Sheriff

JAMES PAVLISTA, AS ADMINISTRATOR
OF THE ESTATE OF AGNES PAVLISTA
DECEASED

PLAINTIFF

VS

NAOMI MEEK

DEFENDANT

SUMMONS AND COMPLAINT

Received 16/1944
R. J. Kanner
Seal

861 ~~859~~ 1948

JAMES PAVLISTA,
As Administrator of the
Estate of Agnes Pavlista,

Plaintiff,

VS.

NAOMI MEEK,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 859.

DEMURRER

Comes the Defendant in the above entitled cause and demurs to each count of the Complaint filed herein separately and severally and for grounds of demurrer sets down and assigns separately and severally the following:

1. That it does not state facts sufficient to constitute a cause of action against 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, defendant may have owed to the Plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty it may have owed to the Plaintiff.
6. For that it does not sufficiently appear that the Defendant owed any duty to the Plaintiff which Defendant negligently failed to perform.
7. For that the averments set up, if true, do not show any liability on the part of the Defendant herein.
8. For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.
9. For that there does not appear sufficient casual connection between Defendant's said breach of duty and Plaintiff's injuries and damages.

10. It affirmatively appears that the alleged negligence on the part of the Defendant was not the proximate cause of the injury.

15. Because, for aught that appears the Plaintiff, by the exercise of reasonable care, could have avoided her injury.

16. No facts are alleged to show that the alleged negligence of the Defendant proximately contributed to the alleged injury.

S. B. Blackburn
Attorney for Defendant.

DEMURRER

JAMES PAVLISTA,
As Administrator of the
Estate of Agnes Pavlista,

Plaintiff,

VS.

NAOMI MEEK,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 859-
861

Filed

6-12-44

R.S. Murch
clerk

198
61

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 861. Nov, 194
CIRCUIT COURT Term, 194 44

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Dr Ghilchrist. G C Phillips. Richard Pavlista,
James Pavlista. Charles Bonner. Bob Cwen. and Rose. Freeman.
if to be found in your County, at the instance of the Pltff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8:30 clock of the forenoon, on the 7th day of November., 194 4

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein James Pavlista. Plaintiff

and Naomi Meek. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 31st. day of Oct. 194 4

[Signature] Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

Executed in Full

10-31-41

SHERIFF

~~ORIGINAL~~

No. 861.

Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

James Ravlista.

Plaintiff

VS.

Noami Mock.

Defendant

CIVIL SUBPOENA

Issued this 31st. day of _____

Oct.

194 4

Clerk.

The State of Alabama,

Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 861.

April.

Term, 1945

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Dr Gilchrist , G C Phillips,

Richard Pavlista, James Pavlista, Bob Owens Chas. Bosser,

and Ross F reman.

if to be found in your County, at the instance of the Plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 11 am o'clock of the forenoon, on the 9th day of April. 1945, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein James Pavlista. et al. Plaintiff

and Naomi Meek. Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 26th day of arch. 1945

CLERK.

Received in office this 27 day of

March 1940

SHERIFF

I have executed this writ

March 28, 1945

By Serving Subpoena
on Dr. Diechist

H.C. Phillips

Richard Pavlista

James Pavlista

Bob Owens

Chas. Basser

Ross Freeman

C.E. Hovett

By Fred Walters

SHERIFF

Baldwin.

ORIGINAL

No. 861.

Page 1

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

James Pavlista.

Plaintiff

VS.

Naomi Meek.

Defendant

CIVIL SUBPOENA

Issued this 26th day of

March. 1945

R S Duck,

Clerk.